

City of Lafayette
City Council Meeting Minutes
June 11, 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, Michael Roberts and Chris Pagella.

Absent: None.

City Staff Present: Diane Rinks- City Administrator, Trena McManus – Asst. to the City Administrator (arrived late at 7:45 p.m.).

Others: Mary Heisler, Beth Pagella, Suzi Lorence, Angela Flood, Darrell Flood, Don Leard, Patricia Rhodes, Donald Hughes, Chris Harper, Linda Lyon, Al LeMay, Nicole Montesano- News Register, Tim Hamel, Duke Holderbee, and approximately 2 others.

4. APPROVAL OF MINUTES:

Dean Rhodes said that he had a couple of suggested changes to the minutes. Under presentations, he asked for a clarification on the sentence that read- 'He agreed with purchasing banners and flowers that would be placed on City property.' Councilor Harris made that statement. Also, he wanted the record to reflect that he (Councilor Rhodes) objected to considering the proposal at that meeting since it was not on the agenda.

Leah Harper said that she would like the sentence that reads (page 4, Charter review)- '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 free money can be spent' to be clarified. The sentence will be changed to read '...before amounts over \$1 million dollars can be spent.'

Dean Rhodes made a motion to approve the May 14, 2009 minutes, as amended. Nicholas Harris seconded the motion. There was no more discussion and the motion passed unanimously.

5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:

1. May 28, 2009- Michael Roberts made a motion to approve the May 28, 2009 minutes as presented. Chris Pagella seconded the motion. There was no discussion and the motion passed unanimously.

6. ADDITIONS AND DELETIONS:

Diane Rinks said that she would like to add Action Item #3- Rescheduling Goal Setting Session and Action Item #4- Addition to contract with Kizer Excavating (well contract).

There were no other additions or deletions.

The Sheriff's report was moved to this point of the agenda by Mayor Heisler.

9. DEPARTMENTAL REPORTS:

5) Sheriff's report:

Sergeant Steve Warden said that the Sheriff's Office recently did a "crosswalk sting" in Lafayette and it was very successful. Most people only received warnings, but it was a great opportunity to educate drivers on the importance of crosswalk safety.

Bob Cullen asked if the pedestrian has to be in the crosswalk before a driver is required to stop and Sergeant Warden said that the pedestrian has to make a 'gesture' to initiate crossing the street before the driver is required to stop.

Linda Lyon, 1143 N. Madison St.- asked about a blue truck that has been parked in front of Little Learners on Third Street for 2 weeks now. Diane Rinks said that she has asked Deputy Donahoo to look into this, but hasn't heard what he has found out yet.

Citizen Input was moved to this point of the agenda.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Tim Hamel, 214 W. 2nd Place Circle- said that he is the cub master for the Cub Scout troop in Lafayette and the troop is going to be having 'Cub Scout Days' on Sat. June 27, 9 a.m. – 3 p.m. at the Community Center. They are going to be making signs advertising this event and they wanted to know if they could put signs in the flag pole holders along Third Street. Diane Rinks said that ODOT would need to be contacted, since it is a state highway.

- Linda Lyon, 1143 N. Madison St.- said that she wanted to thank Jim Anderson for getting the inmates to clean out the flower beds. She also wanted to thank Trena McManus for ordering the banners for Third Street and for reimbursing the citizens for the flowers/mulch for the City's flower beds. Linda Lyon said that she has gotten calls from all over the County saying how nice Lafayette looks. She said that she is starting a beautification committee, so if anyone is interested in joining, please contact her. The Lafayette entrance signs need to be repainted.

7.a. PRESENTATIONS:

None.

7.b. PUBLIC HEARINGS: FY2009-10 Budget-

Mayor Chris Heisler opened the public hearing at 6:55 p.m. Diane Rinks said that the budget that is being presented tonight is what was approved by the budget committee. The total appropriations amount to \$7,561,589, which includes \$1,245,245 of transfers. Diane Rinks pointed out on page 21, line 2 (in the adopted 2008-09 column), the \$30,000 was reflected twice (on line 2 and 3), so line 2 has been changed to zero.

Chris Harper, 241 E. 16th St.- asked about the \$800,000 increase in capital outlay, listed on the LB-1 form, line 3. Diane Rinks said that the increase is because of the chance that the City might receive stimulus funds to replace the transmission line (from the watershed into town). We have since found out that the City did not receive those stimulus funds. Chris Harper asked if this will stay in the budget since the City didn't receive the stimulus funds. Diane Rinks said that it will stay in the budget. Since the funds weren't received, then the project won't be done.

Donald Hughes, 1426 N. Madison St.- asked if other cities have this same practice of budgeting for funds that aren't guaranteed. Diane Rinks said yes. Preparing a budget for 18 months into the future is all projections and educated 'guesses'.

