

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

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:** Mayor Malcomson called the Roll:
Present: Mayor Hilary Malcomson, Lee Gilgan, Joseph Carswell, Kayla Paulsen, Eric Quillan, Jessica Kitt, Russell Burrows
City Staff Present: Branden Dross, City Administrator; Tim Jech, Chief of Fire; Jasmine Garcia, Community Development Clerk; Chad Snyder, Public Works Director; PJ Morrissey; Sherrif's Office Deputy, Gordon Munro, City Engineer; Jim Jacks, City Planner
Others: Marilyn DuVall, Bobbe (no last name provide), Scott Adamson, Jan Burrow, Larry Strober, Janice Leard, Tara Brown, Chris Sallee, Alex (last name not legible), Adam Bertram, Michael Factor, Norm (last name not legible), Ron Kerr, (first name not legible) Webb, Daniel Chambers

4. **PUBLIC HEARING ON AMENDING THE CITY'S MARIJUANA STANDARDS (LA2023-01):**

City Planner Jim Jacks gave a brief introduction of his background as the City Planner to the new Councilors. Jacks went over the districts within the city where the Planning Commission recommended a retail marijuana shop would be allowed in. He talked about the current buffers that are in place and what the proposed buffer would be. Jacks stated the current municipal code that pertains to retail marijuana and explained the Planning Commission's proposal is to remove the zoning part of the code and move it into the Lafayette Zoning and Development Ordinance (LDZO). Councilor Burrows wanted more clarification on marijuana social clubs. City Administrator Dross stated a marijuana social club would be like a cigar shop. Councilor Kitt asked what the process would be to add a buffer around the daycares. Jacks stated that the City Council can add a 1,000-foot or 500-foot buffer to daycares but stated if that change were made it would decrease the properties where a retail marijuana shop can be placed. Councilor Gilgan asked what the current tax was on retail marijuana. City Administrator Dross stated he thinks it was raised to 11% but will find out.

Chair Ron Kerr from the Planning Commission gave an overview of how the Planning Commission came to the decision of only a 1,000-foot buffer around Wascher Elementary and eliminating all the other buffers.

Mayor Malcomson opened the discussion to the public. Tara Brown asked if the entire Commercial Core (C-1) District was outside of the 1,000-foot buffer from the school. Chair Kerr answered her question and directed the council to the map on the wall. Greg Goularte stated that if the council kept their current buffers there wasn't any property available and stated that the City should collect their taxes on the retail marijuana shops. Goularte stated that there is a gun store next to the HeadStart center so there shouldn't be a worry with retail marijuana.

Mayor Malcomson asked if the Council had any questions or revisions to the staff report. Councilor Gilgan stated he would like to have a 500-foot buffer around daycares. Councilor Gilgan stated if a retail marijuana shop is open, he would like to see double digit point of sales tax. City Administrator Dross stated he will bring more information on the tax rate to the next meeting.

5. CITIZEN INPUT ON NON-AGENDA ITEMS:

Greg Goularte stated the city is looking good and he is happy with his neighborhood.

Michael Factor asked if there were any prohibiting camping ordinances for Lafayette. Council President Paulsen stated the problem with implementing one, the city must follow other procedures like providing specific requirements on locations, facilities, storing storage. Councilor Gilgan added the city can't enforce them unless they offer services like overnight shelters, there are state laws that govern what you can put in your city laws so in order for us to adopt something like McMinnville's we would have to have overnight shelter beds available, if we remove somebody, we are required to hold their stuff for a certain number of days. Mayor Malcomson stated there are rules for the park being open from dusk till dawn but there is nothing we can do to stop someone from sleeping. Factor asked if there were any fines that could be given so the trash is picked up from Terry Park. City Administrator Dross stated he has been working with our contract Sergeants regarding the trash and debris issues, the County Sergeant is talking with their team on possible enforcement mechanisms. City Administrator Dross stated with the new fence, it prevents vehicles from entering since that was the main concern, but we cannot remove the camps that are near the embankment.

Marilyn Duvall thanked the Council and City Staff regarding the Tree Lighting Ceremony.

Tara Brown wanted to know the protocol for any motor homes that park in front of all the families that live near Terry Park or if people are camping in front of their property. Mayor Malcomson stated that they will be putting gravel in front of the fence and turning

it into street parking which has a different enforcement and prevents the RVs from staying there as long. Mayor Malcomson stated with the current ordinances Tara can submit a complaint to Robert the code enforcement officer and he will be able to enforce the parking regulations.

