

City of Lafayette
City Council Meeting Minutes
Thursday July 11, 2024, at 6:30 p.m.

1. **CALL TO ORDER:** Mayor Malcomson called the meeting to order at 6:30p.m.
2. **FLAG SALUTE:** Mayor Malcomson led the flag salute.
3. **ROLL CALL:** Kennedee Richardson called the Roll:
Present: Mayor Hilary Malcomson, Lee Gilgan, Joseph Carswell, Kayla Paulsen, Jessica Kitt, Russell Burrows
City Staff Present: Branden Dross, City Administrator; Kennedee Richardson, City Recorder; Chad Snyder, Public Works Director; Tim Jech, Fire Chief; David Robinson, City Attorney (via Zoom); PJ Morrissey, Yamhill County Deputy
Others: Scott Adamson, Janice Leard, Greg Goularte, Scott Dadson, Kathleen Karl, Christine Brungardt
4. **CITIZEN INPUT ON NON-AGENDA ITEMS:**
No citizen input.
5. **ADDITIONS TO OR DELETIONS FROM AGENDA:**
City Administrator Dross asks to move all items after number five down one, making item six an update from the City Attorney.
6. **UPDATE FROM CITY ATTONEY:**
City Attorney David Robinson provides an overview of the decision made by the United Stated Supreme Court in the matter of Grants Pass vs. Johnson. The two big takeaways from this decision, the first is that it is no longer considered cruel and unusual punishment for individuals sleeping outdoors on public property. The second takeaway was that homelessness is no longer recognized as a class status. The City Attorney shared that in response to these decisions the State of Oregon passed House Bill 3115 which dictates our rules of how the city can enforce rules relating to homeless individuals. The City Attorney goes on to share how this decision directly effects Lafayette municipal code, The City Attorney has shared with the City Administrator that in Code 5.5602A the working “with the exception of any County ordinance that regulates the acts of homeless individuals sitting, lying, sleeping or keeping warm and dry outdoors on public property,” could be removed as that relates to class status. Councilor Carswell asks about the reason for House Bill 3115, City attorney Robinson does not have the historical information as to why House Bill 3115 was passed.

The City Attorney shares information regarding the decision from the United States Supreme Court on April 12, 2024, Sheetz vs The County of El Derado, California which affirmed and expanded previous decisions that limits both the type and scope of exactions that local jurisdictions can make from new developments. This decision overruled a previous ruling from Rogers Machinery versus the City of Tigard. The City Attorney

states that System Development Charges (SDC's) will not be affected under this ruling as they are determined through a mathematical formula.

7. COMMUNITY GRANT PRESENTATIONS:

Mayor Malcomson reads an emailed statement from Kassandra Watson, from the Girl Scouts, stating that unfortunately they are unable to attend the meeting but hopes that their grant application will be considered.

Janice Leard speaks for the Lafayette Food Pantry; they share their appreciation for Council support historically. Leard shares that they are having to provide more food this year and meat prices are expensive. The Food Pantry is currently serving about forty different families in Lafayette. Councilor Gilgan states that in the future they would like to see them seek more areas of funding.

No presentation was provided by Homeward Bound Pets or Northwest Christian Church.

8. RECOLOGY WASTE FY 24-25 PRESENTATION:

Dan Blue the Government Relations Manager for Recology Northern Oregon and Ernest Martin the Operations Manager of the Hauling Site and Transfer Station in McMinnville provide a presentation outlining Recology as a whole, Lafayette specific services, and the proposed rate adjustment. City Administrator Dross asks Blue to share the operational reason for the rate increase, Blue states that the increase is to allow Recology the ability to make a profit, retain employees, and maintain equipment. The Council asks numerous questions regarding the validity of the financial statements provided. The Council directed Staff to invite Recology back at the next meeting to address the questions and concerns regarding the cost-of-service report.

9. APPROVAL OF MINUTES:

a. June 18, 2024, City Council Meeting Minutes

Councilor Gilgan asks to add detail to section four paragraph three, adding that during public comment Councilor Gilgan states to resident Tom Reed that this was not an appropriate venue to discuss if Council President Paulsen or themselves would be running in the upcoming election. Councilor Gilgan asks that in section four paragraph five it be noted that Mayor Malcomson stopped reading the statement provided by resident Christine Brungardt at three minutes. Councilor Gilgan asks for more detail from Jeff Bosworth comments regarding the training in Dayton noted in section four paragraph six.

