

**City of Lafayette**  
**City Council Meeting Minutes**  
**November 9, 2017 at 6:30 p.m.**

1. **CALL TO ORDER:** Mayor Pagella called the meeting to order at 6:30 p.m.
2. **FLAG SALUTE:** Mayor Pagella led the flag salute.
3. **ROLL CALL:** Angela Speier, Assistant City Administrator called the roll.  
*Present:* Chris Pagella, Marie Sproul, Stan Kosmicki, Doug Cook, David Sword  
*Absent:* Chris Harper (excused), Kristina Phillips (excused)  
*City Staff Present:* Preston Polasek, City Administrator; Angela Speier, Assistant City Administrator; Jim Jacks, City Planner  
*Others:* Don Leard, Beth Pagella, Christine Brungardt, Shirley Burkett, Deputy Jerry Druery, Yamhill County Sheriff's Office
4. **REPORT FROM YAMHILL COUNTY SHERIFF'S OFFICE:** Deputy Jerry Druery gave an update on the graffiti vandalism that has been occurring around town. Unfortunately, they have not been able to obtain proof of the individuals that are doing the vandalism; however, they are working diligently on catching the suspects. Deputy Druery reported that he recently caught two car prowlers, one has been sent to prison. Preston Polasek noted that if the graffiti suspects were to be caught and cited into Municipal Court the judge could impose a fine of up to \$500.
5. **APPROVAL OF MINUTES:** Councilor Sword made a motion to approve the minutes of the October 12, 2017 City Council meeting. Councilor Cook seconded the motion. There was no discussion and the motion passed unanimously (4-0).
6. **ADDITIONS TO OR DELETIONS FROM AGENDA:** None.
7. **CITIZEN INPUT ON NON-AGENDA ITEMS:**  
Don Leard, 220 Madison Street  
Mr. Leard explained that the fountain on the corner of Jefferson and Third Street was purchased by him in memory of a friend who passed away. The City is responsible for the maintenance of the fountain, which has not been happening consistently over the last 20 years. This summer it was not working, and now it needs to be winterized and turned off.
8. **DISCUSSION ITEM:**
  - a. **Lafayette Development Code Updates Legislative Amendment Case #LA 2017-01**  
Preston Polasek noted that the Planning Commission has been busy discussing and making housekeeping changes to the Lafayette Zoning and Development Ordinance (LZDO) and is now forwarding the updates to the Council for consideration. Jim Jacks, City Planner is here to walk through the recommended changes to the LZDO prior to scheduling the first reading of the ordinance in December. The second reading will be scheduled for January 11<sup>th</sup> and if adopted it will become effective 30-days later. The Planning Commission will begin discussions related to Accessory Dwelling Units (ADUs) this month; the updates need to be adopted by July 1, 2018.  
  
Don Leard said that he attended the last Planning Commission meeting to discuss items that he thought should be changed in the LZDO. One of those changes is related to fencing on commercial property. He explained that the LZDO requires that a six foot fence be constructed to the edge of the property. He feels that the City Administrator should be able to apply discretion if

the height of the fence creates an issue with vision clearance. In cases where safety could be a factor the City Administrator could allow the fence to be lower the first few feet. He also noted that he was treated rudely by Planning Commission members when he discussed this issue at their last meeting. Lastly, he feels that the LZDO should be amended to allow food carts, which creates a pedestrian friendly atmosphere.

Mr. Polasek said that staff recommends that City Council update the language regarding commercial fencing to give the City Administrator discretion in certain cases. The City does allow food carts during special events, but allowing them on a permanent basis is not a good idea for a small town, because it takes business away from the established restaurants. Mayor Pagella said that he'll follow-up regarding how Mr. Leard was treated at the last Planning Commission meeting.

Jim Jacks stated that the Planning Commission has been working on these changes for over a year. He will review the more substantive changes with Council tonight, which are underlined in the staff report. Staff would like Council to give direction to add, change, or delete any of the LZDO updates forwarded by the Planning Commission. Those changes will be incorporated into the ordinance at the first reading and public hearing next month.

The first change discussed by Council was related to the separation between a driveway and an intersection. The City Engineer suggested that the language be changed in both the LZDO and the Public Works Design Standards to be "the driveway must be located at the farthest point from the intersection." Mr. Jacks reviewed the updates related to the Low Density Residential District (R-1), including adding public and private schools, K-12 as conditional use and making changes to be compliant with Oregon Revised Statute (ORS). In the R-2 District, Mr. Jacks noted that there is a recommended change to multi-family vehicle access points. Language allowing the City to assign conditions of approval on any land use action has also been added. Section 2.207 was amended to clarify the number of shade trees that need to be planted when expanding parking lots, and allows the City to determine if existing trees and vegetation should be incorporated in the landscape design or removed.

