

**STAYTON CITY COUNCIL  
MEETING MINUTES  
October 17, 2011**

**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, excused	Councilor Brian Quigley

**STAFF:**

Don Eubank, City Administrator  
Christine Shaffer, Finance Director  
Rich Sebens, 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, excused  
Jeffrey M. Strickland, Assistant City Attorney, excused  
Rebecca Petersen, Deputy City Recorder

**PRESENTATIONS/COMMENTS FROM THE PUBLIC**

- a. Elona Larimer stated she was a member of the Stayton Elementary Parent Teacher Club. The organization submitted an application for grant funds to construct a Community Exercise Path around the play yard of Stayton Elementary. The path will help support both school district and community goals, and both will benefit. The students will use the path during school hours and the public can use the path before/after school hours. Families can participate in exercise together as the path will be appropriate for all ages.
- b. Patty Keaton stated she was a retired teacher and long time resident of Stayton. She was at the Council meeting to promote the "Fine Arts Festival in Stayton". The event will be held at Stayton High School on Saturday, November 5<sup>th</sup>, 12:00 pm to 7:00 pm, and will feature local bands. All monies raised will help fund the music program at Stayton High School.

**ANNOUNCEMENTS**

- a. **Additions to the Agenda:** Mayor Vigil stated Councilor Loftus requested that the two Community Grant Requests be pulled from the agenda as Councilor Loftus had some questions regarding funding the city provides to the Food Bank. Consensus from Councilors' present was to discuss the agenda items.
- b. **Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.:** None.

## CONSENT AGENDA

### a. October 03, 2011 City Council Meeting Minutes

**Motion:** From Councilor Emery, seconded by Councilor Niegel, to approve the Consent Agenda as presented. **Motion passed:** 4:0.

**PUBLIC HEARINGS** - None

**UNFINISHED BUSINESS** - None

## NEW BUSINESS

### Resolution No. 879 Personnel Manual Update

**a. Staff Report:** Mr. Eubank reviewed the staff memorandum included in the packet materials. The current Personnel Manual was reviewed by an attorney specializing in human resources at the Local Government Personnel Institute (LGPI). A copy of the draft document was distributed to Council members September 19<sup>th</sup> in order to give ample time for their review.

Ms. Shaffer stated CIS insurance offered the City \$1,000 credit toward the city's Liability coverage next year if the City updated the Personnel Manual. Recommendations were made to add language to protect the City from potential litigation and to provide protections to employees that are federally mandated, and changes were made to reflect the new City Charter language.

**b. Council Deliberation:** Councilor Emery said he read the entire document, it all made sense and was very well written. Referring to page 43, 6.6 Religious Accommodations, Councilor Porter asked what would be considered reasonable. Mr. Eubank stated an example from his experience working for the City of Woodburn. Referring to page 69, 9.8.6 Councilor Quigley stated he would like to see the word dismissal changed to termination if referring to employment. Councilor Quigley asked if the City had any safeguards in place for the Education Opportunities Reimbursement, wording to prohibit an employee from leaving the City's employment, within a certain length of time, after gaining the education. Mr. Eubank stated usually some type of wording is included that if the City spends money to send an employee to specialized training, ie: FBI Academy, Motor Cycle Training, etc. the employee signs an agreement stating they won't be leaving the City's employment within a certain length of time specified. Referring to page 69, 9.8.2 acceptable job attendance, Councilor Porter asked how it would impact the chronic absenteeism some employees may have. Mr. Eubank stated most employees are assigned to a specific shift, and to maintain their position the City expects an employee to show up for and be at their work site a certain amount of hours. Councilor Quigley asked if managers were encouraged to live within a ten mile radius of the City. Ms. Shaffer stated the City can suggest it, but by law cannot absolutely require a manager to live inside the city limits.

### c. Council Decision:

**Motion:** From Councilor Emery, seconded by Councilor Niegel to adopt Resolution 879 amending the City of Stayton Personnel Manual with the modifications as discussed.

