

City of Lafayette
City Council Meeting Minutes
April 9, 2009
6:30 PM

1. CALL TO ORDER: Council President Chris Pagella called the meeting to order at City Hall at 6:34 p.m.

2. FLAG SALUTE: Council President Chris Pagella led the flag salute.

3. ROLL CALL: Diane Rinks, City Administrator, called the roll.

Present: Mayor Chris Heisler (arrived late at 6:35 p.m.), Bob Cullen, Nicholas Harris, Leah Harper, Dean Rhodes, Michael Roberts (arrived late at 6:48 p.m.), and Chris Pagella.

Absent: None.

City Staff Present: Diane Rinks- City Administrator, Trena McManus – Asst. to the City Administrator.

Others: Chris Harper, Beth Pagella, Mary Heisler, Darrell Flood, Angela Flood, Wes Dennis, Elizabeth Dennis, Trevor Higby, Randy Kashka, Beth Karecki -Your Community Mediators, Christine Hall, and approximately 2 others.

4. APPROVAL OF MINUTES:

Bob Cullen made a motion to approve the March 12, 2009 minutes as presented. Chris Pagella said that under the discussion about trip logs for city vehicles, he would like it to be clarified that there is a different form being used now than what was submitted in the packets. There is now a booklet being kept in the vehicles to record their mileage. Bob Cullen amended his motion to accept the minutes as amended. Leah Harper seconded the motion. There was no more discussion and the motion passed unanimously.

5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:

Goal Setting Session April 4, 2009.

Bob Cullen made a motion to approve the goal setting session minutes of April 4, 2009, as presented. Chris Pagella seconded the motion. Discussion- Bob Cullen asked about scheduling the follow up goal setting session to finish the areas they didn't have time to get to last time. Diane Rinks said that it hasn't been scheduled yet, but hopefully it can be scheduled sometime in May. There was no more discussion and the motion passed unanimously.

6. ADDITIONS AND DELETIONS:

Diane Rinks said that there is a representative here from the Yamhill County Commission on Children and Families to give a short presentation on the Week of the Young Child and will be asking the Council to make a proclamation on this. This will be added as agenda item 11(6).

There were no other additions or deletions.

7.a. PRESENTATIONS:

Presentation by Beth Karecke- Your Community Mediators- Beth Karecke said that the City of Lafayette has been supporting Your Community Mediators for 20 years, so they wanted to recognize the City with a certificate of recognition. She handed out the certificate of recognition to each Council member and the City Administrator.

Beth Karecke said that the mediators have done an outreach this past year to get some Spanish speaking mediators to serve Yamhill County. She explained some of the different types of services that the mediators offer to the citizens of Yamhill County.

Presentation by Christine Hall- Yamhill Commission on Children and Families- Christine Hall said that the Yamhill County Early Childhood Coordinating Council is a group of early childhood educators, service providers and community members, and they are asking all cities and the county to join us in proclaiming the Week of April 19-25th as the Week of the Young Child. The Week of the Young Child is held each year to honor young children and thank teachers and all those who make a difference in young children's lives. She asked the Council to adopt the proclamation and hang a kite in City Hall during the month of April as a symbol of the significance of the Week of the Young Child.

Mayor Chris Heisler agreed to move this agenda item to this point of the agenda.

11. ACTION ITEMS:

6) Week of the Young Child Proclamation:

Mayor Chris Heisler read the following proclamation:

Whereas, the Yamhill County Early Childhood Coordinating Council and other local organizations, in conjunction with the Oregon Association for the Education of Young Children, are celebrating the Week of the Young Child, April 19-25th, 2009, and

Whereas, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Lafayette and Yamhill County, and

Whereas, parents, teachers, child care providers and others who make a difference in the lives of young children in Lafayette and Yamhill County deserve thanks and recognition, and
Whereas, public policies that support early learning for all young children are crucial to young children's futures,
We, the Council of the City of Lafayette, Oregon do hereby proclaim April 19-25, 2009 as the Week of the Young Child in Lafayette and encourage all citizens to work to make a good investment in early childhood for our children.

7.b. PUBLIC HEARINGS: FY09-10 State Revenue Sharing Hearing- Proposed Uses

Mayor Chris Heisler opened the public hearing for the FY09-10 state revenue sharing (proposed uses) at 6:55 p.m. The proposed uses for the FY09-10 state revenue sharing funds that were presented at the April 7, 2009 Budget Committee meeting were: downtown beautification, water supply/storage (reservoir), parks improvements, community center improvements, pay down debt, mobile library, rent Wascher gym on Friday nights for 'open gym', traffic light on 3rd Street, fencing at Perkins Park, install light/flag/soldier monument at Community Center, and City Hall fund. Diane Rinks said that she estimates the City will receive \$34,000 in state revenue sharing funds in FY09-10.

