

City of Lafayette
City Council Meeting Minutes
December 12, 2002
6:30 PM

1. **CALL TO ORDER:** Mayor Lotis Hanks called the meeting to order at City Hall at 6:30 p.m.
2. **FLAG SALUTE:** Mayor Lotis Hanks led the flag salute.
3. **ROLL CALL:** Diane Rinks, City Administrator, called the roll.
Present: Bob Cullen, Lotis Hanks, Joe Giesbers, Richard Jewell, and Gary Filpi.
Absent: Ron Ross (excused), Marianne Mitchell (arrived late at 6:37 p.m.).
City Staff Present: Diane Rinks- City Administrator, Trena Cranfill-Assistant to the City Administrator, and Terry Lucich- Fire Chief.
Others: Cecil Elbert, George Meitzen, Edwina Meitzen, Kim Schweiger, Kenny Schweiger, Mike Lewis, Bonnie Pursel, Deputy Bob Wiro, Commissioner Rob Johnstone, Mike Henry, Mike Hanks, Rob Henry, and approximately 2 others.
4. Mike Henry was late to the meeting, so his presentation was delayed. The Council went on to other business.

5. APPROVAL OF MINUTES:

Bob Cullen made a motion to accept the November 14, 2002 minutes. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

6. ACCOUNTS PAYABLE:

Diane Rinks said that there is still the unresolved issue of the \$4,700 Council of Governments (COG) contract for the City Administrator search. Bob Cullen asked if Diane was able to get an itemized bill from Dave Galati. Diane Rinks said that Dave Galati didn't keep an itemized account of his time. The bill is a lump sum based on accomplishing certain tasks. Commissioner Rob Johnstone said that he sat in on a COG Board meeting last week where they discussed the contract with Lafayette. Commissioner Johnstone said that he is representing the COG tonight. Gary Filpi said that the \$4,700 figure was given to the Council and they were told that it was based on 30-35 applicants, and the City only received 15 applicants. Gary Filpi said that Richard Van Orman told the Council that the contract would be adjusted if fewer applications were received. Diane Rinks said that this was a mis-communication between Dave Galati and Richard Van Orman. Commissioner Johnstone said that the COG's position on this is that there is a signed contract for a service and that service was performed. The COG is here for the benefit of the member agencies and it wouldn't be fair to have to pass the costs incurred in this recruitment process to them. Marianne Mitchell said that Richard Van Orman said that he had spoken to Dave Galati and that the cost would be reduced if fewer than 35 applications were received. Bob Cullen said that he is in favor of paying the contract, but he would like to see a breakdown of the COG costs. Commissioner Johnstone said that Dave Galati didn't keep detailed records, as this wasn't an expectation or part of the contract. Discussion ensued. Diane Rinks said that the COG had to go through the final process twice, since the first candidate backed out of contract negotiations. Bob Cullen made a motion to pay the contract with the Council of Governments for City Administrator recruitment services in the amount of \$4,700. Richard Jewell seconded the motion. There was no more discussion and the motion passed with Joe Giesbers and Marianne Mitchell voting nay.

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

Diane Rinks said that a question has been raised by a couple members of the Council about individual members of the Council contacting the City Attorney. Gary Filpi asked about the costs incurred by Marianne Mitchell. Marianne Mitchell said that she would have to see a breakdown of the costs. Marianne Mitchell said that she and Ron Ross spoke to the attorney about the newsletter and they got something in writing and gave it to the Council because several people had complained about the newsletter. Marianne Mitchell said that she got something from the attorney saying that nothing was amiss in the newsletter and she thought that it was really necessary to have that in writing and so did Councilor Ross.

Bob Cullen said that he wants the Council to define how they enter into a process to make necessary contacts. Staff should be given the opportunity to answer the question first. If staff isn't able to answer the question, and the Council member still wants to contact the attorney, then a majority of Council should be contacted first.

Marianne Mitchell said that in her and Ron Ross' opinion on the issue of the newsletter, she didn't feel they should wait. Bob Cullen said that she should have contacted the other councilors too.

Diane Rinks said that the Council Rules and the contract with the attorney says that only the City Administrator or the Mayor should contact the City Attorney between Council meetings.

