

City of Lafayette
City Council Meeting Minutes
August 13, 2009
6:30 PM

1. **CALL TO ORDER:** Mayor Chris Heisler called the meeting to order at City Hall at 6:31 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.

Absent: None.

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

Others: Mary Heisler, Angela Flood, Darrell Flood, Patricia Rhodes, Chris Harper, Linda Lyon, Al LeMay, Brenton Camac, [REDACTED], Marie Sproul, Nate Morace, Joe Hall, Dan Buell, Cindy Buell, Beth Pagella, Heather Baggett, Patricia Pierce, Steven Pierce, Nancy Boyer-Mid-Willamette Valley Council of Governments, and approximately 5 others.

4. **APPROVAL OF MINUTES:**

Dean Rhodes made a motion to approve the July 9, 14, and 23, 2009 minutes, as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

5. **REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**

1. **July 14 and 23, 2009-** See above for motion.

6. **ADDITIONS AND DELETIONS:**

Bob Cullen made a motion to move agenda items 12 (1 and 2) to 12 (4 and 5). Dean Rhodes seconded the motion. Discussion- Chris Pagella asked why Bob Cullen wanted to move the items and Bob Cullen said that there was a full agenda and he wanted to be sure there was time to discuss Parks. There was no more discussion and the motion passed unanimously.

There were no other additions or deletions.

7.a. **PRESENTATIONS:**

Commissioner Kathy George- Ending Homelessness:

Commissioner Kathy George said that the County has adopted a 10-year plan to end homelessness in Yamhill County. This is actually part of a national movement, but it needs to be locally driven (non-profits, faith based, businesses, individuals, etc.). She is visiting each community in Yamhill County to ask for their support and join in on the plan. She said that this project will have more impact if we work together. The Commissioners are going to be appointing a governing committee that will meet about 4 times a year and will review the work of the subcommittees. Commissioner George provided the Council with a sample resolution that she asked the Council to consider.

Chris Pagella said that there are some aggressive timelines in the 10-year plan and he wanted to know if they are being met. Commissioner George said that so far they are being met.

Chris Pagella said that the plan indicates that a majority of the resources for this plan will be generated locally, and asked if there are efforts to get regional and national support as well. Commissioner George said that they rely heavily on faith based efforts. As far as state and federal grants, most of them require a plan be in place. So, this plan is a step towards being able to apply for larger funding opportunities. Discussion ensued.

Nicholas Harris asked if there is a website that people can go to if they want to help out. Commissioner George suggested that people contact one of the local agencies (Love, Inc., the Ministerial Assoc. of McMinnville, etc.), and the plan to end homelessness is on the county's website.

This resolution will be put on the September agenda for consideration.

7.b. **PUBLIC HEARINGS:**

None.

8. **CITIZEN INPUT ON NON-AGENDA ITEMS:**

[REDACTED] 6th Street- said that she has never paid such high water/sewer rates. The water is brownish in color, has bubbles in it, and has been directed by her doctor not to drink it. She asked how these rates came about and if the City has taken into account the elderly and fixed income families. Diane Rinks said that the rate structure is based on how much water is used, but there is a minimum usage charge for up to 300 cubic feet.

There are no discounted rates given to elderly or fixed income families.

Brenton Camac, 1402 N. Madison St.- said that there are quite a few people who are interested in getting involved in the parks planning process and doing improvement projects. He asked if there is a committee to oversee the parks, and he was told there is not. He asked the Council to consider establishing a committee to put together a plan of action.

Linda Lyon, 1143 N. Madison St.- said that she wanted to acknowledge Marie Sproul for volunteering to clean up the entrance sign on the west end of town. She has been maintaining the sign on the east end of town for some time now.

Mary Heisler, 1407 N. Madison St.- said that there are a list of residents who have signed up for email notifications of meetings and they were not given notice of the charter meeting. She also asked that all important documents be provided to the citizens at the meeting, because there was a newer version of the charter resolution that was not given to the citizens at the charter meeting in July. She asked Dean Rhodes if he was comfortable with the language for the charter amendment that is being sent to the voters and Dean Rhodes said that he was. She said that there have been emails going around between the council members that are unprofessional and inappropriate. The emails are public record and will be exposed to the public.

Nate Morace, 221 16th St.- asked why the public is being taken out of the money decisions. Dean Rhodes said that the Council is trying to include the public in making this decision (about the charter change from a spending limit to a debt limit). This Council has no authority to change the charter. This Council is giving the public a choice to either keep the current spending limit or opt for a debt limit instead. The community will be the making the decision in November 2009. Discussion ensued.

