

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

- 1. CALL TO ORDER:** Mayor Chris Heisler called the meeting to order at City Hall at 6:35 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:* Chris Harper, Mary Heisler, Greg Schouweiler, Bonita Pursel, Beth Pagella, Marie Sproul, Al LeMay, Nicole Montesano- News Register, Todd Holt, Marv Bennett, Debra Owens, Daniel Forster, Darrell Flood, Debbie Schley, Gordon Cook, Blair Grier, Cal Kearns, Patricia Rhodes, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**  
Dean Rhodes said that charter concerns were placed on the last agenda, but there wasn't any discussion about it, and he wanted to know if that agenda item was addressed. Mayor Chris Heisler said that agenda items 12 (2) & (3) (Council emails and Charter concerns) were addressed together. Leah Harper asked if representatives from the Sheriff's Office would be able to attend a worksession on the Lafayette Municipal Code that was discussed at the last meeting. Trena McManus said that they agreed to attend, and they will wait to hear from the Council as to when that will be held.  
Michael Roberts made a motion to approve the February 11, 2010 minutes, as presented. Leah Harper seconded the motion. There was no more discussion and the motion passed, with Dean Rhodes voting nay.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**  
None.
- 6. ADDITIONS AND DELETIONS:**  
Justin Boone recommended that agenda items 11(1), 11(2), and the Executive Session be moved to right after Departmental reports (since the attorney will be present).  
Trena McManus said that she would like to add the appointment of the Budget Officer to agenda item 11(1). The Council agreed.  
Mayor Chris Heisler said that he would like to add a discussion item regarding giving authority back to the City Administrator in making decisions about reader board/water bill content and user fees for the Community Center. The Council asked for this item to be placed on the next agenda.  
There were no other additions or deletions.
- 7.a. PRESENTATIONS:**  
None.
- 7.b. PUBLIC HEARINGS:**  
None.
- 8. CITIZEN INPUT ON NON-AGENDA ITEMS:**  
Debbie Schley, 1512 Jefferson St.- said that she got an email from a citizen regarding house numbers and they asked for money (donations) to purchase numbers. She asked how her email address was obtained, and expressed her unhappiness with receiving an email like this. She asked who setup the citizen committees and Mayor Heisler said that he setup the advisory committees.
- 9. DEPARTMENTAL REPORTS:**
  - 1) Sheriff's report:**  
Sergeant Steve Warden said that the Sheriff's Office is continuing to try and improve livability in Lafayette. A sex offender was apprehended in town recently.  
Al LeMay, 1155 Madison St.- asked if trending data is available, and Sergeant Steve Warden said in the summer time, crime tends to increase because of the nicer weather. Nicholas Harris said that anyone can go to the FBI website, and enter Lafayette's zipcode to get some crime data.

Chris Harper, 241 E. 16<sup>th</sup> Street- thanked Sergeant Warden for the police presence in town, and he asked if all sex offenders have to be registered. Sergeant Warden said that they do have to register, and they must do so within a short period of time.

Debbie Schley, 1512 Jefferson St.- asked if sex offenders have to maintain a certain distance from schools, and Sergeant Warden said that it just depends on the court order.

Daniel Forster, 1105 7<sup>th</sup> St. Extension- said that he has a concern about a neighbor growing marijuana, and Sergeant Steve Warden said that there are permits that allow people to grow a specified amount of marijuana for medicinal purposes. If there is a concern, a complaint can be filed at City Hall and it will be passed on to the Sheriff's Office for investigation.

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

Justin Boone said that he has begun working on the budget. Mayor Chris Heisler asked if there has been any progress on grant research, and Justin Boone said that he would like to discuss a possible grant later in the meeting.