Al LeMay, 1155 N. Madison St.- said that he noticed that there were quite a few transfers proposed to the City Hall fund and \$15,000 budgeted in the City Hall Fund for Miscellaneous Contractors. He wondered why the City wasn't paying off debt instead. Diane Rinks said that there is a wastewater loan that is being paid off. The \$15,000 for Miscellaneous Contractors may be used to hire a consultant to help determine what type of building the City is looking for in a City Hall/Fire Station, if the Council decides to pursue this.

Mayor Chris Heisler said that the different options were looked at and it was a priority to put money into parks, because there was the opportunity to match the City money with SDC funds to maximize the projects that could be done.

The public hearing was closed at 7:10 p.m.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Diane Rinks said that the City has received a \$94,000 ODOT Stimulus Grant for the Bridge/Washington Street project. The intergovernmental agreements for this grant money are being drafted now (by ODOT). The project should go out to bid in the next couple weeks, and the Council will be asked to meet on July 23 to award the contract, and hopefully construction will begin around August 1. There was some discussion about the bidding process. The well project is progressing, and start up is scheduled for June 22.

Diane Rinks asked to be excused from the July meeting, so she can attend the OCCMA (Oregon City/County Management Association) Conference.

The consensus of the Council was to excuse Diane Rinks from the July Council meeting.

2) Accounts payable report:

Leah Harper said that the attorney bills and payroll check register was not included in the packet.

3) Public Works report:

Chris Pagella said that he wanted to thank Jim Anderson for adding more detail to his report to be more reflective of what the department is doing.

Al LeMay, 1155 N. Madison St.- said that at the last Council meeting there was some concern about taking measurements in the wells, and wanted to know if there is data available on the well levels now. Diane Rinks said that the wells are turned on in late spring and are turned off when the springs have picked up enough

(usually in January-March). The readings that were presented at the last meeting were to show yearly trends of what the well levels start at in the spring and what level they finish at when they are turned off in the winter. Darrell Flood, 287 Canyon View Dr.- asked if the aquifer recovery in effect and wanted to know if it is working. Diane Rinks said that this project (ASR) is still in the licensing/permit phase, and has not been built yet. Diane Rinks said that the new pump was installed at the Canyon View Lift Station, but a component was bad in the pump. It has now been fixed and the new pump is up and running.

4) Fire Department report:

Chris Harper, 241 E. 16th St.- said that the night of the storm, the Fire Department was all over town helping out wherever needed. They helped clear trees out of the streets, and he wanted to thank them for all of their efforts.

10. LEGISLATIVE ACTIONS:

1) 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. Diane Rinks read the ordinance by title only- 'An Ordinance amending Ordinance 492 dealing with a cross connection control program.' Discussion- Leah Harper asked if staff can act immediately if there is an emergency, and Diane Rinks said yes. Leah Harper asked why this is being dealt with if there haven't been issues with this, and Diane Rinks said that after Jim Anderson took his recertification class, he realized that the City's timelines were unrealistic. There was no more discussion and the motion passed unanimously.

2) Resolution 2009-06- Adopt 2009-10 Budget:

Bob Cullen made a motion to adopt Resolution 2009-06, as presented. Dean Rhodes seconded the motion. Discussion- Leah Harper verified beginning cash balances on the various funds. There was no more discussion and the motion passed unanimously.

3) Resolution 2009-07- Adopt Western Oregon Waste Rate Schedule:

Dean Rhodes made a motion to adopt Resolution 2009-07, as presented. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

4) Resolution 2009-08- CIS Volunteer Election Form:

Michael Roberts made a motion to adopt Resolution 2009-08, as presented. Dean Rhodes seconded the motion. There was no discussion and the motion passed unanimously.

5) Resolution 2009-09- Budget Transfer:

Dean Rhodes made a motion to adopt Resolution 2009-09, as presented. Michael Roberts seconded the motion. The engineering on the Bridge/Washington St. project has exceeded what was anticipated, so a \$5,000 transfer to cover those additional costs is being proposed. There was no discussion and the motion passed unanimously.

11. ACTION ITEMS:

1) Approve Planning Services contract with MWVCOG:

Michael Roberts made a motion to authorize the City Administrator to sign the Intergovernmental agreement with the Mid-Willamette Valley Council of Governments for planning services from July 1, 2009 through June 30, 2010. Nicholas Harris seconded the motion. Discussion- Mayor Chris Heisler said that the Council of Governments is proposing a rate increase from \$74 to \$75 per hour. Chris Pagella asked if this rate increase could be challenged due to the current economic situation. Diane Rinks said that as long as the adjustment is reasonable, there really aren't any grounds to challenge it. This is a very small increase. There was no more discussion and the motion passed unanimously.

