

City of Lafayette
City Council Meeting Minutes
May 14, 2009
6:30 PM

- 1. CALL TO ORDER:** Mayor Chris Heisler called the meeting to order at City Hall at 6:32 p.m.
- 2. FLAG SALUTE:** Mayor Chris Heisler led the flag salute.
- 3. ROLL CALL:** Diane Rinks, City Administrator, called the roll.
Present: Mayor Chris Heisler, Bob Cullen, Nicholas Harris, Leah Harper, Dean Rhodes, and Chris Pagella.
Absent: Michael Roberts.
City Staff Present: Diane Rinks- City Administrator, Trena McManus – Asst. to the City Administrator, Jim Anderson- Public Works Foreman.
Others: Mary Heisler, Randy Kashka, Brenton Camac, Linda Lyon, Faythe Rust, Sarah Schweiger, Tara Shelburne, Paul Knobel, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**
Dean Rhodes made a motion to approve the April 9, 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:**
Mayor Chris Heisler said that he wanted to add a citizen proposal on downtown beautification to the agenda. The Council agreed to hear the presentation now, since the Western Oregon Waste representatives had not arrived yet. There were no other additions or deletions.
- 7.a. PRESENTATIONS:**
Presentation by Mary Heisler, 1407 N. Madison St., re: downtown beautification- Mary Heisler presented the Council with a written proposal for improving the downtown area (3rd Street). Her proposal included flower pots and flowers along 3rd Street, soil, weed preventer, bark dust, arborvitae around entrance sign, and banners (at entrance signs and on black light poles in center of town). The total cost of the project came to \$2,530. She said that the City has money in the budget for beautification and this would be a good start to improving the downtown area. The businesses have agreed to water the flowers (in bulb outs and pots) in front of their respective businesses. The City would be asked to install the banners, water the flower bed and flower pots outside of City Hall, and weed and prepare flower beds (bulb outs) on 3rd Street. Discussion ensued.
Dean Rhodes objected to considering this proposal at this meeting because it was not on the agenda.
Nicholas Harris expressed concern with spending City money to place flower pots on private property to improve private businesses. He asked if the business owners would be willing to pay for half of the cost of the pots/flowers. Mary Heisler said that they are willing to water the flowers, but they won't pay for the pots. Nicholas Harris agreed with purchasing banners and flowers that would be placed on City property.
Leah Harper said that this project is a great thing to give back to the community. Lafayette is one of the few towns that doesn't have anything downtown.
Linda Lyon, 1143 N. Madison St.- said that she went to each business downtown and asked them a series of questions about their willingness to maintain the items that were placed in front of their business. Only those businesses that agreed to do the maintenance will have the pots/flowers placed.
Chris Pagella said that someone has to take the first step towards beautifying the community.
After some discussion, the Council was polled, and Bob Cullen, Dean Rhodes, and Nicholas Harris voted to proceed with purchasing the banners only, and Chris Pagella and Leah Harper voted to go with the entire proposal as presented. Staff will proceed with the purchase of the banners.

Presentation by Western Oregon Waste (WOW)- Ginger Emrick, Governmental Affairs- said that Western Oregon Waste is proposing a 5.34% rate adjustment to the customers in Lafayette this year. This increase is based on the decline in the recycling markets and also the decline of the economy over the last year. This rate adjustment is allowed in the current franchise agreement that the City has with Western Oregon Waste, based on the decline in revenues that the company has experienced. Nicholas Harris asked if WOW had any programs available to assist those that needed help paying their garbage bills and Joe Cook (CFO-WOW) said no. Mayor Chris Heisler asked about getting yard debris pickup at the curb. Ginger Emrick said that they are starting a pilot program in McMinnville and based on the success of the program there, they may be offering it to other communities in the

future. There would be an additional charge of approximately \$9.50 per month (year round) for this service if someone chose to sign up for it.