Dean Rhodes asked Justin Boone why he is recommending that the water/sewer rate increase (\$1 to each base rate) go into effect. Justin Boone said that the City needs to save up for future infrastructure projects. Leah Harper asked how much revenue this increase would generate for the City in a year, and Justin Boone said that he didn't have those numbers in front of him, but he would look it up and provide it to the Council. Dean Rhodes asked Justin Boone who he met with regarding the relocation of the Bluebird waterline. Justin Boone said that he met with the City Engineer, Jim Anderson, and vineyard owner George Hilberry.

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

There were no questions on this report.

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

Jim Anderson said that he has made some modifications to the banners at the east and west end of town to keep them from flipping over when the wind picks up. He said that his crew has been working on replacing stop signs around town and repairing pot holes. Jim Anderson said that he has spoken with ODOT's representative about the overhanging trees on Hwy 99W at the east end of town, since it is ODOT's (Oregon Department of Transportation) jurisdiction. Nick Harris asked Jim Anderson if he could follow up with a letter to ODOT, so there is a paper trail of the City's request. Jim Anderson said that he would also send a letter.

Dean Rhodes asked if Denny Muchmore has presented an estimate on improving 7<sup>th</sup>/Madison Street, and Jim Anderson said that he hasn't received one yet.

Leah Harper asked about the asbestos water sampling, and Jim Anderson said that the water has to be tested every 9 years for asbestos, and the results came back 'none detected'.

Al LeMay, 1155 Madison St.- asked about the reference to grant research in Jim Anderson's report.

Jim Anderson said that he has been researching some (water) grants through OWEB (Oregon Watershed Enhancement Board). He said that he is waiting for the 2010 announcement to come out on this.

Marie Sproul, 1282 Third St. #1- asked when Public Works begins mowing/weeding for the year and Jim Anderson said that weed killers have already gone down at Commons and Community Pride Park, and mowing will start as soon as the ground is dry enough.

Chris Harper, 241 E. 16<sup>th</sup> Street- asked if the Lafayette Springs rehabilitation is being done because of the new groundwater rule, and Jim Anderson said no. It is being rehabilitated because it was constructed poorly.

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

There were no questions on this report.

# **11. ACTION ITEMS:**

## **1) Appointment to Budget Committee & Appoint Budget Officer:**

Michael Roberts made a motion to appoint Justin Boone as the Budget Officer. Chris Pagella seconded the motion. There was no discussion and the motion passed unanimously.

Mayor Chris Heisler had all of the Budget Committee applicants that were present at the meeting introduce themselves to the Council. He thanked all of the applicants for their interest in participating on the committee.

Mayor Chris Heisler appointed Debra Owens to the Budget Committee, with a term to expire December 31, 2010. Dean Rhodes made a motion to accept the Mayor's nomination. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

Mayor Chris Heisler appointed Tim Svenson to the Budget Committee, with a term to expire December 31, 2012. Dean Rhodes made a motion to accept the Mayor's nomination. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

Mayor Chris Heisler appointed Daniel Forster to the Budget Committee, with a term to expire December 31, 2012. Chris Pagella made a motion to accept the Mayor's nomination. Leah Harper seconded the motion. There was no discussion and the motion passed unanimously.

Mayor Chris Heisler appointed Marie Sproul to the Budget Committee, with a term to expire December 31, 2012. Leah Harper made a motion to accept the Mayor's nomination. Chris Pagella seconded the motion. There was no discussion and the motion failed, with Leah Harper and Chris Pagella voting aye, and Bob Cullen, Michael Roberts, Nicholas Harris, and Dean Rhodes voting nay.

Mayor Chris Heisler appointed Marv Bennett to the Budget Committee, with a term to expire December 31, 2012. Bob Cullen made a motion to accept the Mayor's nomination. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

## 2) Review Park RFP's- Approve Park Projects:

### Fencing

Justin Boone said that the City received 5 responses to the fencing RFP (Request for Proposal) that was sent out. He said that only one contractor was determined to be responsive, so he recommended awarding the contract to Town & Country Fence and Deck. The Fence Company did not include a 'not to exceed' cost, or proposed work schedule. Fence Master did not include a 'not to exceed' cost, references, or proposed work schedule. Outdoor Fence Co. did not include a 'not to exceed' cost, references, or proposed work schedule. TDP Landscaping, Inc.'s proposal did not include a 'not to exceed' cost, proof of licensing or liability insurance. City Attorney John Hickey reviewed the procurement procedures, and informed the Council that they have the authority to make a decision to go with one of the other contractors. The risk with that is that it opens a door for another contractor to protest the award of the bid.