**Motion passed:** 4:0.

**Community Grant Application, Stayton Community Food Bank**

**a. Staff Report:** Ms. Shaffer stated the food bank submitted an application for \$676.00 which is the amount remaining in the Community Grant Fund. The food bank use to be co-located to the city hall building then they moved to Second Avenue. The donation the City gives to the food bank is for water and sewer service which amounts to approximately \$800.00 per year; comparable to what a single residential user would consume, she said.

**b. Council Deliberation:** Mayor Vigil stated it's time to get the word out that the food bank is in need of canned goods and donations. Councilor Porter stated that his wife serves on the Board for the Food Bank.

**c. Council Decision:**

**Motion:** From Councilor Emery, seconded by Councilor Porter to give the Stayton Community Food Bank \$400.00 from the Community Grant Fund, and that Councilor Emery would add \$100.00 of his own money.

**Discussion:** Councilor Quigley stated the Food Bank is the most pressing request for funds currently, and that he would like to see them get \$500.00 from the grant fund.

**Motion passed:** 4:0.

**Community Grant Application, Stayton Elementary Parent Teacher Club**

**a. Staff Report:** Ms. Shaffer stated the applicant's presentation took place at the beginning of the meeting; the grant fund has \$276.00 remaining.

**b. Council Deliberation:** None.

**c. Council Decision:**

**Motion:** From Councilor Niegel, seconded by Councilor Emery to donate the remaining amount of \$276.00 to the Stayton Parent Teacher Club.

**Motion passed:** 4:0.

**STAFF/COMMISSION REPORTS**

**Finance Director's Report**

**a. Monthly Finance Department Report:** Ms. Shaffer stated the housing vacancy rate in Stayton appears to be going down, as just last week four individuals came into city hall to sign up for new water service as they purchased homes.

**Police Chief's Report**

**a. Crime Rate Comparison Statistical Sheets September 2011:** Chief Sebens stated the statistics for September 2011 are in line with where they should be. October 29<sup>th</sup> a Drug

Turn-In Event is scheduled at the Library.

### **Public Works Director's Report**

**a. September 2011 Monthly Operating Report:** There were no questions.

### **Pool Manager's Report**

**a. September 2011 Pool Monthly Operating Report:** Mayor Vigil asked when the next movie night is scheduled at the pool, Mr. Eubank stated Friday, October 21<sup>st</sup>.

### **Library Director's Report**

**a. September 2011 Activities:** Ms. Meyers stated the Library is gearing up for the Lincoln Constitution and Civil War Exhibit this weekend. Saturday the 22<sup>nd</sup> a Living History Event is scheduled in the park behind the Library, and Thursday the 27<sup>th</sup> is the opening of the event.

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

**BUSINESS FROM THE CITY ADMINISTRATOR** – Mr. Eubank stated the Local Option Levy for the library, parks and possibly pool will be on the ballot for the May Primary in 2012. He encouraged Councilors to be thinking about what they would like to see for publications, and suggested holding a work session in November or December to get Council input. The date of November 14<sup>th</sup>, 7:00 pm was decided upon in which to have a work session.

**BUSINESS FROM THE MAYOR** – Mayor Vigil stated Freres Building Supply would like to replace their outdated sign with a new one, as they are going away from the True Value logo. This is the second company that has had substantial problems with the city's sign code and the city might want to reevaluate the code. First, Weddle Funeral with the flag pole height and now Freres Building Supply. If Freres were only changing the top part of the sign they would be able to without violating the code, but they want to improve the entire sign bring it up to date and make it look better, which they were told would not comply with the current sign code. In talking with Martin Bros. Signs and Freres Building they are running into a crunch time wise and are frustrated with the current city code requirements. When the policy was set for the code, its' possible no one actually took into consideration the impact of the standards on existing signs.