Angela Flood, 287 Canyon View Dr.- said that there have been some citizens who have requested to be on the agenda and there are councilors responding with sarcastic statements and then moving those requested items to the end of the agenda. She wanted to know why there is no censoring going on when the Council wants to censor the Mayor for having an opinion.

Darrell Flood, 287 Canyon View Dr.- said that he wanted to get an update on the streets project (Bridge/Washington St.). This will be covered in the City Administrator report.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Diane Rinks said that staff is still working through the paperwork process on getting the Bridge/Washington St. project started. The pre-construction meeting is going to be scheduled sometime next week and then construction should begin within a week after that. There was some discussion about traffic control (detour) signs during construction.

Some issues have arisen with a couple of the wells in the Dayton wellfield. Well #5 is up and running, but well #2 won't stay running, and well #4 has been over pumped and so it is being looked at. Diane Rinks said that she had a meeting with the City of Dayton to discuss the problems. She also included a copy of a letter from the State regarding the review of Lafayette Spring. The City must present a plan to the state for the rehabilitation of that spring by October 31, 2009.

2) Accounts payable report:

Michael Roberts asked about the payment to USTI (United Systems Technology, Inc.) and Diane Rinks said that it was for the purchase of the new code enforcement software. Chris Pagella asked about the payment to the City of Newberg and Diane Rinks said that it is for building inspection fees. He also asked about the E-file software (electronic filing system) and the payment to the McMinnville School District is for a C.E.T. (Construction Excise Tax) that are fees that are collected from developers and passed on to the school district.

3) Public Works report:

Nicholas Harris said that he would like to express his appreciation of Public Works' hard work during the heat wave. Diane Rinks said that Public Works has been very busy fixing multiple water leaks over the last couple weeks. This is not unusual during this time of year.

Diane Rinks said that a new influent meter was installed at the Wastewater Treatment Plant and it was put online today. Roy Loftis, Wastewater Treatment Plant Operator, reported that the City exceeded the effluent thermal load limit (temperature calculation) in the last week of July. This is due to the hot weather over a prolonged period of time warming the flow through the treatment process. Roy Loftis is currently participating on a countywide task force that is looking at the process of establishing the TMDL limits.

4) Fire Department report:

There were no questions on this report.

5) Sheriff's report:

Sergeant Steve Warden said that he is glad to report that the graffiti vandals that came through town last week have been caught. The alleged vandals were two juveniles. Deputy Jeff Donahoo has also been busy dealing with code enforcement issues. There was some discussion about graffiti vandals and what can be done to discourage this behavior.

10. LEGISLATIVE ACTIONS:

1) Resolution 2009-11- Adopt Hazard Mitigation Plan:

Michael Roberts made a motion to adopt Resolution 2009-11, as presented. Nicholas Harris seconded the motion. Discussion- Leah Harper asked who was on the Steering Committee for this plan. Diane Rinks said that the committee consisted of herself, Don Leard (Mayor at the time), Public Works Foreman Jim Anderson, and Fire Chief Terry Lucich. Leah Harper said that the resolution states that the Hazard Mitigation Plan has been reviewed by community residents, business owners, state and local agencies, etc. and she wanted to know how this was done. Diane Rinks said that there was a public hearing in August 2008, a newsletter was sent out on June 30, 2008, and the newsletter and Appendix F was placed on the City website. The County has also held public hearings on the entire plan. Leah Harper asked if all cities and counties were required to put this plan together. Diane Rinks said that it stemmed from a requirement from FEMA (Federal Emergency Management Agency), placed on the state emergency departments, that FEMA mitigation grants will only be available to states that require their counties to have these Hazard Mitigation Plans.

Chris Pagella asked if this will become an action plan for the City and Diane Rinks said that some of the items have already been identified or completed, but the biggest benefit to participating in this plan is, if the grant funds ever become available, we would be eligible to apply for the funds. There was no more discussion and the motion passed unanimously.

11. ACTION ITEMS:

1) Approve Council newsletter for distribution:

Dean Rhodes said that he asked for this item to be placed on the agenda because he feels that it is important to continue communicating with the residents. He said that the letter that was distributed in the packets is just a draft, and he is open to ideas. He also said that another councilor is welcome to write the next one if they choose to. Chris Pagella said that he thinks that having the newsletter is important, but he felt that if the newsletter goes out, the vote should be unanimous. Bob Cullen said that he thought the newsletter was a well written document and thanked Dean Rhodes for writing it. There was some discussion about the paragraph referring to the charter amendment (spending vs. debt limit). The consensus of the Council was to remove portion of the sentence that stated "The majority of the Council feels that..." and "We know it can be a difficult issue to understand, but..." to remain neutral on the issue. Leah Harper asked to have her email address updated (leahharper@comcast.net). Nicholas Harris made a motion to approve the newsletter for distribution in the water bills, with the amendments stated above. Michael Roberts seconded the motion. There was no more discussion and the motion passed unanimously.

