

**STAYTON CITY COUNCIL  
MEETING MINUTES  
May 16, 2011**

**CALL TO ORDER**

**7:00 p.m.**

**Mayor Vigil**

**FLAG SALUTE**

**ROLL CALL**

Mayor Scott Vigil  
Councilor Larry Emery  
Councilor James Loftus

Councilor Jennifer Niegel  
Councilor Henry Porter, 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  
Alissa Angelo, Public Works Administrative Assistant

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. **Swearing-In of New Reserve Officers:** Chief Sebens introduced Sergeant Charlie Button. Sergeant Button reviewed what it takes to become a Reserve Officer, events they assist with, and an overall explanation of what their job entails. Of the 13 officers at the Police Department, 10 began their careers as a Reserve Officer.

Officer Button introduced the City of Stayton's Reserve Officers and when they began serving with the Stayton Police Department:

- Robin Tepper (2003)
- Travis Mumey (2008)
- Neil Wassom (2009)
- Edward DeHaven (2010)
- Michael Stackpole (2010)

Following Sergeant Button's presentation, Chief Sebens swore in Edward DeHaven and Michael Stackpole as Stayton Police Department Reserve Officers.

- b. **SPOTLIGHT – Streets Update, presented by David Kinney, Steve Sundseth, and Michael Bradley:** Mr. Kinney gave a brief overview of Stayton's budget for Street Maintenance. Mr. Bradley and Mr. Sundseth discussed the maintenance activities currently being performed on improved, partially-improved, and gravel streets. They also reviewed their priority street maintenance projects for the next year.

Staff is seeking input from the Council as to the path they would like to see the City go with handling street maintenance and will bring policy change suggestions back to City Council.

## **ANNOUNCEMENTS**

- a. **Additions to the Agenda:** Mayor Vigil asked that the appointment of Rich Hatfield to Planning Commission be added to Business from Mayor on the Agenda.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

## **CONSENT AGENDA**

- a. **City Council Meeting Minutes of May 2, 2011**
- b. **El Mariachi Change of Ownership**

**MOTION:** From Councilor Emery, seconded by Councilor Niegel, to adopt the Consent Agenda. **Motion passed 4:0.**

## **PUBLIC HEARING**

### **State Revenue Sharing Funds 2011—2012 FY**

- a. **Commencement of Public Hearing:** Mayor Vigil opened the public hearing at 7:35 p.m. and read the opening statement.
- b. **Staff Report – Christine Shaffer:** Ms. Shaffer reviewed the staff report included in the Council packet. She also asked the Council to direct staff as to how they would like to see the monies distributed this year.
- c. **Proponents' Testimony:** None.
- d. **Opponents' Testimony:** None.
- e. **General Testimony:** David Nielsen, 2069 Cardinal Avenue. Mr. Nielsen requested that all available State Revenue Sharing Funds be used to maintain City streets.
- f. **Questions from Public:** None.
- g. **Questions from Council:** None.
- h. **Staff Summary:** Ms. Shaffer that she would like the Council to direct staff as to the process they would like to see for distribution of the Community Grant funds.
- i. **Close of Hearing:** Mayor Vigil closed the public hearing at 7:39 p.m.

## UNFINISHED BUSINESS

### Ordinance No. 935 Business Licenses, Permits, & Regulations

- a. **Staff Report:** Mr. Fleishman reviewed changes requested by the Council at the May 2, 2011 City Council meeting. He also explained an additional change made by staff to the proposed Ordinance regarding pawn dealers.

Staff received comments from Councilor Emery following distribution of the City Council packets and those corrections were made to the draft distributed to the Council at the beginning of the meeting.

- b. **Council Deliberation:** Councilor Loftus referring to "Promotional Event" (page 5) stated it is his understanding that if you are a civic organization, you can host a promotional event. If you are a private business wanting to set-up an inflatable device or have pony rides, and charge for their use, would this be an allowed use on that private property the way the ordinance is written. Mr. Fleishman responded that this would fall under the definition of a carnival rather than a promotional event. This would be permitted after a license is obtained. If you are not charging, then it would be considered a promotional event.

Councilor Loftus then asked if he set up a beer garden and charged an admittance fee, would this be considered a promotional event. Mr. Fleishman stated if it were an ongoing, permanent part of his business it would not.

- c. **Council Decision:**

**MOTION:** From Councilor Niegel, seconded by Councilor Quigley, to approve Ordinance No. 935, amending Stayton Municipal Code, Title 5, Business Licenses, Permits, and Regulations as presented by staff. **Motion passed 4:0.**

### PEG-SCTC Agreement Report

- a. **Staff Report:** Mr. Eubank reviewed the staff report included in the Council packet. Mr. Kingsley spoke about the benefits to the community by entering into the agreement with SCTC.
- b. **Council Deliberation:** Councilor Loftus inquired about SCTC having exclusive rights to videos, and whether this was appropriate. He doesn't feel the City has the power to waive someone else's copyrighted material and give sole exclusive use to SCTC.

