

**City of Lafayette**  
**City Council Meeting Minutes**  
**November 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 (arrived at 6:31 p.m.), Leah Harper, Dean Rhodes, and Chris Pagella.  
*Absent:* Michael Roberts (exc.).  
*City Staff Present:* Diane Rinks- City Administrator, Trena McManus – Asst. to the City Administrator, and Jim Anderson- Public Works Foreman.  
*Others:* Beth Pagella, Shirley Venhaus, Mary Heisler, Angela Flood, Darrell Flood, Linda Lyon, Marie Sproul, Sergeant Steve Warden, Al LeMay, Chris Harper, Heather Brown, Dan Buell, Cindy Buell, Susan Leid, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**  
Chris Pagella made a motion to approve the October 8, 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:**
  - 1. October 15, 2009-** Dean Rhodes made a motion to approve the October 15, 2009 minutes, as presented. Nicholas Harris seconded the motion. There was no more discussion and the motion passed unanimously.
- 6. ADDITIONS AND DELETIONS:**  
Mayor Chris Heisler said that he would like to discuss agenda item 12(2)- Proposal for Drug Paraphernalia Ordinance along with the Sheriff's report 9(1), and move Linda Lyon's agenda item (12(5)) to Presentations 7(a)(2). Diane Rinks said that she would like to add Action Item 11(3)- GSI request for additional compensation. The Council agreed to these changes. There were no other additions or deletions.
- 7.a. PRESENTATIONS:**
  - 1. Shirley Venhaus- Yamhill Council Historical Society- Museum Update:**  
Shirley Venhaus said that she wanted to give the Council an update on what is going on with the Historical Society. The Society has grown a lot and there are over 20,000 items in the historical collection now. They are trying to raise another \$400,000 to finish the new buildings on Durham Lane in McMinnville. An annual event hosted by the Historical Society, Harvest Fest, had an outstanding attendance of 1,500 people. The two historical buildings (church and log cabin) located at 6<sup>th</sup>/Market in Lafayette, will not be relocated as previously discussed. The church will be reconditioned to be used for weddings and the log cabin will be used for receptions and meetings. She said that the Historical Society is really looking forward to continuing to be a part of the community. Mayor Chris Heisler asked about the timeframe for moving the artifacts to the Durham Lane buildings and Shirley Venhaus said that they are hoping to have them all moved by 2011.
  - 2. Linda Lyon- Beautification:**  
Linda Lyon said that she would like to put some Christmas decorations up through the downtown area, and requested that the City Council allow \$100 in City funds per year be spent on flowers and decorations for the downtown area.  
Mayor Chris Heisler said that this might be something that could be budgeted for in the future and the Council agreed to put this on the agenda for the December 10 meeting for further consideration.
- 7.b. PUBLIC HEARINGS:**  
None.
- 8. CITIZEN INPUT ON NON-AGENDA ITEMS:**  
Marie Sproul, 1282 Third St. #1- said that she is a member of the advisory parks committee, and they have compiled the results of the park survey that they conducted. The committee distributed surveys to 1,121 homes and they got 116 back. The responses varied but the one response that was most common was that people are not happy with the current condition of the parks. The first committee meeting will be held on December 3 at Kelty Estates, and Marie Sproul invited everyone to attend.

Al LeMay, 1155 N. Madison St.- requested that the Council consider scheduling a worksession to discuss the water regulation ordinance further with the citizens, instead of considering it at this meeting.

## **9. DEPARTMENTAL REPORTS:**

### **1) Sheriff's report:**

Sergeant Steve Warden said that there have been no further graffiti incidents since the one this summer. Bob Cullen said that he noticed some graffiti at the intersection of 12<sup>th</sup>/Bridge Street (on east side), but he thinks that has been there for awhile.

Linda Lyon, 1143 N. Madison St.- asked if the two boys that were caught in the graffiti incident this past summer were still in jail, and Sergeant Steve Warden said that they were turned over to the juvenile authorities, and he was confident that they were not still incarcerated.

Angela Flood, 287 Canyon View Dr.- said that there is a note in the handout section of the packet that there has been graffiti at Joel Perkins Park for a year, and it is not on the list that the Sheriff's Office is dealing with.

Diane Rinks said that she has spoken to Jim Anderson, and he said that he was not aware of any graffiti that had not been taken care of. But, he said that he will try and find out the location of the graffiti that the person is talking about.

## **12. DISCUSSION ITEMS:**

### **2) Proposal for Drug Paraphernalia Ordinance:**

Nicholas Harris said that he requested that this item be placed on the agenda. He spoke with a deputy from the Yamhill County Sheriff's Office and asked him what the City can do to make their job easier. He was told that the City doesn't have a drug paraphernalia ordinance. Most cities that have enacted this ordinance have seen a decrease in crime. Sergeant Steve Warden said that, on a county level, their drug paraphernalia ordinance has been an effective tool.

Mayor Chris Heisler asked if there is a down side to this ordinance, and Sergeant Steve Warden said that the only thing he could think of would be court challenges, but the county hasn't had any since 1995 when their ordinance was adopted.