Bob Cullen said that the Council could insist that the missing documents be provided prior to signing a contract. Bob Cullen said that a request for proposal generally contains a lot more detail, and are usually written by engineers.

Dean Rhodes said that it will cost the City \$2,038 more to not go with the low bidder on this project. Discussion ensued.

Nicholas Harris made a motion to authorize the City Administrator to enter into a contract with Town and Country Fence and Deck, not to exceed \$17,310 for the installation of fences at Community Pride Park, Joel Perkins Park, and Tract F Park. Chris Pagella seconded the motion. Discussion- Bob Cullen said that the RFP was written wrong. Justin Boone said that the attorney has reviewed it. Chris Pagella said that these are professional companies, and they are expected to respond to the RFP with the information that was requested. Leah Harper asked Justin Boone to verify the references on this project. There was no more discussion and the motion passed, with Bob Cullen voting nay.

A ten minute break was taken at 8:12 p.m. The meeting was called back to order at 8:20 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.

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 8:20 p.m.

The Council returned to open session at 8:37 p.m.

## 2) Review Park RFP's- Approve Park Projects: Discussion on this agenda item continued.

### Bridge Street Park

Nicholas Harris proposed naming the park at 12<sup>th</sup> and Bridge Street, Veterans' Park. There was some discussion about creating some type of war memorial at the park as well. Nicholas Harris made a motion to name the park at 12<sup>th</sup> and Bridge Street, Veterans' Park. Michael Roberts seconded the motion. There was no more discussion and the motion passed unanimously.

Justin Boone said that there is a 'Veterans' and War Memorial Matching Grant Program' that he is looking into. Justin Boone said that there were three bids received on the Veterans' Park improvements RFP (grading and seeding). He said that C&D Landscaping was the only responsive bidder. TDP Landscaping, Inc.'s proposal did not include a 'not to exceed' cost, proof of licensing or liability insurance. AR Landscaping's proposal did

not include proof of licensing or bonding.

Bob Cullen said that he disagrees with the RFP and the proposal that was submitted. Mayor Chris Heisler said that the improvements to Bridge Street and Perkins Park are going to be dealt with separately. Dean Rhodes said that something needs to be done with Veterans Park, because there are safety hazards there now (glass, debris, pipes sticking out of the ground, etc.). There was some discussion about the type of grass that is being proposed, as it is necessary to have a drought resistant type of grass since there won't be an irrigation system installed at this time. Leah Harper said that it is important to establish a procedure on the selection of contractors, and C&D met all of the requirements in the RFP.

Discussion ensued.

Dean Rhodes made a motion to authorize the City Administrator to enter into a contract with C&D Landscaping, not to exceed \$12,875 for improvements to Veterans' Park. Bob Cullen seconded the motion. Discussion- Nicholas Harris asked staff to look into having a sign made for Veterans' Park (to match the other City signs). Staff will look into this. Leah Harper asked Justin Boone to also verify the references for this project. There was no more discussion and the motion passed unanimously.

#### Perkins Park

Justin Boone said that there were three bids received on the Joel Perkins Park RFP. C&D Landscape was the only responsive bidder on this project. TDP Landscaping, Inc.'s proposal did not include a 'not to exceed' cost, proof of licensing or liability insurance. AR Landscaping's proposal did not include proof of licensing or bonding.

Bob Cullen said that there should have been an engineers' estimate on this project. Nicholas Harris said that he wants to move forward on park improvements, and staff did what was asked of them to get the proposals on the improvements.

