

**City of Lafayette**  
**City Council Meeting Minutes**  
**Thursday November 14, 2024, at 6:30 p.m.**

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1. **CALL TO ORDER:** Mayor Malcomson called the meeting to order at 6:30 p.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; City Planner Jim Jacks (via Zoom)

**Others:** Roger Webb, Emily Bonsant, Sheriff Sam Elliott, Captain Todd Whitlow, Micheal Schindele, Leah Harper

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

Roger Webb provides a written handout to the Council. Webb states that he is here to discuss Duniway Road, which he describes as the most popular hiking trail in Lafayette. Webb goes on to share that he feels there is a safety issue for pedestrians on that road as it is a 55-mph road, as well as advocating for this trail to get more attention as possible park land for Lafayette. Mayor Malcomson clarifies that Webb is asking the Council to consider working with other entities to look at a property for hiking trails outside city limits. Councilor Carswell asks if Webb is asking that council look at okaying a trail system or to purchasing this land, Webb shares that his understanding is that if the city acquires the easement that the city could get more grant funds. Webb is asking the Council for City Administrator Dross's time to gather information, Mayor Malcomson states that to get his time there needs to be a directive from the Council. Mayor Malcomson suggests that due to the packet of information provided by Webb that the Council review the provided information and if they want City Administrator Dross to work with Webb to bring it back to Council. Councilor Burrows asks Webb if the city has authority to make an easement outside of city limits, Webb states that he asked Jim Jacks the Lafayette City Planner if parks SDC money could be spent on a project outside of city limits and that the answer was yes. Councilor Burrows asks City Administrator Dross for an estimate of how much time he would spend investigating this.

5. **ADDITIONS TO OR DELETIONS FROM AGENDA:**

Mayor Malcomson states after speaking with City Administrator Dross there is a change to the title of item number seven from "Work Session with Budget Committee Members" to "Budget Presentation."

6. **APPROVAL OF MINUTES:**

- a. *October 10, 2024, City Council Meeting*

Councilor Burrows notes a spelling error on 7b lead and copper updates title. Councilor Burrows asks if a comma is needed in 7b were it states “breaks or leaks three times” after clarification from City Administrator Dross and Mayor Malcomson no change to this is directed. Councilor Gilgan noted in the middle of page 4 the City of Administrators question to the City Planner Jacks that the question mark should be changed to a period. Councilor Carswell moves to approve the Minutes from Thursday, October 10, 2024, Councilor Burrows seconds. Council President Paulsen notes she will be abstaining as she was not present at the meeting. Mayor Malcomson points out that the motion does not state with the added changes. Motion passes 3-0 (Aye – Councilor Burrows, Councilor Carswell, Councilor Kitt. Abstains – Councilor Gilgan, Councilor Paulsen).

## **7. PRESENTATION OF THE BUDGET:**

Mayor Malcomson notes that there are members of the budget committee present in the audience. City Administrator Dross goes over the changes made to the presentation this year.

### *a. Presentation on FY 23-24 finances*

City Administrator Dross states that these numbers are not finalized, the auditor is still working to complete their report. City Administrator Dross goes over each account. Council President Paulsen asks if the sewer revenue is higher due to more people moving into the city than anticipated, City Administrator Dross confirms this and adds that the usage has also impacted the numbers. Mayor Malcomson asks that the City Administrator clarify how the SDC’s are funded, City Administrator Dross states that it’s a separate enterprise fund and that water rates have nothing to do with the SDC’s. Council President adds that SDC’s money is coming from new developments not utility bills, Councilor Gilgan specifies that the money is coming from the developer of the new developments. Councilor Gilgan states that the city did receive more money due to water bills and asks during the next budget cycle if it would be possible to mark that for early payment out of the debt obligations. City Administrator Dross says that is it possible and he goes on to state that this year the city paid a bit extra on one loan and expresses a desire to do that again but adds that during the League of Oregon Cities (LOC) and many cities are looking at major shortfalls coming up so this coming budget should be looked at carefully.