7.b. PUBLIC HEARINGS: None.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Sara Schweiger, 710 Water St.- said that the FFA (Future Farmers of America) is holding a plant sale and wanted to know if a flyer could be put up at City Hall. Staff said that if she brought one in, it would be put on the bulletin board. Linda Lyon, 1143 N. Madison St.- said that the street sweeper isn't doing a very good job on 3rd Street, and the businesses need to be notified when they are coming through so that the vehicles could be moved. Diane Rinks said that the street sweeper that the City has contracted with does not sweep Highway 99W as it is an ODOT (Oregon Department of Transportation) Highway. ODOT does sweep 3rd Street, but not on a regular basis.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Diane Rinks said that a representative from DHS (Department of Human Services) recently conducted a Technical and Managerial Capacity review in town. This is a requirement of the SDWRLF (Safe Drinking Water Revolving Loan Fund) whenever an application is submitted for a project (stimulus grant funding). The review went very well overall, but they noted a couple of deficiencies in the Lafayette Spring that need to be fixed. The Spring is old, and some of its components need to be updated. Mayor Chris Heisler asked if the deficiencies were pretty minor, and Diane Rinks said yes. Discussion ensued.

2) Accounts payable report:

Mayor Chris Heisler asked about a couple of items that were listed on the attorney's bill. The Klock violation is a building code violation at a private residence in town. An accessory structure was illegally placed on Mr. Klock's property because it is too close to the property line, and he has now retained an attorney. He asked about a subpoena for City of Brownsville employment records and Diane Rinks said it is related to the pending litigation with HBH Engineering. They have served a subpoena for those records and the City Attorney objected to the subpoena. The status on the election law violation case is that the hearing has been held and staff is still waiting to hear the final decision in the case.

3) Public Works report:

Chris Pagella had some concerns with the lack of detail in the public works report. He said that it doesn't encompass what the public works department really does. Public Works Foreman Jim Anderson said that there are a lot of routine, everyday things that aren't reiterated in the report. If the Council would like to see more detail, he said that he would gladly provide it, as he keeps a daily journal of the activities in the public works department.

Nicholas Harris asked about finishing the project at 2nd/Market St. and Jim Anderson said that he is getting quotes from a couple paving companies to do the patching at this location and a couple other areas throughout town.

Carrie Gentry from the State Drinking Water Program, recently conducted a water system survey in town where they go through the entire water system and overall the City received very good results. The main improvement that needs to be done is upgrading Lafayette Spring (as mentioned earlier).

There was a water main break last week on Ash Road in the transmission line that comes from the Dayton Water Treatment Plant. A contractor was working in the area and bored through the line. It has been fixed now, but the line was down for almost a week.

Mayor Chris Heisler asked if there was a schedule for conditioning the parks. Jim Anderson said that Commons Park, Community Pride Park, Tract F, and City Hall does get conditioned, and Terry and Perkins park do not have scheduled conditioning.

Jim Anderson said that he is requesting that the Council institute Level 1 water restrictions effective June 1, 2009. The reasons for this is that the winter has been very dry, 2 of the City's wells are within a few feet of the levels they were at one year ago when they were placed back in the rotation. The springs are expected to drop off quickly in May, with the warmer, drier weather. Even though the new wells are slated for completion in June, he wants to err on the side of caution and institute the odd/even water restrictions now.

Chris Pagella and Leah Harper both said that they would like to ask people to conserve before making these restrictions mandatory.

Discussion ensued.

Brenton Camac, 1402 N. Madison St.- asked what the source of the problem is, and Diane Rinks said that it is both a declining water table and the big increase in population over the last few years.

Al Lemay, 1155 N. Madison St.- said that it is simple to set sprinkler systems to only water on certain days. But, it would be helpful to find out what people are really using water for (watering, pressure washers, washing cars, or other discretionary uses) and get out and talk to people and ask them to conserve rather than telling people they have to.

Leah Harper said that she doesn't think it's fair to go on restrictions before there is even an emergency, and make a decision on information that is six months old.

