

City of Lafayette
City Council Meeting Minutes
December 10, 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, Nicholas Harris, Leah Harper, Dean Rhodes, and Chris Pagella (arrived at 6:47 p.m.).
Absent: Michael Roberts, Bob Cullen (exc.).
City Staff Present: Diane Rinks- City Administrator, Trena McManus – Asst. to the City Administrator.
Others: Darrell Flood, Linda Lyon, Chris Harper, Mary Heisler, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**

Dean Rhodes made a motion to approve the November 12, 2009 minutes, as presented. Nicholas Harris seconded the motion. Discussion- Mayor Chris Heisler asked if Jim Anderson has had time to look into pruning the trees at Perkins Park yet, since it was mentioned at the last meeting. Diane Rinks said that she would check with Jim, but she didn't think he had done anything on this yet. Mayor Chris Heisler asked if Diane Rinks had looked into any alternative funding for the water projects that were prioritized at the last meeting and Diane Rinks said that she had spoken to Michelle Bilberry from IFA (Infrastructure Finance Authority), and she said that the City could apply for some water funds for the Lafayette Spring rehabilitation project. Staff is still waiting for the application for this. There was no more discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**
 - 1. November 7 and November 18, 2009-** Nicholas Harris made a motion to approve the November 7 and November 18, 2009 minutes, as presented. Leah Harper seconded the motion. There was no discussion and the motion passed unanimously.
- 6. ADDITIONS AND DELETIONS:**

None.
- 7.a. PRESENTATIONS:**

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

None.
- 8. CITIZEN INPUT ON NON-AGENDA ITEMS:**

None.
- 9. DEPARTMENTAL REPORTS:**
 - 1) Sheriff's report:**

Sergeant Steve Warden was unable to attend the meeting, but the monthly report was provided to the Council.
 - 2) City Administrator report:**

Diane Rinks said that she will be turning in a claim to the insurance company for the surge damage that occurred to wells #4 and #5 in July. City/County Insurance covers both McMinnville Water and Light and the City of Lafayette, so they will decide whose policy needs to pay for this damage. The audit is complete and the auditor should be ready to present it to the Council in January. The Bridge/Washington Street project is complete, and Diane Rinks said that she is just waiting for the final pay estimate, so she can submit all of the final paperwork to ODOT to get the \$94,000 in stimulus funds that was awarded to the City. The construction of wells #2 and #5 is now complete and cost a total of \$505,829, which is \$16,760 under budget. Diane Rinks mentioned to the Council that she has been the City representative on the YCOM board and the Yamhill County Water Task Force, so the Council will need to consider replacement representatives for these committees. This will be placed on a future Council agenda.

3) Accounts payable report:

Leah Harper asked about the \$23,249 payment to the City of Dayton, and Diane Rinks said that is the loan payment on a \$600,000 loan that Dayton added to their loan package on the City of Lafayette's behalf so the joint water project could be finished.

Leah Harper asked about the \$258,534.45 payment to OBDD, and Diane Rinks said that this pays of the \$250,000 wastewater loan that the City took out to complete the sewer plant project.

Chris Pagella arrived at 6:47 p.m.

4) Public Works report:

Diane Rinks said that Public Works has been very busy turning residents' water off due to frozen/broken pipes during the cold weather.

5) Fire Department report:

There were no questions on this report.

10. LEGISLATIVE ACTIONS:

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

Dean Rhodes made a motion to adopt Ordinance 603, as presented. Nicholas Harris 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- Leah Harper said that there is no emergency right now that makes this Ordinance necessary, and she would rather see odd/even watering be in effect May-October rather than year round. If this Ordinance doesn't pass tonight, there is nothing that prohibits the Council from considering restrictions again in May. The City of Dayton is not on water restrictions.

Chris Pagella said that he doesn't see the need to restrict water usage during the winter months.

Dean Rhodes said that this Ordinance just sets a new policy and it becomes well known that odd/even watering is always in effect.

Nicholas Harris said that this is not just based on rainfall, but also on consumption. The water table that the wells draw from, are used not just by residents of Lafayette and Dayton, but nurseries and surrounding farms as well.

Discussion ensued.

Chris Harper, 241 E. 16th St.- said that if the water restrictions are year round, people are just going to forget about them. The Council is trying to place authority over the citizens for no reason.

After some discussion, the motion failed, with Nicholas Harris and Dean Rhodes voting aye, and Chris Pagella, Leah Harper, and Mayor Chris Heisler voting nay.

2) Resolution 2009-14- FY09-10 Budget Transfer:

Diane Rinks said that these budget transfers are necessary to cover the payout of her accumulated PTO when she retires, to cover the additional insurance costs for the new City Administrator (his will be family coverage, and Diane's is for herself only), to replenish the system repairs and maintenance line item since most of the funds in this line item were used on repairs to well #4. The stimulus funds were not received for the transmission line in the watershed, so the water capital projects budget was amended to reflect that.

Chris Pagella made a motion to adopt Resolution 2009-14, as presented. Dean Rhodes seconded the motion. There was no discussion and the motion passed, with Leah Harper voting nay.

3) Resolution 2009-15- Appoint City Administrator Pro-tem:

Dean Rhodes said that Justin Boone is supposed to be in Lafayette by December 18, and wanted to know if it was still his intent to start January 4, and Diane Rinks said yes. Diane Rinks said that since Trena McManus will be filling in as City Administrator pro-tem until Justin Boone starts, the resolution appointing her as such, should be updated. Leah Harper asked if this resolution is indefinite and Diane Rinks said yes. Chris Pagella asked about changing the resolution to appoint the Assistant to the City Administrator as the pro tem instead of Trena McManus specifically, in case she ever leaves the City's employment. After some discussion, the Council decided to vote on this Resolution tonight, but asked staff to redraft the Resolution for consideration at the next meeting.