2) Approve City Administrator recruitment profile and hiring schedule:

Nancy Boyer, Executive Director of the Mid-Willamette Valley Council of Governments, said that she has prepared a draft profile for the City Administrator position. The job was advertised, and to date, she has received about 90 applications. The deadline to submit applications is Monday, August 17.

Chris Pagella said that he would like to see more emphasis put on labor relations (unions/collective bargaining) experience. Nancy Boyer said that the profile states that someone with this type of experience would be a preferred candidate over someone who did not have that experience.

Nancy Boyer asked the Council to consider meeting on a different date (originally scheduled Sept. 10) to review the applications because she will be out of town. After some discussion, the Council decided to meet on September 24, 2009 at 6:30 p.m. to review the applications.

Dean Rhodes made a motion to adopt the City Administrator recruitment profile and the hiring schedule, with the amendment of the meeting on September 24 instead of September 10 to review the applicants. Chris Pagella seconded the motion. There was no more discussion and the motion passed unanimously.

The Council took a 5-minute break at 8:45 p.m. The meeting was called back to order at 8:52 p.m. (*Michael Roberts was not back in the room when the meeting reconvened.*)

3) Approve IGA with Dayton re: certified operators:

Diane Rinks said that the City of Dayton has hired a new Public Works Superintendent, and he has the needed

water certifications, but does not have the needed wastewater certifications. They have asked that the City of Lafayette continue to be the designated operator for their wastewater system. Roy Loftis, City of Lafayette Wastewater Treatment Plant Operator, has estimated that it will take 4-5 hours of his time each month to provide the needed reports. Compensation in the amount of \$200 per month has been negotiated. This agreement will be in effect until June 30, 2010, or when their staff achieves the needed certifications, whichever comes first.

Bob Cullen made a motion to authorize the City Administrator to sign the Intergovernmental Agreement with the City of Dayton for Lafayette to provide oversight and supervision of Dayton's Wastewater Treatment Facility and Collection System, through June 30, 2010. Nicholas Harris seconded the motion. There was no more discussion and the motion passed unanimously.

12. DISCUSSION ITEMS:

1) Code Enforcement:

Leah Harper said that she asked for this item to be placed on the agenda because she has gotten complaints about there being unfair/selective code enforcement. She asked if there is a standard complaint form being used, and she also provided a sample complaint form for the Council to take a look at.

Michael Roberts returned to the meeting at 8:58 p.m.

Mayor Chris Heisler suggested scheduling a worksession to review the current City Code, to see if it is effective in its current state.

Leah Harper said that she would like to see what kind of reports the new software (code enforcement) can provide. Leah Harper agreed that a worksession that the public would be invited to give their comments, would be a good idea. Discussion ensued.

Mayor Chris Heisler suggested putting something in the next newsletter about the residents concerns that are being addressed in the code.

Linda Lyon, 1143 N. Madison St.- said that she has been complaining about two houses on Madison St. for two years and nothing has been done about it. Trena McManus said that a couple of pictures were passed on to the code enforcement officer, but the pictures that referenced garbage cans being left out by the street are not something that the City can enforce. Mayor Chris Heisler said that these are good examples of things that could be discussed at a worksession.

Mary Heisler, 1407 N. Madison St.- said that the Lafayette Municipal Code is weak. The cities of Tigard and Dayton have a good code, and would be a good reference to consider.

Angela Flood, 287 Canyon View Dr.- said that the City of Gresham has good landlord requirements in their code, so that tenants aren't living in substandard conditions.

2) Parks Projects Worksession:

Dean Rhodes said that he requested that this item be placed on the agenda because during the budget sessions, the Budget Committee allocated more than \$300,000 to parks, and if decisions on how to spend that money aren't made now, then it will be hard to get anything done this budget year. Mayor Chris Heisler said that this is a big enough issue that a separate worksession should be scheduled (hopefully soon). Bob Cullen expressed his desire to carry through with the work and desire of past councils and budget committees to follow through on the creation of a new basketball court. Leah Harper expressed her concerns with the condition of the current parks. There was some discussion about contracting out park maintenance in the next budget year. Nicholas Harris said that he feels Perkins Park should be the showcase park for the City. Chris Pagella suggested taking out the pavilion at Perkins Park and putting the basketball court there, since the land is relatively flat.