2) City Administrator Recruitment Services Contract:

Michael Roberts made a motion to authorize the Mayor to sign an agreement with the Council of Governments for City Administrator Recruitment Services, for a cost of \$5,200, plus advertising costs. Dean Rhodes seconded the motion. Discussion- Chris Pagella said that the Council doesn't have a resignation from the current administrator yet, so he is hesitant to begin searching for a new administrator. Diane Rinks said that she doesn't have an exact date yet, but she plans on retiring no later than December 15, 2009. The reason it is not definite yet is that she would like to be able to see the pending litigation with HBH Engineering, through the trial. Mayor Chris Heisler asked if Diane Rinks would be willing to be paid as a consultant, if needed, for the trial, and Diane Rinks said yes. Chris Pagella said that he would like to have the resignation in writing.

Chris Heisler asked if there will be citizen input on the process for hiring a new administrator, and Diane Rinks said that it will be up to the Council to decide on the process.

Darrell Flood, 287 Canyon View Dr.- said that \$5,200 seems like a lot of money to pay for an administrator search. He suggested having a citizen committee do the recruitment. He also said that \$375 is a lot to pay for a background check.

Al LeMay, 1155 N. Madison St.- asked if this will be a full time, permanent position, and Mayor Chris Heisler said yes. The term of the contract will be negotiated at the appropriate time.

There was no more discussion and the motion passed unanimously.

3) Reschedule Goal Setting Session:

The Goal Setting Session was rescheduled for Thursday, June 25, at 6:30 p.m. The previously scheduled goal setting session on June 4, 2009 was postponed due to a thunderstorm and power outage.

4) Change Order to Kizer Excavating Contract:

Diane Rinks said that there are some inaccuracies with the metering in the watershed. Tracking the flows that are coming into the distribution system and comparing that to the usage that is being billed out to customers is important to determine how much water loss is occurring in the distribution system. The current meter has been calibrated and it has been determined that the type and age of the meter is not appropriate to gauge the lower flows. There is a new type of meter available that will record the lower flows and provide more accurate data. Diane Rinks is recommending that the Council authorize a change order to have a meter installed in the watershed, as part of the well construction contract in the Dayton wellfield to save money. New pipe will also have to be installed to fit the new meter, so the total cost for doing this project would be \$15-18,000.

Discussion ensued.

Michael Roberts made a motion to authorize the City Administrator to add the piping for the new meter in the watershed to the Kizer Excavating contract. Nicholas Harris seconded the motion. There was no more discussion and the motion passed unanimously.

A 5-minute break was taken at 8:19 p.m. The meeting was called back to order at 8:26 p.m.

12. DISCUSSION ITEMS:

1) Mayor's page on website:

Mayor Chris Heisler said that he is not looking to put a Mayor's page on the City website at this time.

Dean Rhodes said that he has some concerns with the Mayor's newsletter. He recommended creating a Council page on the website that includes the newsletter that goes in the water bill, and the newsletter should be approved by the Council and have input from all the councilors. The page should also have email links available to the residents. Dean Rhodes said that the newsletter should reflect a voice of the Council, not a voice on the Council.

Leah Harper said that she thinks that the newsletters that go out do a great job of informing the residents of what is going on. She thinks it's ironic that Dean Rhodes wants to approve the Mayor's newsletter, but opposed having the Mayor approve the agenda, which is the "people's" business, before it went out.

Darrell Flood, 287 Canyon View Dr.- said that other cities have council pages on the City website, where each councilor can provide a 'bio', contact information and pictures.

Al LeMay, 1155 N. Madison St.- asked who maintains the City website, and Trena McManus said that city staff does (Jamie Rhodes). Al LeMay said that the April Council minutes have not been posted yet.

Mary Heisler, 1407 N. Madison St.- said that she thinks that providing a Council page with email links is a good idea.

Chris Pagella said that he doesn't think that the Mayor's newsletter should be approved by the Council. We all have different opinions and speak with different people in town. He doesn't think that we should take away each other's (Council) right to differing opinions or different perspectives on things of focus.

Bob Cullen said that the newsletter sends a divisive message to the community when specific votes are given, with no explanations why people voted the way they did.

Leah Harper asked if the votes that the Council takes at the meetings could be posted, and Diane Rinks said that they are reflected in the minutes, and they are posted. Discussion ensued.

Mayor Chris Heisler asked if this issue is coming down to the resources that are being expended, because if it is, he would be happy to pay for the resources use. Mayor Chris Heisler said that he was not elected to be the Mayor of the Council, he was elected to be the Mayor of the citizens.

