

**City of Lafayette**  
**City Council Meeting Minutes**  
**December 11, 2001**  
**7:30 PM**

**1. CALL TO ORDER:** Acting Mayor Neil Meads called the meeting to order at City Hall at 7:30 p.m.

**2. FLAG SALUTE:** Acting Mayor Neil Meads led the flag salute.

**3. ROLL CALL:** Phil Lieberman, City Administrator, called the roll.

*Present:* Bob Cullen, Acting Mayor Neil Meads, and Gary Filpi.

*Absent:* 3 vacancies.

*City Staff Present:* Phil Lieberman-City Administrator, Trena Cranfill-Assistant to the City Administrator, Deputy Bob Wiro.

*Others:* Mike Carpenter, Ron Harris, Laura Laird, Don Leard, Joe Giesbers, Tim Duerfeldt, Taunja Roberts, Dan Roberts, Peter Kappertz, Steve Klock, Carlotta Klock, Nathan Ramer, Stan Hill, Kim Schweiger, Mike Lewis, Nicole Montesano- News Register, and approximately 2 others.

**4. APPROVAL OF MINUTES:**

Bob Cullen made a motion to accept the November 8, 2001 minutes. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

**5. ACCOUNTS PAYABLE:**

Bob Cullen made a motion to accept the accounts payable. Gary Filpi seconded the motion. Discussion- Gary Filpi said that he thought the name sign from Dave's Trophy Shop was already paid once. Staff will check into that (Note- Staff investigated this and the first payment was withheld because the sign was incorrect. It has been corrected and so this payment is owed.). Bob Cullen said that he wanted to note that the first payment was made on the sewer bonds in the amount of \$503,589.92. There was no more discussion and the motion passed unanimously.

**6. CONSENT AGENDA:**

Deputy Bob Wiro introduced himself and said that he will be taking over for Deputy Ron Wellborn. His emphasis in town will be traffic oriented and also addressing the drug problem in town.

Bob Cullen asked about the 4<sup>th</sup> Street Lift Station and why the pump had to be pulled out. Phil Lieberman said that he was not aware that it had been pulled out and he would talk to Randy Hubbard about it.

Phil Lieberman said that the park well is not in use now, and shouldn't be for the rest of the winter because the springs have picked up due to the rainfall. Bob Cullen said that he is concerned with water quality and he wanted to know when the park well was last tested. Phil Lieberman said that it was tested in the middle of October, and the only unfavorable components in the water were iron and manganese, and the filter system attached to the well removes almost all of the iron and manganese.

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

**7. BUSINESS DISCUSSION FROM THE COUNCIL:**

Gary Filpi said that there is a house near 5<sup>th</sup> and Monroe that seems to be abandoned. Every time he has driven by the house, the front door has been wide open. Gary Filpi said that he is concerned that this will be a safety hazard for children. Phil Lieberman said that he will have the code enforcement officer look into this.

Neil Meads said that he wanted to let everyone know that he has decided not to run for Council in the Emergency Election in February 2002.

**8. NEW BUSINESS:**

**a) CUB Re-Organization (Res. 01-36):**

Phil Lieberman said that Council asked staff to draft some recommendations for the re-organization of the CUB. Some ideas have been written down based on the recent Town Hall Meeting and the current status of the Wastewater Treatment Plant. This is a starting point and more ideas are welcome. Bob Cullen said that he would like more time to digest these ideas. The entire Council agreed that this agenda item should be tabled until after the emergency election, so a full Council can decide on this important issue.

Bob Cullen made a motion to table the re-organization of the CUB. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

## **b) Revision of Utility Billing Policies:**

Phil Lieberman said that several changes were made to the utility billing policies a few months ago. One of the changes was the addition of a late fee to be assessed on the 25<sup>th</sup>. The normal due date for the bills is the 15<sup>th</sup>. This is very confusing for the customers. Staff is recommending that the due date of the utility bills be changed to the 20<sup>th</sup> of the month and the late charge is assessed on the 21<sup>st</sup>. This will avoid confusion as there will be one due date and the late charge will be assessed the next day. Bob Cullen asked if people have overpaid due to the confusion. Phil Lieberman said that some people have, but their bills are credited accordingly.

