

City of Lafayette
City Council Meeting Minutes
October 25, 2001
7:30 PM

1. **CALL TO ORDER:** Bob Cullen called the meeting to order at City Hall at 7:30 p.m.
2. **FLAG SALUTE:** Bob Cullen led the flag salute.
3. **ROLL CALL:** Phil Lieberman, City Administrator, called the roll.
Present: Bob Cullen and Neil Meads.
Absent: 4 vacancies
City Staff Present: Phil Lieberman-City Administrator, Trena Cranfill-Assistant to the City Administrator, Deputy Ron Wellborn, Carmel Bender and Paul Elsner-City Attorney.
Others: Jackie Carpenter, Mike Carpenter, Ron Harris, Caroline Harris, Kenny Schweiger, Kim Schweiger, Don Leard, Janice Leard, Ron Ross, Jim Reed, Donna Lepley, Gloria LaFate, Marie Hord, Linda Littleton, Mike Hanks, Marianne Mitchell, Laura Laird, Richard Jewell, Mike Lewis, Allan Bristol, Nicole Montesano, Denise Willms, Gary Filpi, Terry Yarbrough, and approximately 5 others.

Bob Cullen said that the City of Lafayette is in a state of indecision right now, and the remaining council will rely on the interpretation of the charter through this time. There are some significant shortcomings in the charter, and it should be examined in the future to how well it serves the community of Lafayette.

4. NEW BUSINESS:

a) Certification of Results of Recall Election:

Trena Cranfill read the results of the recall election into the record. There were 366 votes cast in the election. Shall City Councilor Jackie Carpenter be recalled? 210 yes votes and 155 no votes. Shall City Councilor Bob Cullen be recalled? 177 yes votes and 187 no votes. Shall City Councilor Ron Harris be recalled? 210 yes votes and 154 no votes. Shall City Councilor Laura Laird be recalled? 207 yes votes and 157 no votes. Shall City Councilor Terry Yarbrough be recalled? 213 yes votes and 151 no votes. The votes were certified by County Clerk Charles Stern on October 18, 2001.

Bob Cullen and Neil Meads acknowledged the results of this recall election.

b) WORK SESSION- Filling of the vacancies on the Council:

Phil Lieberman said that staff has done a lot of research over the last week on this unique situation with only two members left on City Council. There is a problem with the way the City charter defines a quorum. Another problem is that if there are less than 3 City Council members, it isn't possible to have a majority vote. A third Council member should be appointed immediately in order to continue doing the City's business. There is a possibility of holding an emergency election, and the secretary of state is looking into this possibility. A special election is not possible because the only way to have a special election is if the City doesn't have a quorum and the City does. Another option is to have an informal election (poll process) where the election isn't legally binding but the Council could agree to appoint whoever the public chose in this poll. The Council could also just appoint additional members. It is staff's recommendation that a Council President (Acting Mayor) and a third Council member be chosen right away.

Bob Cullen said that he has been considering what the options are and what is fair. It is important to hold an election as soon as possible. The informal election may at least address some of the concerns associated with the recall. Bob Cullen agreed that there should be a third person appointed to the Council right away. Bob Cullen said that he would be up for election if an emergency election were to be held.

Neil Meads said that a good candidate has been presented for appointment, and he is willing to do whatever it takes to keep the City moving forward. Bob Cullen said that he understands that someone has to assume the role of Council President for at least this meeting. Paul Elsner said that one person should nominate the other one. Section 18 of the charter says that a Council President must be chosen at the 1st meeting of each odd numbered year. It doesn't say that this is the only time a Council President can be chosen.

Bob Cullen made a motion to nominate Neil Meads as Council President (Acting Mayor). Neil Meads seconded the motion and the motion passed with Bob Cullen and Neil Meads voting aye.

Acting Mayor Neil Meads nominated Gary Filpi to the office of City Councilor. Bob Cullen approved the nomination.

Phil Lieberman had Gary Filpi recite the oath of office for City Councilor, and Gary Filpi took his seat as City Councilor.

Bob Cullen thanked Gary Filpi for his willingness to join the Council during this tumultuous time.

Acting Mayor Neil Meads asked staff about the process for pursuing a special election, emergency election, etc. Paul Elsner said that the only way to hold a special election is if the Council does not have a quorum. The City charter states that a quorum could go as low as 1 Council member. An emergency election may be justified because it takes a minimum of 3 Councilors to have an effective governing board. An emergency election can be held on a date other than the preset dates for a special election, if the City governing body finds, by resolution, that an emergency exists that will require an election sooner than the next available election date to avoid extraordinary hardship to the community. The declaration of an emergency lies solely within the City's discretion. The Secretary of State's office has to make the determination whether an emergency election can be held for the purpose of electing candidates. Discussion ensued.

