

City of Lafayette
City Council Meeting Minutes
January 10, 2002
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, Skip Wendolowski- City Planner.

Others: Mike Carpenter, Jackie Carpenter, Ron Harris, Caroline Harris, Laura Laird, Don Leard, Joe Giesbers, Dan Roberts, Carlotta Klock, Kenny Schweiger, Kim Schweiger, Mike Lewis, Nicole Montesano- News Register, Travis Johnson, Carol Paddock, Marianne Mitchell, Ron Ross, Trampus Stephens, Jeff Bizon, Mike Hanks, Cecil Elbert, and approximately 2 others.

4. APPROVAL OF MINUTES:

Gary Filpi made a motion to accept the December 11, 2001 minutes. Bob Cullen seconded the motion. Discussion- Phil Lieberman said that there were a few items from the minutes that he would like to mention. The re-organization of the CUB has been put on the second agenda in March 2002. The Dummer property offer was passed on to the attorneys. The oldest citizen in Oregon (who used to live in Lafayette) turned 112 and the City sent her a birthday card. There was no more discussion and the motion passed unanimously.

5. ACCOUNTS PAYABLE:

Phil Lieberman requested that the quarterly fire fighters pay be added to the 'to be approved' list of accounts payable.

Bob Cullen made a motion to accept the accounts payable. Gary Filpi seconded the motion. Discussion- Bob Cullen asked about the payments to LZN. Phil Lieberman said that the total project was bid at \$622,000 and it came out at least \$200,000 more than that. The budget for the project was around \$900,000, so the project is still within budget. The Council said that they would like to see the exact difference between the bid price and the ending project cost. Staff will have this for the next meeting. Bob Cullen asked about the payment to Ed Sigurdson and if it reflected engineering services for the water project. Phil Lieberman said that it did and it was also 4 months worth of services from CH2MHill. Bob Cullen asked about the payment to Westech Engineering for the Robert's property- Does this get deducted from their deposit on the zone change application? Phil Lieberman said that it does. Bob Cullen asked what the payment to A&E Group is for, and Phil Lieberman said that it is for the filter system on the park well. This is the final payment on the filter system. Bob Cullen asked if Gonzales Boring and Tunneling, United Pipe and Supply, and CC Meisel were paid by the City on behalf of LZN and Phil Lieberman said that they were, to the extent of what the City owed LZN.

There was no more discussion and the motion passed unanimously.

6. CONSENT AGENDA:

Bob Cullen made a motion to accept the consent agenda. Gary Filpi seconded the motion. Discussion- Bob Cullen said that the unpaid water bills for December is three times what it was in November. Phil Lieberman said that many people were put on payment plans, but it is being monitored and the unpaid accounts should decrease again in January. Gary Filpi said that he liked the sheriff's report. It is much more comprehensive than it has been in the past. There was no more discussion and the motion passed unanimously.

7. BUSINESS DISCUSSION FROM THE COUNCIL:

Phil Lieberman said that there are a couple items under new business that Council may want to consider tabling including the review of Council rules, appoint standing committees, and assign liaison roles until after the election in February. It is up to the Council whether they want to deal with these issues now or at a later date.

Bob Cullen said that Council had discussed getting a Christmas tree for in front of City Hall. He would like to see the City look into one for next year. Bob Cullen asked about the status of the soda ash injection system. Phil Lieberman said that he is meeting with Westech and Randy Hubbard tomorrow to discuss the soda ash injection system and all of the other current projects. The soda ash injection system is expected to be online by the end of winter. Bob Cullen asked about Montgomery Watson's plans to keep the current sewer plant in compliance.

Phil Lieberman said that one of the things being done is an MAO (Mutual Agreement Order) letter that was submitted by Westech asking DEQ to change the requirements of the sewer plant until the new plant is built so the plant is not continually in violation. Ray Monier (Montgomery Watson) was engineering the improvements to the old plant, but he recently passed away. A new engineer is reviewing the improvements. In order to install the new diffuser, many factors have to come together (weather, level of lagoons, etc.). The engineers are watching for a window of opportunity, and will install the diffuser as soon as possible.

Gary Filpi said that the abandoned house on 5th Street was secured by the Sheriff's office and he wanted to thank staff for attending to that. That house is also being used for fire drill, and Gary Filpi wanted to thank Don Leard for allowing the fire department to utilize the house.

Bob Cullen said that he wanted to thank the Lafayette volunteer fire department for their efforts during the Christmas holiday. They distributed gifts to many families that wouldn't have had a holiday otherwise.

8. NEW BUSINESS:

a) Appoint Standing Committees:

The Council discussed tabling this agenda item until after the election in February in order to allow a full Council to deal with this issue. Bob Cullen made a motion to table this agenda item until the March 28, 2002 City Council meeting. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

b) Assign liaison roles:

Gary Filpi made a motion to table this agenda item until the March 28, 2002 City Council meeting. Bob Cullen seconded the motion. Discussion- Bob Cullen said that he would just like to express his interest in the Parks and Open Spaces, and Gary Filpi expressed his interest in Planning. There was no more discussion and the motion passed unanimously.

