

**City of Lafayette**  
**City Council Meeting Minutes**  
**March 12, 2009**  
**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:** 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 (excused).  
*City Staff Present:* Diane Rinks- City Administrator, Trena McManus – Asst to City Administrator  
*Others:* Chris Harper, Nicole Montesano- News Register, Beth Pagella, Mary Heisler, Suzi Lorence, Darrell Flood, Angela Flood, Ron Huntley, Richard Dow, James Davidson, Wes Dennis, Elizabeth Dennis, Marian Chasse, Tim Hamel, Patricia Rhodes, Trevor Higby, Jim Anderson, Sergeant Steve Warden, Deputy Jeff Donahoo, Deputy Tim Casey, Deputy Angie Elder, and approximately 3 others.
- 4. APPROVAL OF MINUTES:**  
Chris Pagella made a motion to approve the February 12, 2009 minutes as presented. Dean Rhodes seconded the motion. There was no discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**  
**Town Hall Meeting February 10, 2009.**  
Dean Rhodes made a motion to approve the Town Hall meeting minutes of February 10, 2009, as presented. Leah Harper seconded the motion. There was no discussion and the motion passed unanimously.
- 6. ADDITIONS AND DELETIONS:**  
Diane Rinks said that she has some additional information to present regarding the stimulus package, and she will just incorporate it into her report under agenda item 9(1).  
There were no other additions or deletions.
- 7. PUBLIC HEARINGS: None.**
- 8. CITIZEN INPUT ON NON-AGENDA ITEMS:**  
None.
- 9. DEPARTMENTAL REPORTS:**
  - 1) City Administrator report:**  
Diane Rinks said that she was asked to give a brief overview of the City's financial position. The City of Lafayette is financially healthy given the current condition of the economy.  
The LUBA Appeal filed by Intervenor Carol Paddock is due for a response (from LUBA) by March 19.  
The attorneys for HBH Engineering have responded to the City's claim seeking damages as a result of negligence on the part of HBH Engineering during design and construction of the wastewater treatment plant. The City's attorney have asked HBH's attorney to resubmit their findings, because they did not meet the legal requirements for the answer to the claim.  
Diane Rinks said that one of the tasks of developing an agra-business plan for Yamhill County is compiling the infrastructure needs of all the cities to address commercial development. Diane Rinks put together a list of projects from the transportation system plan and the water master plan that would be necessary before commercial development would be feasible.  
Diane Rinks said that Trena McManus was not at the last Council meeting, because she was attending the CIS (City/County Insurance) Conference, and learned that CIS is forecasting a 15% increase in health benefit costs this next year.  
Chris Pagella said that the City is spending a lot of money on the attorneys in regards to the LUBA Appeal. He asked if this is out of the ordinary to spend this much on attorneys in a matter like this. Diane Rinks said no- it is a very expensive process and they have dealt with two appeals on this one case. Discussion ensued.  
  
Diane Rinks said that she got some additional information from OECD D about the stimulus package that is coming up. The total allotment for cities in Oregon is \$28.5 million, and there is a chance that the City could get

a \$4-5 million dollar grant, or some 1% loan money to do a drinking water infrastructure improvement project in the City. Diane Rinks said that she had submitted a letter of interest to OECD D specifying two major projects- replacing asbestos water transmission lines and building a new water reservoir back in February. Those projects now qualify, so an application can be submitted for these stimulus funds. However, OECD D has already gotten applications that total over \$250 million. The federal government has put very strict timelines in place, and it will be a challenge to meet those deadlines for engineering (making the project "shovel ready"). If there is a 'match' requirement on the grant, the City could afford about \$500,000 to put towards a major project. Discussion ensued.

Chris Pagella how much it would cost to prepare the grant application. Diane Rinks said that it may cost a few hundred dollars to prepare. She would need to sit down with the City Engineer and work through some projected timelines to see if they would be feasible, and update some cost estimates.

The consensus of the Council was to have the City Administrator proceed with preparing a grant application for the federal economic stimulus funds authorized in the American Recovery and Reinvestment Act (ARRA) of 2009 and allocated through the Oregon Safe Drinking Water Revolving Loan Fund (SDWRLF).