### *b. Presentation on Q1 FY 24-25 update*

City Administrator Dross shares that the general fund revenue looks a bit different in the middle of the year due to transfers, but closer to March or April there will be a clearer picture of where the year to dates is at. City Administrator Dross goes on to review each account. City Administrator Dross points out in the Court fund that there has been an increase speeding tickets, Council President Paulsen notes that the 20-mph speed limit plays a factor in that. City Administrator Dross states that regarding the Police funding the Yamhill County Sheriff’s Office will be voting on a contract here soon which will give us a better forecast for the next three years. City Administrator Dross shares that the salaries in the Parks fund may shift due to personnel changes, Council President Paulsen adds that there is also the contracting with former Director Snyder that will impact this. City

Administrator Dross notes that the projection of the Mac Water and Light Surcharge fee is in line with what was projected, this is the same with the water maintenance surcharge. Council President Paulsen confirms that this is an indication that Councilor Gilgan and City Administrator Dross's calculations were correct, City Administrator Dross states that as of right now yes, the number of users, houses, and building and the progression of that looks to be even keel as of now. City Administrator Dross states that any deliverables from the Parks Master Plan will come out of the Parks SDC fund, Council President Paulsen states with keeping in mind there is not much room to grow therefore SDC fund will not continue to come in. City Administrator Dross goes over the Capital Improvement Plan (CIP), explaining that the yellow fields should be completed, if not already. City Administrator Dross shares updates on the four yellow fields, the water reservoir should be up in January, The City Engineer Gordon, Chad Snyder, and he are working on the wastewater facilities plan update, the vactor trailer has been purchased, and the Inflow and Infiltration system has been scheduled. As for the remaining projects City Administrator Dross shares that the city did not receive the grant from the United States Department of Transportation for the pedestrian crossing on Hwy 99. City Administrator Dross shares that ARPA fund updates will be brought back to the council.

## **8. DISCUSSION ITEMS:**

### *a. Yamhill County SO FY 23-24 Service Update with Sheriff Elliot*

Sheriff Sam Elliot provided a handout with service information for the fiscal year (FY) of July 1, 2023-June 30, 2024. Sheriff Elliot states that he hopes to be provided with updates closer to the end of the FY starting next year. Sheriff Elliott goes over the provided information with the Council. Sheriff Elliot shares data changes from 1995 to 2024, Councilor Carswell asks what a "nonreportable offense" Sheriff Elliott explains that it's when there isn't necessarily a crime but people wanting to provide information, such as non-criminal verbal disturbances as well as some status offenses like runaways and minor in possession (MIP). Sheriff Elliot continues to go over the overall activity for the last four FY's. Sheriff Elliott states that one of the primary reasons he wanted to speak with the Council today is the "All Calls for Service by Primary Responding Deputy" chart. 51% of all calls were handled by Lafayette deputies, and 47% are being taken by rural deputies. This means that 47% of calls are when a Lafayette deputy is not on shift. Councilor Carswell asks if having three deputies would be better cover, Sheriff Elliot states that he hasn't run those numbers, but it could reduce the amount of calls the rural deputy is taking. Sheriff Elliott adds that 11% of the 51% of calls Lafayette deputies are taking they are getting assistance by a rural deputy, he states that he brings this up because that is taking the one rural deputy who is responsible for the entire north district which directly impacts the service to rural county residents. Mayor Malcomson asks if they could get this information for all cities to compare, yes, they can. Sheriff Elliott goes over the top 20 types of service calls, noting that traffic was the primary call, adding that when he was a Sargent overseeing Lafayette traffic was consistently the biggest complaint. Sheriff Elliott states that most of the traffic stops are from cell phone usage. Councilor Kitt asks what civil paper refers too, Sheriff Elliott states those are

servicing subpoenas, restraining orders, ejection notices. Moving to the next page Sheriff Elliott shows the percentage of calls separated by day of week, Sheriff Elliott adds that in comparison to the other cities the calls by day are consistent. The last page shows traffic stop outcomes, Sheriff Elliott shares that these often get questions and that there are a lot of factors that come into play, one of which is deputy discretion. In the last two years when the Sheriffs office gets grant money from the Oregon Department of Transportation, they are doing more special emphasis work, this includes seatbelt enforcement, cell phone usage, distracted driving, DUI, and crosswalk enforcement. These special emphasis enforcement details see a higher concentration of citation, due to targeting the problematic behavior. City Administrator Dross thanks Sheriff Elliott and his deputies for their work on the crosswalk enforcement, noting that both himself and another staff member had near misses. Councilor Gilgan asks Sheriff Elliott if they take the data provided today into consideration when scheduling deputies, Sheriff Elliott answers that they do take some of it into consideration and adds that historically scheduling focused around Wascher Elementary and the request to see a deputy around the school at certain times. Sheriff Elliott reiterated that he needed to put the amount of time a rural deputy is having to come into the city on the Councils radar, recognizing that the police contracts are expensive he must ensure his deputies are servicing the rural areas. Sheriff Elliott asks that in the coming budget discussions this is looked at. Councilor Carswell asks if Sheriff Elliott has a recommendation, Sheriff Elliott states that he would not be asking the city to add more than one full-time employee (FET). Discussion about what it would take to have 24-hour service is had Mayor Malcomson asks City Administrator Dross what the current Sheriff budget is, the budget with YCOM is \$462,000. City Administrator Dross shares that he has been having discussions to see how the city could increase coverage. Councilor Gilgan states that the information about other cities' usage of the rural deputy that was requested by Mayor Malcomson along with seeing a contract for the deputies would be helpful in future discussions. Sheriff Elliott shares that the city's contract for just the Sheriff's office is \$379,605.11 per year. Sheriff Elliott shares that the only city that has a contract for more than two deputies is the City of Sheridan who has three, their contract is \$546, 146 this current year and then scheduling in Sheridan there is a lot more overlap. Mayor Malcomson asks that the topic of adding a deputy be put on the agenda again before the budget season. Sheriff Elliott in closing wants to reiterate that no call goes unanswered in Lafayette, but he is getting questions from rural residents about why they are not seeing a deputy in their area, so he is trying to find a good balance.

