

**STAYTON CITY COUNCIL  
MEETING MINUTES  
March 05, 2012**

**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  
Christine Shaffer, Finance Director, excused  
Rich Sebens, Chief of Police, excused  
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 – None.**

**ANNOUNCEMENTS**

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

**CONSENT AGENDA**

- a. City Council Meeting Minutes of February 21, 2012**
- b. Release of Building Restriction for Wilco**

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

**PUBLIC HEARINGS – None.**

**UNFINISHED BUSINESS**

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

**a. Staff Report:** Mayor Vigil stated Ord. 941 was approved at the February 21, 2012 Council meeting by a 3:2 vote; a second consideration before the Council is necessary as the vote was not unanimous. Mr. Rhoten stated he had no further comments from the last meeting.

**b. Council Deliberation:** Councilor Loftus asked Councilor Niegel if she had read the compendium of ordinances the council was about to adopt, and did she fully understand them. Councilor Niegel stated that she had read enough to make a decision. Councilor Loftus reminded Councilor Niegel that at the last Council meeting she had stated she would defer to the advice of the City Attorney. Councilor Loftus reminded Councilor Niegel that as an attorney she did not have the authority to defer the decision to someone else. Mr. Rhoten stated the reason the issue was before the body of the Council was because of the Supreme Court decision that Councilor Loftus was referring to. Mr. Rhoten stated that the Council as a collective body is taking on the responsibility and not delegating it; Councilor Loftus was misstating what he understood as being the delegation of authority. Mr. Rhoten stated that by Councilor Loftus saying that somehow Councilor Niegel was violating the law was totally out of order. Councilor Loftus stated his intent was not to ask the question only to Councilor Niegel, but to ask all of the Council members the same question, because its important that not only the citizens understand it but that the Council members understand it also. If the Councilors are deferring their authority to the City Attorney then what's the purpose of the Council, asked Councilor Loftus. Mr. Rhoten stated the City Attorney serves as a Counsel to the Council, and is not a delegation in any way. Councilor Loftus stated it was a delegation if the Council did not understand what it was they were adopting; Mr. Rhoten stated that he was sorry but that he disagreed. Councilor Loftus asked Councilor Porter if he read and fully understood the document. Councilor Porter stated no, that his trust in the City's Legal Counsel was that if they found something that could cause grief to the Council they would raise an issue. When asked by Councilor Loftus if he had read the document and understood it, Councilor Emery stated he did not feel that he needed to answer to Councilor Loftus. Councilor Quigley stated he read the entire document and at a previous Council meeting asked that the issue be deferred in order to allow ample time to read the document. A lot of the changes are housekeeping items and he not being an attorney would rely on the City's legal staff.

**c. Council Decision:**

**Motion:** From Councilor Emery, seconded by Councilor Niegel, to approve Ordinance No. 941. **Motion passed:** Council members were polled and the vote was 4:1 (Loftus)

**NEW BUSINESS** – None.

**STAFF/COMMISSION REPORTS** – None.

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

**BUSINESS FROM THE CITY ADMINISTRATOR** – None.

**BUSINESS FROM THE MAYOR**

**a. Appointment of Luke Cranston and Jason Burns to the Budget Committee:**  
Mayor Vigil stated two individuals wish to serve their community by serving on the Budget Committee. In response to a question as to background information or bios on the

throughout the country and was withdrawing his second.

**Motion Died for lack of second.**


**ADJOURN**

There being no further business, the meeting was adjourned at 7:19 pm.

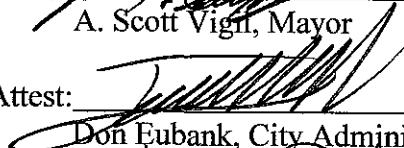
APPROVED BY THE STAYTON CITY COUNCIL this 19<sup>th</sup> day of March 2012, by a 5:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON


Date: 03/19/2012

By:   
A. Scott Vign, Mayor

Date: 3/20/2012

Attest:   
Don Eubank, City Administrator

Date: 03/19/2012

Transcribed by:   
Rebecca Petersen, Deputy City Recorder