6. ADDITIONS TO OR DELETIONS FROM AGENDA:

City Administrator Dross stated he would like to move down 12 A through D and make those B through E and would like to add 12 A, a verbal timeline of the water pressure reduction and loss event from January 9th and would like maybe five or ten minutes to go over that.

7. REPORT FROM LAFAYETTE FIRE DEPARTMENT:

Fire Chief Terry Jech went over his staff report. Chief Jech stated there has been more growth, and he stated the fire fighters who he gave awards to and the two firefighters he honored for years of service. He thanked his staff and the community for their help and donations for the toy drive. Chief Jech stated in 2023 they had almost 28% increase in growth of membership, there are now 23 members on the roster. He stated they experienced their largest year for call volume in the department's history with 638 calls.

8. REPORT FROM YAMHILL COUNTY SHERIFF'S OFFICE:

Sherif Deputy Morrissey gave a summary of his report for the month. There was a total of 284 calls and 58% were responded to by our Lafayette deputies. There were 12 arrests for the month of December.

9. REPORT FROM LAFAYETTE PUBLIC WORKS:

Public Works Director Snyder summarized the 3 call outs they had. He went over the stop signs that were put up. He stated Public Works has purchased new leak detection equipment to help locate leaks when they have them, and they are going to be starting routine leak checks around the city. He stated they have received 1,000 meters to install. Public Works Director Snyder summarized the 31 call outs for Wastewater. He went over all the new updates that were done to the system. He stated there is now a fence to prevent people from entering the Public Works office from under the bridge and the fence goes down to the river, that was put up since there was some issues with theft. He stated they received the fine from the Department of Environmental Quality (DEQ). The dates for these fines were from March 2021 through August of 2023, the fine is for \$69,210 he broke down each charge for council. He stated that the Environmental Protection Agency (EPA) could potentially fine us for the same exact fines from DEQ. Public Works Director Snyder went over the water draw on the system over the weekend. He stated that Supervisory Control and Data Acquisition (SCADA) helped a lot during the incident to keep on top of the problem. Councilor Quillan asked if Snyder had an idea of how much the fines would be. Snyder stated it varies but after speaking to a colleague of his, there is

another city similar to Lafayette's size that is being fine \$210,000. He stated the fines can be anywhere from hundreds of dollars to hundred thousand dollars.

10. LAFAYETTE DOWNTOWN ASSOCIATION UPDATE:

Larry Strober stated he is the executive director of the Lafayette Downtown Association (LDA). He gave a summary of the background of the LDA and how it was established. He asked each board member of the LDA present in the audience to introduce themselves. He proceeded to go over his goals for the LDA, one of those goals was to add murals around downtown. Another goal was to get in contact with the owners of the 40-acre property and see if they can get them to build something for the City. Mayor Malcomson stated that they have invested a substantial amount of time and money into the development of the LDA. She asked City Administrator Dross to add in the March City Council Meeting Agenda there be discussion to evaluate the funds given to the LDA, and their success. Council President Paulsen added that this was not funded only by the City, Larry Strober applied for many grants for the LDA, and that it was not started by the council. She stated that Larry came up with the idea and started the interviews and then came to council.

Mayor called for a 5 min recess at 7:51 p.m.

Mayor called the meeting back at 7:53 p.m.

Daniel Chambers stated he was the last camper at Terry Park. He stated there is a reason he is down by the river and not on Marsh Lane with the rest of the unhoused. He stated he does not like being around people because it affects his PTSD. He stated that when people left the park, he went around and picked up trash. He stated he has been in contact with Robert Beal regarding his warming fire and he has kept it under control. He stated he heard there was sewage dumping going on and to the best of his knowledge he had not seen any of that.

11. CONSENT AGENDA:

Dross gave a definition of what a consent agenda item intel.

Council President Paulsen moved to approve the consent agenda as presented. Councilor Gilgan seconded, which passed unanimously.

- a. *Appointment of Suzanne Harpell to the Budget Committee term to expire 12/31/2026*

- b. *Reappointment of Shirley Burkett to the Budget Committee term to expire 12/31/2026*

- c. *Appointment of Roger Webb to the Planning Commission term to expire 12/31/2027*

d. *Appointment of Scott Adamson to the Planning Commission term to expire 12/31/2027*

e. *Approval of City Council Meeting Minutes- December 14,2023*

12. DISCUSSION ITEMS:

a. Water Issue presented by City Administrator Dross

City Administrator Dross read his report regarding the water issue that happened Saturday 1/06/24- Wednesday 1/10/24 and all actions that followed.