*b. Parks Master Plan Update*

City Administrator Dross shares an update on the Virtual Town Hall and says that he would like to have additional community engagement. City Administrator Dross asks the Council to rank their choices for the parks, once that is done the city would then use that data to hopefully gain more community involvement. Mayor Malcomson shares that she had asked City Administrator Dross to discuss the parks plan because instead of having the Planning Commission interpret the survey results, she felt that a decision of how a park would be used should come

from Council as the elected officials. Mayor Malcomson adds that she would like to see the three parks being looked at as one project verse three projects and gives the example of looking at what park a basketball hoop would be best at. Council President Paulsen state that the point of the Planning Commission is to make that determination based off the citizens survey results adding that she agrees it should come to Council, but that Council shouldn't have full control. Mayor Malcomson shares her concern of the Planning Commission moving forward not knowing what the Council will and will not approve. Councilor Gilgan suggests a joint work session, Councilor Burrows agrees that a joint conversation would be called for. The council discusses when a joint session can be scheduled. Councilor Carswell asks for clarification on what Mayor Malcomson said earlier regarding how the parks should be looked at. Councilor Gilgan states that his understanding is the Mayor wants the parks to complement each other, Councilor Burrows adds that along with complementing each other then also deciding what to work on first. City Administrator Dross says he will work with the City Planner Jim Jacks and get a date for February, and an additional discussion is had about dates for the meeting.

## **9. ACTION ITEMS:**

### *a. FEMA: PICM, National Flood Insurance Program*

City Planner Jim Jacks refers Council to the information about the three options provided by FEMA and the staff recommendation. City Planner Jacks shares there is a draft model ordinance, which is the staff recommendation, from the Oregon Department of Land Conservation and Development (DLCD) that FEMA Region 10 has coordinated to use. City Planner Jacks goes over what the model ordinance would cover. City Planner Jacks shares that in the permit by permit and the prohibit development options do not have the model language that the model ordinance does. City Planner Jacks shares that the prohibit development and permit by permit options appear to have some inherit issues, adding that the properties within the floodplain prohibiting development would mostly impact City's public works facilities. City Administrator Dross shares that he spoke with the City Attorney about the questions from the last meeting about how changes of federal administration could impact this, the City Attorney felt that any changes to these regulations would need to go to court and would take years. Mayor Malcomson confirms that the prohibit development option is the most restrictive of property rights. Councilor Carswell asks about the ability to go back if they chose permit by permit, City Administrator Dross confirms with City Planner Jacks that FEMA Region 10 scaled back on some of their mandates. City Planner Jacks explains the deadline and default mandate changes. Mayor Malcomson confirms that the city is complying if they show they are moving forward with a plan. Councilor Gilgan asks if the MO standard of no net loss of species and their habitats is specific to the endangered salmon and whales or all species and habitats. City Planner Jacks answers that it is only for endangered species. Councilor Burrows asks who determines if an applicant meets the MO standard, City Administrator Dross answers that while the cost is on the applicant that the

city would have to find an expert. Councilor Burrows adds that if an applicant does not like the decision made by who they would then take to court, it is part of why he asked about who makes the determination. City Planner Jacks guesses that an applicant would probably sue the city. Council President Paulsen asks why the Council would go with the model ordinance, Mayor Malcomson answers that the permit by permit is a higher cost. Discussion about the cost of permit-by-permit vs model ordinance is had. Council President Paulsen moves the City Council to adopt the Model Ordinance pre-implementation compliance measure and direct the City Planner to inform FEMA Region 10 by email of the City's selection, Councilor Kitt seconds. Motion passes 3-2 (Aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen. Nay – Councilor Gilgan, Councilor Kitt).

