

City of Lafayette
City Council Meeting Minutes
January 14, 2010
6:30 PM

- 1. CALL TO ORDER:** Mayor Chris Heisler called the meeting to order at City Hall at 6:30 p.m.
- 2. FLAG SALUTE:** Mayor Chris Heisler led the flag salute.
- 3. ROLL CALL:** Trena McManus, Asst. to the City Administrator, called the roll.
Present: Mayor Chris Heisler, Nicholas Harris, Leah Harper, Dean Rhodes, Michael Roberts, Bob Cullen, and Chris Pagella.
Absent: None.
City Staff Present: Justin Boone- City Administrator, Trena McManus – Asst. to the City Administrator, and Jim Anderson- Public Works Foreman.
Others: Angela Flood, Darrell Flood, Linda Lyon, Chris Harper, Mary Heisler, Greg Schouweiler, Connie Wallace, Bonita Pursel, Beth Pagella, Marie Sproul, Randy Kashka, Susie Lorence, Brenton Camac, Heather Brown, Laurie Anderson, David Anderson, Al LeMay, Nicole Montesano- News Register, and approximately 3 others.
- 4. APPROVAL OF MINUTES:**
Chris Pagella made a motion to approve the December 10, 2009 minutes, as presented. Nicholas Harris seconded the motion. There was no discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**
None.
- 6. ADDITIONS AND DELETIONS:**
None.
- 7.a. PRESENTATIONS:**
None.
- 7.b. PUBLIC HEARINGS:**
 - 1. Text Amendment 09-02- Amend LZDO to include FEMA (Federal Emergency Management Agency) Flood Insurance Study and Maps:**
Opened Public Hearing
Mayor Chris Heisler opened the public hearing on Text Amendment 09-02 to amend the Lafayette Zoning and Development Ordinance to include FEMA Flood Insurance Study and Maps, at 6:36 p.m.
Staff Report
City Planner Jim Jacks said that FEMA has been changing over from paper flood plain maps to digital maps. The Flood Insurance Study is also being updated (last version was done in the early 1980's). There are no changes in the study related to Lafayette.
There are a few minor changes to the building codes (e.g. new definition for below grade crawl space).
Jim Jacks said that the staff report, Ordinance including exhibits, as well as the Flood Insurance Study dated March 2, 2010, FEMA maps and digital CD are now entered into the record.
Leah Harper asked about the emergency clause in the ordinance and Jim Jacks said that it is necessary because of FEMA's deadline of March 2, 2010.
Chris Pagella said that there are quite a few references to the Comprehensive Plan policies and he wanted to know if there would be any problems once the Comprehensive Plan is updated.
Jim Jacks said that the policies that are in the Comprehensive Plan are the land use guidance for the City and there are no conflicts in the current Comprehensive Plan with the new proposed language.
Bob Cullen asked if there are any unintended costs to the City that will result from this, and Jim Jacks said no.
Jim Jacks said that there are no changes in classification of properties or structures.
Michael Roberts asked staff if copies of the Floodplain CD will be available to the public.
Jim Jacks said that the City could ask the Council of Governments to provide a floodplain map overlaid with the zoning map. Staff was asked to look into the cost of doing this.
Chris Pagella asked for clarification on the purpose statements listed in the Ordinance. Discussion ensued.
Public Comment
Angela Flood, 287 Canyon View Drive- said that on Exhibit A, page 3, section 8A, there is no year included in the date for the Planning Commission meeting. Also, the date for the City Council meeting listed the year as 2009, instead of 2010.

Close Hearing

Mayor Chris Heisler closed the public hearing at 7:03 p.m.

The Council agreed to move agenda item 10(1) to this point of the agenda.

10. LEGISLATIVE ACTIONS:

1) Ordinance 604- Amend LZDO to include FEMA Flood Insurance Study and Maps:

Michael Roberts made a motion to adopt Ordinance 604, as presented. Nicholas Harris seconded the motion.

Trena McManus read the ordinance by title only- 'An Ordinance amending the Lafayette Zoning and Development Ordinance adopting the 2009 Flood Insurance Study and Digital Flood Insurance Rate Map'.

There was no discussion and the motion passed unanimously.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Linda Lyon, 1143 N. Madison St.- said that back in August, she found the houses in Lafayette that don't have house numbers posted. She will send out an email when she is finished and she asked the City to send a letter to those homeowners.

9. DEPARTMENTAL REPORTS:

1) Sheriff's report:

Sergeant Steve Warden provided the Council with the monthly report as well as some year end statistics.

Dean Rhodes asked what accounts for having such a high number of cases. Sergeant Steve Warden said that the deputies began tracking code enforcement violations by pulling case numbers, and that contributes to the higher number of cases. Nicholas Harris complimented the Yamhill County Sheriff's Office for their exceptional level of service.

2) City Administrator report:

Justin Boone said that he has been working with staff to familiarize himself with the City. He appreciated being welcomed by the staff and citizens of Lafayette.

3) Accounts payable report:

Dean Rhodes asked why two checks were written to USA Bluebook in December, and Trena McManus said that one check was written on the 15th and one on the 31st because Public Works orders various supplies from them on a regular basis.

Leah Harper asked about the refund to Community Association Management for sewer charges, and Trena McManus said that this was for reimbursement of sewer charges because the home was actually hooked up to a septic tank, not the City sewer system.

