

City of Lafayette
City Council Meeting Minutes
July 9, 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:** Trena McManus, Asst. to the City Administrator, called the roll.
Present: Mayor Chris Heisler, Bob Cullen, Nicholas Harris, Leah Harper, Dean Rhodes, Michael Roberts and Chris Pagella (arrived late at 7:06 p.m.).
Absent: Diane Rinks- City Administrator (excused).
City Staff Present: Trena McManus – Asst. to the City Administrator, City Attorney Andy Jordan- Jordan Schrader.
Others: Mary Heisler, Angela Flood, Darrell Flood, Don Leard, Patricia Rhodes, Chris Harper, Linda Lyon, Al LeMay, and approximately 3 others.
- 4. APPROVAL OF MINUTES:**

Dean Rhodes made a motion to approve the June 11, 2009 minutes, as presented. Michael Roberts seconded the motion. Discussion- Leah Harper asked if Diane Rinks has put her resignation in writing yet and Trena McManus said not that she is aware of. Leah Harper said that she would like to get her resignation in writing. Leah Harper questioned a sentence on page 4, Discussion Items, Mayor's Page on Website- 'Chris Pagella said that he doesn't think that the Mayor's newsletter should be approved'. She asked that the sentence be clarified to state '...should be approved by the Council'. Dean Rhodes agreed to amend his motion to include this change. Michael Roberts agreed to accept the change as well. There was no more discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**
 - 1. June 25, 2009-** Nicholas Harris made a motion to approve the June 25, 2009 minutes as presented. Michael Roberts seconded the motion. Discussion- Leah Harper said that she wanted it noted that in the goal setting session, the Council discussed a visioning process, and she thought the conceptual drawings for a new city hall/fire station would be part of the visioning process. However, there is almost \$30,000 in this budget for two consultants this year.
There was no discussion and the motion passed unanimously.
- 6. ADDITIONS AND DELETIONS:**

Mayor Chris Heisler said that the Council received a request to close down a portion of 14th Street for a block BBQ. This was added as Action Item #5.
There were no other additions or deletions.

Action Item #3 was moved to this point of the agenda by Mayor Heisler.
- 11. ACTION ITEMS:**
 - 3) Clean Up Day- Linda Lyon:**

Linda Lyon, 1143 N. Madison St.- said that she has put together a clean up day to continue with the beautification effort in town. She was able to get 2 dumpsters and dumping fees donated from Western Oregon Waste and Riverbend Landfill for a total value of \$733.40. No tires, chemicals, or paint will be accepted. Linda Lyon said that she was able to get the boy scouts and (hopefully) some Sheriff's Office cadets to volunteer at the event. After some discussion about the day(s) and time for the event, it was decided that the event will be held on a Saturday only (the 2nd or 3rd weekend in August), since the dumpsters will probably fill quickly. Linda Lyon requested the Council's approval to place the dumpsters on the vacant lot behind City Hall and to allow the event to be advertised on the website and on the utility bills. Discussion ensued.
Michael Roberts made a motion to approve a 1-day clean up day, where 2 dumpsters will be placed on City property (vacant lot behind City Hall), and approve advertisement on the City website and the utility bills. Leah Harper seconded the motion. Discussion- The two issues that still need to be addressed are security if the boxes are left overnight and try to get a scrap metal person haul away appliances so they don't have to be put in the dumpsters. Al LeMay, 1155 N. Madison St.- asked if the dumpsters could be picked up at the end of the day, and then there wouldn't be any security concerns. There was no more discussion and the motion passed unanimously.
- 7.a. PRESENTATIONS:**

None.
- 7.b. PUBLIC HEARINGS:**

None.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

None.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Trena McManus said that the Ethics Commission has sent out a notification stating that the Quarterly Public Official Disclosure forms that elected officials have been required to file are no longer required. Public Officials will still be required to file the annual statement of economic interest.

Trena McManus said that the Elections Division has rendered a decision on the appeal that was filed (by her) on the accused election law violation that occurred during the processing of the Flood Charter that was filed in July 2008. Trena McManus said that she was found guilty of the violation and was fined \$75.

The signs for City Hall and the Public Works shop have been installed and Trena McManus encouraged the Council to take a look at them.

Al LeMay, 1155 N. Madison- asked what the election violation was for and City Attorney Andy Jordan said that an initiative petition was filed for a new charter, and towards the end of the period when the elections official was required to determine whether the matter is constitutional, a conflict of interest was discovered because the matter directly affected the compensation and benefits of the Elections Official. Therefore the determination couldn't and wasn't made. The Elections Division received a complaint and the Elections Division found that the Elections Official should have made the decision and was guilty of the violation.

Don Leard, 220 Madison- asked who filed the election violation with the state and Trena McManus said that Angela Flood did.

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 were no questions on this report.

5) Sheriff's report:

Sergeant Steve Warden said that a lot of citations have been issued this last month. Deputy Ron Wellborn will be taking over the shift that Deputy Angie Elder has been doing because shifts are changing. Bob Cullen asked how the 4th of July went, and Sergeant Steve Warden said that he didn't hear of any problems.

Chris Pagella arrived at 7:06 p.m.