Diane Rinks said that if there are multiple violations on one citation that include a drug paraphernalia violation, they would all go to the County. If this ordinance is passed, it would enable the City to process the citation.

Angela Flood, 287 Canyon View Dr.- said that she spoke to Sheriff Crabtree and he is not presenting this to the Council, and he did not recommend that the City pass an ordinance for drug paraphernalia. She said that the Sheriff is neutral on this issue. She questioned the need to spend City money on adopting an ordinance that the County already has in effect.

Leah Harper asked if there is a cost to the City to adopt this ordinance and Diane Rinks said that it would just take staff time to prepare it, the City Attorney would review it, but it would not involve any ongoing costs.

Dean Rhodes said that he would like to address the issue of a violation if within 1000 ft. of a school as well since there is an elementary school in town.

The consensus of the Council was to have staff prepare the drug paraphernalia ordinance for consideration at the December 10, 2009 meeting.

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

Mayor Chris Heisler asked when the striping will be done on Bridge Street. Diane Rinks said that Jim Anderson has set everything up with Spaniol Striping, and they are just waiting for dry weather to get it done. The center line from 3<sup>rd</sup> Street out to the city limits will be done.

Diane Rinks said that she just hired two new public works employees. Jake Ehredt is the City's new Utility Worker I, and Steve Rolston is the City's new Utility Worker II.

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

Dean Rhodes asked about the payment to Michigan State University and Diane Rinks said that was for online training that Jamie Rhodes took dealing with Municipal Court.

Leah Harper asked about the attorney charges from October 14, 2009, and Diane Rinks said that she made an inquiry to the attorney regarding whether the City can limit double majority initiative petitions by requiring a double majority to pass the initiative. She found out that the Council could change the code to institute this requirement.

Angela Flood, 287 Canyon View Drive- said that she has averaged the City Attorney's bills for this fiscal year and they average over \$7,000 a month. She asked if the City could just hire an attorney for that price.

#### 4) Public Works report:

Chris Pagella asked about the leaf cleanup in the parks and Jim Anderson said that they are doing the cleanup as weather allows. He said that October has been a hectic month with the employee turnover. The rehabilitation on well #4 is almost finished.

Nicholas Harris said that he has noticed that his water seems to be extra chlorinated lately and Jim Anderson said that his routine chlorine tests have all been within the normal parameters.

Al LeMay, 1155 N. Madison St.- said that he has noticed that some streetlights are out around town and PGE doesn't seem to be responsive to fixing them. Diane Rinks said that you just have to keep calling PGE, but it can still take weeks before they come out.

Marie Sproul, 1282 Third St. #1- said that there are some birch trees in Perkins Park that need to be trimmed back for the winter.

#### 5) Fire Department report:

There were no questions on this report.

A short break was taken at 7:51 p.m. The meeting was called back to order at 7:59 p.m.

### 10. LEGISLATIVE ACTIONS:

#### 1) Ordinance 603- Amend Lafayette Municipal Code Ch. 4 re: Water Regulations:

Leah Harper said that there is no emergency at this point and yet the Council is still considering taking away people's choice to conserve water. She doesn't think that anyone is watering during the months of November through April anyway.

Mayor Chris Heisler asked what the upside to adopting this ordinance is. Jim Anderson said that there are very few, if any people that water in the winter. Instead of having to come to the Council each May projecting where the levels would be through the summer, it would just become standard practice for the residents of this town to conserve water through an odd/even schedule of watering lawns.

Mayor Chris Heisler said that he supports conservation from an educational standpoint, not a legislative one.

Chris Pagella asked why the City doesn't enforce the water restrictions from May-October instead of year round.

Dean Rhodes said that by having the restrictions year round, it provides a constant/norm to keep it in people's minds year round. And it doesn't really affect anything in the winter months, because people aren't watering anyway. Discussion ensued.

Darrell Flood, 287 Canyon View Drive- asked what other cities do in regards to restrictions. He said that Diane Rinks said that the #1 way to impose conservation is through cost. He said that a May-October restriction makes sense to him, and there should be a worksession on this issue.

Marie Sproul, 1282 Third St. #1- said that the City needs to remind people and get them prepared for the restrictions.

Dan Buell, 176 15<sup>th</sup> St.- asked how many citations have been issued over violating water restrictions and Jim Anderson said one. He wondered why everyone was panicking over one citation.

Al LeMay, 1155 N. Madison St.- said that right now there is no incentive to conserve. The rates should be tied to conservation. Diane Rinks said that the rate schedule is tiered, based on consumption. The more water that is used, the higher the rate.

Cindy Buell, 176 15<sup>th</sup> St.- questioned the reasoning behind wanting to go on year round water restrictions. She said that it sounds like Jim Anderson doesn't want to make the judgment call each year.

Heather Brown, 157 W. 14<sup>th</sup> St.- asked if the restrictions only apply to the watering of lawns and Mayor Chris Heisler said yes.

