

**City of Lafayette**  
**City Council Meeting Minutes**  
**October 8, 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, Michael Roberts, and Chris Pagella.  
*Absent:* None.  
*City Staff Present:* Diane Rinks- City Administrator, Trena McManus – Asst. to the City Administrator, and Jim Anderson- Public Works Foreman.  
*Others:* Mary Heisler, Darrell Flood, Linda Lyon, Marie Sproul, Sergeant Steve Warden, Al LeMay, Chris Harper, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**  
Dean Rhodes made a motion to approve the September 10, 2009 minutes, as presented. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**
  - 1. September 17, 2009 and September 24, 2009-** Michael Roberts made a motion to approve the September 17, 2009 and the September 24, 2009 minutes, as presented. Dean Rhodes seconded the motion. Discussion- Leah Harper asked if it was the consensus of the Council that Mayor Heisler could appoint advisory committees to him and Diane Rinks said that he had the right to do that at anytime, but the Council would prefer him to appoint advisory committees rather than official City committees. There was no more discussion and the motion passed unanimously.
- 6. ADDITIONS AND DELETIONS:**  
Mayor Chris Heisler said that he would like to move the Sheriff's report the top of the departmental reports. The consensus of the Council was to move the Sheriff's report to the top of the departmental reports from now on. There were no additions or deletions.
- 7.a. PRESENTATIONS:**  
None.
- 7.b. PUBLIC HEARINGS:**  
None.
- 8. CITIZEN INPUT ON NON-AGENDA ITEMS:**  
None.
- 9. DEPARTMENTAL REPORTS:**
  - 5) Sheriff's report:**  
Sergeant Steve Warden said that the decoy car was put out on Third Street for a couple shifts, so hopefully that helped to slow drivers down.  
Mayor Chris Heisler asked if every code complaint that comes into City Hall goes to the code enforcement officer and Diane Rinks said that if it pertains to a nuisance or something that he deals with, then he gets them. If it is something that Public Works or the office staff can take care of, then they handle it.  
Leah Harper asked why a deputy was at the parks worksession, and Diane Rinks said that she asked him to be there in case there was an overflow crowd. Once she saw that there wasn't going to be a large crowd, he was excused from the meeting.  
Linda Lyon, 1143 N. Madison St.- said that there is a red truck parked in front of Freeborn Motors that has been there for weeks and she asked Sergeant Warden if it could be towed away. There was some discussion about whether it was on the state right of way, but Sergeant Warden said he would look into it.  
Chris Harper, 241 E. 16<sup>th</sup> St.- asked if there will be increased police presence on Halloween and Sergeant Warden said that the normal patrols will be out that night. There may be some additional reserves and citizen volunteers out if they are available.

### 1) City Administrator report:

Diane Rinks said that the PGE (Portland General Electric) franchise is coming up for renewal soon, and there is a workshop scheduled for October 17 designed to set the groundwork for a successful collaboration in the development of an efficient and effective franchise agreement. If anyone is interested in attending, please let staff know and we will RSVP for you.

Diane Rinks said that the City got a letter from the health division stating that the monitoring requirements for the water system are going to be changing and will require some additional testing. There are two options now-triggered source monitoring (the City will use this option for the City Park well). The other option is compliance monitoring and the City will go with this option for the watershed. This new rule was adopted by the state so that sources that aren't chlorinated will be more closely monitored. Diane Rinks said that this is something that the City was working towards anyway, but this new rule will just speed up the process. Discussion ensued. Dean Rhodes asked what the costs to the City will be for this additional testing. Jim Anderson said that the testing costs are minimal, and he is meeting with electricians next week to get estimates on installing a chart recorder in the watershed.

Leah Harper asked what the reservoir easement acquisition is referring to and Diane Rinks said that she is working with the property owners (Al and Janice Blanco) to update the old easement document to realign the existing roadway into the watershed and it will also encompass the proposed location for the new reservoir. Nicholas Harris asked how much the OECD grant request is for and Diane Rinks said that she submitted a letter of interest which specified a \$1.5 million project for a transmission main from the watershed and \$3.8 million for the reservoir. The letter of interest qualifies the City to apply for funds as they come available in the future.

### 2) Accounts payable report:

Dean Rhodes asked about the payment to DND Electrical Contractors for the power surge that occurred at well #5 and Diane Rinks said that the well lost one leg of power (phase protection) and there was a prolonged surge. There was a surge protector on the well, but because a leg of power was lost, it caused additional problems. A claim was turned in to McMinnville Water and Light for the costs of the damage, but they denied the claim. R&W Engineering and DND Electrical are putting together a report to submit to McMinnville Water and Light stating that the extenuating circumstances justify the claim.

