

City of Lafayette
City Council Meeting Minutes
June 10, 2021 at 6:30 p.m.

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, Kayla Paulsen
Present via Zoom: Lee Gilgan, Sheila Neuman
City Staff Present: Preston Polasek, City Administrator; Kevin Perkins, Assistant City Administrator; Danielle Oliviera, Community Development Clerk
Others: Sergeant Sam Elliot; Deputy Andrew McMahon, Hilary Malcomson (via Zoom); Shirley Burkett; Ralph Burkett
4. **REPORT FROM YAMHILL COUNTY SHERIFF'S OFFICE**
Sergeant Elliot presented the monthly report to the City Council; in addition to the monthly summary report Sergeant Elliot discussed the detailed report that was provided to Council as supplemental material. He reviewed the data in the report, how priorities are assigned and how it relates to the summary report. Councilor Goularte commented that he is happy to see this more detailed report. He noted that Deputy McMahon is working hard on some of the code enforcement complaints, including on 3rd Street where a resident does not have immediate access to off-street parking.
5. **APPROVAL OF MINUTES:** City Council, May 13, 2021
Councilor Paulsen moved to approve the minutes of the May 13, 2021 City Council meeting as submitted. Goularte seconded the motion, which passed unanimously.
6. **ADDITIONS TO OR DELETIONS FROM AGENDA**
None.
7. **CITIZEN INPUT ON NON-AGENDA ITEMS:**
None.
8. **PUBLIC HEARINGS ON FISCAL YEAR 2022 BUDGET:**
 - a. *Possible Uses of State Revenue Sharing*
Acting Mayor Brungardt opened the public hearing on possible uses of state shared revenue; no public comments were offered and Acting Mayor Brungardt closed the hearing.
 - b. *Adoption of Fiscal Year 2022 City Budget, Making Appropriations, and Imposing Property Taxes*
Acting Mayor Brungardt opened the public hearing on the City's budget for fiscal year 2022; no public comments were offered and Acting Mayor Brungardt closed the hearing.

9. ACTION ITEMS:

a. Appoint Mayor

Acting Mayor Brungardt stated that it is time for the Council to be moving forward and operate with a full Council. She discussed her process to ensure the process is transparent to the residents. She contacted six people, five of whom had submitted applications, with interest in being on City Council. One potential appointee withdrew from consideration. She ensured that she discussed the same questions with each of the applicants and the same topics to ensure a consistent process. She also received feedback and recommendations from the public; one candidate withdrew based on the hostility from social media and fear of retaliation for even putting themselves forward for nomination. Acting Mayor Brungardt stated that she considered suspending the process after that comment, but it is important to continue to move forward. After reviewing all of her information she feels that Marie Sproul has the experience necessary and meets the qualities needed in a Mayor, in addition to being the immediately prior mayor.

Councilor Paulsen moved to appoint Marie Sproul as Mayor with a term ending December 31, 2022. Councilor Gilgan seconded the motion. Councilor Drebin stated that he cannot vote for Marie Sproul because he feels it is a step back for the City; the citizens voted in a new Council who he feels is united in their goals. He also has concerns over “mis-placed interests,” which he feels are significant but he cannot say are conflicts of interest in the legal definition. However, if Marie Sproul is appointed then he will work with her to move the City forward. The motion passed 4-1 (Drebin opposed).

Marie Sproul accepted the appointment and thanked the Council for their trust in her; she had previously decided not to run because she was not certain she would be able to devote the necessary time to the office. However, she now has the time needed and she looks forward to serving as the City’s mayor once again. Notary Public Danielle Oliveira swore Marie Sproul in as Mayor. Mayor Marie Sproul was seated as Mayor at 7:07 p.m.

b. Annual Renewal of Legal Services Contract with MWVCOG

Administrator Polasek stated that the costs have increased by only \$5.00 an hour for the excellent services and advice provided by Bill Monohan. Mayor Sproul asked whether the hours of legal counsel used was included in the meeting information. Administrator Polasek stated that it is not included, but the amount of time used is minimal compared to the amount of attorneys’ time used by the City in the past. Councilor Gilgan added that he feels this is an excellent value for the City given the City Attorney’s experience and high level of expertise.