Cal Kearns, C&D Landscape- reviewed his proposal with the Council, which included demolishing, removing, and reconstructing pavilion, construct two retaining walls, install concrete sidewalks, install irrigation system, install trees, shrubs, and groundcover, grading and soil import, etc.

Bob Cullen suggested that the Public Contract Bidding Rules be reviewed, and Justin Boone said that he did that with John Hickey (Jordan Schrader).

Dean Rhodes asked Justin Boone how much of this project is SDC eligible and Justin Boone said that 75% of this project is SDC eligible. Dean Rhodes asked if all Parks SDC funds would be spent on these projects tonight (if this one is approved), and Justin Boone said yes.

Leah Harper said that she spoke to residents that live near Perkins Park, and they took great ownership of the park and talked about all of the use the park gets.

Discussion ensued.

Nicholas Harris made a motion to authorize the City Administrator to enter into a contract with C&D Landscaping, not to exceed \$157,517, for improvements to Joel Perkins Park. Leah Harper seconded the motion. Discussion- Mayor Chris Heisler said that he has a concern with the budget breakdown for this project (the SDC percentage vs. non-SDC funds). Justin Boone said that all of the SDC funds would be spent on the projects that have been presented tonight. Mayor Chris Heisler said that at some point the Council has to move forward on improving the parks. Bob Cullen said that the City has gone around the competitive bid process, and it would be irresponsible to proceed with this project. Chris Pagella said that out of all the discussions on parks, it was his understanding that the consensus was that Joel Perkins would be the centerpiece park for the city. It was a goal to make the parks as functional as possible this fiscal year. Even with this Perkins Park project, the Veterans' park project, and the fencing, we are still within the budget that has been set for the parks. There is also money left over for play structure(s). Michael Roberts said that he is not comfortable with the excessive grading costs.

There was no more discussion and the motion passed, with Bob Cullen and Michael Roberts voting nay.

## **11. ACTION ITEMS:**

### **3) Approve Council Newsletter for distribution:**

Dean Rhodes presented some amendments to the newsletter. The Council agreed to distribute the newsletter with the amendments as presented by Dean Rhodes.

### **4) Review of current water/sewer rate escalator:**

There is an automatic escalator that was adopted by a previous Council. It is a \$1 increase on the base water rate and \$1 on the base sewer rate, and is scheduled to go into effect as of April 1, 2010, unless the Council takes action otherwise.

Darrell Flood, 287 Canyon View Dr.- said that for the past three years, the employees of this City have gotten raises. Social Security didn't get a raise, and people are tightening their belts, and the Council is going to put \$2 more on the water/sewer bills. For the past three years, none of the raises have been necessary or warranted. If the City is going to do a \$2 raise to the water/sewer bill, he wanted to know what the money is going to be

used for. He said that maybe the City should look at cutting an employee so that the bills don't have to go up. Mayor Chris Heisler said that is part of the reason why he has established a water/sewer advisory committee, so that they can look into these questions.

Debbie Schley, 1512 Jefferson St.- asked about some of the history of the water/sewer system and Chris Pagella explained the need for improving the water and sewer systems, and the need to take out bonds to pay for those improvements. This increase would allow the City to save money for future improvements. Greg Schouweiler, 290 Canyon View Dr.- asked about the intent of the water/sewer advisory committee.

Leah Harper made a motion to not increase the water/sewer rates for 2010. The motion died for lack of a second.

The Council took no further action on this agenda item, so the escalator will go into effect April 1, 2010, as previously adopted.

Bob Cullen left the meeting at 10:18 p.m.

## **10. LEGISLATIVE ACTIONS:**

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

Leah Harper clarified that the first paragraph of section 4.250 was previously in the ordinance, and staff said yes.

