

City of Lafayette
City Council Meeting Minutes
December 9, 2021 at 6:30 p.m.

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, James Drebin, Greg Goularte, Kayla Paulsen
Present via Zoom: Christine Brungardt, Lee Gilgan
Not Present: Sheila Neuman
City Staff Present: Preston Polasek, City Administrator; Kevin Perkins, Assistant City Administrator; Jim Jacks, City Planner; Deputy Andrew McMahon
Others: Marilyn Duvall, Michael Shaw
4. **REPORT FROM YAMHILL COUNTY SHERIFF'S OFFICE**
Deputy McMahon reviewed the monthly Sheriff's Office report and compared it to the previous year's totals. One ongoing issue is theft from unlocked vehicles; Deputy McMahon urged residents to lock their cars and not leave valuables in their vehicles.
5. **APPROVAL OF COUNCIL MINUTES:** *October 14, November 4, and November 15, 2021*
Councilor Gilgan noted that in section 9-c of the October 14 minutes the motion should read "approve the appointment of..."

He also noted that the date in the footers needs to be corrected in the November 15 and November 4 minutes.

Councilor Drebin asked to strike the words "second reading" from the motion in section 8-b of the November 4 minutes.

Councilor Paulsen moved to approve the three sets of minutes as amended. President Brungardt 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:**
 - a. *First Reading: Ordinance 640, ADU Regulations for Land Development Code*
Mayor Sproul opened the public hearing and asked whether any Councilor had a conflict of interest; none were stated. Mayor Sproul read the ordinance by title. City Planner Jim Jacks presented the staff report reviewing the proposed amendments. The amendments are in response to action by the State Legislature that became effective in 2020 preempting the City's requirements for off-street parking and owner occupation for accessory dwelling units (ADU). The amendments were initially delayed by the COVID-19 pandemic and are now presented for

decision. The Planning Commission has reviewed the proposed amendments and recommended that the Council adopt the amendments. He reviewed the marked up version of the proposed code, which is included in the meeting materials of this date. Councilor Drebin asked to change the title from “ownership Requirements” to “Owner Occupancy.”

No public testimony was offered; Mayor Sproul closed the public hearing and opened Council deliberations.

The second reading of the Ordinance will be held on January 13, 2022.

b. Supplemental Budget to Receive and Expend American Rescue Plan Act Monies
Mayor Sproul opened the public hearing and asked the Council if there were any conflicts of interest to declare; none were stated. Administrator Polasek stated that Council has been discussing this for several months and this is the formal method for accepting the full amount of the ARPA funds into the budget and programming \$265,000 in the capital improvements budget. The resolution brings the money into the budget and authorizes the expenditure for CIP #15.

No public testimony was offered; Mayor Sproul closed the public hearing.

Councilor Drebin stated that he would like to see each of the projects split out individually. He does not want to rush into spending all of the funding at once since the City has until 2024 to allocate the funding. Mayor Sproul stated that the full funding is not being expended, only \$265,000. Councilor Drebin stated that the title line includes FY 2022 and FY2023 items and he cannot tell which projects go to which year. Administrator Polasek stated that the titling is a part of budgeting requirements as the funds for the planning services for a new reservoir are unlikely to be fully expended in this fiscal year; the remainder is likely to be expended in the next fiscal year. Mayor Sproul clarified that Councilor Drebin would like to see the Reservoir Project as one CIP item and then the items for this fiscal year as a separate item. Councilor Drebin concurred and asked how these projects compared in priority to others, and whether the remaining projects on the CIP would be completed. Administrator Polasek replied that this is a separate funding source that does not compete with other CIP projects. Some of the projects have already been completed and others have had their budgeted funds reallocated to pool funds for other projects and will not be completed this year. Councilor Drebin noted that there are several places on the CIP list where the title does not match the dollar amounts column; Administrator Polasek will correct the CIP document and split the proposed CIP #15 into two projects by fiscal year.