Mayor Malcomson asks that in section 9B that the directive from council for City Administrator Dross to work with the City Attorney to see what is legally allowed to be done be noted.

Councilor Burrows notes a clerical error on section 8B changing 15,000 to 1,500 billable meters.

Minutes will be brought back for approval at the August City Council Meeting.

b. June 20, 2024, City Council/Planning Commission Joint Work Session Meeting Minutes

Councilor Gilgan states that historically when a councilor is not present for a known reason that they are listed “excused” instead of “not present”. Council President Paulsen moves to approve the June 20, 2024, City Council/Planning Commission Joint Work Session Meeting Minutes with the noted change of “excused” instead of “not present”, Councilor Carswell seconds. Motion passes unanimously.

10. ACTION ITEMS:

a. *Community Outreach Grant Allocations*

Mayor Malcomson announces conflict and removes herself from the dais, Council President Paulsen takes over as chair for this action item. Council goes over each application starting with the Girl Scouts, Councilor Kitt provides personal insight to the organization of the local Girl Scouts Troop. Councilor Gilgan states concern with the amount of money per person that is being requested in the grant.

Council President Paulsen moves to the next application, Homeward Bound Pets. Council President Paulsen shares that historically the Council has awarded grant funds to Homeward Bound Pets. Councilor Gilgan acknowledges that there have been issues with pets and that Homeward Bounds provides a noticeable service to the City. Resident Greg Goularte provides a statement that there have been capacity concerns, which multiple councilors agree has been a struggle for the Homeward Bound organization.

Council President Paulsen starts the conversation about the Lafayette Food Pantry noting that historically the Council has awarded funds to this applicant and that this program provides a lot of good to the residents in Lafayette. Councilor Kitt agrees that this applicant is a worthwhile program. Councilor Gilgan states that in the future they would like to see Lafayette Food Pantry widen their grant application search, as on the application form it only notes Lafayette, to get more support and funding to serve the city.

Council President Paulsen asks for clarification if this program is though the Kids on the Block (KOB) program or if it is separate. Hilary Malcomson speaking on behalf of the organization answers Council President Paulsen’s question, The Zone is separate from KOB. Malcomson states that KOB is no longer going to be at Wascher Elementary School and The Zone will be taking over as a free afterschool program. Councilor Gilgan asks Malcomson clarifying questions about how the program is funded.

Council Present Paulsen asks Councilor Kitt a clarifying question about the Girl Scouts registration fee, Councilor Kitt provides information about the registration process. Councilor Gilgan suggests \$500 for Homeward Bound Pets, \$1000 for the Lafayette Food Pantry, \$800 for the Northwest Christian Church, and no grant funding for the Girl Scouts. Councilor Burrows states that they have grandchildren who have been loving the program The Zone. Councilor Carswell notes that the suggested amounts put the total at \$2,300 and there is a budgeted about of \$2,500. Council President Paulsen shares concern about the Girl Scouts

management of the local program, Councilor Gilgan also expresses concern with the dollar amount requested when divided between the amount of Lafayette children within the program. Councilor Burrows agrees with the numbers suggested by Councilor Gilgan but would suggest that the remaining \$200 be granted to the after-school program The Zone. Councilor Gilgan is agreeing to meet in the middle at an additional \$100 to the Northwest Christian Church.

Councilor Gilgan moves to award the Northwest Christian Church a \$900 grant in accordance with their proposal submitted and in front of council, Councilor Kitt seconds. Motion passes 4-0, Council President Paulsen acting as the Chair abstains.

Councilor Carswell moves to award Homeward Bound a \$500 grant as discussed, Councilor Burrows seconds. Motion passes 4-0, Council President Paulsen acting as the Chair abstains.

Councilor Gilgan moves to award the Lafayette Food Pantry a \$500 grant in accordance with the discussions, Councilor Carswell seconds. Council President clarifies that the suggested amount had been \$1,000 not \$500. Motion and second, Chair failed to call for a vote.