Bob Cullen made a motion to approve the revisions to the Utility Billing Policies dated 12/5/01. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

## **9. NEW BUSINESS:**

### **a) PUBLIC HEARING: Gas station zoning and site design review approval:**

Acting Mayor Neil Meads said that this is the time and place set for the public hearing in the matter of Planning file 01-09-08, a Zone change application by Dan and Taunja Roberts. Acting Mayor Neil Meads opened the hearing at 7:54 p.m. Phil Lieberman read the disclosure statements (see 12/11/01 packet file). Acting Mayor Neil Meads asked the audience if there are any objections to the notice that was sent in this case? (None) To the jurisdiction of this body to hear and consider this case? (None) Are there any declarations of ex parte contact, conflict or bias by any members of this body? (None)

Phil Lieberman read the Staff Report (see 12/11/01 packet file).

**Agency Comments-** None.

**Applicant Testimony-** Peter Kappertz- Kappertz Design, said that he will be representing Dan and Taunja Roberts. All planning criteria required by the City have been satisfied. The zone change request is for the gas station only. The Planning Commission had a concern about the traffic, but the traffic flow isn't expected to increase much beyond what is already there due to the espresso stand. There is also a traffic study underway, and there is not expected to be a significant increase in traffic on 99W. The question is whether or not the City wants a gas station in the community. The Robert's respectfully request approval of this zone change.

**Proponents Testimony-** Stan Hill, 6280 Duniway Road, Dayton- said that he is a member of the Planning Commission, and a few years ago the Planning Commission came up with a new code in order to provide for better buildings (appearance and structure), and the types of businesses allowed to go in the downtown area. Adding a new business to the North side of Third Street would be a positive thing. The building style requirements will be the same as in the C-1 zone. The zone change request passed the Planning Commission by a vote of 3-1. The Council needs to think of the future of the town and whether or not this gas station would make Lafayette a better place.

**Opponents Testimony-** Don Leard, PO Box 722, Lafayette- said that the City has gone through many years of planning for the future of Lafayette. The code was established to keep gas stations, lumberyards, etc. out of the downtown area. People wanted a pedestrian friendly downtown. Bill's Market plans on building a gas station within the next 2 years. A gas station belongs on the edge(s) of town, not in the middle of town. Don Leard said that he is not anti-business, it is just the wrong location for a gas station.

Mike Lewis, 580 Jackson Street- said that the downtown core was meant to be pedestrian friendly. A gas station should be on either end of town, and not in the middle. The City does need a gas station, just not in the center of town.

Carlotta Klock, 386 Market- said that she owns the house directly behind the proposed gas station. The gas station will cause excess noise, fumes, and traffic and she doesn't think it is a good idea.

Steve Klock, 386 Market- said that there are kids with skateboards that hang out by the espresso stand and public telephone. A gas station/convenience store would increase this problem. There is also a problem with litter and a convenience store would make the litter problem worse. He said that he has called the police about the kids that hang out on the corner and he will continue to do so if a gas station goes in there.

**General Testimony-** None.

**Questions from the Council, Staff, or the Audience-** Bob Cullen asked if Westech's report addressed setbacks and height limitations. Phil Lieberman and Stan Hill said that there are no requirements on this in this zone. Phil Lieberman said that all C-1 standards would still apply to the gas station. Phil Lieberman said that this is a one-time exception and if another situation arises, it will be considered separately on its own merits. Bob Cullen asked if there will be 2 curb cuts, and Phil Lieberman said that ODOT approved the design with 1 curb cut because it is safer than having 2. Bob Cullen asked if the Fire Department has reviewed the proposal, and Phil Lieberman said yes and they had no objections. Gary Filpi asked what the hours of the gas station are going to be, and Dan Roberts said that they were thinking the hours would be 5:30 a.m. to 8:30 p.m. Gary Filpi asked what type of station it is going to be and Dan Roberts said that it would be a Shell station. Bob Cullen asked if ODOT will be involved in the site development, and Phil Lieberman said that they would be involved in the access from 99W (that is their only real concern). Bob Cullen asked if the City Council will have input on the

