

**City of Lafayette**  
**City Council Meeting Minutes**  
**November 4, 2021 at 6:30 p.m.**

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1. **CALL TO ORDER:** Mayor Sproul called the meeting to order at 6:30 p.m.
2. **FLAG SALUTE:** Mayor Sproul led the flag salute.
3. **ROLL CALL:** City Administrator Preston Polasek called the Roll:  
*Present:* Mayor Marie Sproul, Christine Brungardt, James Drebin, Lee Gilgan (*via Zoom*), Greg Goularte  
*Excused:* Sheila Neuman, Kayla Paulsen  
*City Staff Present:* Preston Polasek, City Administrator; Kevin Perkins, Assistant City Administrator; Deputy Andrew McMahon ; Jim Jacks, City Planner  
*Others:* Lacy Morris, Travis Johnson, Marilyn Duvall, Michael Shaw, Kevin Packard
4. **REPORT FROM YAMHILL COUNTY SHERIFF'S OFFICE**  
Deputy McMahon reviewed the summary of the monthly crime data. Councilor Goularte stated that he appreciates the level of detail that is being provided in the deputies' reports and appreciates that it is presented to the Council in this way. He asked when Deputy Druery transferred to rural patrol; Deputy McMahon stated that he is unsure and will get back to Councilor Goularte. Mayor Sproul asked what was contained in the Larceny category. Deputy McMahon stated that largely it covers theft type crimes other than motor vehicle theft. Councilor Drebin noted that although the stats show that the number of crimes for the month are up, it appears to continue to trend downward for the year overall. Mayor Sproul clarified that the "YTD" column was the stats from last year up to the same point in time, namely through October. Deputy McMahon concurred.
5. **APPROVAL OF MINUTES:** City Council, October 26, 2021  
Mayor Sproul noted that there are two sets of minutes from October 26: the Work Session and Executive Session; the Council meeting minutes from October 14, 2021 will be on the December meeting agenda. Councilor Drebin noted that the October 26 minutes contain much more information than is usual. He would like to see more consistency from month to month; typical minutes do not hold this level of detail. Mayor Sproul commented that these are two different types of meetings, in the work session there was much more discussion so those minutes would typically contain more detail of the discussion. Councilor Brungardt added that for the normal monthly meetings staff prepares an agenda packet that contains more information for the public to refer to ahead of time. Councilor Goularte stated that there are areas where opinion was inserted; for example there was no mention of his comments of his issues about the Sheriff's annual data, but it also includes the mayor's comments about the percentages of calls. He would like his comment that he still has issues with the annual data presented included after the statement "Mayor Sproul noted 7%.." and before Councilor Gilgan's subsequent comment. He also noted that a statement in section 4 should be a plural "these problems." Councilor Drebin noted that the reference to the Wascher PTA was actually stated as a "public meeting" and the cause was not stated in the meeting so that the sentence should end after "meeting."

Councilor Brungardt moved to approve the minutes of the Special Meeting of October 26, 2021 and the minutes of the Executive Session of October 26, 2021 as amended. Councilor Drebin seconded the motion, which passed unanimously.

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

Councilor Drebin asked to defer item 9-b, the discussion regarding SDC's and ADU's, until January for a check-in with the Council. Councilor Brungardt suggested addressing it under "Councilor Reports" at the January meeting.

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

None.

**8. PUBLIC HEARINGS and COUNCIL ACTIONS:**

*a. Appeal of Planning Commission Order: MAJOR VARIANCE 2021-01*

Councilor Brungardt read a statement into the record declaring an ex parte contact with the Appellant and noted that she has a personal relationship with the Appellant due to his service as a volunteer firefighter and personal friend; as such she recused herself from discussion and decision on this item.

Mayor Sproul read the hearing information into the record detailing the subject of the appeal. City Planner Jim Jacks then reviewed the specific criteria and the applicable development code, which is what the Council must rely on to make their decision. Mayor Sproul inquired of the Appellant whether there were any objections to the notice of the hearing or to any of the Councilors sitting for this appeal; Appellant did not have any objections. City Planner Jacks reviewed the staff report, which is contained in the agenda packet of this meeting.

Mayor Sproul clarified that the green lines on the map indicated the fence along with property line. Planner Jacks stated that that is the location where the installer incorrectly built the fence in the City's right of way; Appellant does not disagree that the fence indicated on the green line will need to be moved. Mayor Sproul asked if the fence could normally be built along a property line. Planner Jacks stated that typically a fence along the property line adjacent to a right of way would need to be no higher than 3.5 feet; to be allowed to be 6 feet tall the fence would need to be placed 10 feet back from the property line, which in this instance would enclose only a very small area. Councilor Drebin stated that the staff report notes findings that the requirements for a variance are met. Planner Jacks stated that the Planning Commission found that a variance was appropriate and reviewed the conditions applicable to a variance request of this type. If a person called and said they wanted to file a variance in a location where there was no possibility of it being granted he would advise the caller not to even try if there was no way for them to comply. Councilor Drebin asked whether this would create a vision clearance problem at this corner if approved. Planner Jacks stated that no, it would not create a vision impairment.

