

**City of Lafayette**  
**City Council Meeting Minutes**  
**February 11, 2010**  
**6:30 PM**

- 1. CALL TO ORDER:** Mayor Chris Heisler called the meeting to order at City Hall at 6:34 p.m.
- 2. FLAG SALUTE:** The local Boy Scout Troop did a flag presentation and 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:* Linda Lyon, Chris Harper, Mary Heisler, John Heisler, Greg Schouweiler, Connie Wallace, Bonita Pursel, Beth Pagella, Marie Sproul, Al LeMay, Nicole Montesano- News Register, Greg Ficek- Grove, Mueller, and Swank, Wendy Hackman, Sheri Bernal, Matt Bernal, Tim Hamel, Joe Hall, David Anderson, Laurie Anderson, Suzi Lorence, Dan Buell, Cindy Buell, Kevin Leid, Susan Leid, and approximately 3 others.
- 4. APPROVAL OF MINUTES:**  
Michael Roberts made a motion to approve the January 14, 2010 minutes, as presented. Chris Pagella 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:**  
Trena McManus said that the attorney indicated that he didn't have anything further to report on the HBH litigation, so agenda item 13 could be deleted. There were no other additions or deletions.
- 7.a. PRESENTATIONS:**
  - 1. City Auditor Tom Glogau- 2008-09 Audit Review:**  
Greg Ficek from Grove, Mueller, and Swank said that the audit for FY08-09 went great and it was completed in one day.  
Greg Ficek reviewed the audit and the structure of the financials. In the auditors comments, it addresses how the City performed within the State budgeting laws. The City was in compliance in every area, except for one, which was the lack of accounting for fixed assets prior to 2004. The Council previously made a decision to not go back and try to build these historical cost records (it was determined to be cost prohibitive), but the assets have been tracked since 2004 and will continue to be tracked in the future. Discussion ensued.  
Greg Ficek said that the City's financials are in great shape.  
Dean Rhodes said that he has been told that the City was overcharging \$600,000 per year for water and sewer, and asked if that is reflected in the audit anywhere. Greg Ficek said that there was about \$266,000 in the ending fund balance in the sewer fund and \$424,000 ending fund balance in the water fund, but he said that is money that has accumulated over time. That doesn't necessarily mean that people are being overcharged.
  - 2. Bonnie Pursel- Presentation on CERT (Community Emergency Response Team):**  
Bonnie Pursel, 1333 Adams St.- introduced the CERT Team members that were present at the meeting- Wendy Hackman, Sheri Bernal, and Matt Bernal. She said that the team meets once a month to do different exercises, and they also volunteered at the 'burn to learn' that the Fire Department held a couple weeks ago.  
Sheri Bernal, 1347 Cramner St.- said that a new CERT class will be starting soon, and they are looking for new members. The classes will be one night a week for ten weeks. She asked if information on CERT could be put in the water bill and the Council agreed. Discussion ensued.  
Michael Roberts suggested that the City should provide refreshments for their March 31 meeting at the Community Center and the Council agreed.
- 7.b. PUBLIC HEARINGS:**  
None.

## **8. CITIZEN INPUT ON NON-AGENDA ITEMS:**

Linda Lyon, 1143 N. Madison St.- said that she wanted to thank Justin Boone for taking care of the house numbering problem. She also thanked Jim for fixing potholes on Madison Street. She is coordinating a spaghetti dinner to benefit the Lafayette Citizen Fund and she asked the Council if information could be included in the water bill, on the reader board, and waive the fees for use of the Community Center. The Council asked for this item to be placed on the next agenda.

## **9. DEPARTMENTAL REPORTS:**

### **1) Sheriff's report:**

Sergeant Steve Warden said that the Sheriff's Office was able to intercept a burglary in progress the other day at Pioneer Park and arrested the suspect.

### **2) City Administrator report:**

Justin Boone said that the staff has been great to work with. Right now, he is working on funding for the Lafayette and Bluebird Springs. He also attended a parks grant workshop and will be applying for a grant through the Oregon State Parks Land and Water Conservation Fund.

Dean Rhodes said that the Council asked for a recommendation from Justin Boone at the last meeting on whether the annual water/sewer rate escalator should go into effect this year and he asked for Justin's recommendation. Justin Boone said that it would be best to allow the Council to make the decision this year, and he would make the recommendation next year. The Council asked for this to be placed on the next agenda.

Trena McManus said that the McMinnville School District wants to have a joint meeting with the City Council and asked if Monday, March 15 at 7 p.m. would be acceptable. The Council said that they would check their schedules and let Trena McManus know next week. Chris Pagella said that it would be a good idea for the Council to discuss any items they would like to bring up to the school board prior to the meeting. The Council asked staff to add this to the agenda at the next meeting.

