

**City of Lafayette**  
**City Council Meeting Minutes**  
**May 13, 2021 at 6:30 p.m.**

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1. **CALL TO ORDER:** Acting Mayor Brungardt called the meeting to order at 6:30 p.m.
2. **FLAG SALUTE:** Acting Mayor Brungardt led the flag salute.
3. **ROLL CALL:** City Administrator Preston Polasek called the Roll:  
*Present:* Acting Mayor Christine Brungardt, James Drebin, Greg Goularte, Sheila Neuman, Kayla Paulsen  
*Present via Zoom:* Lee Gilgan  
*City Staff Present:* Preston Polasek, City Administrator; Kevin Perkins, Assistant City Administrator  
*Others:* Sargent Sam Elliot, Deputy Andrew McMahon, Hilary Malcolmson, Marie Sproul, Albert and Helga Lacock, Doug Cook

4. **REPORT FROM YAMHILL COUNTY SHERIFF'S OFFICE**

Sargent Sam Elliot presented the monthly report to the City Council. As previously requested by Council, he provided a more detailed report than routinely provided by the Sheriff's Office. He reviewed a selection of the 277 calls for service that the deputies assigned for Lafayette responded to in April 2021, which he stated is somewhat lower than average. In addition, over the course of six domestic violence calls more than 20 deputies responded, drawing assistance from the rural patrol. Helga Lacock described several areas of the City that she feels are concerns and should be addressed under the code enforcement provisions of the municipal code; Councilors Brungardt and Neuman asked her to email them her concerns.

5. **APPROVAL OF MINUTES:** City Council, March 11, 2021 and April 8, 2021

In the March 11 minutes, page 3, section e, the motion has an extra "moved." Page 4 of the same minutes, Acting Mayor Brungardt noted that the code enforcement section had been rewritten as requested.

Councilor Paulsen moved to approve the March 11, 2021 meeting minutes as amended. Councilor Neuman seconded the motion, which passed unanimously.

In the April 8 minutes, Councilor Paulsen noted several changes to be made to the attendance from via Zoom to present. Under the discussion on traffic control devices, Councilor Drebin noted that the language at the end should be changed to read "consensus was to revisit the issue with the Fire Chief in six to twelve months to assess the impact of the change." Acting Mayor Brungardt clarified that the peace poles are actually all four-sided but contain eight languages, rather than being eight-sided as discussed.

Councilor Neuman moved to approve the minutes of April 8, 2021 as amended. Councilor Drebin second the motion, which passed unanimously.

**6. ADDITIONS TO OR DELETIONS FROM AGENDA**

None.

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

None.

**8. ACTION ITEMS:**

*a. Appointments to the Planning Commission*

Acting Mayor Brungardt noted that there were three applications for two openings on the Planning Commission and recommended appointing Michael Shaw to a term ending in 2023, and Jo Johnson to a term ending in 2025.

Councilor Drebin moved to appoint Michael Shaw to the Planning Commission for a term ending December 31, 2023 and Jo Johnson to the Planning Commission for a term ending December 31, 2025. Councilor Neuman seconded the motion, which passed unanimously.

*b. ODOT Agreement for \$100,000 Small City Allotment Grant*

Administrator Polasek stated that this is a routine SCA agreement with the addition of several pages of ADA requirements. The project funded by this grant will build sidewalks on Madison Street from 3<sup>rd</sup> up to 7<sup>th</sup> Street. Councilor Neuman clarified that with this project it will trigger the development agreement, which includes demolishing the house on the corner of Madison and 3<sup>rd</sup>. Councilor Paulsen commented that the eviction moratorium due to the pandemic may make vacating the house difficult. Councilor Drebin clarified that the private development concern will not stop the construction of the sidewalks. Administrator Polasek confirmed that the project can go forward and then the owner of the Shell station will be responsible for removing the home and redeveloping the area to expand the area of the gas station. Councilor Gilgan asked whether the City would be spending any money in addition to the grant and whether the station owner would pay for any of the project. Administrator Polasek stated that the City will use an additional \$30,000 in SDC's for the sidewalks; the station owner will not be funding any part of the sidewalk, their obligation is to remove the home and expand their lot.

Councilor Goularte moved to approve ODOT contract no. 34831 to receive \$100,000 small city allotment grant for Madison Street improvements, capital improvement project no. 8 in FY 2022 and authorize the Mayor and City Administrator to execute the agreement. Councilor Paulsen seconded the motion, which passed unanimously.