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

c. Intergovernmental Agreement with New Carlton Fire District

Mayor Sproul stated that this agreement would cover the new Fire Department Training Officer position. Part of the goal of this position is that whoever is hired as the Training Officer could be considered for promotion to Chief position after Chief Lucich retires. Administrator Polasek noted that the Mayor is correct, though the Training Officer is not guaranteed promotion. He noted that the previous recruitment did not result in a hiring and this should help attract a deeper candidate pool. The recruitment will be reposted soon and he anticipates a successful recruitment. Chief Lucich noted that the New Carlton Fire District (NCFD) Board has met this month but did not formally act on the agreement in case the City Council requested changes to

the agreement. However, they have provided verbal support for the agreement and he expects that they will formally approve the agreement after the Council does so. Councilor Drebin expressed concern over whether the City would have any say in whether the personnel costs were increased. Chief Lucich commented that it is a formalization of the verbal agreement that has been in place during his tenure as Chief over the past 20 years. Councilor Gilgan asked what portion of the \$130,000 cost is for salary. Chief Lucich stated that the advertised annual salary will be \$70-80,000.

Councilor Paulsen moved to approve the IGA with the New Carlton Fire District for the sharing of costs and responsibilities for a Fire Training Officer. Councilor Brungardt seconded the motion, which passed unanimously.

d. OLCC Application for El Toro Mexican Restaurant and Bar

Administrator Polasek stated that this restaurant will open on the site of the former American Café on Third Street; it is a straightforward application to serve alcohol on premise. Councilor Goularte expressed concerns about the planned outdoor seating. Councilor Paulsen stated that the operator will be required to abide by all laws and zoning requirements. She is glad to see a new business coming into town and it may encourage other businesses to relocate here and improved outdoor seating may encourage existing businesses to improve their appearances. Councilor Drebin asked whether they would have to resubmit their application if they changed their operating hours. Councilor Brungardt stated that the license allows them to serve during any lawful hours no matter the stated hours on the application.

Councilor Paulsen moved to endorse an OLCC application for an on-premises commercial liquor license for El Toro Mexican Restaurant and Bar. Councilor Brungardt seconded the motion, which passed unanimously.

e. Resolution 2021-06, Recology Rate Increase for July 1, 2021

Mayor Sproul noted that this request is focused on the tipping rates at the landfill. Administrator Polasek concurred and stated that it is unlikely to affect many, if any, Lafayette residents, but Council approval of the rate increase is required by the franchise agreement. Mayor Sproul noted that there is also information about options for Styrofoam and glass recycling, which is separate from the rate increase request. Councilor Drebin noted that the information provided for the Styrofoam looks like it is the existing opportunity. Council also heard complaints about long delays in receiving green waste carts.

Councilor Brungardt moved to approve Resolution 2021-06, Recology Western Oregon rates effective July 1, 2021. Councilor Paulsen seconded the motion, which passed unanimously.

Mayor Sproul would like to move the glass and Styrofoam discussion to the August meeting. Councilor Goularte noted that there are certain glass recycling options that may require all residents' rates to be raised and the service provided to all residents.

f. FY 2022 Budget Legislation:

Councilor Brungardt stated that she has an actual conflict of interest with Resolution 2021-03 and 2021-05 as her husband and brother are volunteer fire fighters for the City and receive the benefit of the Worker's Compensation coverage and the stipend provided to volunteers.

1. Resolution 2021-03, Worker's Compensation Coverage for Volunteers

Administrator Polasek stated that the City, through CIS, has now moved from having coverage to the SAIF Corporation, which will see the City's rates decrease. It is a very positive change for the City. Mayor Sproul noted that SAIF has a much larger pool which allows individual members to save on premium costs.

2. Resolution 2021-04, Elect to Receive State Revenue Sharing

Administrator Polasek stated that this resolution allows the City to receive shared revenue funding from the State from taxes such as gas taxes, liquor taxes and other sources. Originally these tax sources were levied and collected by each City; when the State preempted those taxes they instituted the shared revenue system. Typically the funds not earmarked for special uses and are placed into the General Fund to be used as the City needs. Mayor Sproul noted that in the past the Council has earmarked the funds, but she feels it is best to place it in the General Fund to ensure it can be used as needed.