10. LEGISLATIVE ACTIONS:

1) Resolution 2009-10- Election- Charter Amendment:

City Attorney Andy Jordan said that he has prepared a proposed resolution for a measure to be placed on the ballot for a charter amendment per a request from Diane Rinks (which was at the Council's direction). The proposal amends the charter to replace the current spending limit with a debt limit. If the Council wants this issue to go on the November ballot, the resolution needs to be adopted no later than August 24.

Bob Cullen asked how many cities (that Andy Jordan has had experience with) have a spending limit, and Andy Jordan said that he has never seen one before.

Mayor Chris Heisler said that he doesn't agree with the wording in the resolution because the City Administrator is on record as having said that this charter change has nothing to do with grant or stimulus money. He recommended to the Council that the wording about grant/stimulus funds be taken out of the resolution.

Leah Harper said that this resolution is not what the Council agreed on at the last meeting. Discussion ensued.

Bob Cullen made a motion to adopt Resolution 2009-10, as presented. Michael Roberts seconded the motion.

Discussion- Bob Cullen said that all he is trying to do is allow the voters a chance to decide on this issue.

Mayor Chris Heisler said that the language in the resolution about grant/stimulus money should be eliminated because the Council was told that it had nothing to do with grants.

Dean Rhodes asked the City Attorney if he tries to be as inclusive as possible in writing a summary to include as many things as possible that may come up in the future and Andy Jordan said yes. Dean Rhodes said that the Council is not changing anything, the Council is just giving the voters a chance to decide if they want a debt limit instead of a spending limit.

Nicholas Harris asked if a natural disaster occurs, and a major City facility was destroyed, would the City have to go to a vote before that facility could be replaced/repaired under the current charter, and City Attorney Andy Jordan said yes.

Angela Flood, 287 Canyon View Dr.- said that the term 'debt limit' sort of binds you anyway because the moment you get a bill from someone, that is considered a debt, even if you have millions of dollars in the bank. She thinks that the terminology is going to end up in court anyway. The whole statement needs to be reviewed and expanded on so it is clearer when it goes to the voters.

Chris Pagella asked if this change would exclude current debt, and City Attorney Andy Jordan said that this would only apply to new debt.

Mary Heisler, 1407 N. Madison St.- asked for a copy of the amended resolution.

Al LeMay, 1155 N. Madison St.- said that with bonded debt, it has to go to a vote anyway. City Attorney Andy Jordan said that General Obligation bonds have to go to a vote of the people, but revenue bonds do not. There was no more discussion, and the motion passed, with Chris Pagella and Leah Harper voting nay.

11. ACTION ITEMS:

1) Renewal of Contract with Yamhill County Sheriff's Office:

Michael Roberts made a motion to authorize the Mayor to sign the contract with the Yamhill County Sheriff's Office for police services for FY09-10, for a total cost of \$190,289.14. Bob Cullen seconded the motion. Discussion- Leah Harper asked if there is a main contact deputy that responds to calls when he is on duty and Trena McManus said that the Code Enforcement Officer is also a sworn deputy and he is around during the day, so he is the main contact for City Hall. However, at other times, whoever is available with the County will respond.

There was no more discussion and the motion passed unanimously.

2) Approval of Settlement Agreement with Verizon:

Michael Roberts made a motion to approve the Verizon settlement agreement and authorize the City Administrator to sign it. Dean Rhodes seconded the motion. Discussion- Leah Harper asked if the City has been receiving any franchise fees from them at all. Trena McManus said that the City has been getting franchise fees from Verizon, but the way in which they calculated the fees was challenged.

There was no more discussion and the motion passed unanimously.

4) Schedule Special Meeting on July 23rd, 2009- Award Contract for Project:

Trena McManus said that it is necessary to schedule a meeting on July 23 so that the Council can award the contract for the Bridge/Washington Street project. It is imperative that the contractors get started as soon as possible for weather considerations and also to disrupt school bus routes as little as possible.

Chris Pagella said that he will not be able to attend the meeting.

Michael Roberts made a motion to schedule a meeting on July 23, 2009. Nicholas Harris seconded the motion. Discussion- Angela Flood, 287 Canyon View Drive- asked if the City has let the school district know so they can put a note on the bus schedule about the construction. Trena McManus said that Diane Rinks has been in contact with the principal at Wascher to coordinate this effort. There was no more discussion and the motion passed unanimously.

5) Lafayette Plantation HOA- Street Closure Request:

Michael Roberts made a motion to authorize the street closure at 14th/Cramner Streets on July 25, 2009 for the purpose of a Lafayette Plantation block BBQ. Nicholas Harris seconded the motion. Discussion- Dean Rhodes asked why the Council has to approve this. Trena McManus said that anytime a road closure is involved, the Council has always been asked to approve the request. There was no more discussion and the motion passed unanimously.

12. DISCUSSION ITEMS:

None.

13. COMMITTEE REPORTS:

None.

14. MAYOR'S REPORT:

None.

15. REVIEW OF HANDOUT MATERIAL:

None.

16. ADJOURNMENT:

Bob Cullen made a motion to adjourn. Leah Harper seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 7:49 p.m.

Minutes approved on this 13th day of August, 2009.

APPROVED:

ATTESTED:

Mayor Chris Heisler

Diane Rinks, City Administrator