

City of Lafayette
City Council Meeting Minutes
Thursday December 12, 2024, at 6:30 p.m.

1. **CALL TO ORDER:** Mayor Malcomson called the meeting to order at 6:33 p.m.
2. **FLAG SALUTE:** Mayor Malcomson led the flag salute.
3. **ROLL CALL:** Kennedee Richardson called the Roll:
Present: Mayor Hilary Malcomson, Lee Gilgan, Joseph Carswell, Kayla Paulsen (via Zoom), Jessica Kitt, Russell Burrows
City Staff Present: Branden Dross, City Administrator; Kennedee Richardson, City Recorder; David Robinson, City Attorney (via Zoom); Gordon Munro, City Engineer (via Zoom)
Others: Deb Galardi (via Zoom)
4. **CITIZEN INPUT ON NON-AGENDA ITEMS:**
Mayor Malcomson reads a statement regarding the approved June City Council meeting minutes on behalf of the Dayton Fire Chief Bret Putman who was unable to be present at the citizen input portion of the meeting. The letter states that Dayton Fire did not host an EMR class and was not involved in the class ending, unlike noted in the citizen input on non-agenda items section of the June 18, 2024, meeting minutes.
5. **ADDITIONS TO OR DELETIONS FROM AGENDA:**
No additions or deletions to the agenda.
6. **APPROVAL OF MINUTES:**
 - a. *November 14, 2024, City Council Meeting*
Councilor Burrows points out two clerical errors, on page two “mayor” should be “major” and on page seven “finical” should be “fiscal”. Councilor Carswell moves to approve November 14, 2024, City Council meeting minutes with the noted changes, Councilor Kitt seconds. Motion passes 5-0 (aye - Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan, Councilor Kitt).
7. **ACTION ITEMS:**
 - a. *Ordinance 648 Second Reading– Amending the LMC Section 7.960-7.990*
Mayor Malcomson preforms the second reading of Ordinance 648 by title. City Administrator Dross says there is nothing new to add from last month’s discussion. Councilor Burrows asks how City Administrator Dross was able to come up with a financial impact amount, City Administrator Dross states that he had reached out to other smaller cities in Oregon with one dispensary and to gauge a possible income. Motion passes 5-0 (aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan, Councilor Kitt).

b. *Agreement with Oregon Department of Revenue on Marijuana Tax Administration*
City Administrator Dross explains that this tax administration is like the other excise taxes for gas, cigarettes, and alcohol. The State to handle this tax the first year would be \$471 and every year after that would be \$271. Mayor Malcomson asks about staffing time if the city were to take this over, City Administrator Dross explains the potential issues if city staff were to handle this. Councilor Carswell moves to Accept the agreement with the Oregon Department of Revenue to administer the city's marijuana tax collection, Councilor Burrows seconds. Motion passes 5-0 (aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan, Councilor Kitt).

c. *February 2025 Special Work Session on Parks Master Plan*

City Administrator Dross suggests that the work session be held on February 20, 2025, where the regularly scheduled Planning Commission meeting would be. Discussion regarding scheduling is had. Councilor Burrows moves to approve the joint work session with the Planning Commission on February 20, 2025, at 6:30pm, Councilor Carswell seconds. Motion passes 5-0 (aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan, Councilor Kitt).

d. *Memo of Understanding with Tetra Tech on Obligation of American Rescue Plan Act Dollars*