3. Resolution 2021-05, Adoption of Fiscal Year 2021-22 City Budget, Making

Administrator Polasek stated that this is the resolution that makes budget appropriations, and imposes the property taxes for fiscal year 2022. The budget is largely the same as approved by the Budget Committee, with the exception of increased funding for the Code Enforcement Officer and carryover of funding for the 3rd Street waterline relocation project.

Councilor Paulsen moved to approve Resolution 2021-03, Extending Worker's Compensation Coverage to Volunteers. Councilor Drebin seconded the motion, which passed 5-0 (Councilor Brungardt abstained).

Councilor Paulsen moved to approve Resolution 2021-04, Declaring City's Election to Receive State Revenue Sharing. Councilor Brungardt seconded the motion, which passed unanimously.

Councilor Paulsen moved to approve Resolution 2021-05, Adoption of the Fiscal Year 2021-2022 City Budget, Making Appropriations, and Imposing Property Taxes. Councilor Drebin seconded the motion, which passed 5-0 (Councilor Brungardt abstained)

10. DISCUSSION ITEM:

a. Pandemic and Policy Considerations

Councilor Brungardt noted that little has changed over last month. Consensus on Council was to continue the Restaurant Relief Program through the end of July. Council and staff discussed timing for reopening the City's facilities. Staff intends to reopen following the state's guidelines.

11. DEPARTMENT REPORTS:

a. Public Works: Water Production and Consumption

Mayor Sproul asked whether the City will be promoting anyone to fill the soon-to-be vacant Public Works Supervisor position. Administrator Polasek stated that there is an internal candidate that will be acting as the supervisor through August while backfilling with a temporary laborer. He expects to be able to decide in August whether to promote internally or begin recruiting. Mayor Sproul noted that there is a stop sign on Monroe that needs to have vegetation cut back to be visible.

b. Fire

c. Administration: Accounts Payable, Comment Cards, and Code Enforcement

Code Enforcement: Councilor Goularte stated that he would like to discuss the hiring of a code enforcement officer in more detail. He is concerned that all of the enforcement goes through the Administrator. He would like Council to discuss the topic and set priorities for the position and not make it dependent on the Administrator. Administrator Polasek stated that in the recent past there has been a lot of concern about cars in the right of way, which is something the Deputies handle as they can; he is confident he understands the Council's priorities for the Code Enforcement Officer. If there needs to be a shift in priorities then Council needs to discuss the issue and vote to change priorities. Councilor Drebin asked Sergeant Elliot whether using the deputies for parking issues is the best use. Sergeant Elliot stated that the Deputies will respond to complaints in whatever priority order Council establishes; ultimately it is up to Council to set the deputies' priorities. He added that there also needs to be clarity in the codes that they are tasked with enforcing, some of the current municipal code is somewhat vague. Councilor Gilgan stated that he would like the hiring process to start so that someone can come on board as soon as possible and during that same time Council can further discuss priorities and direct staff appropriately. Council directed staff to begin the hiring process for a full-time Code Enforcement Officer.

Administrator's Report

- ODOT's Highway 99 rebuild project will be starting their work in Lafayette on Monday, June 14.
- The City will be posting "No Parking" signs and helping to remove cars on the previous Sunday night to accommodate the Monday morning start time.
- The City has received a bulk water fill station request from a person who lives outside the UGB. This is an old and ongoing issue; all of the residents of the area need to agree to be annexed before the City can extend water service.
- American Rescue Plan Act legislation is still in flux, but City should still see some additional funding this calendar year.
- A temporary employee will be coming onboard to fill the Office Assistant position in anticipation of opening City Hall.
- Administrator Polasek reviewed the draft July agenda.

12. COMMITTEE REPORTS

None.

13. COUNCILOR'S REPORTS

None.

14. MAYOR'S REPORT

None.

- 15. EXECUTIVE SESSION** per ORS 192.660(2)(e): Mayor Sproul recessed the regular session of the City Council at 8:46 p.m. to enter into an executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions. The Executive Session was adjourned at 9:39 p.m. and the regular session was immediately reconvened.

16. ADJOURNMENT

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

Minutes approved on 15th day of July, 2021.

CERTIFIED:

ATTESTED:



Marie Sproul, Mayor



Kevin Perkins, Assistant City Administrator