If the Council decides to go with an informal poll, it would not be legally binding, but it would give the people the opportunity to come in and vote. The informal ballots could be mailed out in the utility bills or have them available at City Hall. If all Councilors resigned, the County would come in and appoint enough members for a quorum.

Gary Filpi said that he thinks the informal election looks like the only viable option for the City. A process needs to be developed to do this. Bob Cullen said that he just wants to see an election- whether it's formal or informal. Neil Meads asked if a poll was held, about the time frame. Bob Cullen asked if the City could pay Charles Stern for his services for this informal poll, and Paul Elsner said that the City could ask him. Neil Meads said that with an election of any kind, it is important to hear the community.

Laura Laird, 820 Jackson Court- asked if the poll is done, will it be restricted to registered voters, how will it be ensured that everyone votes only once, and if the poll is non-binding what if some of the Council members choose not to accept the results? Neil Meads said that it would be agreed upon prior to the poll that the results would be accepted, no matter who was chosen. Phil Lieberman said that a registered voter list is available at the county.

Acting Mayor Neil Meads said that he would like to see a Town Hall meeting to discuss the options, and it should be advertised on the reader board, in the utility bills, and in the handout at Wascher school.

Mike Lewis, 580 Jackson Street- said that if there aren't enough candidates to fill the vacant seats, there is no need for an election. Will there be a deadline set for receiving applications?

Donna Lepley, 1282 Third Street #68- asked if all positions will be available in November 2002, and Paul Elsner said yes.

The Town Hall meeting will be set for Saturday, November 10, at 10 a.m. to discuss the election options. Acting Mayor Neil Meads said that he would like to utilize Wascher School.

5. APPROVAL OF MINUTES:

Bob Cullen made a motion to accept the September 27, 2001 minutes. Gary Filpi seconded the motion. There was no discussion and the motion passed with Gary Filpi abstaining (was not on Council at the last meeting).

6. ACCOUNTS PAYABLE:

Bob Cullen made a motion to accept the accounts payable. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

7. BUSINESS DISCUSSION FROM THE COUNCIL:

Bob Cullen said that he had discussed the possibility of re-instating the CUB (Citizen's Utility Board) with Phil Lieberman and he would like to have staff and Council consider the re-instatement of this committee. The ratepayer should have an avenue where they can affect what goes on. The role of the CUB should be better defined and the functions clearly set. The committee members should serve as a way to get information out to the public. Bob Cullen asked Council if they would like to see this as an agenda item for the next meeting. Neil Meads and Gary Filpi agreed to discuss this at the next meeting. Staff will put this on the next Council agenda and provide Gary Filpi with background information on the CUB.

Bob Cullen asked if it was appropriate to pay LZN any more money at this point. Phil Lieberman said that the engineers are reviewing the invoice. Neil Meads asked about the status of the project. Phil Lieberman said that LZN is working on connections, services, chlorinating lines, and preparation for paving.

Bob Cullen said that he wants to make sure that water quality is maintained. Phil Lieberman said that there have been some complaints about air in the park well. The recovery rate of the well is down because of the dry winter. When the pump is running, it creates a vortex in the well and therefore sucks up a lot of air. Because of the air that was being sucked up, too much chlorine was being put into the system for the actual amount of water that was being used. Both problems have been fixed now, and the well is pumping fine at 50 gpm. It will take a few days for all of the air and chlorine to work its way out of the lines.

Phil Lieberman said that the Dayton/Prairie project is still in the negotiation process for the acquisition of the water treatment plant and reservoir site.

Bob Cullen said that Montgomery Watson has presented some options for upgrading the current plant until a new one can be built. Is there a plan in place for these recommendations to be implemented? Phil Lieberman said that their recommendation was to improve aeration through new diffusers and blowers. These improvements will be done by the spring.

Bob Cullen said that the Council has received some resignations from some of the recalled Council members that were involved on some other committees. He extended an invitation to all of them to reconsider their resignations. Neil Meads said that the community could benefit from their participation. It is important for the City Council to thank the recalled Council members for their service to the community. They have given a lot of their time and played a valuable role in the community.