Nicholas Harris said that there may be other opportunities for cities to apply for stimulus funds and he wondered if there are any other projects in the City that we could get 'shovel ready' in case this opportunity comes up. Diane Rinks said that it would be cost prohibitive to do that because design costs are tens of thousands of dollars. The City can apply for some grant opportunities based on preliminary estimates listed out in the City's CIP (Capital Improvement Project) list.

**2) Accounts payable report:**

There were no questions on this report.

**3) Public Works report:**

There were no questions on this report.

**4) Fire Department report:**

There was no discussion on this report.

**5) Sheriff report:**

Sergeant Steve Warden introduced Deputies Casey, Donahoo, and Elder to the Council and audience. These deputies are the main ones assigned to the Lafayette area. The deputies have been making a concerted effort to deal with curfew violations, vandalism, and graffiti. It is important to notify the police when someone is victimized with graffiti, so they can take pictures and file a report on it. After the police have responded, it should be cleaned up as soon as possible.

*Mayor Heisler moved agenda items 11(1) and (2) to this point of the agenda.*

**11. ACTION ITEMS:**

**1) Appointment to Planning Commission:**

Trena McManus said that Angela Flood has requested that her name be removed from consideration for both the Planning Commission and Budget Committee Appointments. Trevor Higby has also submitted a request to have his name removed from the Planning Commission considerations and be considered for Budget Committee instead.

Mayor Chris Heisler thanked everyone who applied and had each applicant stand up and introduce themselves. Ron Huntley, 579 6<sup>th</sup> Street- said that he is a builder and a developer, and wants to volunteer his time and be a part of the community.

Marian Chasse, 218 W. 15<sup>th</sup> Street- said that she has seen the town grow dramatically, and she has a background in project management (IT Systems).

Richard Dow, 876 11<sup>th</sup> Ct.- said that he has lived in Lafayette for 10 years, and has a background in retail management. He is semi-retired and has some time to volunteer and would like to help in any way he can.

Chris Heisler asked each candidate if they have volunteered previously and Marian said not in an official capacity. Richard Dow said that he has served on the Rotary Club, helped out with the KOB (Kids on the Block) program in McMinnville, and volunteered with Juliette's House.

Ron Huntley said that he has been very active with Boy Scouts in the past.

Mayor Chris Heisler said that he would like to appoint Marian Chasse to the Planning Commission.

Dean Rhodes made a motion to accept the Mayor's appointment. Chris Pagella seconded the motion.

Discussion- Chris Pagella thanked all of the applicants for applying, and Mayor Chris Heisler encouraged them to apply for other committees. The rest of the Council concurred. There was no more discussion and the motion

motion passed unanimously.

## **2) Appointments to Budget Committee:**

Mayor Heisler asked the Budget Committee applicants to introduce themselves.

Trevor Higby, 1145 N. Jefferson St.- said that he has a bachelors degree in accounting, and an MBA (Masters in Business Administration). He also previously served in the military. He is the owner of 2 hospice facilities.

Trevor Higby said that he is looking to get involved in the community, and wants to help keep the City moving forward.

Mayor Chris Heisler said that he would like to appoint Trevor Higby to the Budget Committee, with a term to expire December 31, 2011. Dean Rhodes made a motion to accept the Mayor's appointment. Leah Harper seconded the motion. There was no discussion and the motion passed unanimously.

The other applicants, Jean Mead and Matt Smith, were unable to attend the meeting.

Mayor Chris Heisler said that he would like to appoint Jean Mead to the Budget Committee, with a term to expire December 31, 2011. Dean Rhodes made a motion to accept the Mayor's appointment. Chris Pagella seconded the motion. There was no discussion and the motion passed unanimously.