Ron Ross, 675 Third Street- said that he thought the Budget officer was a member of the committee that was voted in at the first meeting. Phil Lieberman said that the Chairman is a member who is elected by the members at the first meeting. The Budget Officer is completely separate and is required by law. The budget officer is usually someone on staff because the budget officer is in charge of filing all of the paperwork with the state.

c) Appoint Budget Officer:

Acting Mayor Neil Meads said that the budget committee has low membership right now and staff would like to know how they should advertise the positions. The budget committee consists of 7 appointed members, the Mayor and the Council. The Council encouraged the candidates to attend the budget committee meetings and learn about the City. Gary Filpi made a motion to appoint Phil Lieberman budget officer for FY 2002-2003. Bob Cullen seconded the motion. Discussion- Acting Mayor Neil Meads asked staff to post the vacancies and also advertise the vacancies on the reader board right away. There was no more discussion and the motion passed unanimously.

d) Review Council Rules:

Phil Lieberman said that he recommends that this agenda item be tabled until March.

Marianne Mitchell, 1606 Bridge Street, said that the Council Rules state what the order of the agenda is supposed to be. The appearance of interested citizens should be put back at the top of the agenda. Acting Mayor Neil Meads said that the reason for changing the agenda was because there was a high volume of comments by people who weren't informed about the City's business. By putting this section at the bottom of the agenda, it is a way to make people aware of what is going on in the City.

Marianne Mitchell said that sometimes the meeting goes late and it is very difficult for some people to stay.

Gary Filpi and Bob Cullen said that they agree with the way the agenda is now. Bob Cullen said that many times people are here for items that are on the agenda. Comments in writing are another effective way to express concerns to the Council.

Mike Lewis, 580 Jackson St., said that he was told that he would receive some documents as a Council candidate and he requested a copy of the City Charter right away. Staff will take care of this.

Gary Filpi made a motion to table the review of Council rules until the March 28, 2002 City Council meeting. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

e) Appeal on Marianne Mitchell Partition:

Marianne Mitchell submitted a letter asking for a delay for a couple months. No action is needed at this time.

f) City Council Candidate Forum:

Phil Lieberman said that there will be a meeting a week from tomorrow to discuss the candidate forum. The Yamhill County Mediators, Commissioner Leslie Lewis, Council of Governments, and the OSU Extension Service will be meeting to discuss the details of the forum. They will be discussing the possibility of 2 forums on different days. Phil Lieberman said that any input about the structure of the forum is welcome.

Bob Cullen said that he would like email addresses for Roger Bairstow and Dave Galati. Staff will provide those for him. The News Register has offered to sponsor the forum. The forum will probably be held at Wascher Elementary School.

Marianne Mitchell, 1606 Bridge St., said that she has polled several of the candidates and they agreed that February 7, 2002 works for everyone.

Discussion ensued.

Staff will contact Stephanie Shaw at Wascher Elementary School to see if February 7 is an available date. Bob Cullen said that timing is key.

Discussion ensued.

9. OLD BUSINESS:

a) Zone Change- Gas Station (Ord. 544):

Phil Lieberman said that this ordinance reflects a zone change by the applicant for a gas station and convenience store. This will change the zoning from a C-1 to C-2 zone with the limitation that the change applies only to the application that they made for a gas station and convenience store. No other C-2 uses will be allowed on that property. All notices and hearings were conducted properly and closed.

Skip Wendolowski said that the Council has the ordinance that approves the zone change. Once it is approved, notice will be mailed out, and there will be an appeal period (to the Land Use Board of Appeals). If there is no appeal made, the decision will then be final.

Gary Filpi made a motion to adopt Ordinance 544 at a single meeting and to read the ordinance by title only. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

Phil Lieberman read the ordinance by title only.

Bob Cullen made a motion that Ordinance 544 pass to a second reading. Gary Filpi seconded the motion. Discussion- Bob Cullen asked staff to also read sections 1, 2, and 3 of Ordinance 544 to the audience. There was no more discussion and the motion passed unanimously.

Phil Lieberman read the title, and section 1, 2, and 3 of Ordinance 544.

Gary Filpi made a motion to adopt Ordinance 544, as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

b) Vacancies on Committees:

There are some vacancies on the Budget and Traffic Safety Committee right now. Staff would like to advertise to get some volunteers on the committees. Bob Cullen suggested that staff call everyone that has applied for any committee to see if they are interested in serving on the committees that have vacancies right now. Council suggested utilizing the reader board and the News Register. Staff will advertise for the openings and bring a list of names to Council at the January 24, 2002 meeting.

c) Extension of AT&T Franchise (Ord. 543):

Phil Lieberman said that there has been some turmoil with the cable franchises at the state level. Pam Beery of Beery & Elsner represents the City on all of the franchises and she expects the courts to make a decision by March 2002. Discussion ensued. Bob Cullen made a motion to adopt Ordinance 543 at a single meeting and to read the ordinance by title only. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

Phil Lieberman read the ordinance by title only.