Lacey Morris, Appellant

Morris stated that the variance request was partially approved by the Planning Commission, the reason that they are requesting the additional fencing is that they have 4 large dogs who could easily jump a 3.5 foot fence; second, her husband is 6'6" and a 3'6" foot fence would not provide any privacy nor would it provide the level of security that would make them comfortable. The extra space along the house would be used for a swing set and the additional height would provide security for their children.

Ian Stone, 310 E 6<sup>th</sup>

Stone stated that the proposed fence is closest to his property and he appreciates the work the Morris's have done on the house. He feels that allowing the fence to be extended to the front would be more aesthetically pleasing, providing a solid rather than zig-zag appearance along the street.

Kevin Packard, 696 Adams St.

Packard stated that he supports the Morris' request for a variance regarding the fence.

Councilor Gilgan asked whether there would be any vision impairments due to the fencing. Planner Jacks stated that no, there would not. The rights of way abutting the Morris property is 60 feet wide with only the middle 20 feet paved; therefore there is 20 feet of clear area from the edge of the paving to property line at the front of the house and to the side of the property as well. Councilor Drebin asked if Planner Jacks knew the intent about the specific regulations about the fences. Planner Jacks stated that he is unsure of the specific reasoning; however these are very typical requirements. The 3.5 foot requirement in the front yard allow owners to exhibit their pride in their home by making landscaping and decoration visible. Corner lots are similar in that the height issue is similar to the front yard, additionally a 6-foot fence along a street and sidewalk can create a feeling of being boxed in for pedestrians and drivers. It is probably a question mostly of aesthetics, but as Appellant stated, a 3.5 foot fence is easy for anyone to jump into the yard and provides little security.

Travis Johnson, 1002 Market St.

Johnson asked if notices were sent to each of the neighbors. Planner Jacks stated that notice was sent to all homeowners within 100 feet of the property. Johnson stated that he supports the requested variance, the area has suffered some graffiti and other issues so he concurs with Appellants safety concerns and supports their request.

Appellant added that the neighboring home to the north faces east, which means the owner cannot put a large fence next to the street, and the home across the street has no fence. So the fencing they are proposing is not out of the norm because there are several different situations. Therefore, only their side yard would be fenced, the rest of the neighboring properties would be open to the street.

Councilor Drebin asked whether the public was allowed to testify in support or opposition to the variance at the Planning Commission meeting. Planner Jacks replied that yes, it was open to the public and three people testified in favor of the variance and none in opposition.

Mayor Sproul closed the hearing at 7:43 p.m.

Councilor Drebin stated that he thinks the Council should approve the variance that the appellant is requesting; it seems to meet all the requirements for the variance, several neighbors have come forward to support the request and there is no opposition. He added that the Council may want to have the Planning Commission review the fencing set backs and height requirements in the future. Councilor Gilgan stated that he supports approval, but he cannot vote to approve the full variance based on the criteria because the fence was negligently placed by the prior owner. He wishes that he could approve it, but based on the regulations the full variance requested is not appropriate. He supports the Planning Commission's decision and

thinks the ordinance should be amended. Councilor Goularte stated that he sympathizes, but he believes that the Planning Commission's decision should be upheld and agrees that the ordinance should be changed. He has no issue with the fence itself beyond that it does not meet the criteria. Councilor Drebin stated that he supports the planning commission decision; however, he feels that not granting the full variance would undermine the variance process and citizens' faith in the process.

Councilor Goularte moved to affirm the Planning Commission Order. Councilor Gilgan seconded the motion, which passed 2-1 (Drebin opposed, Brungardt recused).

Councilor Gilgan moved to require the applicants to relocate their fence within eight months of tonight's date. Councilor Goularte seconded the motion, which passed unanimously.

Councilor Brungardt stated that she has personal experience with this type of situation as she has owned two separate homes on corner lots. The 3.5 ft fence allowed by code provided no privacy and reduced the outdoor space the family could comfortably use to recreate. She is not comfortable stating that the rule should absolutely change because she is uncertain of the overall impact on the city due to the many different types of residential areas. Councilor Drebin suggested that the Council direct the Planning Commission to review the code for amendment and if the Planning Commission's recommendation is not satisfactory to the Council then the Council could act more directly.

Councilor Gilgan moved to direct the Planning Commission to consider the fence setback and height standards for side yards on corner lots. Councilor Drebin seconded the motion, which passed unanimously.

*b. Second Reading of Ordinance 639, Creation of Urban Renewal Agency*

Mayor Sproul stated that this is the second reading of the proposed ordinance and read the ordinance by title.

Mayor Sproul opened the public hearing at 8:30. Administrator Polasek noted the two changes that were requested by Council and the City attorney: updating the proposed code language regarding removal of a member of the URA board as requested by council, and more direct language around conflict of interest recommended by the City Attorney.

Travis Johnson, 1002 Market St.

Johnson stated that he is very supportive of this effort and is very excited to see the URD happening.

Mayor Sproul closed the public hearing at 8:32 p.m.