Councilor Niegel pointed out that the Letter of Understanding is what is important, not so much the memorandum from SCTC. Mr. Eubank stated the City Attorney has reviewed the Letter of Understanding, and this is standard language. He pointed out that it does state public or education sectors, and doesn't mention government. The City would only buy the government portion, which will normally only include town hall forums.

Councilor Loftus stated he doesn't have a problem with the Letter of Understanding.

However, he is concerned about the memorandum from SCTC.

c. **Council Decision:**

**MOTION:** From Councilor Emery, seconded by Councilor Niegel, to approve the recommendation of staff and the PEG Commission to enter into an agreement with SCTC for Community Video Programming and authorize the City Administrator to sign the Letter of Understanding. **Motion passed 3:1 (Loftus)**

**NEW BUSINESS**

**Resolutions No. 870 Declaring Eligibility to Receive Revenue Sharing Funds & No. 871 Declaring the City's Election to Receive State Shared Revenues**

a. **Staff Report:** Ms. Shaffer reviewed the staff report included in the Council packet.

b. **Council Deliberation:** None.

c. **Council Decision:**

**MOTION:** From Councilor Niegel, seconded by Councilor Emery, to approve Resolution No. 870, Certifying the City of Stayton's Eligibility to Receive State-Shared Revenues by Providing the Necessary Municipal Services and to approve Resolution No. 871, Declaring the City's Election to Receive State Revenues. **Motion passed 4:0.**

Ms. Shaffer explained that she would like input regarding the Community Grant. She asked as part of the application process for the Community Grant, would the Council still like to see financial information or budgets from applicants.

Councilor Quigley asked if the application includes a section asking how many times the applicant has been awarded a Community Grant and the amount of each award. The Council came to a consensus that this should be added to the application.

Councilor Loftus spoke about Senior Center and Boy Scouts. He asked if there is a notification process to let the public know these Community Grants are available. Ms. Shaffer stated that the purpose of the two public hearings is to serve as notification to the public that these funds are available.

Mayor Vigil asked the Council if they would like to continue to see financial information or budgets from applicants. Councilor Loftus stated he felt it was important to at least see a snapshot of the applicant's budget. The Council agreed to keep this requirement.

**Resolution No. 872 Establish Standards & Procedures for Use of the City's Message Board**

a. **Staff Report:** Mr. Kinney reviewed the proposed standards and procedures for use of the City's Message Board.

- b. **Council Deliberation:** Mayor Vigil asked if there is a need to include an exception for Chase Bank who paid for the sign to be there and have a business advertisement on the sign. Mr. Kinney stated no, this is considered a separate part of the sign.

Councilor Loftus inquired as to why birthdays, anniversaries, and weddings are excluded from being posted on the board. Councilor Emery indicated he had the same question. Mr. Kinney stated this is a policy decision for the Council. These items can be removed from the list prior to adoption if the Council chooses to do so.

Councilor Loftus stated he has an issue with the City being able to edit and/or condense messages. He stated if the message is condensed too much, it won't make sense and will the user receive a refund. Mr. Kinney indicated there is no charge for the use of the message board.

Councilor Niegel suggested clarifying on the application the description for each side of the sign.

Councilor Emery asked if a message such as "Don't forget to vote by May 17!" would be acceptable. Mr. Kinney stated this would be ok because you are encouraging people to exercise their right to vote.

Councilor Loftus stated he would like to see the resolution changed to allow the posting of birthdays, anniversaries, and weddings. The Council agreed to amend the Resolution by modifying section 3.i, by deleting birthdays, anniversaries, and weddings from the messages not allowed on the board.

- b. **Council Decision:**

**MOTION:** From Councilor Loftus, seconded by Councilor Emery, to approve Resolution No. 872, Establishing Standards & Procedures for Use of the City's Message Board as amended. **Motion passed 4:0.**

## **STAFF/COMMISSION REPORTS**

### **Finance Director – Christine Shaffer**

- a. **Monthly Finance Department Report:** Ms. Shaffer reviewed the monthly operating report for Finance.
- b. **Pool Closure Financial Impact:** Ms. Shaffer spoke about the financial impact of the Pool closures due to the resurfacing project. She explained that by closing the Pool during these times, money was saved due to lower personnel costs and operations costs during that time.

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

- a. **Statistical Report April 2011:** Chief Sebens briefly reviewed the April 2011 Statistical Report.

Councilor Loftus asked how any remaining open cases in Sublimity will be handled after July 1. Chief Sebens stated larger cases will be transferred to Marion County, and smaller cases will be completed by the Stayton Police Department. Due to retention requirements, evidence must be kept for a certain number of years, and will be transferred over to Marion County.

Councilor Loftus asked if the City of Stayton will be charging the City of Sublimity if one of our Officers is required to go to court to testify for a case that occurred in Sublimity. Chief Sebens stated there would not be a charge for this, as we are assisting other agencies just as they would assist us in this type of situation.