*c. Amend Council Rules for Appointments*

Acting Mayor Brungardt stated that this item has come up due to the difficulties around the latest appointment to the City Council. The concern was whether the applications for a Council seat were provided to the rest of the Council. Councilor Neuman stated that this was one of her concerns, she also did not agree with having one of the nominees present and asking them to speak about their potential appointment. In the future she would like to avoid a similar situation. As one of the people voting to approve the appointment she feels that she would have liked to have been able to review the possible nominees' statements without the nominee present. Councilor Paulsen concurred and stated that the Mayor was put on the spot as well, which she feels should not have happened. The former Mayor was not supported in the way he

should have been. Councilor Gilgan stated that when considering amending Council Rules the Council needs to be careful not to violate the Charter provision that states that the Mayor makes the appointment; requiring applications from potential nominees may be over reaching. Acting Mayor Brungardt concurred and stated that she is somewhat ambivalent about the need to require applications, it may be helpful and it may not. Marie Sproul suggested simplifying the language to require any applications to be included in the meeting packet. Council discussed including recommendations for the process in the rules. Councilor Gilgan stated that that approach is similar to “puffer legislation,” which is an item in a law that is not enforceable. He added that there is an element of fairness that will need to be considered in each appointment and the situation of the City must be taken into account at the time of an appointment. Marie Sproul cautioned the Council from placing too many rules around the Mayor’s duties as it could lead to other Council’s restraining their own actions.

Administrator Polasek suggested inserting the following language: “All volunteer application forms from interested applicants for Mayoral appointment action shall be provided in the agenda packet. Nominations for vacancies shall be at the discretion of the Mayor pursuant to the Charter.”

Councilor Gilgan moved to insert the language as read by the Administrator as section 18.1 of the Council rules. Councilor Paulsen seconded the motion, which passed unanimously.

*d. Merit bonus for City Administrator*

Acting Mayor Brungardt stated that the Administrator’s contract allows for an annual one-time bonus of up to 4%. She has had dozens of contacts and discussions from people in favor of awarding a bonus and against such an award. She has reviewed the City Administrator’s job description and highlighted specific elements, including administering the City’s general operations and contracts, performs the budget officer’s role, is the City’s business manager, supervises financial operations and reports, creates agendas and notices for meetings, administers the building and land use programs, and enforces ordinances and codes among many other duties. In the last twelve months the City has accomplished updating its system development charges, an urban renewal feasibility study, the regional fire services study, managing the McMinnville Water and Light agreement and construction of the associated pump station, the ODOT waterline relocation agreement (which is being completed at no cost to Lafayette where Dundee paid \$500,000 for the same kind of work), negotiated the parking lot construction agreement, managed the 2020 budget, passed the 2021 budget, secured a small cities allotment grant, and adapted City operations to pandemic and public safety needs in collaboration with the state and county, including pandemic responses such as shut off moratoriums, the Restaurant Relief Program, and the grant program. The Administrator cannot ever make everyone happy, but this level of achievement does not warrant withholding a merit bonus. She understands the difficult economic environment in the world right now, and she understands not everyone is happy with his work, but based on the past year’s accomplishments she recommends a 3% bonus. Councilor Goularte stated that he cannot imagine the juggling act required to run a city, particularly in the current situation, and he would not oppose a 2% bonus. Councilor Drebin stated that he has given this quite a bit of thought and agrees with the list of accomplishments and agrees with a lot of what Brungardt says. However, based on citizen complaints there are two areas where improvements need to be made. He sees bonuses not just as a reward but as an incentive. He would be in favor of awarding a 2% bonus now and then if the Council sees improvement in the identified areas they could then bring it up to the full 4%. Councilor Paulsen asked Marie Sproul if, based on her years of experience as a former

Councilor and Mayor, Drebin's suggestion is possible. Sproul stated that this bonus is set up to reward performance over the prior year, it's not intended to be an incentive moving forward. She added that if the Council were to set goals for the Administrator then the bonus for the next year could be based on how much of the goals set for him that he has achieved. Councilor Gilgan noted that there have been some enforcement problems and there were some park issues, and given that many people had taken pay cuts or lost jobs, he would need convincing to raise a bonus to 2%. Councilor Paulsen asked whether the other employees are eligible for a bonus. Administrator Polasek replied that the most recent contract removed bonuses for represented employees in favor of the step system. Councilor Paulsen stated that considering the accomplishments and the flawless audit she would recommend a 3% bonus. Even considering the struggles of the community during the pandemic, the bonus should be rewarded for achievement. Councilor Neuman stated that while he has achieved certain things, he is also paid a salary for accomplishing tasks; this bonus would be on top of that salary. Additionally, she recognizes that there are people in the community who are struggling. Councilor Paulsen noted that the flawless audit and the negotiations with ODOT were above and beyond reasonable expectations. Councilor Gilgan noted that he has spoken to the Administrator about his achievements, but he is looking at the 12 month snapshot and within that snapshot he does not see a justification higher percentage. Councilor Drebin stated that he is also looking at attracting a new Administrator and does not want a small bonus to potentially turn away someone who is interested, but considering that there are struggling families in the City he believes that a 2% bonus is acceptable. Councilor Neuman stated that she would be agreeable to a 1% bonus; Administrator Polasek completed a lot of projects, but he also has a staff that contributes to these successes. Councilor Paulsen added that the Council should also consider the number of projects that were achieved with the Administrator being thrown into the middle of the pandemic on top of everything else. Many places shut down completely but the City managed to complete a lot of projects during the past year. Councilor Goularte noted that any bonus will also be subject to taxes and deserves more than 1%, which is why he suggested the 2%. Acting Mayor Brungardt stated that the average of the recommendations is about 2%.