Darrell Flood, 287 Canyon View Drive- said that the Mayor's newsletter is a one page newsletter, and it would be difficult to provide all of the information the Council is talking about. It is important for the citizens to be informed.

Nicholas Harris said that the venue for discussions and differing opinions is in the Council meetings, but once decisions are made and people leave the room, the Council should support the decisions that are made. Mayor

Chris Heisler said that he has a fundamental disagreement with Councilor Harris as to what government is. Discussion ensued.

Dean Rhodes made a motion that any future newsletters that will be sent out using City resources receive Council approval, so the Council can have input into the content, and asked City staff to create a Council page. Bob Cullen seconded the motion. Discussion- Leah Harper said that if the Mayor still wants to write a newsletter, she will hand deliver it. Chris Pagella said that this motion is dealing with two separate issues. Al LeMay, 1155 N. Madison St.- said that he thinks the two subjects in the motion should be handled separately. Michael Roberts said that he feels that the Mayor's newsletter is an opinion based letter. There was no more discussion, the Council was polled, and the motion passed with Michael Roberts, Bob Cullen, Dean Rhodes, and Nicholas Harris voting aye, and Chris Pagella and Leah Harper voting nay.

Patricia Rhodes, 621 E. 13th Place- said that Councilor Harper said she will hand deliver the Mayor's newsletter and wanted to know if everyone in town will receive the newsletter or only specific people. Leah Harper said that it depends on how many copies the Mayor prints out.

2) Charter Review:

After the discussion at the last meeting, Diane Rinks said that she has done further research to come up with a proposal for the Council.

Her proposal included the following: Limiting debt should not be limited to "bonded debt". However, if that is the case, she recommended leaving the limit at the \$1M originally discussed. You cannot have the \$1 limit because you would not be able to incur month to month charges on supplier accounts, etc.

Limitations on either spending or debt should only be in place for major infrastructure projects. Councils cannot be restricted from making the decisions concerning on-going maintenance and operations needs that they are elected, and obligated, to make. That applies to replacing water mains, doing road improvement projects, replacing a fire engine or whatever. Therefore, the minimum limitation, if it will apply to "any debt" should be at least \$1M.

If there is still the desire to keep some sort of "spending" limit, there is the possibility of wording it so that only non-grant money is counted in the limit, and she recommended keeping the higher amount of \$1M. At the point in the process that a vote would need to happen, all that will be available will be a "ballpark" cost estimate of the project. In discussing this with the City Attorney, the issue of the timing of such an election still was troublesome but I think with additional thought we may be able to come up with language that would allow an "up front" approval. An interpretation of the current language could require a vote to incur the obligation of the initial debt as well as a second vote to enter into a construction contract, for example.

Diane Rinks said that she recommends that the spending limit in the charter be changed to a debt limit.

Chris Pagella made a motion to direct staff to work with the City Attorney to keep the spending limit in the charter, but add an exception for the expenditure of grant funds. Nicholas Harris seconded the motion.

Discussion- Bob Cullen said that he wanted to point out that this is counter to the staff recommendation. After some discussion, the motion failed, with Chris Pagella and Leah Harper voting aye and Michael Roberts, Bob Cullen, Dean Rhodes, and Nicholas Harris voting nay.

Michael Roberts made a motion to direct staff to work with the City Attorney to change the spending limit in the charter to a \$1 million debt limit. Bob Cullen seconded the motion. Discussion- Diane Rinks clarified that this would apply to all debt, and the Council concurred.

There was no more discussion and the motion passed, with Bob Cullen, Michael Roberts, Dean Rhodes, and Nicholas Harris voting aye, and Chris Pagella and Leah Harper voting nay.

13. EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (2) (i) re: to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Trena McManus said that the Lafayette City Council will now meet in executive session for the purpose of reviewing and evaluating the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing, consistent with ORS 192.660(2)(i). 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.

The Council went into executive session at 9:23 p.m.

The Council returned to open session at 9:44 p.m.

14. COMMITTEE REPORTS:

None.

15. MAYOR'S REPORT:

None.

16. REVIEW OF HANDOUT MATERIAL:

None.

Michael Roberts suggested that the City pay for a BBQ for the Fire Department and Public Works (and their families) as a thank you for all that they do. Staff will talk to the Fire Chief to coordinate a BBQ event.

Nicholas Harris said that he would like to see a charter review committee started. Diane Rinks said that she would suggest waiting to start this committee until after the new administrator is on board. Dean Rhodes suggested that we could at least advertise and begin collecting applications now.

17. ADJOURNMENT:

Bob Cullen made a motion to adjourn. Dean Rhodes seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:53 p.m.

Minutes approved on this 9th day of July, 2009.

APPROVED:

ATTESTED:

Mayor Chris Heisler

Diane Rinks, City Administrator