b. *Ordinance 648 First Reading– Amending the LMC Section 7.960-7.990*

No conflicts of interest were disclosed and no objection to reading by title were raised. Mayor Malcomson preforms the first reading of Ordinance 648 Amending the LMC Section 7.960-9.990. Council President Paulsen asks why the City would have the Department of Revenue collection funds and not the City. City Administrator Dross states that it is a pass though like the alcohol and gas tax. Council President Paulsen states that she is making sure that Lafayette's revenue wouldn't be divvied up, but that it would all come to Lafayette. City Administrator Dross confirms this. Councilor Burrows confirms that the tax revenue goes into the general fund, City Administrator Dross confirms this.

**10. DEPARTMENT REPORTS:**

City Administrator Dross reminds the Council of the Oregon Government Ethics Commission (OGEM) mandatory once a term ethics training. City Administrator Dross provides an update on the “no left turn” signs for Wascher Elementary School. City Administrator Dross shares at the request of Mayor Malcomson that Public Works Supervisor Greg Robinson has taken over drafting the preliminary report while the Director position is vacant. City Administrator Dross states that he will be calling bingo on Friday which is also his birthday and thanks City Recorder Richardson for helping at bingo last month.

a. *Code Enforcement*

Councilor Kitt asks why the high number of weed and grass complaints, City Administrator Dross states that as of October 15<sup>th</sup> tall grass and weeds can no longer be enforced. Mayor Malcomson adds that tall grass and weeds are a fire hazard for some months and that per city ordinances the Code Enforcement officer must enforce it. City Administrator Dross shares that he will be pulling the reports in a different way, the content will be the same, but the layout will be different.

b. *Administration: Accounts Payable*

No discussion.

c. *Public Works*

d. *Fire Department*

No Discussion.

e. *Yamhill County SO Report*

No discussion.

**11. COUNCILOR’S REPORTS:**

Councilor Gilgan wishes the City Administrator Dross a Happy Birthday.

**12. MAYOR’S REPORT:**

Mayor Malcomson thanks all who attended the City County Dinner and share positive feedback that she received. Mayor Malcomson expresses gratitude for Sheri King speaking at the event. Mayor Malcomson provides information from the LOC reg. small cities mtg regarding a discussion around financial shortfalls, adding that after hearing the questions asked Lafayette is sitting responsibly. Council President Paulsen adds that the fiscal responsibly is credited a lot to City Administrator Dross and how he and Councilor Gilgan resolved the water rates and getting the debt under control, Mayor Malcomson seconds and adds that the quick response of council was helpful. Mayor Malcomson reminds of the Christmas tree lighting event on December 6<sup>th</sup>, Councilor Paulsen asks if businesses have been invited to participate, Mayor Malcomson’s answers that the Lafayette Downtown Association (LDA) has been working on that. Mayor Malcomson shares about the December 20<sup>th</sup> caroling event. Council President asks why the opportunity of participating was opened to a Newberg business and not one in Lafayette, Mayor Malcomson states that there had been a meeting about doing business in Lafayette and that Chehalem had approached the city about doing business. Mayor Malcomson adds that with the Oregon Liquor and Cannabis Commission (OLCC) regulation Chehalem Brewery already having a beer truck speeds up the approval process. Council President Paulsen says she would be willing to help contact local businesses. Mayor Malcomson says she would like to see events grow and the community get involved.

**13. ADJOURNMENT:**

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

Minutes approved on the 12th day of December 2024.

CERTIFIED:

ATTESTED:

  
Hilary Malcomson, Mayor

  
Kennedee Richardson, City Recorder

# Lafayette City Council

Date: October 10, 2024

Council Members	Present	Excused	Absent	Item A	Item B	Item C	Item D	Min.
Council President Kayla Paulsen		X						
Councilor Russell Burrows	X			no vote was had	y	y	y	y
Councilor Joseph Carswell	X				y	y	y	y
Councilor Lee Gilgan		X						
Councilor Jessica Kitt	X				y	y	y	y
VACANT								
Mayor Malcomson	X				n			

\*Y=yes N=no A=abstains

Items Voted On:

Item A: FEMA: PICM, National Flood Insurance Program

Item B: Special City Council Meeting with Budget Committee

Item C: Wascher Elementary School Traffic Mitigation

Item D: Resolution 2024-15- Designation of Authority for City Code 5.010

Min: 9/12/24 cc minutes