## **10. LEGISLATIVE ACTIONS:**

### **1) Resolution 2009-03- Adopt Amended Council Rules:**

Mayor Chris Heisler said that his goal is to allow more citizen input throughout the Council meetings. He said that he has some further amendments to the Council rules that he would like the Council to consider. He read the memo that he prepared for the Council and said that it is common practice in many cities for the Mayor to have oversight and discretion when it comes to the preparation of the Council meetings and agendas. This practice is supported by the League of Oregon Cities. Also, according to the League of Oregon Cities, Council meetings exist for the purpose of doing the Council's business. A Council's primary responsibility is not just to make policy or do a "thumbs up or thumbs down" on agenda items. It is to determine and achieve the citizens' desires for the community's future. If we as a Council are to be leading our City and community, we must ensure that we are conducting the people's business and addressing concerns brought to us by, or for the people of Lafayette. Oversight of our meeting agenda is key if we are to lead properly. He proposed that the Council rules regarding meeting agendas be changed to state that the Mayor will give approval of the agenda prior to it being finalized, with the Council President having approval rights in the Mayor's absence. He also said that he would like to see each Council member receive a copy of the agenda prior to it being finalized.

There was some discussion about the Mayor's proposal to be the one to approve the agenda before it is finalized. Nicholas Harris said that if it is going to be approved, then the draft should be sent out the Thursday before to allow time to prepare packets, and it should go to the whole Council, not just one person. Dean Rhodes said then that would constitute a meeting, and that isn't allowed. Dean Rhodes called for a point of order and stated that the item on the agenda is to consider Resolution 2009-03, and that should be dealt with first, and then consider the Mayor's proposal separately. Chris Pagella said that he thought the Council should discuss the Mayor's changes before this resolution is adopted.

Dean Rhodes made a motion to adopt Resolution 2009-03, as presented. Nicholas Harris seconded the motion. Discussion- Leah Harper said that when the Council met last, the Council was trying to make the meetings more audience friendly, and she didn't realize where these proposed changes came from. Leah Harper said that Section 5.1 should still allow citizens to place items on the agenda. Chris Pagella said that the Council rules should be consistent with the City's mission statement and goals. Discussion ensued.

Dean Rhodes amended his motion to adopt Resolution 2009-03, with the following amendment; change section 5.1 back to the way it was and read "The City Administrator, Mayor, council members, or the public may request that a matter be placed on the agenda". Nicholas Harris seconded the motion. Discussion- Mayor Chris Heisler said that this change still does not address the final approval of the agenda. Bob Cullen said that the process of the Mayor alone having final approval of the agenda isn't conducive to the Council as a whole (or the City Administrator or the public) being able to have input on the agenda. Dean Rhodes called for a point of order and suggested that the Council decide on the motion that is on the floor. Chris Pagella said that he doesn't think that these changes are right. Discussion ensued.

The motion passed with Bob Cullen, Nicholas Harris, and Dean Rhodes voting aye, and Leah Harper and Chris Pagella voting nay.

*Mayor Heisler moved agenda items 12(5) and (6) to this point of the agenda.*

## **12. DISCUSSION ITEMS:**

### **5) Code Enforcement Issues:**

Leah Harper asked Sergeant Warden to explain the process in dealing with a nuisance property. Sergeant Warden said that it depends on the part of the code is being enforced. For example, if a tall grass complaint is received, then contact is made with the owner, and they are given a certain amount of time to cut their grass. If

they refuse to comply, then the City can go through the abatement process and charge the property owner the cost to abate the property. If the complaint is about a property that is an eyesore and it is someone's opinion that it is uninhabitable or unlivable, then you get into some pretty significant legal battles that can go on for months or years.

Sergeant Warden said that complaints can be initiated through City Hall or through the YCOM dispatch center. Sergeant Warden said that the code enforcement officer is also a fully sworn police officer, so he deals with code violations, initiates other violations that he sees, does traffic enforcement, handles criminal cases, and backs up other deputies in the County as needed.

Leah Harper asked if there is a report that is filed when a deputy makes contact with someone on a code issue. She asked how she would know if a deputy has had contact with someone. Sergeant Warden said that when a deputy receives a complaint, they draw a case number, and the findings on the complaint and outcome are recorded in their computer system.

Diane Rinks said that the City tracks the ordinance violations that are received and the dates that warning letters are sent, abatements are initiated, when contacts are made, etc.