9. ACTION ITEMS:

a. Resolution 2021-12, Supplemental Budget for ARPA Projects
President Brungardt moved to approve Resolution 2021-12, A Supplemental Budget for ARPA projects in FY 2022. Councilor Paulsen seconded the motion, which passed unanimously.

b. Intergovernmental Agreement with the New Carlton Fire District
Mayor Sproul noted that the Council had already voted to approve the agreement, but there were a few changes requested by the Fire District’s attorney and the City Attorney. Administrator Polasek stated that the changes were to the indemnification and termination clauses. Councilor Drebin expressed concerns about the length of notice required to exit the

agreement and how to manage the costs each budget year. Administrator Polasek reminded the Council that this agreement is for an employee, the termination clause is included to provide some assurance to the employee as well as the organizations; it is difficult to recruit high quality staff if they feel that the position could be eliminated without adequate warning. Councilor Paulsen expressed concerns about an imbalance in the authority in the agreement between the City and the District as it is the District that will determine the costs of the position. Councilor Gilgan suggested that the agreement have a termination clause of 90-days, which he feels should be sufficient for both jurisdictions. Mayor Sproul suggested removing the trigger dates and instead use a simple term of six months that is not tied to a specific date. Councilor Gilgan stated that he would accept a six month termination without the trigger date; he does have concerns about being able to respond to the financial needs of the City if it is too difficult to exit the agreement. President Brungardt inquired whether the Training Officer has been officially hired and whether he is being paid for his time. Mayor Sproul stated that the contract with the Training Officer is between him and Carlton, if he is working then Carlton is paying him. Mayor Sproul recommended leaving the six month time frame and simply remove the trigger date. Councilor Paulsen expressed concerns that the City does not have a breakdown of the costs for the position. Council consensus was to remove the trigger date for the removal and retain the six month notice period.

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 as amended. Councilor Gilgan seconded the motion, which passed unanimously.

c. Resolution 2021-13, Budget Transfer for Training Officer Position

Councilor Paulsen moved to approve Resolution 2021-13, A Budget transfer of \$65,000 within the General Fund in support of the Fire Training Officer position. President Brungardt seconded the motion, which passed unanimously.

d. Regional Fire District Proposal for the November 2022 Ballot

Mayor Sproul stated that she attended a second meeting on the Regional Fire Services Study after the November 15 joint meeting with the Carlton Fire District and stated that the only remaining participants in the study are Lafayette, Amity, and McMinnville; the other districts have withdrawn. Unfortunately, the result of the meeting was very confusing. She stated that the consultants plan to conduct a survey ahead of a possible November 2022 ballot measure; the poll would cost between \$17,000 and \$25,000. Without the poll she is uncertain what the citizens are willing to pay for, or if there even is a desire for regionalization. Councilor Paulsen asked if there was enough information out in the public sphere for citizens to make an informed choice or even answer poll questions. Councilor Gilgan stated that he is leaning towards ending the City's participation in this project. Councilor Brungardt stated that she is also leaning towards exiting the project; she feels that the heart and spirit of it are good, but this may not be a good time for the City to join when so many other districts have withdrawn. Mayor Sproul replied that she views this as a good opportunity to get public opinion at a much more reasonable cost than if the City tried to conduct a poll on its own. Councilor Gilgan stated that he does not know what information the City could receive from the poll done by the study consultant; there are four distinct options for Lafayette alone and each of the remaining districts will likely have their own slate of options. Administrator Polasek stated that even if McMinnville only creates a combined urban and rural district, that would then be a larger regional district, which is still progress. He added that it is important to note that none of the agencies that have withdrawn have said that they are opposed to regionalizing services.

Councilor Paulsen expressed some concern about the state of McMinnville's fire infrastructure while Lafayette has just finished a new station. Councilor Goularte stated that at the meeting with Carlton similar concerns were discussed and Carlton's Board shares those concerns; McMinnville's main station needs seismic retrofitting and may need additional stations elsewhere. Mayor Sproul stated that even if the City chooses not to proceed to a ballot measure, the polling would provide some information on what the citizens would support. Council discussed options for polling and the costs of full-time professional fire services staffing. Councilor Gilgan stated that he does not support continuing the consolidation effort or the poll, there is too much uncertainty to warrant further participation. Councilor Drebin concurred and added that the City needs to determine what the problem to solve is and what the City needs.