Chris Pagella asked about the large payment to YCOM (Yamhill Communication Agency) and Diane Rinks said that it was for the quarterly 911 taxes and the monthly dues combined.

Leah Harper said that she noticed that there were costs incurred on the attorney bill for Diane Rinks contacting the attorney to discuss the fact that her husband (Chris Harper) had applied for the City Administrator position. Diane Rinks said that once she was notified that he had applied, some questions arose regarding a possible conflict of interest and she needed to get some advice on how to proceed. Leah Harper said that she wanted a copy of any emails from the attorney regarding this issue.

Darrell Flood, 287 Canyon View Dr.- asked about the purchase of chairs for the Community Center and Trena McManus said that there were 20 chairs down there and 30 more were purchased.

### 3) Public Works report:

Chris Pagella thanked Jim Anderson for the additional detail that he has been providing on his reports. Leah Harper asked if the water meters are read every month and Jim Anderson said that every meter is read every month. Mayor Chris Heisler said that Terry Park is looking great.

#### Water Restrictions

Jim Anderson said that when he determines that water restrictions are necessary, there is no formula or magic number that he is able to rely on to make that decision. There are many variables that he considers when making this decision which include: well levels, rainfall, history, and rest periods (for the wells), etc. The total rainfall accumulations have declined for the past four years, and if it continues to decline, the wells' recovery will be slower and slower. Well recovery (aquifer levels) is dependent on rainfall. Discussion ensued. Jim Anderson made a recommendation to the Council that the City continues on an odd/even watering schedule year round. There was some discussion about well levels and aquifer recovery. Leah Harper expressed concern about how much the City charges for water and now we are thinking of telling people when they can and can't use the water. Mayor Chris Heisler suggested approaching the public, educating them, and ask them to conserve water rather than make it a punishable requirement.

Michael Roberts made a motion to instruct staff to prepare an Ordinance to institute a year round odd/even watering schedule and bring it back to the Council at the next meeting. Bob Cullen seconded the motion. Discussion- Chris Pagella asked Jim Anderson to incorporate the indicators (well levels, rainfall, rest periods, etc.) into a written document so that any successor of Mr. Anderson's could refer to that to aid in making decisions about the need for water restrictions in the future. Jim Anderson said that he would do that. Discussion ensued.

Michael Roberts left the meeting at 8:00 p.m.

Mary Heisler, 1407 N. Madison St.- asked the Council to consider lowering the fine to violators of the restrictions (currently at \$100 per day).

Al LeMay, 1155 N. Madison St.- asked if the large snowfall last year had a big impact on the wells, and Jim Anderson said that it didn't really impact it much.

Dean Rhodes requested a vote on this issue and Mayor Heisler said that there was additional public comment on this issue. Bob Cullen said that the procedures do not allow public input once a motion is made and the Council is deliberating.

A short break was taken at 8:08 p.m. to review the Council Rules. The meeting was called back to order at 8:13 p.m. Section 7.6 of the Council Rules states, "After a motion has been made or after a public hearing has been closed, no public member shall address the Council without first securing permission from the majority of the Council." The Council moved forward to the vote on this matter.

*Since Michael Roberts left the meeting and he was the one that made the motion, a new motion was made.*

Nicholas Harris made a motion to instruct staff to prepare an Ordinance to institute a year round odd/even watering schedule and bring it back to the Council at the next meeting. Bob Cullen seconded the motion. There was no more discussion and the motion passed, with Leah Harper voting nay.

#### **4) Fire Department report:**

There were no questions on this report.

### **10. LEGISLATIVE ACTIONS:**

#### **1) Ordinance 601- Amend Lafayette Municipal Code Ch. 1:**

Bob Cullen made a motion to adopt Ordinance 601, as presented. Dean Rhodes seconded the motion. Diane Rinks read the Ordinance by title only- 'An Ordinance amending sections 1.260 and 1.270 of the Lafayette Municipal Code dealing with Municipal Court fees and schedules.' Discussion- Leah Harper asked if the fee schedule is just being changed to a flat \$25 for payment plan fees and Trena McManus said yes. There was no more discussion and the motion passed unanimously.