7. CONSENT AGENDA:

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

Terry Lucich said that the Fire Department has had a very successful toy program this year. They are going to be able to give toys to a lot of children this year. Terry Lucich said that he is here to answer questions about burning regulations, if the Council has concerns. Marianne Mitchell said that she has been around 2 instances where the county recording said that people could burn without considering the wind factor, and there were major fires. Marianne Mitchell said that the City used to do their own recording, and she would like to see that done again. Terry Lucich said that if it was up to him, he would ban burning all together. The county dispatch updates the recording all the time. Terry Lucich said that if the City did their own recording, he couldn't promise consistency because he is only here part time. Gary Filpi asked if YCOM has ever gone against DEQ and maintained that there is no burning allowed, and Terry Lucich said yes, on several occasions. Discussion ensued. Gary Filpi asked Terry Lucich to convey the City's concerns to YCOM about being sensitive to weather conditions before burning is allowed. Terry Lucich said that he would convey those concerns.

8. APPEARANCE OF INTERESTED CITIZENS:

Kenny Schweiger, 710 Water St.- asked Commissioner Rob Johnstone about the disposal of out of county garbage. Commissioner Rob Johnstone said that the disposal of out of county garbage is governed by a series of franchise agreements that the owners of the landfill, the county, and the outside owners have. It is a very complex contract that is reviewed every time the contract comes due. Only at that time can specifics of the contracts be changed.

Bonnie Pursel, 1333 Adams St.- said that the Council newsletter is helpful and she hopes that the Council continues to do it.

4. UPDATE FROM MIKE HENRY ON ENGINEERING FOR WWTP:

Mike Henry said that he would like to talk about the facilities plan modification first. That document becomes section one of the pre-design report. This plan includes items that have already been submitted to the Council. The plan considers the SBR treatment process on the existing site as the preferred alternative. Once the modifications are made to the facilities plan, then the pre-design must follow the recommendations included in the facilities plan. Mike Henry said that he is asking the Council to adopt the facilities plan modification tonight.

Mike Henry said that he wanted to give the City Council a copy of the proposed engineering contract for consideration and discuss it further at the next meeting. Bob Cullen asked if the engineering fees are included in the total cost of the plant and Mike Henry said yes. Gary Filpi made a motion to approve the facilities plan modification portion of the pre-design report, as written. Marianne Mitchell seconded the motion. There was no more discussion, the Council was polled, and the motion passed unanimously.

Gary Filpi asked that if there are any changes or corrections to the report made by DEQ (Department of Environmental Quality), please notify Council right away. Rob Henry said that the City will receive a letter from DEQ that will include their comments on the report.

9. BUSINESS DISCUSSION FROM THE COUNCIL:

Diane Rinks said that she had a few items to discuss with the Council. A copy of the intergovernmental agreement with the Yamhill Soil and Water Conservation District for weed control in the watershed is in the Council packet for review.

The original engineering contract for the joint water project was signed in 1997, and there haven't been any amendments to the contract to date. Ed Sigurdson is now proposing an amendment to the contract, because there have been costs that were not anticipated relating to land use issues and the scope of the project has changed. Lafayette's portion of the increase would be \$141,249. The original budget is almost spent. Ed Sigurdson is hoping to have the next phase of the project out to bid in January 2003. Bob Cullen made a motion to amend the existing engineering services contract with EAS Engineering for the joint water project in the amount of \$141,249. Gary Filpi seconded the motion. Discussion- Gary Filpi asked if the project is on budget so far, and Diane Rinks said that the project seems to be on budget so far. She is still trying to get familiar with the budget and the financial status of the projects. There was no more discussion, the Council was polled, and the motion passed unanimously.

Diane Rinks said that the City has a contract with the Council of Governments for financial administration of the sewer project for a total of \$35,000. The contract is paid in increments as certain tasks are accomplished. To

date, only \$6,000 has been paid. The remaining tasks haven't been accomplished yet. The contract terminated as of December 1, 2002. Diane Rinks said that the Council of Governments is willing to extend the contract, and the Council has the option of doing that. Marianne Mitchell said that she would like to ask some questions about the contract. Bob Cullen said that he is wondering if the City has the ability to do the financial administration for ourselves. Discussion ensued. The Council asked that this be put on the next Council agenda for further discussion.

Diane Rinks said that the League of Oregon Cities is asking for a voluntary assessment, which would go towards the League's efforts to try and contain PERS costs for employers. The cost to Lafayette would be \$110. Marianne Mitchell made a motion to authorize a \$110 voluntary assessment to the League of Oregon Cities for PERS (in an effort to control PERS costs for the future). Gary Filpi seconded the motion. There was no discussion and the motion passed with Richard Jewell voting nay.