Bob Cullen made a motion that Ordinance 543 pass to a second reading. Gary Filpi seconded the motion. Discussion- Bob Cullen said that this franchise fee was originally designed to offset the cost of the utility work that occurs in the public right of way, and the City is trying to recover public works costs based on the cost of doing this work. It is not a tax. Discussion ensued.

There was no more discussion and the motion passed unanimously.

Phil Lieberman read the ordinance by title only.

Gary Filpi made a motion to adopt Ordinance 543 as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

d) Annual Review of Fire Equipment Contract with Oregon Fire Service Museum:

Phil Lieberman said that the City has two pieces of equipment on display at the Oregon Fire Service Museum and this contract has to be reviewed each year. Bob Cullen made a motion to continue the Fire Equipment

contract with the Oregon Fire Service Museum. Gary Filpi seconded the motion. Discussion- Bob Cullen said that the Fire Department has another hose cart on display at the Yamhill County Historical Society in Lafayette. Gary Filpi asked if there are serial numbers on the equipment and Bob Cullen said that all of that information is available in the Fire Chief's office. Gary Filpi asked if the appraised value of the equipment is ever updated. Phil Lieberman said that it has fully depreciated already. Council asked staff to ask the insurance company about the importance of the appraised value on this equipment. Staff will look into this. There was no more discussion and the motion passed unanimously.

e) Acceptance of accepted offer on Dummer property:

Phil Lieberman said that the offer of \$86,100 on the Dummer property was accepted by the Dummer's. The Council now needs to accept the accepted offer. Gary Filpi made a motion to accept the accepted offer on the Dummer property for the joint water project reservoir and treatment plant site for a price of \$86,100. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

10. APPEARANCE OF INTERESTED CITIZENS:

Carol Paddock, 5001 NE Mineral Springs Rd.- asked what a limited use overlay zone is. Phil Lieberman said that the zone was changed from a C-1 to C-2 zone, but all of the restrictions of a C-1 zone still apply. Carol Paddock said that she read Exhibit A and #1 of the criteria doesn't seem to fit. Phil Lieberman said that they all have to fit and the Planning Commission has determined that all of the criteria fit. Carol Paddock said that a lot of people put time and energy into developing the Downtown Master Plan. She doesn't agree with going against the Master Plan the way it has been with this zone change. Why should I continue to volunteer if the plans are just ignored? Phil Lieberman said that the Planning Commission and the City Council didn't make this decision lightly. Bob Cullen said that unfortunately this is the stage in the process when we get the most public comment. The public comment is more effective during the planning process. That is the opportunity to actually argue the merits of the application. Discussion ensued.

Don Leard, PO Box 722- said that the City of Sisters does not allow gas stations in the downtown area anymore. The gas stations that are there were grand-fathered in.

Marianne Mitchell, 1606 Bridge St.- said that the Planning Commission didn't give a cogent reason for putting a gas station on that property. Spot zoning is not a good idea.

Ron Ross, 675 Third Street- asked when the ponds are going to be cleaned. Phil Lieberman said that they were pumped 2-3 years ago, and Boots Ward is using a new organism that helps with the decomposition and it doesn't have to be cleaned as often. Ron Ross said that there has been some discussion in the past about putting another reader board in town. It would be a way to get more information out to the people. Ron Ross said that he disagrees with the zone change for the gas station.

Travis Johnson, 416 6th Street- said that he wanted to thank the Council for serving the community. He said that he appreciated the Council tabling some of the agenda items until an elected Council is seated. The zone change should also have been tabled, as it will drastically change the downtown core.

Don Leard, PO Box 722- said that he owns the abandoned house on Monroe Street. He plans on tearing it down, but he has allowed the fire department to practice drill there.

Mike Lewis, 580 Jackson St.- said that he still feels that Public Work's hours should be changed so they work until 5 p.m. The \$75 fee that is charged when people get shut off is unfair.

11. CORRESPONDENCE / DISCUSSION / INFORMATION

Phil Lieberman said that there is a budget calendar and a list of meetings in January in the packet. Council and Council candidates are encouraged to participate in the elected official training that the Council of Governments is offering on Saturday, February 9, 2002 (date changed to February 23, 2002). If anyone is interested in signing up, please notify staff as soon as possible. Acting Mayor Neil Meads also encouraged everyone to take advantage of these training opportunities.

Phil Lieberman said that Kim Herrmann was chosen as Mrs. Yamhill County and she is asking for sponsors and is available to make appearances as Mrs. Yamhill County. If anyone is interested in sponsoring her, please contact City Hall.

The Council of Governments is holding their annual dinner on January 30, 2002. If Council, staff, or Council candidates are interested in attending, please let staff know.

12. COMMITTEE REPORTS:

a) Heritage Days

None.

b) Parks, Open spaces, Wetland & Conservation

Bob Cullen said that he is interested in getting a Parks Master Plan started. Phil Lieberman said that a committee will be established soon.

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 9:30 p.m.

Minutes approved on this 24th day of January, 2002.

APPROVED:

ATTESTED:

Acting Mayor Neil Meads

Phil Lieberman, City Administrator