The hearing was opened for public comment at 6:59 p.m.

Angela Flood, 287 Canyon View Drive- said that it was stated in the handouts that no new ideas would be accepted. Mayor Chris Heisler said that the opportunity to submit ideas was at the budget committee meeting on April 7, 2009. Angela Flood said that at the budget committee meeting, the audience was told that they were not allowed to contribute ideas at that time either. She wanted to know when the public could contribute ideas that are different than what is on the list. Mayor Chris Heisler said that he didn't have an issue with listening to new ideas from the public.

Darrell Flood, 287 Canyon View Drive- said that he would like to see the City use the money to digitize city records.

The public comment portion of the hearing was closed at 7:01 p.m.

Chris Pagella said that he would like to see the money used on parks so that matching SDC funds can be used to maximize the use of this money.

Bob Cullen said that there is an advantage to putting this money into the general fund because then there is more flexibility in the use of the funds. Bob Cullen said that everyone is impacted by water supply, and \$34,000 towards a multi-million dollar water reservoir doesn't seem like much, but it sends a message to the community that this is the Council's number one priority.

Chris Pagella said that the money needs to be dedicated to something specific.

Mayor Chris Heisler suggested that he would like to look at the possibility of paying down debt and restructuring of the City's current bonded debt.

Diane Rinks said that out of the 11 suggested items, 7 of them already have transfers set to come from the general fund.

Leah Harper said that \$34,000 doesn't go a long way towards paying off debt, but it could do a lot for downtown beautification.

Mayor Chris Heisler said that he also liked the idea of using this state revenue sharing money for park improvements.

Diane Rinks said that the \$34,000 is included in the proposed budget as part of the \$110,000 in the general fund that the budget committee will have the discretion of allocating wherever they feel is appropriate.

Dean Rhodes made a motion to accept the FY09-10 state revenue sharing funds into the general fund. Michael Roberts seconded the motion. There was no more discussion and the motion passed unanimously.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Angela Flood, 287 Canyon View Drive-said that she submitted an ordinance violation complaint a few months ago, and wants to know why a citation has not been issued. She said she is willing to sign the citation. She wanted to know if the code is going to be enforced. Mayor Chris Heisler said that he would look into it and get back to her. Darrell Flood, 287 Canyon View Drive- said that the meeting agenda for the goal setting session was not posted online. He requested that all meetings be posted on the website. He also asked that any supplemental information given to the Council after the packets have been posted online, be made available to the public at the meeting. The Council asked staff to begin sending out a monthly meeting list to those citizens who have signed up for the email updates.

Michael Roberts said that Mr. Steven Trunde, 1467 Bridge St., has submitted a complaint letter. Nicholas Harris said that he spoke to Mr. Trunde and he said he is being targeted unfairly on some code enforcement issues relating to his property and Nicholas Harris asked him to put his complaint in writing. Leah Harper stated that she spoke with Mr. Trunde as well and he is stating that he has been treated unfairly, but she has no way of knowing if he has been or not. Discussion ensued.

Diane Rinks said that if the Council would like to discuss code enforcement further, a worksession could be scheduled to discuss the processes for dealing with code violations.

Chris Pagella asked about Mr. Trunde's claim that his property was re-zoned without proper notification. Diane Rinks said that the complaint just came in, and it hasn't been researched yet. Chris Pagella asked if he could get an update when staff has researched this issue.

Mary Heisler, 1407 Madison St.- said that code enforcement is a very hot topic among residents. Citizens have been asking for documentation for a long time.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Diane Rinks said that everything in her report will be addressed throughout the agenda.

2) Accounts payable report:

Chris Pagella asked about the payment to Belson Outdoors. Diane Rinks said that was for the purchase of benches, bleachers, and garbage cans for Commons Park.

3) Public Works report:

Chris Pagella asked about the improvements that were made to the Community Center. Diane Rinks said that public works was doing some landscaping and some other small maintenance items inside the Community Center (check water heater, replace furnace filter, replace vent, etc.).

Leah Harper asked if the report could be more specific about where pothole work is being done.

Diane Rinks said that some I&I (Inflow and Infiltration) TV work was done on the sewer lines in the older part of town this past week. There were a couple of blockages in the sewer lines that caused a backpressure spill in a couple houses. The City had a cleaning service called Serv-pro come in and clean up the homes, and a claim will be turned in to the City's insurance company.