### **3) Accounts payable report:**

Leah Harper asked about the voided check that was made out to Xtreme Network Solutions and Trena McManus said that an invoice was incorrectly entered to this company, so the check had to be voided.

### **4) Public Works report:**

Dean Rhodes asked how far below average the rainfall totals were for the month of January and Jim Anderson said that he wasn't sure about the average, but there was just over 9 inches of rain in the watershed in January. Bob Cullen asked for a monthly rainfall total to be included on the public works report.

Jim Anderson said that the second set of banners have been installed at the east end of town.

There was some discussion about the deteriorated condition of the street at 7<sup>th</sup>/Madison, and Jim Anderson said that estimates are being prepared to completely re-do this block of street in the next budget year.

### **5) Fire Department report:**

Chris Pagella asked how many fire volunteers the City currently has and Fire Chief Terry Lucich said that there are 20 volunteers right now, but the department can always use more volunteers.

Leah Harper asked about the code enforcement report and Trena McManus said that it was an oversight in the last packet, and both months will be included in the next report.

A short break was taken at 8:00 p.m. The meeting was called back to order at 8:06 p.m.

## **10. LEGISLATIVE ACTIONS:**

### **1) Ordinance 605- Amend LMC Ch. 4 re: Water Regulations:**

Nicholas Harris said that the USDA, National Water and Climate Center has reported that the spring and summer stream flow forecasts are declining and Oregon's are at 70-80% as of February 2010. He also distributed a copy of the executive summary of the Yamhill County Water Supply Analysis report. After reviewing this analysis report, he pointed out the importance of water conservation and making efforts to educate the public on the importance/benefits of conservation. Chris Pagella said that he would be opposed to year round odd/even watering, but would support the odd/even watering in the summer months when there is a need for it. Discussion ensued.

Jim Anderson said that he stands by his original recommendation of year round odd/even watering of lawns. He said that this would be an important tool to help manage the water supply year round.

Mayor Chris Heisler said that he has taken an informal poll about the year round watering and he hasn't come across anyone that feels that this is the solution. He feels that the compromise would be a spring to fall timeframe for the odd/even watering.

Nicholas Harris asked Jim Anderson if April 1- October 31 would be acceptable, as a compromise, to get the support of the entire Council. Jim Anderson said that his recommendation still stands, but he will take what he can get.

Bob Cullen said that the year round odd/even watering of lawns should be instituted as a good management practice.

Leah Harper said that this Council has spent endless hours talking about this same issue, and this Ordinance has been voted down.

Discussion ensued.

Chris Harper, 241 E. 16<sup>th</sup> Street- said that the Council has wasted so much time talking about this issue. The Council should be talking about the facts (other long term solutions), and he referenced some recommendations in the conclusion of the Water System Master Plan. He also questioned the joint use of the wells in the Dayton wellfield, and why Dayton doesn't go on water restrictions.

Linda Lyon, 1143 N. Madison St.- said that where she used to live they would charge a significant amount if usage went over a certain amount each month, and that really motivated people to conserve.

Trevor Higby, 1145 N. Jefferson St.- said that he feels that year round odd/even watering would be taking away a liberty, and he doesn't see a benefit to it. If Jim Anderson could substantiate his recommendation (besides just being a tool), then he could get behind it. He said that he appreciated Nicholas Harris' efforts to compromise and conserve April-October.

Nicholas Harris recommended the following changes to Ordinance 605- The title was changed to read 'An Ordinance amending Section 4.245, 4.250, and 4.255 of the Lafayette Municipal Code to amend the levels of prohibition and establish a water conservation program'. The third whereas was changed to read 'the Council desires to establish a water conservation program that would enact odd/even watering of lawns from April 1- October 31 of each year. Section 1 was changed to read '...In an effort to manage the current water supply and reduce "spikes" in the system, the City has instituted odd/even watering of lawns or grass areas each year from April 1-October 31...'.

Nicholas Harris made a motion to adopt Ordinance 605, with the amendments listed above. Michael Roberts seconded the motion. Discussion- Bob Cullen suggested the dates of March 15-November 15. Trena McManus read the Ordinance by title only- 'An Ordinance amending Section 4.245, 4.250, and 4.255 of the Lafayette Municipal Code to amend the levels of prohibition and establish a water conservation program.' There was no more discussion, and the motion passed, with Chris Pagella, Michael Roberts, Nicholas Harris, and Mayor Chris Heisler voting aye, and Leah Harper, Bob Cullen, and Dean Rhodes voting nay.