Council discussed accessory structures and how the LZDO needs to be amended to be consistent with the Building Code. The section has also been reorganized depending on the lot size. The Planning Commission has recommended not allowing metal siding or metal roofs; except metal roofing material that is typically found on single family dwelling units. A building permit is not required for accessory structures that are less than 200 square feet. Council can consider allowing smaller metal structures similar to what you can buy at the Home Depot, in order to store lawn equipment, etc. Language will be added to the PUD Development requirements to clarify that "unbuildable areas" includes wetlands and flood plains, Mayor Pagella asked if riparian areas should also be included.

Council discussed the pre-application conference and decided to remove the language about charging a fee for these types of meetings. A pre-application conference is not required, but strongly encouraged by staff, so charging a fee could deter the applicant. The Planning Commission is also recommending extending the expiration of approval from one year to 1.5 years and adding three-year extension criteria. Lastly, the Appeal Section of the LZDO will be amended to require that an appeal be in writing and must state each criterion the appellant believes has not been met. This will help Council focus on a specific issue and to avoid frivolous appeals.

Mr. Polasek asked about bringing a site into compliance as it relates to nuisances in residential areas. The City would like to require the site to become compliant prior to a building permit being issued. Mr. Jacks noted that staff will need to check with the City Attorney to ensure legality. Staff will schedule the first reading and public hearing for December 14, 2017. Changes to the ordinance can still be made after the hearing, if needed.

**9. DEPARTMENT REPORTS:**

- a. **Public Works:** Councilor Cook noted that the percent water loss has gone down for the last six months. The sign at Plantation Park needs to be replaced.
- b. **Fire:** Mayor Pagella noted that the Fire Department is accepting toys for the Annual Toy Drive to assist income eligible families in Lafayette.
- c. **Administration:** Mr. Polasek reminded Councilors about the upcoming City/County Dinner hosted by Grand Ronde. Danielle Putman has been hired as the City's Office Assistant. The Biosolid removal project has been halted, due to an issue at the City of Salem's wastewater treatment plant. The City has removed about 1/3 of the solids in one of the lagoons, which buys a few years; in the meantime the City will continue to look for a land use application site. Staff distributed a letter that the City will be sending to a property owner regarding the Grant Street detention pond. The City is moving ahead with the intertie with McMinnville Water and Light (MWL). Staff will be meeting with MWL to iron out the details of an agreement and is anticipating being able to report on the progress of the negotiations in January. Staff will be getting an opinion from the City Attorney regarding whether the intertie would be subjected to the Charter provision that requires any capital project over one million dollars to be approved by the voters. Lastly, Mr. Polasek updated Council on an unfortunate incident that occurred regarding the purchase of a new budgeted Public Works vehicle. The purchase price was beyond the City Administrator's approval authority (\$15,000 for budgeted items), but was purchased by the former Public Works Foreman without proper authorization. Staff distributed information from the budget discussion regarding the specs of the vehicle, which was ordered through the State Price Agreement off the bid list. This is not a violation of Local Budget Law, but is a violation of internal financial controls. The vehicle will be used by the Public Works Supervisor, which the City is recruiting for. The cost to return the vehicle would be \$1,500-\$2,000. In order to prevent this from happening again staff also distributed a draft Administrative Regulation requiring internal purchase orders for anything over \$15,000. Staff will be notifying select vendors about the new regulation. The City's Auditor thought that the Administrative Regulation was a good idea. Due to the fact that the vehicle was already budgeted and Council felt comfortable with the new Administrative Regulation, there was no objection to complete the purchase of the vehicle.

**10. COMMITTEE REPORTS:** None.

**11. COUNCILOR'S REPORTS:** None.

**12. MAYOR'S REPORT:** None.

**13. EXECUTIVE SESSION** per ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Mayor Pagella read the executive session script and Council entered into executive session at 8:32 p.m.

Council returned to regular session at 8:57 p.m.

**14. ADJOURNMENT:** Councilor Kosmicki made a motion to adjourn the meeting. Councilor Sword seconded the motion. The motion passed unanimously (4-0) and the meeting adjourned at 8:58 p.m.

**Minutes approved on this 11<sup>th</sup> day of January, 2018.**

CERTIFIED:

  
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Marie Sproul, Council President

ATTESTED:

  
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Angela Speier, Assistant City Administrator