Public Works Director Snyder went over what the Oregon Health Authority (OHA) laws/rules and stated the city did not violate any. He stated as a better management practice we did not recommend the water boil, which we could have and should have just to be safe. He went over the testing and fire hydrant flushing they did to ensure the lines were safe. Mayor Malcomson stated she was at City Hall when the incident occurred, and she posted on social media per direction from City Administrator Dross.

City Administrator Dross stated that he takes responsibility for the lack of clear direction and that Council, and the city deserves better communication from management. He stated that in the future if this incident were to happen again, he would have Public Works confirm there was no water or if it was just low flow. Public Works Director Snyder stated he wanted to applaud Public Works for working extra hours to handle the issues.

b. Bridge Street

City Administrator Dross introduced City Engineer Gordon Munro. City Engineer Munro stated they upgraded the reservoir tank from powder coated to glass for the same price. City Engineer Munro stated to fully upgrade Bridge street was 5.5 million dollars, that amount would be a complete rebuild including storm system, sidewalks, curb, gutters, etc. He went over what will happen if the city just continues to patch the potholes with cold patch, it will not get rid of the problem there are ruts in the street that will only cause more potholes. He is suggesting the city digs up the road, places road fabric then put rock and then pavement, he stated it is a long-term fix. He stated the city can make incremental improvements to the street to match whatever budget they have. Councilor Carswell asked what recommendations Munro can accomplish with \$300,000. City Engineer Munro stated \$300,000 will go a long way, to complete all of Bridge would be millions of dollars. Bridge street is the highest road traveled besides 3rd street. Munro stated a new road should last 15 to 20 years there may be light maintenance throughout the years, when he says long term with fixing the base and it should last 10-15 years. The Council would like a list of what can be done with different sums of money to present to Council next month. Munro stated if the city wants to start this in the summer this needs to be done next month.

c. Downtown Façade Grant Program

Branden went over the background of the program, how it started, what grants had been given. Councilor Gilgan stated that the committee does not have strong enough guidance on what fits certain criteria, there have been two grants, and the committee is currently hitting year nine. Councilor Gilgan asked whether the Council wants to continue the program. Councilor Quillan asked where the funds would go if this were to end. City Administrator Dross stated that it would go to the cash carry forward. City Administrator Dross stated the guidelines for business and operation are very vague and should be clarified. Council President Paulsen stated if there have only been four applications within 9 years, is there a need for that money elsewhere such as the improvements needed at City Hall. Councilor Gilgan stated this program isn't as fitting for the budget as it was in 2015.

Tara Brown wanted to know why she was denied. Councilor Gilgan stated that he can work with the committee on a written denial letter. Councilor Gilgan stated she could appeal and bring it to the City Council. Mayor Malcomson asked Administrator Dross to bring back a resolution to disband the committee before the first budget committee meeting in April.

d. Employee Collective Bargaining Agreement for 2024-2028

City Administrator Dross stated there will be union negotiations and he will be sending executive meeting discussion via email and there will be a discussion in the February meeting. He wanted to make sure this was completed prior to the budget meetings.

e. New Permit Fee Schedule Draft

City Administrator Dross went over the report and how there will be a large increase in permitting fees. He went over the last time revisions had been made on the fee schedule and how there has not been any changes since 2002. The City of Newberg gets 60% of permitting fees and 100% plan review fees. The breakdown has been vetted by staff. These numbers are just to break even. He will be bringing this back in March with any revisions. Mayor asked for this to be brought back in February.

13. DEPARTMENT REPORTS:

a. Code Enforcement

Council President Paulsen stated he is doing a good job. No further discussion.

b. Administration: Accounts Payable

City Administrator Dross stated Public Works Director Snyder is working on the rebuttal on the technical operational specifications for DEQ. He stated the fences are up at Terry Park, and the new meters have been delivered. City Administrator Dross is working on another resource fair for the community. He has reached out to his peers regarding PGE letter, and he has not heard back. City Administrator Dross stated that Jamie has accepted a promotion to Administrative Services Manager and the new position would be for a City Recorder.

14. COUNCILOR'S REPORTS:

None.

15. MAYOR'S REPORT:

Mayor went over her report with her committees. She went over the small cities conference that is coming up and encourages everyone to join. Dollar General was awarded for outstanding community involvement and the manager of the store will pick a non-profit to give a \$1,000 grant. Mayor Malcomson thanked Branden for his year of service with the City.

16. ADJOURNMENT:

Council President Paulsen moved to adjourn. Councilor Gilgan seconded; the motion passed unanimously.

Minutes approved on the 8th day of February 2024.

CERTIFIED:

ATTESTED:


Hilary Malcomson, Mayor


Branden Dross, City Administrator