design, and Phil Lieberman said that the Planning Commission has already reviewed this and approved it. Gary Filpi asked what type of building it would be and Dan Roberts said that it would be a wood building with a composition roof. Bob Cullen asked if the EPA and Fish and Wildlife are involved in this because of the proximity to the river, and Dan Roberts said that DEQ is involved and their standards will be followed throughout construction. Gary Filpi asked about screening along the North and East side of the property. Dan Roberts said that there would be (tall) shrubbery planted along both sides. Dan and Taunja Roberts said that they would be running the station themselves. Bob Cullen asked how the one way entrance would be enforced. Peter Kappertz said that there will be little traffic from Market into the gas station, most of the traffic will come from 99W. It will be difficult for vehicles to go out the one way entrance back out onto 99W. Bob Cullen said that he was concerned about the proximity of the fire station to the proposed gas station. Peter Kappertz said that this concern came up in the Planning Commission meeting as well, and the fire trucks could get out the other side of the building if they had to. The proximity would be a positive thing if there were an incident at the gas station as it would provide for immediate response. Bob Cullen said that he didn't know if the gas station would be a good fit for the community. Gary Filpi said that the gas station might provide an opportunity to advertise other businesses in town. Acting Mayor Neil Meads said that he understands the complexity of this decision, and the Council has to do what is best for the community. Council said that they would like to see the letter of opposition that was submitted to the City Planner. Staff will provide Council with a copy of the letter. Discussion ensued. Mike Lewis, 580 Jackson Street- said that he has seen zone changes in the past, and Council should make sure that only the gas station is approved for this zone change. Phil Lieberman said that that is clearly spelled out in the staff report. It is a limited use zone change.

**Applicant Rebuttal of Evidence or Testimony-** Peter Kappertz- Kappertz Design, said that the Robert's have met all of the criteria for the zone change. The traffic, in terms of cars per day should not be much more than what the espresso stand has now. There should be minimal litter from the gas station and the owners will keep their property clean if the convenience store results in any litter on the property. Peter Kappertz said that he doesn't believe there will be a significant increase in the noise level. There will be landscape screening around the property and the limited hours will eliminate any noise late at night.

**Staff Recommendation-** Phil Lieberman said that the staff recommendation is that the City Council accept the recommendation of the Planning Commission and approve the zone change.

**Close Public Testimony-** Acting Mayor Neil Meads closed the public testimony at 9:10 p.m.

**Council Deliberation-** Bob Cullen said that he is not opposed to the zone change, but he is opposed to having a gas station in the center of town. Acting Mayor Neil Meads said that no one wants to see a gas station in his or her back yard, but it is Council's job to do what is best for the community. Discussion ensued.

Gary Filpi made a motion to approve the zone change, adopting the findings and conditions contained in the Planning Commission Order of Recommendation. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

The Public Hearing was closed at 9:17 p.m.

Staff will prepare the appropriate document based on the City Council's decision.

Gary Filpi made a motion to take a break. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 9:18 p.m. The meeting was called back to order at 9:28 p.m.

### **b) Approval of offer on Dummer property(Joint water project-res. and trtmt. plant site):**

Phil Lieberman said that Council was polled on this issue already, but this is the formal acceptance of the counteroffer of \$86,100. This property is for the joint water project, reservoir and treatment plant site. The Dayton City Council already approved this counter offer. Considering the amount that was budgeted for this property acquisition, this is a good deal.