4) Public Works report:

Dean Rhodes said that the December rainfall totals look like they are about half of average.

Jim Anderson said that the City is considerably behind the rainfall totals that are expected this time of year (approx. 7-8 inches behind).

Mayor Chris Heisler asked about the runoff into the creek this time of year and Jim Anderson said that as of last Friday, 189.9 gallons per minute was running off into the creek.

Discussion ensued.

Nicholas Harris asked who is responsible for maintaining the trees that are overhanging on Highway 99W.

Jim Anderson said that it is ODOT's right of way. He will take a look at them and contact the appropriate ODOT representative.

Nicholas Harris said that he noticed that the chlorination in the water seems to be a lot better.

Jim Anderson said that new continuous monitoring rules (for chlorination) went into effect December 1, 2009, and chlorination levels have to be recorded every 24 hours and reported to the State.

Jim Anderson said that the banners have been installed on the west end of town, but there is a problem with the location for the second set of banners on the east end of town. The location is in very close proximity to power lines. The Council asked Justin Boone to work on a viable location for the second set of banners.

5) Fire Department report:

There were no questions on this report.

10. LEGISLATIVE ACTIONS:

2) Resolution 2009-17- Appoint City Administrator Pro-tem:

Dean Rhodes made a motion to adopt Resolution 2009-17, as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

11. ACTION ITEMS:

1) Approve Council newsletter for distribution:

Dean Rhodes said that he submitted some grammatical changes to the newsletter that Leah Harper wrote. The consensus of the Council was to approve the newsletter with the changes submitted by Dean Rhodes.

2) Lift Water Restrictions:

Dean Rhodes said that there was a story published in the News Register recently that said that 2008 and 2009 have been the driest rain years in recorded history. He asked Jim Anderson what the likelihood is that he will be coming back before the Council next spring to recommend that the City go on water restrictions, and Jim Anderson said that it is a guarantee.

There was some discussion about the fact that the current code states that a crisis has to be declared in order to institute Level 1 water restrictions (odd/even watering).

Angela Flood, 287 Canyon View Drive- said that the Council's refusal to repeal the water restrictions when there is no crisis could result in a citizen filing suit against the City in circuit court. She said that it would be in the City's best interest to repeal the restrictions and wait until a crisis actually exists.

Connie Wallace, 290 Canyon View Drive- said that she saw people watering down driveways this summer when the watering restrictions were in place. Dean Rhodes said that the Level 1 restrictions only apply to the odd/even watering of lawns.

Linda Lyon, 1143 N. Madison St.- said that during the winter, sprinkler systems should be shut off anyway.

Mayor Chris Heisler pointed out that winterization is recommended, but not required by anyone.

Greg Schouweiler, 290 Canyon View Drive- asked if the City of Dayton has gone on water restrictions, since we share water with them. Jim Anderson said that the City of Dayton owns 2 ½ wells in the shared wellfield and the City of Lafayette owns 2 ½ wells. Unfortunately, Dayton is unable to go on restrictions until their reservoir hits a certain level, because of a very old Ordinance that is still in effect.

Discussion ensued.

Michael Roberts made a motion to lift the water restrictions. Chris Pagella seconded the motion. Discussion- Michael Roberts said that he does agree with instituting year round water restrictions, but the current code states that the water restrictions can only be instituted if a crisis exists. There was no more discussion, and the motion passed, with Bob Cullen voting nay.

Dean Rhodes asked staff to bring back the odd/even watering ordinance to the next Council meeting for consideration again.

3) YCOM/Task Force representatives:

Mayor Chris Heisler made a recommendation to appoint City Administrator Justin Boone as the City representative for the YCOM (Yamhill Communications) and Regional Water Task Force committees.

Dean Rhodes made a motion to appoint Justin Boone as the City representative for the YCOM and Regional Water Task Force committees. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

12. DISCUSSION ITEMS:

1. Don Fettig- Water leak issue:

Mr. Fettig requested to be placed on the agenda, but he was not in attendance at the meeting.

2. Darrell Flood- Res. 2005-10- water/sewer rate increase:

Darrell Flood, 287 Canyon View Drive- asked the Council to consider not raising the water/sewer rates this year, as outlined in Resolution 2005-10. He also requested that the verbiage of the resolution be changed to an annual consideration, instead of an automatic increase. He asked the Council to consider reducing the sewer charges by \$6 and the water charges by \$4, across the board.

The Council asked Justin Boone to bring back a recommendation on these requests at the next meeting.

13. EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (2)(h) re: to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Trena McManus said that the Lafayette City Council will now meet in executive session for the purpose of

consulting with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, consistent with ORS 192.660(2)(h). Representatives of the news media and designated staff are allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session except to state the general subject of the session. No decision shall be made in executive session. At the end of the executive session, Council will return to open session. Council went into executive session at 8:05 p.m. The Council returned to open session at 8:36 p.m.

14. COMMITTEE REPORTS:

None.

15. MAYOR'S REPORT:

None.

16. REVIEW OF HANDOUT MATERIAL:

None.

17. ADJOURNMENT:

Dean Rhodes made a motion to adjourn. Chris Pagella seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 8:37 p.m.

Minutes approved on this 11th day of February, 2010.

APPROVED:

ATTESTED:

Mayor Chris Heisler

Justin Boone, City Administrator