#### **2) Ordinance 602- Amendments to Lafayette Zoning and Development Ordinance:**

Bob Cullen made a motion to adopt Ordinance 602, as presented. Dean Rhodes seconded the motion. Diane Rinks read the Ordinance by title only- 'An Ordinance amending the Lafayette Zoning and Development Ordinance to clarify language, add processes, and amend the PUD regulations.' Discussion- Dean Rhodes said that the Council is sending letters to the Planning Commission thanking them for all of their hard work on amending the Zoning and Development Ordinance. Diane Rinks said that City Planner Jim Jacks and Community Development Clerk Lori Labb also put a lot of hard work and effort into it. The Council asked staff to put together a thank you letter to Jim and Lori as well. There was no more discussion and the motion passed unanimously.

#### **3) Resolution 2009-13- Support for COG Application for TA/DLCD Grant:**

Bob Cullen made a motion to adopt Resolution 2009-13, as presented. Dean Rhodes seconded the motion. Discussion- Leah Harper asked for clarification on whether this paperwork will put the City on a list for future funding or if it is an actual application. Diane Rinks said that this resolution authorizes the Council of Governments to submit a grant application on the City's behalf for a planning grant through the Department of Land Conservation and Development (DLCD). The grant will pay the Council of Governments to update the City's Comprehensive Plan and Planning Atlas. These documents are very outdated. After some discussion, the motion passed unanimously.

### **11. ACTION ITEMS:**

#### **1) Approve Council newsletter for distribution:**

In reviewing the draft newsletter, Chris Pagella said that he didn't think it was necessary to put that he was absent from the September 24 meeting. Trena McManus said that she has gotten new city email addresses for each councilor, so the email addresses on the newsletter will be updated. The consensus of the Council was to accept the changes to the newsletter as noted above.

**2) Request from Lafayette Plantation HOA for waiver of Comm. Center fees:**

Dean Rhodes made a motion to waive the Community Center fees for the Lafayette Plantation Homeowners Association, as of October 8, 2009. Bob Cullen seconded the motion. There was no more discussion and the motion passed unanimously.

**3) Change Order for Bridge/Washington St. project:**

Diane Rinks said that the change order for Bridge Street is for connecting an unknown sewer lateral, installing an additional storm manhole, and costs incurred to date relating to the fuel tank (\$2,062), for a total of \$7,984.80 and the Washington Street change order is for connecting unknown sewer laterals, running a camera through the lines, replacing a couple of water services (laid too shallow), abandoning old lines that didn't lead anywhere, etc. in the amount of \$8,339.68. The final decision on how the fuel tank is going to be decommissioned has still not been decided by DEQ (Department of Environmental Quality). Diane Rinks said that she is hopeful that the tank will not have to be removed. Hopefully DEQ will approve the tank to be left in the ground, drained, and filled in with concrete. Soil samples will be taken and the contaminated soil will be removed. Even with these change orders, the project is still significantly under budget.

Al LeMay, 1155 N. Madison St.- asked about the water lines that were put in back in 2000 and wanted to know if there was any recourse for recouping some of the costs associated with the water services not being installed correctly. Diane Rinks said that she doesn't think there is and even if there was, the company is out of business.

Bob Cullen made a motion to approve the Bridge Street change order in the amount of \$7,984.80 and the Washington Street change order in the amount of \$8,339.68. Dean Rhodes seconded the motion. There was no more discussion and the motion passed unanimously.

**12. DISCUSSION ITEMS:**

**1) Bridge/Washington St. project update:**

Diane Rinks said that she has hired Belfor Environmental to help deal with decommissioning the fuel tank that was discovered at 3<sup>rd</sup>/Bridge St. near Lafayette Auto Body. This company will handle all of the paperwork involved, make the DEQ (Department of Environmental Quality) contacts, take the necessary soil samples, etc. These services will cost \$3,360.50. There will be additional costs once the process for decommissioning the tank is known.

Marie Sproul, 1282 3<sup>rd</sup> St. #1- asked how big the fuel tank is and asked what was in it. Diane Rinks said that it appeared to be a 1000 gallon tank and it probably contained leaded gasoline.

**13. COMMITTEE REPORTS:**

None.

**14. MAYOR'S REPORT:**

Mayor Chris Heisler handed out a memo to the Council that informed them of the advisory committees that he has appointed (Beautification, Library, Parks, Downtown Business Group, etc.).

Linda Lyon, 1143 N. Madison St.- asked if she could put something on the water bill asking for volunteers for the Beautification committee. This will be put on the next Council agenda as a Discussion Item.

**15. REVIEW OF HANDOUT MATERIAL:**

None.

**16. ADJOURNMENT:**

Bob Cullen made a motion to adjourn. Nicholas Harris seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 8:51 p.m.

**Minutes approved on this 12th day of November, 2009.**

**APPROVED:**

**ATTESTED:**

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

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