Councilor Drebin moved to adopt Ordinance Number 639 creating an Urban Renewal Agency and amending the Lafayette Municipal Code. Councilor Brungardt seconded the motion, which passed unanimously.

## 9. DISCUSSION ITEMS:

### *a. Urban Renewal District Boundary and Projects*

Councilor Brungardt declared a potential conflict of interest as she owns a home adjacent to the proposed boundary. Councilor Drebin stated that he also has a potential conflict of interest due to his ownership of a home that is adjacent to or could be included in the URA boundary. Mayor Sproul noted that the piece of property along the north side of Highway 99 near Pioneer Park is owned by an LLC that she does not have any interest in but is owned by others in her family. Councilor Goularte stated that his home is far enough that he does not feel he has a conflict.

Elaine Howard reviewed her PowerPoint presentation that is included in the meeting materials of this date. Council and staff discussed how to draw the boundary and determined that some properties should be removed and a few others added. Howard was directed to update the proposed boundary map and will be provided with a hand drawn map update.

Howard stated that with the adjusted boundary there will need to be an update to the projected financials; she will have that updated for the next Council meeting. With the updated boundary there will be more than \$9.9 million for projects. She added that the funding comes in through tax increment financing and will accumulate slowly. Howard reviewed project categories including administration and land use planning, business assistance, housing development and others. At the next meeting Council should have an idea of their personal priorities for projects and categories. Mayor Sproul suggested using a survey on the website to help gather public input. Howard stated that that has been a very effective tool in the past. Howard suggested that in December the Council go through and take projects off that they have no interest in working on before putting information out for public comment.

### *b. System Development Charge Reduction for ADU Development*

This item was rescheduled as a councilor update in January 2022.

### *c. Use of ARPA Funds*

In reference to the projects on the list drafted by staff, Councilor Drebin asked whether the City would still need go to the voters for any project over a million dollars if it utilizes state or federal funds, considering soft costs for designing a reservoir could approach that amount. Mayor Sproul confirmed that the City would have to put it to a vote. Additionally, she and staff are working with state and federal legislators to find funding for the full reservoir construction project. Councilor Drebin also asked how long a design for a reservoir could be valid if construction funding is not readily provided. Administrator Polasek stated that a design that was shelved for a number of years would most likely simply need adjustments, such as in materials or design pieces. A geotech report would likely be the only thing that would need to be repeated if there is a significant period of time between design and construction. Consensus was that if a grant for a reservoir becomes available the City should pursue whatever funding is possible. Council and staff discussed other items that may be eligible for funding through the ARPA such as business assistance, billing software and a folding machine. Administrator Polasek stated that if Council gives him some direction on the list and he can put together a supplemental budget for December's meeting.

## 10. DEPARTMENT REPORTS:

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

Administrator Polasek stated that the City has filled the two open utility worker positions and the new supervisor has signed an employment agreement.

### *b. Fire*

President Brungardt stated that Chief Lucich has been given an award by the Oregon Fire Chiefs Association for his excellent work in the fire service. The citation notes Chief Lucich's service to Lafayette beginning in 1992 and has been a part of the fire service community since at least 1972 when he joined the McMinnville Fire Department.

Mayor Sproul stated that she attended Pumpkinfest this year and it was wonderful, City staff had it running smoothly with help from the Sheriff's Office and Fire Department volunteers .

### *c. Administration: Accounts Payable and Code Enforcement*

Administrator Polasek stated that the new Code Enforcement Officer has been an excellent addition to the City. He has been working very well with staff and the deputies. Additionally, the City will be putting articles about code enforcement in the monthly newsletter as space permits. Councilor Goularte stated that he likes the new officer and appreciates the work he has done, he even managed to help spot and report a burglary.

Admin report:

- A work session regarding the fire service consolidation project will be held on November 15, 2021 at the New Carlton Fire District station.
- The City will be working with the VFW to install new flag sleeves and mountings along 3<sup>rd</sup> street.
- The Madison St. project, which includes installing a right turn lane onto 3<sup>rd</sup> St., should be in a position put out to bid in February or March with construction in the summer.

## 11. COMMITTEE REPORTS

Councilor Gilgan stated that the Parkway Committee is in a bit of a waiting point and their key staff has just left.

## 12. COUNCILOR'S REPORTS

None.

## 13. MAYOR'S REPORT

The City has finally been able to schedule Comcast to service at the Community Center. There was also a mistake on the newsletter: the tree lighting will be at Joel Perkins instead of City hall as printed.

## 14. EXECUTIVE SESSION per ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Mayor Sproul recessed the regular session of the Council meeting and convened an Executive Session at 9:50 pm under ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions

Mayor Sproul adjourned the Executive Session at 10:22 p.m. and immediately reconvened the regular session. No actions or motions resulted from the Executive Session.

**15. ADJOURNMENT**

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

Minutes approved on 9<sup>th</sup> day of December, 2021.

CERTIFIED:

ATTESTED:

  
\_\_\_\_\_  
Marie Sproul, Mayor

  
\_\_\_\_\_  
Kevin Perkins, Assistant City Administrator