8. OLD BUSINESS:

a) None

9. CORRESPONDENCE / DISCUSSION / INFORMATION

Phil Lieberman said that there is an informational breakfast at Willamette Valley Medical Center on October 29, 2001. There is also a letter from OECD (Oregon Economic and Community Development Department) about their method of distribution of grants for 2002.

10. APPEARANCE OF INTERESTED CITIZENS:

Denise Willms, 585 3rd Street, said that she is concerned with the parking spaces that are marked along Madison Street across the street from her house. She has had 2 trucks go through her yard. It is extremely difficult for large trucks to make the turn onto Madison from 3rd Street when vehicles are parked on Madison St. and those parking spaces need to be removed. The City has painted the curb yellow, but the parking spaces are still visible and vehicles are still parking there. Phil Lieberman said that Public Works has intended to remove the spaces with a pressure washer, but they just haven't had time with all the projects going on right now. Phil Lieberman said that he will make it a priority to have Public Works power wash the parking spaces.

Don Leard, PO Box 722, said that he owns the property that has the parking spaces on them and he had made an agreement with past City Administrators about these spaces. The spaces were moved back 20-25 feet from the corner of 3rd and Madison because he agreed that there was not enough room. Don Leard said that he would be willing to donate the needed space up to the building in order to have enough room for parking spaces.

Marianne Mitchell, 1606 Bridge St., said that large trucks are still being temporarily re-routed through Lafayette, because of bridgework being done on Hwy. 18. Those trucks should be encouraged to go the long way around.

Laura Laird, 820 Jackson Court, said that she was on the 3rd Street Advisory Committee and the ODOT studies showed that the corner needs to be widened and turn lanes installed. The study showed that there is no room for parking along Madison. There is a lot of gravel in the intersection of 3rd and Monroe that LZN hasn't cleaned up. It is dangerous to have that much gravel in the intersection, and they need to clean it up.

Terry Yarbrough, 717 Jefferson, requested a copy of accounts payable, and the minutes from the last meeting. The Council needs to take a look at the City's judge, as he is too lenient. Terry Yarbrough tried to cross the street with his granddaughter, and began to cross when a truck drove on through the crosswalk. The person received a ticket, Terry Yarbrough and Ron Wellborn testified and the person was still found not guilty. Terry Yarbrough said that this is not a legal meeting, because it was never called to order.

Paul Elsner said that the only legal requirement of a public meeting is that it is noticed. There is a parliamentary procedure for the conduct of the meeting, but the conduct wouldn't be fatal to the meeting.

Marianne Mitchell, 1606 Bridge St., asked the City Council to consider putting the citizen comment portion of the meeting back at the beginning of the agenda. It is difficult for some people to stay until the end of the meeting.

In the consideration of the upgrading of the current sewer plant, have the cleaning of the lagoons been considered?

Phil Lieberman said that the engineers have not mentioned it. It was done about a year and a half ago, and it is a very expensive process.

Jackie Carpenter, 818 9th Court, said that she wanted to encourage all City Councilors to attend the seminars and classes that are offered. It is also important to read the charter, and council rules for proper conduct during meetings. There is also a lot of air in the water lines and a buildup material in the faucets. Phil Lieberman said that the air problem was fixed a few days ago and the water that is already in the lines has to work its way out. Jackie Carpenter asked if the City staff would sit down with people that have questions about the usage on their bills with relation to the air, and Phil Lieberman said yes.

Audrey Keeland, 112 W 7th St., said that she is afraid the air will ruin their hot water heater. Phil Lieberman said that the air shouldn't effect a hot water heater.

Mike Lewis, 580 Jackson St., asked if a back flow device has been installed on the City Park well yet. Phil Lieberman said that the sewer line is 20 feet lower than the top of the filter tanks, and there is not a way for the sewer to back up into the water main. Phil Lieberman said that Randy Hubbard has conferred with the Department of Health and they are very aware of the situation at the park well.

11. COMMITTEE REPORTS:

a) Heritage Days

None.

b) Parks, Open spaces, Wetland & Conservation

None.

c) Community Center Update

None.

d) Public Works

None.

e) Public Safety

None.

f) Planning

None.

12. MAYOR'S REPORT:

None.

13. ADJOURN:

Bob Cullen made a motion to adjourn. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:46 p.m.

Minutes approved on this 8th day of November, 2001.

APPROVED:

ATTESTED:

Acting Mayor Neil Meads

Phil Lieberman, City Administrator