Al LeMay, 1155 Madison St.- said that he is not clear on how the conservation mechanism is going to work in this ordinance. He said that watering grass just addresses a small amount of what people use their water for. He questioned the Intergovernmental Agreement with the City of Dayton, and the fact that they haven't gone on restrictions in recent years. He said that he doesn't see much benefit from this ordinance. He asked the Council to not pass this ordinance tonight. If the ordinance passes tonight, there will be a document turned in tomorrow to City Hall to repeal it.

Discussion ensued.

Nicholas Harris made a motion to adopt Ordinance 605, as presented. Michael Roberts seconded the motion. Discussion- 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.' Discussion- Mayor Chris Heisler said that a resident has stated that a referendum on this ordinance will be filed if it is passed. There was no more discussion, and the motion passed, with Leah Harper voting nay.

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

Nicholas Harris made a motion to adopt Ordinance 606, as presented. Chris Pagella 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'. Discussion- Michael Roberts said that he is against this, because the adoption of this ordinance gives an officer the right to go into a house and do a search if they see a balloon, blender, spoon, etc. It is considered paraphernalia, and they can search without having to get a warrant. Any items seized can be destroyed, even if the person is found not guilty. Leah Harper asked if this ordinance is the same as the County ordinance, and staff said yes. After some discussion, the motion passed, with Michael Roberts and Leah Harper voting nay.

At 10:38 pm, per the Council Rules, the Council decided to move forward and finish the agenda.

### **3) Ordinance 607- Amend LMC Ch. 8 re: SB 915 Enforcement of Bldg. Code:**

Senate Bill 915 states that City's can no longer cite people into municipal court for building code violations. However, it does allow for an administrative penalty to be assessed. This ordinance changes the code to comply with this senate bill and sets a procedure for administering a penalty.

Nicholas Harris made a motion to adopt Ordinance 607, as presented. Michael Roberts seconded the motion. Trena McManus read the ordinance by title only- 'An Ordinance relating to enforcement of building code and amending Lafayette Municipal Code (LMC) sections 8.040, 8.045, and 8.100.' There was no discussion and the motion passed unanimously.

## **11. ACTION ITEMS:**

### **5) Use of Comm. Center/Spaghetti Feed advertising:**

Dean Rhodes said that he is not in favor of promoting fundraising in the water bill. Leah Harper said that a precedent was set last month when the CERT team was allowed to put a flyer in the water bill. This is a community event, and she said that she supports free use of the community center and advertising in the water bill.

Debbie Schley, 1512 Jefferson St.- asked what the Lafayette Citizens Fund is, and an audience member told

her that it is a non-profit group.

Mary Heisler, 1407 Madison St.- said that the Council should support whatever event would benefit the community as a whole, and not pick and choose.

The consensus of the Council was that the fees for use of the Community Center would be waived for a spaghetti feed on April 10, 2010. A majority of the Council agreed (Dean Rhodes was not in favor of this) to allow a flyer promoting the spaghetti feed to be included in the water bill, as long as there was room and as long as the printed copies were provided to City Hall.

The Council also discussed a request from a political candidate to use the Community Center, free of charge, to hold an open house. The Council decided that any political activities scheduled at the Community Center would be subject to paying the fees, unless all candidates were invited to attend.

## **12. DISCUSSION ITEMS:**

### **1) Reminder to file Statement of Economic Interest:**

Trena McManus reminded the Council that they need to file their Statement of Economic Interest no later than April 15, 2010.

### **2) Discussion items for the McMinnville School Board Meeting:**

The Council was reminded that the joint meeting with the McMinnville School Board will be Monday, March 15, 2010, 7 pm at the District Office in McMinnville. There was no more discussion on this agenda item.

## **14. COMMITTEE REPORTS:**

None.

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

None.

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

None.

## **17. ADJOURNMENT:**

Dean Rhodes made a motion to adjourn. Nicholas Harris seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 10:55 p.m.

**Minutes approved on this 8th day of April, 2010.**

**APPROVED:**

**ATTESTED:**

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

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