City Administrator Dross shares that his proposal for the remaining American Rescue Plan Act (ARPA) funds is to obligate it to two capital improvement programs, the Bridge Street repair and Hwy 99 pedestrian crossing. City Administrator Dross states that he spoke with City Engineer Gordon and that doing both projects at once could reduce the overall cost. City Administrator Dross says that he looked into Councilor Gilgen's idea of updating the old fire bay, but that the money would not be enough for the amount of work needed. Mayor Malcomson shares that she likes the idea of combining the two projects and thinks it would make the pedestrian crossing more of a priority. City Administrator Dross states he is hoping that he can bring contractor bids in January or February, and start the project around Springtime. City Administrator Dross shares an update about the categorization software. Mayor Malcomson clarifies that the money allocated will be enough for the projects. Councilor Burrows asks if the city has worked with Tetra Tech before, City Administrator Dross shares that Tetra Tech is the firm where City Engineer Gordon works. Mayor Malcomson asks if this meets the obligation deadline, City Administrator Dross says he confirmed that doing a memo of understanding (MOU) would satisfy the obligation deadline. Councilor Carswell motions to approve to obligate the remaining \$125,000 of the American Rescue Plan Act dollars to the projects presented by staff and authorize the City Administrator to execute the MOU with Contracted City Engineer Tetra Tech. Councilor Gilgan asks about the MOU form provided in the packet because it lacks a non-binding clause which is generally in a MOU. City Administrator Dross thinks the original contract with Tetra Tech

would cover that. Councilor Gilgan concerned the MOU could become a governing document, City Administrator Dross states he will speak with the City Attorney about the non-binding clause. Mayor Malcomson calls for a second, no second, motion dies. Councilor Gilgan moves to approve to obligate the remaining \$125,000 of the American Rescue Plan Act dollars to the projects presented by staff and authorize the City Administrator to execute a memorandum of understanding with Contracted City Engineer Tetra Tech, Councilor Carswell seconds. Motion passes 5-0 (aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan, Councilor Kitt).

- e. *Resolution 2024-16, Certification of November 5, 2024, General Election Results*
City Administrator Dross shares that the certified election result information was provided to City Recorder Richardson by the County Clerk and that the resolution would take effect on January 1, 2025. Councilor Burrows moves to approve the Resolution 2024-16, Certification of November 5, 2024, General Election Results, Councilor Kitt seconds. Motion passes 5-0 (aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan, Councilor Kitt).

- f. *Resolution 2024-17, Sale of Surplus Property*

City Administrator Dross shares that the piano has been in the community center for a while and is becoming a nuisance. City Administrator Dross states that while researching the value of the piano he found a range of \$500-\$2,500. Councilor Kitt asks if it has belonged to the community for a long time or if it was donated, City Administrator Dross answers that he wasn't able to locate that information. Mayor Malcomson adds that she heard it was donated and that she has never seen it used as part of an event. Councilor Kitt asks if it could be donated to a facility or school in the area providing a possible tax deduction or other benefits. City Administrator Dross says he hoped to sell the piano to pay for other community center upgrades like blinds. Mayor Malcomson states that she isn't certain the city will get money from the piano, Councilor Kitt agrees and adds that it may be a nicer gesture to donate it to someone in the community or county than just selling it. Mayor Malcomson shares her idea to have an artist paint it and put it in community spaces for people to play in the summer. Mayor Malcomson shares that with the number of pianos for sale or free, she does not think it will yield much. Councilor Burrows shares that he researched the piano as well and that type of piano sold for \$2,500 and adds it may be worth having someone look at it. Mayor Malcomson suggests attempting to sell it and if it doesn't bring it back for discussion. Councilor Gilgan agrees with selling the piano, he acknowledges that donating it would be a good gesture but feels they have a duty to utilize the funds they have. Councilor Gilgan adds that he loves Mayor Malcomson's idea but notes in the summers we have had vandalism issues and does not know how long the piano would last. Councilor Gilgan shares support with the idea of attempting to sell the piano and bringing it back for discussion if it does not sell. Councilor Carswell moves to approve Resolution 2024-17 declaring the Whitney Piano surplus to the City's needs, and directing the City Administrator to dispose of it,

Councilor Gilgan seconds. Motion passes 4-1 (aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan. Nay - Councilor Kitt).