Councilor Paulsen moved to approve a one-time, annual merit compensation of 2%, which equates to \$2,060, and is payable with the first paycheck in July 2021. Councilor Drebin seconded the motion, which passed 3-2 (Councilors Gilgan and Neuman opposed).

Councilor Goularte departed the meeting at 8:20 p.m.

*e. Contract for Planning Services*

Acting Mayor Brungardt stated that this is the Planning Services contract for 2021-22 with the Mid-Willamette Valley Council of Governments (MWVCOG). Administrator Polasek stated that this contract includes only the planning services; the legal services contract will be presented at the June meeting. This contract primarily covers the work of Senior Planner Jim Jacks, with the hourly rate increasing from \$90 to \$92 per hour, which is still a great deal for the City considering Jim Jacks is one of the recognized experts in land use in the state and there are few people more knowledgeable than he is. Jim Jacks' time with the City predates Polasek's and he is deeply respected by the other planners and is often the voice of reason in discussions. Councilor Gilgan added that he worked with Jim on the Planning Commission and stated that Jacks is absolutely brilliant and agrees with Administrator Polasek's comments. Councilor Drebin asked whether the cost is passed along to developers. Administrator Polasek stated that in the larger developments that is true; for smaller actions there are set fees that are

subsidized in some part by the City. Subdivisions, like the new Meadowbrook development, pay the City's full out-of-pocket costs.

Councilor Paulsen moved to approve the contract with the Mid-Willamette Valley Council of Governments for Planning services in FY 2022 and authorize the Mayor to execute the agreement. Councilor Neuman seconded the motion, which passed unanimously.

## 9. DISCUSSION ITEMS:

### *a. Liaison to Parkway Committee*

Administrator Polasek noted that this is an important regional advocacy group that was instrumental in gaining support for the first phase of the Newberg-Dundee bypass. The group now wants to step up their efforts to complete the bypass, which is the point when it will actually benefit Lafayette. It is a great committee and only meets once per month, but it does meet at 7:00 a.m. There are very few people who can speak to the needs of the infrastructure and commerce in the same way an elected official can. Council and staff discussed the potential routes and what may be the next phase versus a third phase. Councilor Gilgan noted that even if the work is nearer to Newberg it would benefit Lafayette residents, as many commute north; improving the bypass could also attract more residents. Councilors Paulsen and Brungardt have conflicts with the time; Councilor Gilgan stated that he is interested, but if the time changes he may not be available.

### *b. July 4<sup>th</sup> Community Event*

Acting Mayor Brungardt stated that while she is disappointed that any event this year be different than tradition, Staff's proposal is better than simply cancelling the event again. Councilor Drebin asked whether a "distanced" parade is feasible. Acting Mayor Brungardt discussed how the parade traditionally proceeds and that the picnic is a large event that draws a substantial crowd. She likes the proposed event and suggested using the school as a decorating kit and information distribution point, since it is a location that parents and children are familiar with. Acting Mayor Brungardt was concerned about having groups of children near Highway 99, which would happen if the kit distribution was done at City Hall. She also suggested coordinating with the school for the times that they distribute free lunches during the summer. Consensus from Council was to move forward with staff's proposal.

### *c. Pandemic and Policy Considerations*

Acting Mayor Brungardt noted that there have been minimal changes beyond the Governor extending the State's Declaration of Emergency. The Council determined that the Restaurant Relief Program should continue for another month. Administrator Polasek noted that staff vaccinations are going well and many have completed their course. Council asked staff to look at utilizing the old fire station bays for Council meetings.