Bob Cullen made a motion to institute Level 1 water restrictions as of June 1, 2009. Nicholas Harris seconded the motion. There was no more discussion and the motion passed, with Bob Cullen, Nicholas Harris, and Dean Rhodes voting aye, and Chris Pagella and Leah Harper voting nay.

4) Fire Department report:

There was no fire department report this month.

5) Sheriff report:

Sergeant Steve Warden gave the Council the reports for March and April and said that there has been one new instance of graffiti, but it seems to have slowed down.

10. LEGISLATIVE ACTIONS:

1) Ordinance 598- Amend Municipal Code Ch. 5- Graffiti Removal (second reading):

Nicholas Harris made a motion to adopt Ordinance 598, as presented. Dean Rhodes seconded the motion. Discussion- Leah Harper said that even though the violation was decreased from a class A to a class D violation, she questioned the harshness of the wording in the notification letter. Diane Rinks read the ordinance by title only- 'An Ordinance adding section 5.422 to the Lafayette Municipal Code dealing with graffiti removal.' There was no more discussion and the motion passed unanimously.

There was some discussion about the possibility of offering rewards to people that gave information leading to the conviction of the criminals committing the offense (graffiti). Diane Rinks said that she would have to check with the City Attorney about this if this is something the Council wants her to look into. The Council was polled on contacting the City Attorney about offering rewards on turning in graffiti offenders, and Leah Harper voted aye, and Bob Cullen, Dean Rhodes, Nicholas Harris, and Chris Pagella voted no.

2) Ordinance 599- Election to receive state revenue sharing funds (FY09-10):

Dean Rhodes made a motion to adopt Ordinance 599, as presented. Chris Pagella seconded the motion. Trena McManus read the Ordinance by title only- 'In the matter of an ordinance declaring the City's election to receive state revenues for fiscal year 2009-2010.' There was no discussion and the motion passed unanimously.

3) Ordinance 600- Amend Municipal Code Ch. 4- Cross Connection Program:

Bob Cullen made a motion to adopt Ordinance 600, as presented. Dean Rhodes seconded the motion. Discussion- Jim Anderson said that he is in charge of the cross connection program for the City and this ordinance tightens up the timelines for compliance with installing a backflow device when a potential hazard is deemed to exist. Once a potential cross connection hazard is determined, the homeowner would have 30 days (current is 90 days) to get a backflow device installed. The extension period would be 5 days (current is 15 days). Diane Rinks read the ordinance by title only- 'An Ordinance Amending Ordinance 492 dealing with a Cross Connection Control Program'.

There was no more discussion and the motion passed, with Leah Harper voting nay.

Because this vote was not unanimous, it will come back before the Council at the next meeting for a second reading and vote.

11. ACTION ITEMS:

1) Establish City Administrator Evaluation Criteria:

Bob Cullen made a motion to adopt the attached City Administrator evaluation process. Dean Rhodes seconded the motion. Discussion- Leah Harper asked if Diane Rinks had set her retirement date yet, and Diane Rinks said no. Trena McManus will send out the evaluation to the Council and it needs to be returned by June 1 to allow time for compilation. Chris Pagella will assist (review) the compilation process. There was no more discussion and the motion passed unanimously.

2) Dayton IGA (Intergovernmental Agreement):

Bob Cullen made a motion to authorize the City Administrator to sign an Intergovernmental Agreement with the City of Dayton for the provision of providing certified operators for the City of Dayton's Wastewater and Water Systems, to be effective as of May 1, 2009 (through June 30), and may be extended at the City Administrator's discretion. Dean Rhodes seconded the motion. Discussion- Mayor Chris Heisler asked how much time this will

take for Jim Anderson and Roy Loftis to fulfill these duties. Diane Rinks said that it will probably not take more than a couple hours a month. It mostly involves paperwork. There was no more discussion and the motion passed unanimously.

12. DISCUSSION ITEMS:

1) Franchise Agreements:

Diane Rinks said that this was discussed at the last meeting and she was asked to put together some more information about the current franchises and what the requirements of the individual franchises are. Diane Rinks said that her recommendation is to ask PGE to present their franchise agreement because this is a long process and their franchise agreement expires in 2 years. She also recommended looking into crafting a telecommunications licensing ordinance that includes the right of way standards, privilege tax, and would be specific to phone, cable, TV, and internet.