8. DEPARTMENT REPORTS:

City Administrator Dross shares an update on Urban Form, he is hoping the program can start being utilized by developers in February. City Administrator Dross shares that next month they will be discussing the water loss report, adding that the city has made significant leeway on the water loss and has followed the State report on the second. City Administrator Dross updated the Council on the “no-left turn” signs, they will be installed before the Holiday break and will be enforceable when school resumes in January, the follow-up meeting on the signs will be in February. City Administrator Dross shares that the Portland General Electric (PGE) rate increase vote is scheduled for December, U.S. Senator Wyden has shared publicly he is against the increase and appears to be attempting to minimize it. City Administrator Dross shares that the projected PGE increase is 15% residential. City Administrator Dross asks for the Council's thoughts on moving the June Council meeting to the day before it is regularly scheduled so that he may be the best man at a wedding. Mayor Malcomson shares that she would be okay with moving the meeting and she appreciates City Administrator Dross bringing this forward in advance. City Administrator Dross shares that he and City Recorder Richardson have attended training regarding new public meeting laws with the Oregon Government of Ethics Commission (OGEC) retention. At this training records retention has been discussed and City Administrator Dross asks the Council about their thoughts on a collection of records made at public meetings, City Administrator Dross offers for the city to collect records either quarterly or yearly. Mayor Malcomson shares that her notes are used as a reminder for herself as well so she would support quarter or yearly, but not leaving them after every meeting. Councilor Burrows asks about email, and City Administrator Dross shares that those can be pulled from the main server. Mayor Malcomson clarifies that we are just discussing records made at public meetings, City Administrator Dross shares what would be encompassed in these collections and what could be requested as a public record. Mayor Malcomson asks City Administrator Dross's recommendation; City Administrator Dross recommends yearly but if Councilors what to furnish their documents sooner than that it is okay. The council agrees to yearly collection with the first collection being December 31st, 2025.

a. Code Enforcement

No discussion.

b. Administration: Accounts Payable

Councilor Carswell asks why there is a high number of expenses for Personal Protection Equipment, City Administrator Dross answers that it is for Public Works and confirms that the city purchases some work clothes, such as safety vests, and boots for them. Councilor Kitt asks if that is part of the Union, City Administrator Dross confirms. Discussion about why the city provides these things ensues.

c. Public Works

No discussion.

d. Fire Department

No discussion.

e. Yamhill County SO Report

No discussion.

9. COUNCILOR'S REPORTS:

Councilor Burrows asks City Administrator Dross if the reservoir is on schedule, City Administrator Dross answers that he is hoping to have a groundbreaking in January and that a missing valve was needed last minute which caused some delay. Mayor Malcomson asks Council President Paulsen if there are any updates with the Lafayette Downtown Association (LDA), but Council President Paulsen does not have any updates other than the next meeting is next month.

10. MAYOR'S REPORT:

Mayor Malcomson reminds everyone of the holiday light competition and thanks Councilor Burrows for his prize suggestion. Mayor Malcomson shares that she is working with LDA to hang gingerbreads that were colored by Lafayette kids at businesses in town. Mayor Malcomson has chosen to cancel her Holiday open house. Mayor Malcomson shares that the Bakery will be having a ribbon cutting on Saturday. Mayor Malcomson reminds the Council of the caroling and falala-ing night festivities on December 20th. Mayor Malcomson shares that it has been an hour to work with Council during her first term.

11. EXECUTIVE SESSION: *ORS 192.660 (2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

Mayor Malcomson recessed the regular session of the City Council meeting at 7:20 p.m. to enter an Executive Session as allowed by ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Malcomson adjourned the Executive Session and reconvened the regular session at 8:13 p.m.

12. ACTION ITEM in following up to Executive Session:

- a. Consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

Councilor Gilgan moves the Council to authorize the City Attorney to engage in discussion for a resolution to the potential legal dispute discussed in executive session, Council President Paulsen seconds. Motion passes 5-0 (aye – Councilor Burrows, Councilor Carswell, Councilor Paulsen, Councilor Gilgan, Councilor Kitt).

13. ADJOURNMENT:

Council President Paulsen moved to adjourn; Councilor Carswell seconded the motion, which passed unanimously. No further discussion.

Minutes approved on the 9th day of January 2024.

CERTIFIED:

ATTESTED:


Hilary Malcomson, Mayor


Kennedee Richardson, City Recorder