*Note: Since the vote was not unanimous and changes were made to the Ordinance at the meeting, it will be brought back to the next meeting for a second reading and adoption.*

## **2) Ordinance 606- Amend LMC Ch. 5 re: Drug Paraphernalia:**

Justin Boone said that the Council received an updated copy of Ordinance 606 that had a couple minor changes from the original one they were presented with. The title was re-worded to reflect the individual sections that will be added. A section was added to address those that hold a medical marijuana card.

Bob Cullen made a motion to adopt Ordinance 606, as presented. Nicholas Harris seconded the motion.

Trena McManus read the Ordinance by title only- 'An Ordinance relating to possession of drug paraphernalia and amending the Lafayette Municipal Code ("LMC") by adding new sections 5.120, 5.125, 5.130, 5.135, and 5.140'. There was no discussion, and the motion passed, with Michael Roberts voting nay.

*Note: Since the vote was not unanimous and changes were presented at the meeting, it will be brought back to the next meeting for a second reading and adoption.*

## **11. ACTION ITEMS:**

### **1) Approve Council newsletter for distribution:**

Leah Harper said that she would like to see a sentence added about the fact that the water restrictions were lifted at the January meeting.

Dean Rhodes said that he could also add a sentence about the consideration of the April- October odd/even watering at the March meeting.

The consensus of the Council was to approve the newsletter with the changes noted above.

### **2) Accept FY08-09 Audit:**

Michael Roberts made a motion to accept the FY08-09 audit. Leah Harper seconded the motion. There was no discussion and the motion passed unanimously.

### **3) Approve Park Projects:**

Justin Boone said that he would like to get started on some parks projects, and he felt that Joel Perkins Park would be the best place to start. The recommended projects include: grade work, a retaining wall, re-seed entire park, fencing, landscaping, irrigation, walkways, play structure, improve picnic pavilion, picnic tables and benches, removal of old play equipment, removal of old fencing, and new trash cans. He also recommended some minor improvements to Tract F- play equipment, fencing, bench, and trash cans.

Dean Rhodes suggested adding the fencing and ground effects lighting at Community Pride Park because that would complete the park. The fence is important to provide some privacy to the two houses surrounding the park.

There was some discussion about Bridge Street Park, and the possibility of constructing a basketball court somewhere in town. The Council directed staff to also get bids on grading and re-seeding Bridge Street Park. Marie Sproul, 1282 Third St. #1- said that the citizens that responded to the parks survey want to see the parks maintained. SDC (System Development Charges) funds cannot be used for maintenance, but this will be considered at budget time in the parks fund.

Susan Leid, 830 Jackson Ct.- said that she supports getting Perkins Park taken care of.

Al LeMay, 1155 N. Madison St.- said that the City should be reaching out to different organizations (ie. OSU extension program, 4H, etc.) and grant programs to help improve the parks.

The Council also asked staff to get a sign for the Bridge Street Park that identifies the property as a future park. Staff will send out RFP's on the projects listed above.

## **12. DISCUSSION ITEMS:**

### **1. Schedule review of Lafayette Municipal Code worksession:**

Leah Harper said that the Council had discussed reviewing the codes a few months ago, and she wanted to schedule a worksession to do this. The Council asked staff to check with Deputy Donahoo and Captain Summers on their availability for a worksession.

### **2. Council emails:**

Mayor Chris Heisler said that he feels that there are inappropriate emails that have been circulating among the Council. He distributed a copy of Lafayette's Mission Statement and said that some of the Council members are in violation of the charter by continuing to send these emails. He also said that he has contacted the Attorney General's office and the State Standards and Practices Division about these concerns. He said that he contacted the City Attorney and asked for an opinion on contacting the City Administrator outside of a public meeting. In part, the attorney's opinion stated that the Council is not restricted from meeting or communicating with the City Administrator in private about any issue. The only time it would be a violation of the charter is when a Council member is attempting to influence the Administrator.

Mayor Heisler said that in the future, all issues need to be placed on a meeting agenda, and not discussed via emails.

Mayor Heisler said that he would like to see Council emails posted on the City website. Dean Rhodes said that they are already public record.

### **3. Charter concerns:**

This agenda item was addressed along with agenda item 12(2).

Bob Cullen left the meeting at 10:05 p.m.

## **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.**

This item was deleted under Additions and Deletions.

## **14. COMMITTEE REPORTS:**

None.

## **15. MAYOR'S REPORT:**

None.

## **16. REVIEW OF HANDOUT MATERIAL:**

None.

**17. ADJOURNMENT:**

Nick Harris made a motion to adjourn. Chris Pagella seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 10:08 p.m.

**Minutes approved on this 11th day of March, 2010.**

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
Mayor Chris Heisler

\_\_\_\_\_  
Justin Boone, City Administrator