Leah Harper said that her understanding is that the City can abate a property or fine a person for not complying with the code. She wanted to know if there are other things that can be done to get compliance with the code. Sergeant Warden said that larger cities do abate properties, put a lien on the property, foreclose and seize the property. This is a very expensive and lengthy process. Diane Rinks said that the City does utilize the abatement process and have done that quite a few times in the past. Discussion ensued.

Mayor Chris Heisler said that the code is not as aggressive as it could be in order to deal with the issues that Leah Harper referred to.

## **6) Graffiti Removal:**

Nicholas Harris said that he requested that this item be placed on the agenda because he would like to see a timeline put in the code for removing graffiti. There was some discussion on what an appropriate timeline would be (10, 30, 60 days, etc.).

Jim Davidson, 469 Monroe St.- said that it is not right to penalize innocent people for not removing graffiti. A lot of people don't have the means to clean it up. He questioned how the City would enforce the cleanup of Verizon's phone boxes that have been vandalized, elderly people who aren't able to do it themselves, or people that just don't have the money to fix it.

Darrell Flood, 287 Canyon View Dr.- said that he agrees with Jim Davidson. It is not right to penalize the victim. 10 days is too short of a period to expect people to clean it up. 30 days would be more reasonable.

Suzi Lorence, 346 E. 16<sup>th</sup> St.- said that she was told that it shouldn't be covered up until the police department comes out to gather information about the vandalism. Sergeant Steve Warden said that the police department will come out and take pictures of the graffiti and make a report of the damage, but that can be done within a day.

Patricia Rhodes, 621 E. 13<sup>th</sup> Place- said that she has a concern with giving people 30 days or longer to clean up graffiti. It needs to be taken care of immediately to send a message to the vandals that this type of activity isn't acceptable in the community.

Trevor Higby, 1445 Jefferson St.- offered to purchase a pressure washer that citizens can borrow to clean up graffiti if they need it.

Discussion ensued.

Nicholas Harris made a motion to direct staff to prepare an ordinance that amends the code and sets a timeline of 30 days for the removal of graffiti. Dean Rhodes seconded the motion. Discussion- Mary Heisler, 1407 Madison St.- questioned whether 30 days is the right timeline for graffiti removal. There was no more discussion and the motion passed unanimously.

## **11. ACTION ITEMS:**

### **3) City/County Dinner:**

Trena McManus said that she has been looking at two different venues to hold the City/County Dinner that Lafayette will be hosting on April 16, 2009. The Vista Hills Winery 'Treehouse' gave a quote of over \$2,000 for use of their facility. The other location is the Abbey Road Farms Agrivino Event Center, and they will rent the facility for \$800. Chris Pagella made a motion to direct staff to move forward with planning the City/County Dinner at the Abbey Road Farms Agrivino Event Center for a rental price of \$800. Nicholas Harris seconded the motion. There was no discussion and the motion passed unanimously.

### **4) Schedule Goal Setting Session:**

The Council discussed scheduling a goal setting session, and decided on Saturday, April 4, 2009 from 9:00 am to 1:00 pm, with the Council of Governments facilitating the session.

## 12. DISCUSSION ITEMS:

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

Trena McManus said that this is just a reminder to everyone to look for a Statement of Economic Interest in the mail within the next couple weeks. This statement must be filled out and mailed (pursuant to ORS 244.050) by April 15, 2009. There is also a quarterly statement that must also be filled out by the same deadline. She asked the Council to let her know if they haven't received their forms by the end of March, so she can contact the Ethics Commission.

A 5-minute break was taken at 9:04 p.m. The meeting was called back to order at 9:13 p.m.

Mayor Chris Heisler said that Boy Scout Troop Leader Tim Hamel has asked if he could address the Council about some upcoming Boy Scout events.

Tim Hamel, 214 2<sup>nd</sup> Place Circle- said that he wants to generate more interest for boys to join Boy Scouts, and get more involved in service projects (scouting for food, goodwill donations, assist with Fire Department breakfast, Christmas tree recycling, etc.). He said that they would be glad to help out with covering up graffiti or other service projects that need to be done around town. He said that he would also like to have an event called "Boy Scout Days" to generate more interest in boy scouts.