Dean Rhodes made a motion to adopt Resolution 2009-15, as presented. Nicholas Harris seconded the motion. There was no more discussion and the motion passed unanimously.

4) Resolution 2009-16- Adopt Amended Parks CIP (Capital Improvement Plan):

Chris Pagella said that it looks like the amendment to the SDC methodology about doubled the amount of SDC funds that can be spent on the eligible projects.

Al LeMay, 1155 N. Madison St.- asked if the opinions from the parks survey were incorporated into the parks CIP, and Mayor Chris Heisler said this list in the CIP is a wish list, and what specific projects will be done will be decided at a later date.

Mary Heisler, 1407 N. Madison St.- asked the Council when they are going to discuss the parks improvements further, and Mayor Chris Heisler said that now that this CIP is updated, the next step will be to schedule a worksession to discuss this.

Nicholas Harris made a motion to adopt Resolution 2009-16, as presented. Leah Harper seconded the motion. There was no more discussion and the motion passed unanimously.

11. ACTION ITEMS:

1) Approve Council newsletter for distribution:

Mayor Chris Heisler distributed some information about some advisory committees that he has established. He asked for this information to be incorporated into the newsletter. Nicholas Harris asked for some more information to further define the purpose and scope of the committees. The consensus of the Council was to include this information on the back side of the newsletter. The Council also asked staff to post the letter that was received about the local food bank on the City website and at City Hall.

Leah Harper said that her understanding was that the newsletter would be approved unanimously, or it wouldn't be sent out at all. She had a couple changes after the last Council meeting, and her changes were not incorporated into the newsletter. Dean Rhodes said that he understands that the decision should be unanimous, but when changes are made after the meeting, and one person wants changes and two other people say leave it the way it is, it creates an issue.

There was some discussion about having a unanimous decision before the newsletter going out, and stating facts in the newsletter, rather than opinions.

Leah Harper said that the second paragraph should be removed because it is not an item that the Council is working on.

She also suggested that instead of saying, "Please visit Mr. Boone at City Hall...", it should say, "Please join us in welcoming Mr. Boone..."

Darrell Flood, 287 Canyon View Dr.- said that he would like to receive a copy of the Action Item report and Mayor Chris Heisler asked staff to include it in the packets from now on.

Linda Lyon, 1143 N. Madison St.- said that she would like to have something put in the water bill asking for volunteers for the beautification committee, and Mayor Chris Heisler said that it will be included on the back of the newsletter with the information on the rest of the committees.

The consensus of the Council was to approve the newsletter with the changes noted above.

2) Request for funding for downtown beautification:

Mayor Chris Heisler asked how much money is available for this type of request.

Diane Rinks said that there weren't funds in the current year's budget earmarked to purchase any flowers or other decorative items for the downtown. Nicholas Harris suggested that a proposal be brought to the Budget Committee in the spring, for their consideration.

3) Approval of City Administrator contract:

Since it was the Council's intention, and Justin Boone's desire, to have the \$3,500 compensation towards moving expenses be a relocation allowance (payable in one lump sum and not require receipts to be turned in), the wording in the contract was changed to reflect that. Diane Rinks handed out copies of the amended contract.

Dean Rhodes made a motion to authorize the Mayor to sign the City Administrator contract with Justin Boone. Chris Pagella seconded the motion. There was no more discussion and the motion passed unanimously.

4) Approve request for advance of relocation expenses for new City Admin.:

This agenda item was deleted since it was covered under agenda item 11(3).

5) Extension of City Administrator resignation date:

Diane Rinks said that the mediation regarding the HBH litigation has been scheduled for December 22, 2009. If the Council would like her to participate in that mediation, she asked the Council to extend her resignation date to December 25, 2009. Dean Rhodes said that he felt it was very important for Diane Rinks to participate in this process since she was around during all of the construction of the sewer treatment plant. Mayor Chris Heisler asked if there was a possibility of continuing the mediation out to a future date. Diane Rinks said that the date

for the mediation will not change.

Chris Pagella made a motion to accept Diane Rinks' amended resignation date of December 25, 2009. Dean Rhodes seconded the motion. There was no more discussion and the motion passed unanimously.

6) Declare results of November 3, 2009 election:

Trena McManus said she received the abstract of votes of the November 3, 2009 election from the County Elections Official on November 19, 2009. Therefore, I determine the results of the election were as follows: There are 1,553 registered voters in the City of Lafayette and 568 ballots were cast in this election (36.57% voter turnout). The proposed amended charter for the City of Lafayette was defeated with 228 yes votes and 340 no votes.

12. DISCUSSION ITEMS:

None.

13. EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (2)(h) re: to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Trena McManus said that the Lafayette City Council will now meet in executive session for the purpose of consulting with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, consistent with ORS 192.660(2)(h). Representatives of the news media and designated staff are allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session except to state the general subject of the session. No decision shall be made in executive session. At the end of the executive session, Council will return to open session.

Council went into executive session at 8:07 p.m.

The Council returned to open session at 8:57 p.m.

14. COMMITTEE REPORTS:

None.

15. MAYOR'S REPORT:

None.

16. REVIEW OF HANDOUT MATERIAL:

None.

17. 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 8:59 p.m.

Minutes approved on this 14th day of January, 2010.

APPROVED:

ATTESTED:

Mayor Chris Heisler

Justin Boone, City Administrator