Councilor Drebin moved to opt out of participation in the regional fire district effort. Councilor Gilgan seconded the motion, which passed unanimously.

10. DEPARTMENT REPORTS:

a. Public Works: Water Consumption

Mayor Sproul thanked Public Works staff for putting up the holiday decorations on 3rd Street and for their assistance at the tree-lighting event on December 3. Councilor Brungardt noted that some of the street lights on 3rd Street are out and asked if staff knew the cause. Administrator Polasek noted that some of the street lights have not yet reinstalled or energized due to the highway construction.

b. Fire

President Brungardt stated that the toy drive is going very well with a lot of donations and the volunteers will wrap the toys in the next week or two. There will also be a parade by the volunteers on December 22.

c. Administration: Accounts Payable and Code Enforcement

- The annual audit was finished at the end of November.
- The water conservation plan has been updated and put out for comment.
- The EPA water system resilience report and plan has been completed and submitted,
- An application for ARPA grant to fund a portion of the planning costs of a new reservoir has been submitted to Yamhill County.
- The most recent official population estimate for the City is 4,436 as of July 1, 2021.
- Code Enforcement Officer has been placing green notices on cars that are parked on the wrong side of the road, as well as other violations. This is the result of great coordination between the deputies and the Code Enforcement Officer.

11. EXECUTIVE SESSION: **Per ORS 192.660(2)(e)** *To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

Councilor Gilgan declared a conflict of interest in this item and departed the meeting at 8:27 p.m.

Mayor Sproul recessed the regular session of the City Council at 8:29 p.m. to enter into an Executive session.

Mayor Sproul adjourned the Executive Session at 9:12 p.m. and immediately reconvened the regular session.

12. ACTION ITEM in follow up to Executive Session: Resolution 2021-14, Approving the Sale of Surplus Real Property and Dedicating Proceeds.

Councilor Paulsen moved to approve resolution 2021-14 approving the sale of surplus real property and dedicating the proceeds. President Brungardt seconded the motion, which passed 2-1 (Goularte oppose, Drebin abstained).

Mayor Sproul asked if Councilor Goularte would explain why he voted “no” on this item. Councilor Goularte stated that he is uncertain what he is allowed to say on the record after coming out of Executive Session, but he voted no because he believes the property value will increase.

13. COMMITTEE REPORTS

None.

14. COUNCILOR’S REPORTS

None.

15. MAYOR’S REPORT

Mayor Sproul stated that she has recently met with the Wascher Elementary School Principal to be a part of the statewide “If I were Mayor” contest and hopes to be able to participate in the coming year. She also noted that the WiFi at community center is not yet installed, but will be shortly.

Mayor Sproul stated that she would like to discuss how emails directed to the full Council are answered, specifically what should be done if an email is sent to all of the Council. Councilor Brungardt stated that she used to reply to all to every email, but that created confusion as to whether other councilors should reply as well. Now she typically replies only to the sender and often copies the Mayor and/or Administrator as needed. Mayor Sproul stated that she received a second email from a resident that was sent directly to a person that did not follow through; she would like Councilors to follow the communication to the end of the process or work requested. She proposed that when an email is sent to the full Council that she and President Brungardt get together to determine who should answer the email, the Council President or the Mayor, and then follow-up as needed. She may also ask another councilor to reply if the question or request matches their expertise or interests. Councilor Brungardt worried that it may take too much time to respond if the question needs too much discussion. Mayor Sproul replied that often when an email is sent to the full Council it is either a broad policy issue that needs to be discussed by the whole council or it is a more specific question, such as code compliance, that should be directed to staff rather than answered by a Councilor.

16. ADJOURNMENT

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

Minutes approved on 13th day of January, 2022.

CERTIFIED:


Marie Sproul, Mayor

ATTESTED:


Kevin Perkins, Assistant City Administrator