### 2) Trip Log for City Vehicles:

Diane Rinks said that she has asked Public Works to begin keeping trip logs in their vehicles. Diane Rinks showed the Council an example of the new books that are now being kept in the vehicles. She also provided the Council with a copy of the fuel log that has been and will continue to be used and kept at the pumps. Chris Pagella said that this is a great starting point and asked that this information be kept in a file for review when requested.

### 3) Language Change to Citizen Input Section of Agenda:

Leah Harper said that she would like to see the Citizen Input section of the agenda changed. It is not very welcoming and she would like it to be more citizen friendly. Leah Harper's suggestion was as follows: Welcome! The purpose of this time period is to allow citizens to address the Council on matters related to City government that are not necessarily on the meeting agenda. If you desire to speak on any non-agenda item, please raise your hand to be recognized by the Mayor. We request that all persons addressing the Council will stand and state their name and address for the record. All testimony is electronically recorded. Public participation is encouraged. If you wish to address the Council throughout the meeting on specific agenda items, wait for that agenda item to be called by the Mayor, and raise your hand to be recognized. In the essence of time, a time limit of 5 minutes per citizen shall apply, unless the Mayor decides to allocate more or less time. The total citizen comment time shall not exceed 30 minutes unless the Council votes to suspend the rules.

Dean Rhodes said that he liked Leah Harper's suggestion, but he suggested adding a line that states that the Mayor retains the authority to maintain proper Council meeting courtesy.

The consensus of the Council was to change the citizen input section of the agenda as Leah Harper suggested with a sentence added that states that the Mayor has the authority to maintain proper Council meeting courtesy.

Darrell Flood, 287 Canyon View Drive- said that on Leah Harper's suggestion to change the wording on the citizen input section of the agenda, there is nothing mentioned about the City Council not making a decision at that time, and he appreciates that restriction not being in place.

Mayor Chris Heisler wanted to revisit his memo regarding his proposed changes to the Council Rules (Mayor having final approval of the agenda). Mayor Chris Heisler said that the point of this is to have a look at the agenda before it is final so the Council can be sure that everyone's requests to have an item placed on an agenda are being addressed, or put on a subsequent agenda, and if not, then the Council understands why.

There was further Council discussion on this matter.

Trena McManus said that she hoped that the Council's expectation of staff would be that if an item didn't make it on the next agenda for some reason, that the reason why would be communicated to the person who requested it.

Chris Pagella said it should be the Council's expectation of staff if we are going to be a team. That expectation should be included in section of 5.1 of the Council rules.

Chris Pagella made a motion to direct staff to prepare a resolution amending section 5.1 of the Council rules to state that if an agenda item is requested to be placed on an agenda and for some reason the staff isn't able to fulfill that request, then the reason why will be communicated to the person who requested it. Leah Harper seconded the motion.

Discussion- Dean Rhodes said that he doesn't see what problem this is addressing. Chris Pagella said that he wants the opportunity to find out why 'his' agenda item might not make it on a certain agenda. Discussion ensued.

Darrell Flood, 287 Canyon View Drive- suggested that any agenda requests be made to the Mayor or City Administrator. When the Mayor goes to finalize the agenda, and the Administrator hasn't put someone's request on the agenda, then the Mayor could discuss it with the Administrator. Mayor Chris Heisler said that he is not interested in being responsible for other people's agenda items.

There was no more discussion and the motion passed unanimously.

**4) Parks Proposal and Discussion:**

Due to the late hour, this agenda item was postponed until the next meeting, April 9, 2009.

**13. COMMITTEE REPORTS:**

None.

**14. MAYOR'S REPORT:**

Mayor Chris Heisler said that he would like to request that staff update the Council (via email) on the Action Items that result from the Council meetings within a reasonable amount of time following each meeting.

Mayor Chris Heisler also said that he would like the City Administrator to start sending the Council (via email) a weekly activity report on the tasks she worked on that week. The Consensus of the Council is that they agreed with Mayor Heisler's recommendations listed above.

**15. REVIEW OF HANDOUT MATERIAL:**

None.

**16. 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 10:10 p.m.

**Minutes approved on this 9th day of April, 2009.**

**APPROVED:**

**ATTESTED:**

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

\_\_\_\_\_  
Diane Rinks, City Administrator