Diane Rinks said that the Council has to be willing to pay for a higher level of service. Discussion ensued.

Marie Sproul, 1282 3rd Street #1- said that a basketball court is a great thing for the community, but the current parks look terrible. She felt that the current parks need to be brought up to an acceptable standard before a new park is developed.

Linda Lyon, 1143 N. Madison St.- said that she got a bid from C&D Landscape to maintain the parks. The bid that she got would include service three times a year, and they would put down liquid fertilizer and weed control, and it would cost \$1,000 a year.

Christine Gregory, 1019 Bridge St.- said that she lives right next to the new park property (1055 Bridge St.) and she wanted to know what is proposed as a buffer between the park and the surrounding houses. She said that she doesn't want to see a basketball court go in next door to her.

Patricia Rhodes, 621 E. 13th Place- said that she used to live next to the park at 15th/Grant Street and it was horrible living next to a park. There was no fence or any type of buffer and she always had people coming into her yard, there was no privacy, and they ended up having to move.

Darrell Flood, 287 Canyon View Dr.- said that when he was Mayor, a 4th public works person was hired to maintain the parks. If that maintenance person has been moved to other duties, that's not his problem. That person was supposed to take care of the parks. It's the Council and Administrator's responsibility to make sure

the parks are maintained.

Angela Flood, 287 Canyon View Dr.- said that other towns solicit opinions from kids in the community to see what they would like to see in the parks since they are the ones who use it.

Mary Heisler, 1407 N. Madison St.- said that she hasn't seen anyone stand up in a meeting and say they want to see a basketball court. But, she has heard people complain about the condition of the current parks.

Cindy Buell, 176 15th St.- asked if consideration will be given to the opportunities to utilize local resources to maximize the projects that could be done through donations of labor, supplies, etc. Mayor Chris Heisler said that is a good point because he knows of some businesses and individuals that are willing to donate time or materials and should be considered. She also said that if the communication and faith is built between the Council and the residents, then the Council will gain support for the projects that lie ahead.

Diane Rinks said that she could get a quote from C&D to do a one time treatment of the parks for now, until additional funds can be budgeted for ongoing maintenance.

The Council decided that another worksession needed to be scheduled to discuss this issue further. They asked staff to coordinate a meeting sometime before the end of September.

5) Announce Special Meeting on August 27, 2009- LZDO (Laf. Zoning and Dev. Ord.):

Diane Rinks said that a public hearing has been scheduled for Thursday, August 27, 2009, at 6:30 p.m. at City Hall to discuss amendments to the Lafayette Zoning and Development Ordinance.

Bob Cullen left the meeting at 10:05 p.m.

3) House numbers in Lafayette:

Linda Lyon, 1143 N. Madison St.- said that there are a lot of houses in town that don't have house numbers on them. She said that she is going to purchase house numbers for the homes that don't have numbers on them and she asked Diane Rinks to authorize the Fire Department to deliver them. Diane Rinks said that she spoke to the Fire Chief and he indicated that they would only install them for persons physically unable to do it themselves.

4) Darrell Flood- Public Records/Digitizing Records:

Darrell Flood handed out a proposal to the Council about digitizing records and providing public records to the public. He asked a series of questions about the City's current policies regarding archiving records, the City's current equipment, and procedures. He suggested that all city records should be digitized and made available to the public (at no cost). Mayor Chris Heisler asked staff if we are moving towards getting an electronic filing system, and Diane Rinks said that the installation of the e-file software is scheduled for August 25. Darrell Flood said that he keeps bringing it up because at some point the City needs to join the 21st century. Mayor Chris Heisler said that the City is making progress and moving in that direction.

13. COMMITTEE REPORTS:

None.

14. MAYOR'S REPORT:

Mayor Chris Heisler said that he thinks the City is operating at 160% of what is being charged for water/sewer compared to what it costs to operation the system and pay down debt. He challenged the Council to take a look at reducing the water/sewer bills to cost plus 30%. He said that he would like to see it happen in the next budget year.

15. REVIEW OF HANDOUT MATERIAL:

None.

16. ADJOURNMENT:

Chris Pagella made a motion to adjourn. Nicholas Harris seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 10:25 p.m.

Minutes approved on this 10th day of September, 2009.

APPROVED:

ATTESTED:

Mayor Chris Heisler

Diane Rinks, City Administrator