## 10. DEPARTMENT REPORTS:

### *a. Public Works: Water Production and Consumption*

### *b. Fire*

Councilor Drebin noted that there was a ceremony held moving into the station and he was disappointed that no one was alerted or invited other than the Fire Department volunteers. Acting Mayor Brungardt noted that it was the volunteers moving equipment into the station and conducting the "pushing" of the engine into the fire station, which is a tradition of fire departments that dates back to the 1800's. It was not a large event and was more for the

volunteers bonding as a unit. An actual dedication celebration is being planned for when the City is able to host a large event. The push-in was not a planned event; it was more a part of the moving process.

*c. Administration: Accounts Payable and Code Enforcement*

Councilors Brungardt and Neuman like the code enforcement report, but will need to be in a larger format; Administrator Polasek noted several minor changes that will be made to the report. Councilor Neuman stated that she has seen a lot of improvement in her neighborhood but there is always a lot of room for improvement. Many residents would like to know what priority some of the other issues outside of the “worst of the worst” properties have been given. Administrator Polasek stated that several of the properties noted in an earlier part of the meeting are being addressed and likely to be subject to a considerable amount of fines. At Councilor Neuman’s request Administrator Polasek described the general code enforcement process; overall the goal is to gain compliance rather than fining or being heavy-handed with residents. Administrator Polasek stated that he is happy with the status of the program, which is new for the City to have a dedicated staff person. There has been some discussion about law enforcement’s role and it being a higher priority for them, he does not agree it should have a higher priority for the deputies. Administrator Polasek stated that while the deputies conduct a lot of code enforcement actions it is not their priority. If Council would like to make it so they will need to make a decision and direct staff accordingly. Acting Mayor Brungardt stated that it is difficult to give a single answer because each situation is different and there are a web of laws that have to be sorted out for each individual situation. Councilor Paulsen noted that the changes to laws make it difficult to address many issues, which is a situation most residents are not aware of. Acting Mayor Brungardt asked whether there is follow-up process with a complainant. Administrator Polasek stated that whichever staff is addressing the project circles back to the complainant.

Administrators’ Report:

- A meeting of the regional water task force was held this past Monday, part of the meeting was used to identify critical regional projects.
- The Aquifer Storage and Recovery system (ASR) has reached its max capacity and is already being utilized while other wells are being rehabbed.
- Councilors Goularte and Drebin toured the new pump station and waste water treatment plant facilities. A tour of the watershed will be planned in the fall.
- ODOT staff attended a preconstruction meeting yesterday and several issues were ironed out.
- The Community Garden project has changed the OSU Extension Service has chosen not to be involved. Council chose not to proceed with the community Garden for this year, and will reconsider it next year.
- Staff would like direction to negotiate for parks property in the Meadowbrook subdivision and would like assistance from Council to move forward. Administrator Polasek recommended that Councilor Gilgan be a part of the process since he was involved with the subdivision during his time on the Planning Commission. Gilgan stated that he needs to review the parties involved to make sure there is not a conflict with his professional obligations.
- The Yamhill County Affordable Housing Coalition has invited the Council to tour one of their recently completed affordable housing locations.

- Transition overview: Administrator provided the staff report from December 10, 2020 that outlines some near and long-term issues and decisions that will need to be made.
- Council discussed how much advance information can be provided by staff and when it should be made public, no consensus was reached.
- The timeline for an open recruitment or for the promotion of existing staff to City Administrator when Polasek retires will take about a year; staff suggested hiring the MWVCOG to conduct the full recruitment process, from advertisement to contract negotiations.
- Administrator Polasek would like to attend the annual Oregon City/County Managers Association conference in July, which would require moving the July meeting. Council authorized his attendance at the conference and agreed to move the meeting to July 15.

## 11. COMMITTEE REPORTS

None.

## 12. COUNCILOR'S REPORTS

Councilor Drebin stated that there seems to be a large number of dog issues in the City, either strays on the road or off leash in the parks. He would like to talk about using the Jefferson St. property as a dog park. Councilor Gilgan stated that he does not think that would solve the bigger issues; he would be more open to converting an existing park to a dog park. Councilor Drebin stated that he would like the Council to consider a work session for topics such as for the urban renewal district, accessory dwelling units, and associated system development charges, social media, and up-coming agenda items.

## 13. MAYOR'S REPORT

None.

## 14. ADJOURNMENT

Councilor Paulsen moved to adjourn the meeting. Councilor Neuman seconded the motion. There was no discussion and the motion passed unanimously.

Minutes approved on 10 day of June, 2021.

CERTIFIED:

  
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 Christine Brungardt, Acting Mayor

ATTESTED:

  
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 Kevin Perkins, Assistant City Administrator