4) Fire Department report:

There were no questions on this report.

5) Sheriff report:

Sergeant Steve Warden was not at the meeting to present a report.

10. LEGISLATIVE ACTIONS:

1) Resolution 2009-04- Adopt Amended Council Rules:

Dean Rhodes made a motion to adopt Resolution 2009-04, as presented. Leah Harper seconded the motion. There was no discussion and the motion passed unanimously.

2) Ordinance 598- Amend Municipal Code Ch. 5- Graffiti Removal:

This ordinance establishes a timeline for removal of graffiti of 30 days (once City Hall has been notified of the existence of the graffiti and provided written notice to the tenant and owner.

Nicholas Harris made a motion to adopt Ordinance 598, as presented. Dean Rhodes seconded the motion.

Discussion- Michael Roberts said that he doesn't agree with this ordinance. He doesn't think that it is right to punish the homeowner and threaten to cite them if they don't clean up graffiti quick enough. Bob Cullen said that the police encourage people to remove it immediately to discourage the recurrence of this type of crime.

Nicholas Harris said he would prefer a 15 day window, but the Council decided on 30 days to give people extra time to get it taken care of. Discussion ensued.

Nicholas Harris suggested getting people in touch with Trevor Higby (who purchased a pressure washer to help clean up graffiti) if they need assistance getting graffiti cleaned up. The Boy Scouts may also be willing to help clean up graffiti around town. Michael Roberts suggested that neighborhood watches will help discourage graffiti. Dean Rhodes said that people need to be educated that resources are available to them if they need assistance removing graffiti. The Council asked the staff to put some information about graffiti removal on the back of the water bills. The resources should also be included in the warning letter that is sent to people asking them to remove graffiti. There was some discussion about reducing the penalty for not removing graffiti to \$50 (class D violation).

Darrell Flood, 287 Canyon View Drive- said that he thought 30 days to remove graffiti was reasonable.

The Council asked staff to prepare a warning letter for the Council to review at the next meeting.

Michael Roberts made a motion to adopt Ordinance 598, with an amendment to change the penalty from a class A infraction to a class D violation. Nicholas Harris seconded the motion. There was no more discussion and the motion passed unanimously.

3) Resolution 2009-05- FY08-09 Budget Transfer:

Bob Cullen made a motion to adopt Resolution 2009-05, as presented. Michael Roberts seconded the motion. Discussion- Diane Rinks said that this budget transfer is necessary because she under estimated the amount of state and county court assessments that would need to be paid. Part of this can be attributed to the increase in the number of citations that have been issued this last year. The other part of this budget transfer is to cover the legal costs associated with the defense of two LUBA appeals, and also to cover the contract cost for the completion of the two new wells in the Dayton wellfield. There was no more discussion and the motion passed unanimously.

Mayor Chris Heisler agreed to move this agenda item to this point of the agenda.

12. DISCUSSION ITEMS:

3) Election Law Violation Appeal:

Diane Rinks said that Trena McManus has appealed the Election Division's decision to find her guilty of violating election law with regard to the charter initiative filed by Darrell Flood. Diane Rinks said that she is asking the Council to allow the City Attorney to defend Trena McManus at the appeal hearing. The attorney has agreed to do this for a flat \$1,500 fee. Chris Pagella questioned paying the attorney \$1,500 to avoid a \$75 fine. Trena McManus said that it is not about the money, it's about the fact that she is being told by the state that she is not doing her job. She acted on the advice of the City Attorney and felt that she had no other choice. Chris Pagella asked Diane Rinks to ask the City Attorney to further reduce his fees for this defense. Michael Roberts made a motion to allow the City Attorney to defend Trena McManus with regard to the election law violation appeal hearing (Flood Charter Initiative). Dean Rhodes seconded the motion. There was no more discussion and the motion passed unanimously.

Bob Cullen left at this point of the meeting.

11. ACTION ITEMS:

1) Purchase City Signs:

Trena McManus said that she has been looking into the costs for purchasing signs for the City's facilities. She got two quotes- one from City Sign Co. of Portland and one from A Northwood Signs of Carlton. A Northwood Signs quoted a price of \$1,870 per sign (2'X6'), and City Sign Co. quoted \$1,585 per sign (2'X5').

Chris Pagella asked about getting some directional signs on 99W to the parks. Diane Rinks said that she would have to check with ODOT about their procedure for placing signs on the highway. Nicholas Harris said that he would like to forego the sign for the Community Center at this time.