Joe Giesbers suggested that "in an attempt" be taken out of the introduction of the City newsletter. Staff will take this out of the newsletter. Joe Giesbers introduced Doug Elbon to the Council. Doug is helping Joe Giesbers maintain the City website.

Marianne Mitchell said that the Council newsletter didn't go out this month because of an obstruction from the City Administrator. Bob Cullen said that it wasn't an obstruction from the administrator; he didn't want the newsletter going out on such short notice. He wants more than 24 hours to review the newsletter.

Marianne Mitchell said that she doesn't want to spend her time writing a newsletter, and then not have it go out to the residents. Marianne Mitchell said that she wants the parameters of the newsletter to be clear. Joe Giesbers said that he is getting good feedback on the Council newsletter, but the Council needs more time to review it. Marianne Mitchell said that it isn't something that will go out every month. Gary Filpi said that Marianne has to accept the Council's corrections to the newsletter. Discussion ensued.

Richard Jewell left the meeting at 8:00 p.m.

Gary Filpi made a motion that all councilors must review the Council newsletter and the final version must be to staff no later than the 26th of appropriate month, or it will not be included in the utility bills. Bob Cullen seconded the motion. There was no more discussion and the motion passed unanimously.

Gary Filpi made a motion to take a 10-minute break. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 8:06 p.m. The meeting was called back to order at 8:15 p.m.

10. NEW BUSINESS:

a) Certification of Election Results:

Trena Cranfill said that she received the abstract of votes of the November 5, 2002 General Election from the County Elections Official on November 21, 2002. On that date, she determined that the results of the election were as follows: There were 663 ballots cast in the election. Lotis Hanks was elected Mayor with 288 votes. For the 3, 2-year Council positions, Marianne Mitchell was re-elected with 257 votes, Mike Lewis was elected with 258 votes, and Bob Cullen was re-elected with 345 votes. For the 3, 4-year Council positions, Ronald Ross was re-elected with 384 votes, Joe Giesbers was re-elected with 373 votes, and Gary Filpi was elected with 425 votes. The new Council will be sworn in at the January 9, 2003 Council meeting.

b) Amendment to Lafayette Zoning and Dev. Code (Ord. 552):

Bob Cullen made a motion to adopt Ordinance 552 at a single meeting and to read the ordinance by title only. Gary Filpi seconded the motion. Discussion- Marianne Mitchell said that Ann Helm submitted a letter in regards to the change to the development code. Ann Helm's letter stated that she wanted the restriction in the zoning and development code to include dumps, auto dumps, recycling dumps, waste dumps and activities of this nature which will add nothing to the City, and it will detract from property values. There was no more discussion and the motion passed unanimously. Diane Rinks read the ordinance by title only. "In the matter of an ordinance amending the Lafayette Zoning and Development Ordinance." Bob Cullen made a motion that Ordinance 552 pass to a second reading. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously. Diane Rinks read the ordinance by title only. Bob Cullen made a motion to adopt Ordinance 552 as presented. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

c) Proposal for Parks Master Plan:

Gary Filpi said that the timetable on the proposal from the Council of Governments (COG) concerns him. Should this process take over a year? Diane Rinks said that she felt it shouldn't take that long. Gary Filpi said that he likes the fact that there will be input from a Parks Advisory Committee (citizens) in this process. Marianne

Mitchell said that the committee should do the master plan. Bob Cullen said that the City has parks, but the City doesn't have the money to improve the parks to build amenities (baseball diamond, basketball courts, etc.). Bob Cullen made a motion to authorize the City Administrator to sign an agreement with the Council of Governments for the development of a parks master plan for a cost not to exceed \$21,945.50. Gary Filpi seconded the motion. Discussion- Joe Giesbers said that he has a problem with the cost of this. Gary Filpi asked Diane Rinks if she could talk to the COG (Council of Governments) about moving the timeline up. Discussion ensued. There was no more discussion, the Council was polled, and the motion passed with Gary Filpi, Bob Cullen, and Lotis Hanks voting aye, and Marianne Mitchell and Joe Giesbers voting nay.

d) Review of November 26, 2002 Special Meeting:

Mayor Lotis Hanks read the agenda for the November 26, 2002 meeting. The agenda included call to order, flag salute, roll call, update from Mike Henry on engineering for WWTP, and adjourn. Gary Filpi made a motion to approve the minutes of the special meeting on November 26, 2002. Bob Cullen seconded the motion. Discussion- Mike Lewis said that he wasn't at the special meeting, and the minutes reflect that he attended. Staff will make this correction. There was no more discussion and the motion passed unanimously.

e) Accept Audit of FY 2001-02:

Bob Cullen made a motion to accept the audit for FY 2001-02. Gary Filpi seconded the motion. Discussion- Marianne Mitchell pointed out that the date on the management letter is incorrect (it's dated in 2001). There was no more discussion and the motion passed unanimously.

f) LOC Request for voluntary assessment:

Discussed under Business Discussion from Council (9).

g) Intergovernmental Agreement for Telecom Franchise Audit:

Diane Rinks said that she is asking for a motion authorizing the City to join a massive audit of Verizon. The City's receipts indicate that we are not getting what we are entitled to. There is a slight risk that at the end of the audit, the City could end up owing money. In another audit, only 2 out of 35 cities ended up owing money. Diane Rinks said that she thought the audit would cost \$300-500. Gary Filpi made a motion to authorize the City Administrator to enter into an intergovernmental agreement for participation in a franchise audit of Verizon. Bob Cullen seconded the motion. There was no more discussion and the motion passed unanimously.

h) EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (1)(E):

The attorney did not have anything to present to the Council at this time, so the executive session was cancelled. There may be a need to call a special meeting next week to deal with union negotiations.

11. OLD BUSINESS:

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

Bob Cullen made a motion to continue the fire equipment contract with the Oregon Fire Service Museum for one year. Gary Filpi seconded the motion. Discussion- Gary Filpi asked if staff could find out if this equipment has increased in value, and if it is necessary to increase the insured amount on the equipment. Staff will look into this. There was no more discussion and the motion passed unanimously.

b) Extension of AT&T Franchise (Ord. 553):

Diane Rinks said that the City Attorney is asking for another extension on the AT&T Franchise. They have almost completed negotiations and are hopeful that an agreement will be reached within two months. This extension will last through February 28, 2003. Gary Filpi made a motion to adopt Ordinance 553 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. Diane Rinks read the ordinance by title only. Gary Filpi made a motion that Ordinance 553 pass to a second reading. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. Diane Rinks read the ordinance by title only. Gary Filpi made a motion to adopt Ordinance 553 as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

12. CORRESPONDENCE / DISCUSSION / INFORMATION:

Mike Hanks said that he received a letter from Diane Rinks regarding fees for phase 2 of Haylen Meadows. There was discussion about plan review fees versus construction fees. Mike Hanks said that he has paid a 5% plan review fee for the entire subdivision already and he doesn't feel like he should have to pay again for phase

two. Diane Rinks said that she is asking Mike Hanks to follow what the ordinance says. The fees that are being discussed are construction fees, not the plan review fees that Mike Hanks has already paid. Mike Hanks maintained that he is only suppose to pay one fee. Discussion ensued.

Gary Filpi said that the Council hasn't seen any paperwork on this and it needs to be put on an agenda before it is discussed any further. Staff will put this on the next agenda if the issue hasn't been resolved.

13. COMMITTEE REPORTS:

a) Heritage Days

Bonnie Pursel said that she has committed to being the chairperson for Heritage Days for the next 5 years. The Heritage Days committee has 16 active members and there will be at least 10 more joining over the next few months. The theme for Heritage Days 2003 will be "Back in Time". The celebration will be on August 8 and 9, 2003. There will be a small change in the parade route so the parade will go past the senior care home on Bridge because the seniors normally aren't able to get out and see the parade. Kin's Bar & Grill will be hosting the beer garden this year. The fire department will be hosting a pancake breakfast. There will also be a chili feed and a pie booth. The next Heritage Days meeting will be January 7, 2003 at Bonnie Pursel's house (1333 Adams).

b) Parks, Open spaces, Wetland & Conservation

None.

c) Community Center Update

None.

d) Public Works

None.

e) Public Safety

None.

f) Planning

None.

14. MAYOR'S REPORT:

None.

15. 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 9:38 p.m.

Minutes approved on this 9th day of January, 2003.

APPROVED:

ATTESTED:

Mayor Lotis Hanks

Diane Rinks, City Administrator