Councilor Carswell moves to award \$1,000 to the Lafayette Food Pantry, Councilor Kitt seconds. Motion passes 4-0, Council President Paulsen acting as the Chair abstains.

b. Resolution 2024-10 Recology Waste Services Rate Increase

Mayor Malcomson resumes position as meeting chair. Council President Paulsen clarifies that under the franchise agreement Recology can raise the rates without provided the information requested by Council during their presentation. City Administrator Dross confirms that and adds it would be best to have Council support. Councilor Gilgan asks what happens if the Council votes against the rate increase, The City Administrator states that in the event the increases do not pass they would need to confer with the City Attorney on next steps. Additional discussion ensues. Councilor Carswell moves to approve Resolution 2024-10 Recology Waste Services Rate Increase effective August 1, 2024, Councilor Kitt seconds. Council President Paulsen asks if a directive can be provided to City Administrator Dross to request the information asked for during the presentation. Motion passes 4-1, Councilor Gilgan opposed.

c. Ordinance 647-Second Reading– Repealing Building Inspection Operating Plan

Councilor Gilgan announces a conflict. Mayor Malcomson completes the second reading of Ordinance 647 by title only. Council President Paulsen moves to approve Ordinance 647 Repealing Building Inspection Operating Plan, Councilor Carswell seconds. Motion passes 4-0, Councilor Gilgan abstains.

d. GIS Integration Proposal

The City Administrator Dross thanks the engineer AKS for providing data for the current customers and the build out of the water system in the new development. The City Administrator Dross shares that the project came in under budget. Public Works Director Snyder shares the benefits of the GIS Integration. Councilor Kitt moves to approve the GIS proposal and authorizes the City Administrator to execute the contract. Councilor Carswell seconds. Motion passes unanimously.

e. Resolution 2024-12 Sale of Surplus Property

City Administrator Dross explains that the 1999 Ford F350 has completed its life cycle and that they are requesting that the Council allow it to be put up for sale with a starting bid of \$15,000, with the funds being put to the fire vehicle equipment fund. Mayor Malcomson asks Fire Chief Jech what stays on the F350, Fire Chief Jech states that reusable equipment will be removed from the F350 prior to sale. Council President Paulsen moves to approve Resolution 2024-12 Sale of Surplus Property, Councilor Kitt seconds. Motion passes unanimously.

City Administrator requests a five-minute recess at 8:15pm, the Council reconvenes at 8:30pm.

f. Resolution 2024-13 Adjusting SDCs for Sanitary Sewer System

Councilor Gilgan announces conflict. City Administrator Dross explains that resolution 2024-13 is to finalize adjusting the sewer SDC that was discussed at the June meeting. Councilor Carswell moves to approve resolution 2024-13 Adjusting SDCs for Sanitary Sewer System, Council President Paulsen seconds. Motion passes 4-0, Councilor Gilgan abstains.

g. Linda Lyon Community Service Award

Mayor Malcomson tables this action item until the August meeting to be able to provide the Council with the full application. No objection from the Council.

h. August City Council Meeting

The Council discussed a date to reschedule the August City Council Meeting. Councilor Carswell moved to reschedule the August 8th City Council Meeting to August 27th at 6:30pm, Councilor Kitt seconds. Motion passes unanimously.

i. Resolution 2024-11 Est. the Lafayette Code Inspection Program and Operating Plan

Councilor Gilgan announces a conflict. The City Administrator gives a brief overview of what Resolution 2024-11 covers. Council President Paulsen moves to approve Resolution 2024-11 Est. the Lafayette Code Inspection Program and Operating Plan, Councilor Carswell seconds. Motion passes 4-0, Councilor Gilgan abstains.

11. DISCUSSION ITEMS:

a. Park Master Plan Review

The City Administrator shares that staff is recommended focusing on chapter five, Proposed Parks Improvement, of the Parks Improvement Plan. City Administrator Dross suggests that a virtual public hearing be held to get input on park changes. Discussion was had about when the last survey was conducted. Mayor Malcomson would like to see all the parks discussed as a whole and how they complement each other. Councilor Gilgan states that Terry Park has been a topic of conversation. Mayor Malcomson shares thoughts about the usage and enforcement of city code at Veterans Park. City Administrator Dross states for the record that “Any dog stuff is not code enforcement, it is police.” Councilor Carswell asks about vehicles at Terry Park, Council President Paulsen states that with the new Supreme Court ruling that it makes sense to open the gate at Terry Park during the day but notes a concern with RV’s. Councilor Gilgan also shares concern with the ability to enforce the removal of vehicles/RVs at the park. Mayor Malcomson clarifies with the City Administrator that Terry Park was never intended to be a drive-in park and the steps that would have to be taken if it is made into a drive-in park. City Administrator Dross confirms that to make Terry Park a drive-in park the city would have to bring it up to ADA compliance. Councilor Gilgan states that they are opposed to vehicle access to Terry Park, Councilor Carswell would like vehicle access if possible but if not to look at parking spots at the park. The Council discusses if Veterans Park should be a focus at this time. Resident Greg Goularte asks that the Council consider more infrastructure, such as electrical outlets and basketball courts. The City Administrator would suggest looking at sports possibilities. The Council gives a directive to the City Administrator to start work on the Parks Plan chapter five.