The Consensus of the Council was to move forward with Diane Rinks' recommendation.

2) Charter Review:

Diane Rinks said that she would like the Council to consider changing one specific area of the charter. There are a few things that need to be fixed, but the current expenditure limit is restricting the City's ability to pursue grant opportunities as the charter requires a vote of the people before amounts over \$1 million dollars can be spent. Agencies aren't going to award grants (over \$1 million) to the City if it is contingent on a vote. She asked the Council to consider setting a debt limitation instead of an expenditure limitation.

She proposed having a public hearing on May 28, 2009 to discuss the amendments to the charter and give the public a chance to comment, and would like the amendments to be placed on the ballot in November 2009.

Leah Harper said that the residents were promised a charter review committee, so if that isn't going to happen, then it needs to be addressed with the citizens.

Nicholas Harris said that the reasons can be explained in the public hearing that the shortfalls need to be fixed now. A committee could be formed later to address other issues.

Chris Pagella said that he thinks the amendments at this point should be kept to the expenditure/debt limit issue.

Discussion ensued.

The Consensus of the Council was to set a public hearing for Thursday, May 28, 2009 at 6:30 p.m. at City Hall to discuss charter amendments.

Leah Harper said that two years ago, she received a copy of the City Administrator's job description and then got one a few months ago and a statement was removed from the job description about the Administrator's authority to terminate employees. The Charter states that an employee cannot be fired without Council approval and the most current job description states that the City Administrator can hire and discipline employees, up to and including termination. She questioned who changed the job description. Diane Rinks said that there may have been draft versions of the job description and she didn't know what versions Leah Harper had. Diane Rinks said that every termination has gone before the Council and no matter what the job description says, the Charter rules on the matter.

Diane Rinks said that she received a request from the City Attorney to allow them to attend all City meetings for a flat rate of \$250 per meeting to help them stay apprised of the issues facing the City. The Consensus of the Council was to not have the attorney attend all meetings.

3) Committees:

Leah Harper said that she would like to see a couple of committees started to encourage volunteerism (e.g. downtown beautification committee, library committee, etc.).

Diane Rinks pointed out the requirements of having official City committees (public notice, staffing, minutes, etc.) and that the Mayor has the right to appoint advisory committees to him, and report their findings back to the Council. The Consensus of the Council was to not appoint official committees at this time, since the Mayor has the authority to appoint advisory committees to him. Dean Rhodes asked that if the Mayor does appoint advisory committees that the Council is made aware of their existence.

4) Code Enforcement Ordinance:

Due to the late hour, this issue was not addressed at this meeting.

5) Mayor's page on website:

Mayor Chris Heisler said that he wanted to have a Mayor's page on the City website to post things like his newsletter, conducting citizen surveys, and posting committee openings. Bob Cullen said that his concern with

this is that the things that the Mayor posts on a city website reflect on the Council as a whole. Bob Cullen said that he would be opposed to having the Mayor have his own page on the City's official website. Dean Rhodes said that the newsletter that goes in the water bill should be written on behalf of the Council as a whole (not just from the Mayor), because a City resource is being used to distribute it. Due to the late hour, this discussion item was tabled and will be placed on the next Council agenda for further discussion.

6) Schedule 2nd Goal Setting Session:

The Council agreed to hold the 2nd goal setting session on Thursday, June 4, 2009, 6:30 p.m. at Lafayette City Hall.

13. COMMITTEE REPORTS:

None.

14. MAYOR'S REPORT:

None.

15. REVIEW OF HANDOUT MATERIAL:

None.

16. ADJOURNMENT:

Bob Cullen made a motion to adjourn. Nicholas Harris seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 10:06 p.m.

Minutes approved on this 11th day of June, 2009.

APPROVED:

ATTESTED:

Mayor Chris Heisler

Diane Rinks, City Administrator