Michael Roberts made a motion to proceed with having A Northwood Signs produce signs for the City facilities for a cost not to exceed \$13,090, minus the Community Center sign. Dean Rhodes seconded the motion.

Discussion- Dean Rhodes said that he would rather go with a local company. He agrees with Nicholas Harris and doesn't feel that a sign should be made for the community center.

Darrell Flood, 287 Canyon View Drive- said that he thinks \$13,000 is way too much to pay for signs. He could get the boy scouts to build some signs. He asked the Council to give him 30 days to get someone to do it for cost.

Leah Harper said that she thought this was out of the scope of something the boy scouts could do.

Michael Roberts amended his motion to have A Northwood Signs construct 4 signs (City Hall, Public Works, Commons Park, and Community Pride Park). There was no more discussion and the motion passed unanimously.

2) Budget Committee Resignation:

Lotis Hanks submitted a letter of resignation from the budget committee due to health reasons. The consensus of the Council was to accept Mr. Hanks resignation and to send him a letter of appreciation for his years of volunteer service to the City.

3) IGA for Building Official Services:

Michael Roberts made a motion to authorize the City Administrator to enter into an Intergovernmental Agreement with the City of Newberg to provide for Building Official, plan review and building inspection services. Dean Rhodes seconded the motion. Discussion- Diane Rinks said that our last building official, Gary Biggs, has taken a job with Yamhill County. The City of Newberg has agreed to provide these services for the City. There was no more discussion and the motion passed unanimously.

4) Stimulus Funding Application:

Diane Rinks said that there has been some confusion on the process for submittal of an application for stimulus funds and the timelines involved. The two projects that the City had submitted letters of interest on were the reservoir and the transmission line that runs from the watershed into town. The reservoir was the first priority to get funding for. However, there are issues with being able to comply with the timelines involved with the

stimulus funds on a large project like a reservoir. There is also the obstacle of the provision in the city charter that states that the city will not have an expenditure of more than one million dollars without going to a vote of the people (even if it is grant money that is being spent). There is not time to go to a vote with the timelines involved for the stimulus funds. So, Diane Rinks will be pursuing the stimulus funds application for construction of the transmission line from the watershed to town, rather than the reservoir.

5) 2010 Census Partner Proclamation:

Mayor Chris Heisler said that he hereby proclaims that the City of Lafayette, Oregon is committed to partnering with the US Census Bureau to help ensure a full and accurate count in 2010.

Michael Roberts made a motion to take a short break. Dean Rhodes seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 9:03 p.m. The meeting was called back to order at 9:11 p.m.

12. DISCUSSION ITEMS:

1) Franchise Agreements:

Diane Rinks said that there has been a lot of discussion among cities in recent years on whether it is best to have franchise agreements, right of way agreements, or a privilege tax in place with the utilities. The City of Lafayette has all three options available in the current code. The City Attorney is proposing to take a look at these options and decide which direction the City wants to go and then clean up the code to reflect that. Diane Rinks asked the Council to decide if they would like to take an action on this right now. The options are: to do nothing but clean up the current code, prepare a right-of-way regulation for City consideration, or proceed with a franchise with PGE and defer consideration of a right-of-way ordinance until later. Leah Harper asked if she could get some summary information on the current status of the different franchises. Discussion ensued. Diane Rinks said that she would put some information together on the different franchises and discuss it further at the next meeting.

2) Results of March 10, 2009 Election:

Trena McManus said that an election was held on March 10, 2009 for the matter of a 2008 Charter Initiative submitted by Darrell Flood, and certified by the county clerk on March 26, 2009. There were 554 votes cast in the election. The initiative failed with 125 yes votes and 429 no votes.

4) Parks Proposal and Discussion:

Mayor Chris Heisler said that he will defer this discussion to the Budget committee as he felt it would be more appropriate to discuss then. Dean Rhodes said that he would like to get some preliminary construction costs on a basketball court if it was constructed at Perkins Park. Diane Rinks said that until it is decided where exactly in the park it would go; it's hard to get construction costs. She estimated that it would cost twice as much to construct it at Perkins Park rather than on a flat piece of land because of all of the grading and retaining wall work that would need to be done.

13. COMMITTEE REPORTS:

None.

14. MAYOR'S REPORT:

None.

15. REVIEW OF HANDOUT MATERIAL:

None.

16. ADJOURNMENT:

Chris Pagella made a motion to adjourn. Dean Rhodes seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:44 p.m.

Minutes approved on this 14th day of May, 2009.

APPROVED:

ATTESTED:

Mayor Chris Heisler

Diane Rinks, City Administrator