12. DEPARTMENT REPORTS:

City Administrator Dross shares that the city will be hosting National Night Out on August 6th. City Administrator Dross notifies the council that the city website and app have been renewed and that there is a new Yamhill County Sheriff’s Patrol Sargent, Sgt. McMahon, assigned to Lafayette. City Administrator Dross thanks the Lafayette Community Activities Team (LCAT) and other supporters for their help with this year’s July 4th hot dog eating contest.

a. Code Enforcement

No discussion

b. Administration Accounts Payable

No discussion

c. Public Works

City Administrator Dross congratulates Public Works Director Snyder for their team’s work and for passing permits for the first time in a long time.

d. Fire Department

City Administrator Dross addresses why information about volunteers’ status is not being shared in the staff report and that the City Attorney was a part of the discussion regarding concerns of how to properly display that information as part of it would involve other organizations personnel. Council President Paulsen states that they appreciate the change in this month’s report that they have been

helpful, they also state that they had requested that the report only reference calls within the boundary of Lafayette. Councilor Gilgan asks if the calls to date only reference calls in Lafayette City boundaries, Fire Chief Jech clarifies that this month's report includes all calls. Council President Paulsen shares that they asked that the report show how many over nights and how many volunteers are present at those over nights. Mayor Malcomson verifies that if other requested information from the June meeting is not in this report it is because it is personnel related and that if residents have concerns, they will need to contact The New Carlton Fire Board. Resident Christine Brungardt asks a question about volunteer numbers, Council President Paulsen shares that they are not comfortable discussing personnel issues, they trust that the staff reports are accurate, and volunteers will come and go it is not a reflection on Chief or the organization. Councilor Gilgan states that personnel questions are not for Council and are an administrative matter. Chief Jech states that up until recently the fire station has been a volunteer station and that looking at the numbers, they are doing a good job filling call. Council President Paulsen thanks Chief Jech for making the requested changes to the staff report.

- e. *Yamhill County SO Report*
No discussion

13. COUNCILOR'S REPORTS AND MAYOR'S REPORT:

Council President Paulsen provides an update from the Lafayette Downtown Association, they will be trying to meet every month on the last Friday.

Councilor Gilgan shared support of LCAT's July Fourth festivities.

Mayor Malcomson thanks the Lafayette Fire Department for their July Fourth pancake breakfast and LCAT for their festivities. Mayor Malcomson states that they are already working on the Christmas lights contest and reminds everyone of the fifth annual city-wide garage sales on Saturday, July 13th.

14. EXECUTIVE SESSION: *ORS 192.660 (2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.*

Mayor Malcomson recessed the regular session of the City Council meeting at 9:00pm to enter an Executive Session as allowed by ORS 192.660 (2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Mayor Malcomson adjourned the Executive Session and reconvened the regular session at 10:15pm

15. ACTION ITEM in following up to Executive Session:

- a. *review and evaluate the employment-related performance of the chief executive officer*

Councilor Gilgan moves to amend section eight of the employment agreement between the City of Lafayette and Administrator Dross dated January 17, 2024 to replace section eight in its entirety with the following; severance provided the City Administrator successfully completes the probationary period in section six above, in the event, the City Administrator's, employment is terminated by the City without cause as defined in section 7A the City shall pay the City Administrator a severance in the amount equal to six months' salary. Councilor Carswell seconds, motion passes unanimously.

Council President Paulsen moves to do a one-time salary increase in the amount of 4.25% effective immediately following the annual review of the City Administrator, Councilor Carswell seconds. Motion passes unanimously.

16. ADJOURNMENT:

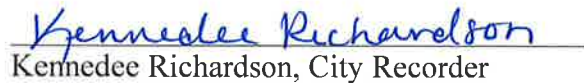
Councilor Gilgan moved to adjourn; Councilor Carswell seconded the motion, which passed unanimously. No further discussion.

Minutes approved on the 27th day of August 2024.

CERTIFIED:

ATTESTED:


Hilary Malcolmson, Mayor


Kennedee Richardson, City Recorder