Mayor Vigil stated he would like to see the City not put up any barriers for Freres Building Supply as they have been around for a long time, have done a great deal for the community and just want to update a very old sign. If the City makes it too hard for businesses to comply with the sign code and drags out the permitting process the City runs the risk of having blank signs. Mayor Vigil stated he would like to see a variance granted to Freres Building so they can move forward and construct their new sign.

Councilor Porter stated if the City approves this sign there are other businesses out there that need the same privilege. Councilor Emery stated the sign is a good looking sign and does not seem overbearing; he would hate to have to see them wait for another meeting until their sign could be reviewed.

**Motion:** From Councilor Quigley, seconded by Councilor Niegel, to grant a Variance for Freres Building Supply to construct the sign as presented; and to encourage other businesses to upgrade their signs.

**Discussion:** Mayor Vigil stated as a governing body, the City should stay out of telling people what color their signs should be. Councilor Emery stated he would like to see the entire sign approved without going to the Planning Commission if it meets code; Mayor Vigil stated he too agreed with Councilor Emery. Councilor Niegel stated the Council could grant a Variance and the Planning Commission could still do their review, the non electronic message board sign the Council has said to permit.

**Motion failed:** 2:2 (Niegel & Quigley, yes):Emery & Porter, no) Mayor Vigil broke the tie and voted no.

Mayor Vigil stated he would like to see Frères Building Supply be able to put up a new sign to replace the existing sign. Councilor Quigley stated he had no problem with the sign but without the representatives from Martin Bros. Signs or Freres Building Supply present at the meeting, it's hard to ask them questions. Councilor Emery agreed that the applicants should have been at the meeting. Councilor Porter suggesting deferring a decision until a work session could be held to discuss the sign code.

**Motion:** From Councilor Emery to grant Frères Building Supply approval as long as they provide information that the proposed sign will not be too bright.

**Motion died** for lack of second.

Councilor Quigley asked if the proposal as it currently stands would meet city code requirements. Mr. Fleishman stated no and that it had already been denied.

**Motion:** From Councilor Emery, seconded by Councilor Quigley, to accept the sign application from Freres Building Supply and Martin Bros. Signs, as designed in the preliminary design as long as the LED reader part of the sign meets city code.

**Motion passed:** 2:2 (Emery & Quigley, yes) :(Niegel & Porter, no) Mayor Vigil broke the tie and voted yes.

Consensus from the Council was that a work session needs to be held to review the sign code. Mayor Vigil stated a good time to hold the meeting would be the first part of next year.

Mayor Vigil read a thank you letter to pool staff from a patron whose wife was having a low blood sugar episode and with quick reaction by pool staff the issue was resolved and the patron was ok.

Councilor Niegel stated she would not be at the November 7<sup>th</sup> City Council meeting.

**BUSINESS FROM THE COUNCIL** – Councilor Emery stated the tobacco free park sign at the Community Center Park was placed too high off the ground to be read, he suggested lowering the sign for all to read and placing it at the entrances of the park. Councilor Emery stated he would like to see the broad leaf weed application put on in early summer when it's supposed to be instead of September.

Referring to the issue of Council Protocol that was raised by Councilor Loftus at a recent meeting, regarding a letter Councilor Emery wrote to Marion County, Councilor Quigley stated he would like the Council to look at the protocol and evaluate whether or not it was violated.

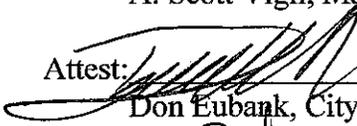
**ADJOURN**

There being no further business, the meeting was adjourned at 9:10 pm.

APPROVED BY THE STAYTON CITY COUNCIL this 7<sup>th</sup> day of November 2011, by a 3:0 VOTE OF THE STAYTON CITY COUNCIL.

CITY OF STAYTON

Date: 11/16/2011 By:   
A. Scott Vigil, Mayor

Date: 11/16/2011 Attest:   
Don Eubank, City Administrator

Date: 11/14/2011 Transcribed by:   
Rebecca Petersen, Deputy City Recorder