- b. **Prescription Drug Turn-In Event:** Chief Sebens spoke about the Prescription Drug Turn-In Event which was held on April 30 at the Stayton Public Library.

Councilor Loftus asked if the Police Department has considered doing an event like this more than once per year. Chief Sebens explained that this is something staff has considered. However, they have found difficulty in finding a secure place to place a container at the Police Department that would be accessible at all times but secure enough to not be monitored at all times. Currently, two Prescription Drug Turn-In events are being done a year.

Councilor Emery asked if any crosswalk enforcements have been done recently. Chief Sebens indicated they have done a couple crosswalk enforcements already this year.

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

- a. **April 2011 Monthly Operating Report:** Mr. Kinney reviewed the April Monthly Operating Report for the Public Works Department.

Councilor Quigley inquired as to when the last time the City has collected System Development Charges (SDC). Mr. Kinney indicated he wasn't positive but he believed it was approximately two months ago. Mr. Fleishman added he believes there have been approximately two New Single Family Dwelling permits issued this calendar year. Each of these permits would have resulted in SDC's being collected. However, they have definitely been few and far between.

Councilor Loftus asked if the City takes water samples during high rain events. Mr. Kinney stated approximately two times this calendar year storm water samples have been completed. The Wastewater Treatment Plant completes water samples on a daily basis.

Councilor Emery asked about the right-of-way survey stakes on Jeters Way and if the road would be graded in the near future. Mr. Kinney stated the road would be graded in the next couple of months. However, the stakes are there for Northwest Natural to run gas line out to the Wastewater Treatment Plant for the new dryer.

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

- a. **April 2011 Monthly Operating Report:** Ms. Meeks reviewed the April 2011 Pool Operating Report and spoke about the upcoming first annual Stayton Sprint Triathlon on May 21.

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

- a. **April 2011 Activities/Statistics:** Ms. Meyers reviewed the April 2011 Library statistics. Recently, several staff members were able to attend the Oregon Library Association annual conference. Also, the Summer Reading program will begin in June. On May 14, the Library held a special children's program called "Pigeon Wants a Party."

Councilor Loftus commented about the numbers in Ms. Meyers report for non-residents fees. He saw that it was quite high. Ms. Meyers indicated unfortunately the amount for library card fees for non-residents on her report was incorrect and will be adjusted. This was a quarterly payment for E-commerce from CCRLS for fines and other fees that was put into library card fees. However, this number is not too far off. Ms. Shaffer indicated the adjustment is approximately \$1,080. He asked if there was a way to tell how many library cards are issued to residents vs. non-residents. Ms. Meyers indicated she could do that.

The Library Board will have two upcoming vacancies to fill after June 30. If anyone is interested in filling these vacancies, they should speak with Mayor Vigil or Ms. Meyers.

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

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

**BUSINESS FROM THE MAYOR**

- a. **Appointment of Rich Hatfield to Planning Commission:**

**MOTION:** From Councilor Quigley, seconded by Councilor Emery, to appoint Rich Hatfield to the Stayton Planning Commission. **Motion passed 4:0.**

**BUSINESS FROM THE COUNCIL**

- a. **Councilor Quigley's Request for Information RE: Formation of an Audit Committee:** Ms. Shaffer reviewed the informational report included in the Council packet.

Councilor Quigley stated he had two reasons for asking that this be discussed further. The first was due to the recommendation by the City's Auditor and secondly, because the budget process was recently completed and he didn't want to see it forgotten.

Councilor Loftus wondered if the City did have an Audit Committee would troubles such as those of the City of Sublimity, had been caught by the Committee.

Ms. Shaffer stated yes, an Audit Committee would be a benefit if it were comprised of

qualified financial people. She continued by explaining the internal controls the City currently has in place.

Councilor Emery stated he is not in favor of an Audit Committee. He feels the recently completed audit showed that things are going good and staff is keeping good records.

Councilor Loftus asked about the status of the billing error with Sublimity. Mr. Eubank stated staff is dealing with this and hopes to have it resolved in the next 30 to 45 days.

**ADJOURN**

There being no further business, the meeting was adjourned at 8:50 p.m.

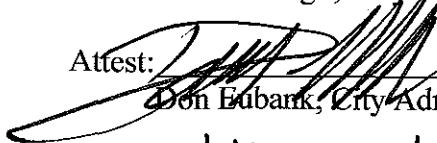
APPROVED BY THE STAYTON CITY COUNCIL THIS 6TH DAY OF JUNE 2011, BY A 4:0  
VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

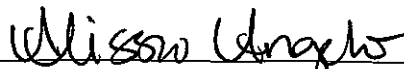
Date: 06/06/2011

By:   
A. Scott Vigil, Mayor

Date: 6/7/2011

Attest:   
Don Eubank, City Administrator

Date: 6/14/2011

Transcribed by:   
Alissa Angelo, PW Administrative Assistant