Chris Harper, 241 E. 16<sup>th</sup> St.- said that there seems to be confusion on what is being voted on tonight, and he thinks this whole discussion has been a waste of time.

Discussion ensued.

Dean Rhodes made a motion to adopt Ordinance 603, as presented. Bob Cullen seconded the motion. Diane Rinks 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 year round odd/even watering of lawns.'

Discussion- Chris Pagella said that the Council should still make provisions for additional citizen input on this issue. Leah Harper said that she agrees with Chris Pagella.

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

*Since the vote was not unanimous, the ordinance will come back for a second reading and final consideration at the next meeting.*

## 11. ACTION ITEMS:

### 1) Approve Council newsletter for distribution:

Dean Rhodes said that he received two comments from Mayor Heisler and Councilor Harper about the newsletter. Unless there are other comments, he could do a rewrite and resend the newsletter out to everyone. The consensus of the Council is to approve the newsletter with the changes mentioned.

### 2) Approve Bridge/Washington Project Change Order #3:

Chris Pagella asked if this project is still under budget, and Diane Rinks said yes. This change order is for fixing a hydrant valve, relocating a meter, the remaining work to deal with the underground tank, driveway, sidewalk, and curb design issues, replace broken roof drain, and the overlay of 4<sup>th</sup> Street. The change order came to \$17,677.70.

Marie Sproul, 1282 Third St. #1- said that both Bridge and Washington Street look very nice.

Nicholas Harris made a motion to approve change order #3, in the amount of \$17,677.70, for the Bridge and Washington Street Improvement Project. Chris Pagella seconded the motion. There was no more discussion and the motion passed unanimously.

### 3) GSI- Request for Additional Compensation:

Diane Rinks said that GSI (Groundwater Solutions, Inc.) is requesting an increase in the contract amount for the ASR (Aquifer Storage and Recovery) permitting work that they are doing for the City. The total budget for this work was \$15,000 and so far their total charges are \$19,600. Because of the unforeseen overruns, they are willing to absorb some of the costs, but are requesting an additional \$1,900 for this project. The reasons for the overruns were collecting additional water samples, the underground injection control (UIC) application took more time than estimated, and there was a discrepancy in the water rights at Bluebird Spring that took more time than estimated.

Bob Cullen made a motion to authorize an additional \$1,900 to be paid to GSI for the ASR permitting work.

Dean Rhodes seconded the motion. There was no more discussion and the motion passed, with Chris Pagella and Leah Harper voting nay.

## 12. DISCUSSION ITEMS:

### 1) Worksession: Water projects short-term/long-term planning:

Diane Rinks said that she has created a spreadsheet of all the water projects that are current contracts, current projects, projects in the works, and future projects to consider. The projects listed are: Dayton wells 2 & 5, watershed meter, CL17 chart recorder, project oversight, Dayton well #4 rehabilitation, water management and conservation plan, water rights extensions (well 6&7), Bluebird Spring line, ASR (Aquifer Storage & Recovery), replace watershed PLC interface, Lafayette Spring rehabilitation, Dayton well #4 upgrade, reservoir and transmission line, underground power in watershed, generators for the watershed, and radio frequency FAA license. Diane Rinks said that she feels the highest priority should be upgrading well #4. She also recommended moving forward with the Lafayette Spring rehabilitation and the Bluebird Spring line. Discussion ensued. Mayor Chris Heisler asked if there were any grant opportunities for these projects and Diane Rinks said that for these types of projects and the time sensitivity issues, it would be difficult. The only project that may qualify for some funding from the SDWRLF (Safe Drinking Water Revolving Loan Fund) is the Lafayette Spring because it is linked to a health related issue and directives have been given from the State to rehabilitate this spring. She said that she could look into this funding possibility.

Bob Cullen made a motion to direct staff to move forward with the Lafayette Spring rehabilitation, Bluebird Spring line, and the well #4 upgrade. Dean Rhodes seconded the motion. There was no more discussion and the motion passed unanimously.

### 3) Parks SDC/CIP Update Report:

Diane Rinks said that Don Ganer has been working on updating the methodology and projects listed in the Parks Master Plan. The cost estimates have been updated, and most of the projects are eligible for 100% SDC money. She asked the Council to review the report, and consider it to be incorporated into the Parks Master Plan. Since the Council did not receive the report until tonight, it will be considered for adoption at a future meeting.

### 4) Information on committees included in water bills:

This agenda item was tabled until the next meeting.

### 5) Linda Lyon- Beautification:

This was addressed under agenda item 7a(2).

**13. COMMITTEE REPORTS:**

None.

**14. MAYOR'S REPORT:**

Mayor Chris Heisler gave an update on the City Administrator recruitment process. The Council has chosen a finalist and he and Councilor Pagella are in contract negotiations with the finalist now.

Diane Rinks has submitted her letter of resignation and her last day will be December 18.

**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 10:02 p.m.

**Minutes approved on this 10th day of December, 2009.**

**APPROVED:**

**ATTESTED:**

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

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