Bob Cullen made a motion to accept the counteroffer of \$86,100 on the Dummer property for the water reservoir and treatment plant site. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

### **c) Review of November 12, 2001 Special Meeting:**

The charter requires that special meetings be reviewed at the next regularly scheduled meeting. Acting Mayor Neil Meads read the agenda from the special meeting. He asked if there were any questions from the audience, and there were none. Bob Cullen made a motion to approve the minutes of the special meeting, November 12, 2001. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

### **d) Amendment to Res. 01-31 ext. deadline to receive candidate apps. (Res. 01-32):**

Phil Lieberman said that at the special meeting on November 12, 2001, dates were set for the filing deadline, election date for the Emergency Election, etc. Staff is recommending extending the filing deadline by one week in order to allow more people to file and process all of the necessary paper work. There were very few candidates filed as of last week. Bob Cullen made a motion to adopt Resolution 01-32, as presented. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

**e) Membership amendment to City/County Ins. Services (CCIS) Trust (Res. 01-33):**

Phil Lieberman said that this is a formality. It is an update that is done every year to maintain membership in CCIS. They provide the general liability and workers compensation insurance for the City. The City participates in a pool and they are the administrators of these policies. Bob Cullen made a motion to adopt Resolution 01-33, as presented. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

**f) Membership agreement to League of Oregon Cities (Res. 01-35):**

Phil Lieberman said that the League of Oregon Cities represents almost all of the Cities in Oregon on various legal issues, and represent the cities in the legislature. This resolution is just a renewal of the membership. Bob Cullen made a motion to adopt Resolution 01-35, as presented. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

**g) Public Works Emerg. Response Mutual Aid Agreement (Res. 01-34):**

Phil Lieberman said that Randy Hubbard recommended the City become a formal member of this mutual aid agreement. It is a way for the City to help out other communities and also receive help when needed (equipment, personnel, etc.). This agreement will be mutually beneficial. Gary Filpi made a motion to adopt Resolution 01-34, as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

**10. APPEARANCE OF INTERESTED CITIZENS:**

Mike Lewis, 580 Jackson St., said that he would like to see Public Works change their hours to 8:00 a.m. to 5:00 p.m. to coincide with City Hall hours. It isn't fair to charge customers an extra \$75 after 3:00 p.m. to have their water turned back on when City Hall is still open. There are potholes on Jackson Street that need to be fixed. He said that he would like to know how the sewer bonds were sold without going to the voters. Are people from out of town coming in to fix the lift stations to do repair work? Public Works should be doing this work. Has a backflow device been put on the park well? Has it been tested by a professional company? Why aren't the garbage cans in the park being dumped every Wednesday? 2 people should do rounds every weekend to take care of things like this. Bob Cullen asked what the current hours are and Phil Lieberman said that it is from 7:00 a.m. to 3:30 p.m. Acting Mayor Neil Meads asked Mike Lewis to provide the Council with a written copy of his concerns so that they may be addressed.

**11. CORRESPONDENCE / DISCUSSION / INFORMATION**

Phil Lieberman said that he has updated the water quantity report and the water availability is rising due to the rainfall. The springs have come back, and hopefully will continue to over the winter.

There is a letter from Senator Smith regarding an economic stimulus package. Council is welcome to respond to the letter if they would like to.

Bob Cullen said that there was an article in the News Register about Oregon's oldest citizen who turned 112. She was born in Lafayette. Council asked staff to send her a birthday card from the City.

**12. COMMITTEE REPORTS:**

**a) Heritage Days**

None.

**b) Parks, Open spaces, Wetland & Conservation**

Phil Lieberman said that there will be an item on the January agenda about a parks master plan.

**c) Community Center Update**

None.

**d) Public Works**

None.

**e) Public Safety**

None.

- f) **Planning**  
None.

**13. MAYOR'S REPORT:**  
None.

- 14. ADJOURN:**  
Gary Filpi made a motion to adjourn. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:56 p.m.

**Minutes approved on this 10th day of January, 2002.**

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
Acting Mayor Neil Meads

\_\_\_\_\_  
Phil Lieberman, City Administrator