

**City of Lafayette**  
**City Council Meeting Minutes**  
**October 9, 2003**  
**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:* Ron Ross, Edwina Meitzen, Mike Lewis, Mayor Lotis Hanks, Marianne Mitchell, and Gary Filpi.  
*Absent:* Bob Cullen (excused).  
*City Staff Present:* Diane Rinks- City Administrator, Trena McManus-Assistant to the City Administrator.  
*Others:* Travis Johnson, Mike Carpenter, Jackie Carpenter, Caroline Harris, Ron Harris, Laura Laird, Tom Laird, Gerald Merilatt, Denise Willms, Neil Meads, Kathy Meads, Nate Ramer, Matt LaPlante- News Register, Kim Schweiger, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**  
Gary Filpi made a motion to accept the September 11, 2003 minutes. Ron Ross seconded the motion. There was no discussion and the motion passed unanimously.
- 5. REVIEW OF PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**  
None.
- 6. ADDITIONS AND DELETIONS:**  
Diane Rinks said that she needs to delete 1 item and add 1 item. Agenda item 9(1)- Fire Chief and Building Official can be deleted because Fire Chief Terry Lucich had to work in McMinnville. An update on the Cross Connection Control Program can be added as Discussion Item #2. Marianne Mitchell said that she wanted to read a letter from her attorney into the record. This was added as Discussion Item #3.  
  
There were no other additions and deletions.
- 7. PUBLIC HEARINGS:**  
None.
- 8. CITIZEN INPUT ON NON-AGENDA ITEMS:**  
Neil Meads, 566 4<sup>th</sup> St.- said that everyone has worked very hard for this community, but he refuses to let one individual drag the community down. Neil Meads told the Council that he is gathering signatures to recall Marianne Mitchell and asked the Council to guide Marianne Mitchell to make the right decision and resign. Neil Meads said that Marianne has cost the City a lot of money over the years. Discussion ensued. Marianne Mitchell, 1606 Bridge St.(stepped down from the Council table and spoke as a private citizen)- said that this Council has fallen to a new low. She accused the City Administrator of writing personal letters and making them public information.  
Ron Harris, 1282 Third St. #1- asked the entire Council if they share Marianne's views of the City Administrator. Mike Lewis agreed with Marianne and Ron Ross, Gary Filpi, and Edwina Meitzen disagreed. Marianne Mitchell said that she has disagreed with most of the decisions that Diane Rinks has made, and has found her to be destructive.  
Ron Ross said that the Council needs to let the City Administrator do her job and deal with the affairs of the City.  
Gary Filpi requested that this be added as Discussion Item #4 if it is to be discussed further.
- 9. DEPARTMENTAL REPORTS:**
  - 1) ~~Fire Chief and Building Official:~~**  
Deleted by Diane Rinks under 'Additions and Deletions'.
  - 2) City Administrator report:**  
Diane Rinks asked if anyone was interested in attending the LOC (League of Oregon Cities) conference, and there was no interest. Diane Rinks reported that the auditors came to finish up the audit on Wednesday, and they were satisfied with how things went. The Council will have copies of the audit by the December meeting.

Diane Rinks said that she wrote a letter to SOLV regarding a grant opportunity. They are offering \$2,500 grants in order to organize volunteer groups, and identify projects that need to be done in the community. Ron Ross asked about the status of the parks master plan and Diane Rinks said that there is a memo from Mark Fancey in the packets that states that the Council will have a draft plan to the Council by the November meeting.

### **3) Accounts Payable report:**

Mike Lewis asked about the payment to the General Laborers Union and Diane Rinks said that it is a (payroll) payment for the union dues that are deducted from the employee's paychecks.

### **4) City Clerk report:**

Edwina Meitzen suggested putting the City's return address on the front of the bill stub. Staff will look into this.

## **10. LEGISLATIVE ACTIONS:**

**None.**

## **11. ACTION ITEMS:**

### **1) Environmental contract- WWTP (Wastewater Treatment Plant):**

Diane Rinks presented the Council with a revised version of the agreement and scope of work for the environmental work on the WWTP. The environmental work is costing more than originally anticipated because of the inclusion of a biological assessment (which is required). A 'not to exceed' clause was added to the agreement in order to satisfy OECDD (funding agency) requirements. The contracts have a start date of October 15, and in order for the City to meet the deadlines in the MAO (Mutual Agreement Order), we need to get started right away. The contract amount is not to exceed \$25,000 for environmental review and permitting and \$11,684 for a biological assessment, if necessary.

Edwina Meitzen asked if the City will provide the surveying that is required for this environmental work, and Diane Rinks said that HBH Engineering will provide it as part of their contract. Discussion ensued.

Edwina Meitzen made a motion to approve the contract with Adolfson and Assoc. for the environmental work on the wastewater treatment plant contingent upon OECDD's (Oregon Economic Community and Development Department) approval. Gary Filpi seconded the motion. There was no more discussion, the Council was polled, and the motion passed with Ron Ross, Gary Filpi, and Edwina Meitzen voting aye and Mike Lewis and Marianne Mitchell voting nay.

## **12. DISCUSSION ITEMS:**

### **1) Monument boxes:**

Diane Rinks said that public works has looked into putting monument boxes in around town, and they have found that water valve cans will work the best. Ron Ross asked about getting the lids labeled properly, and Diane said that she will see if we can get lids that say 'monument' on them. The City can purchase the water valve cans for \$14 each. The consensus of the Council was to purchase the water valve cans to encase the monument markers.

Mike Lewis asked what happened to the 30-40 monument boxes that were down at the shop, and Diane Rinks said that Randy Hubbard looked for them and the only thing he found was the 3-4 larger monument boxes that wouldn't work as well as the water valve cans. Mike Lewis said that (when he worked for the City), they were outside behind the shop where the pipes are stored.

### **2) Cross Connection Control Program Update:**

Added by Diane Rinks under 'Additions and Deletions'.

Diane Rinks said that there seems to be some confusion about the status of the cross connection program. Diane Rinks provided copies of the 2002 report filed by Randy Hubbard, the City's ordinance about this program, and the Oregon Health Division's requirements for cross connections.

Diane Rinks said that she has talked to Randy Hubbard and Jim Anderson about improving the program. Part of the problem is that the previous building official told staff that plumbing permits were not required when sprinkler systems are installed, when they should have been required. As part of the inspection process, the homeowner would have to install a backflow device and have it tested. Public works was told in May that they need to establish a list of properties that have potential cross connection hazards including businesses and City facilities. That list is almost complete, and there are 33 connections in the system that

have no record of prior testing. Diane Rinks said that she has inquired about the cost for an annual backflow test and it will cost \$55, but she is hoping that she will be able to get a better deal if a bunch of tests are done at the same time. It is the property owner's responsibility to have these tests done and turn in the reports to the City. A lot of this process is discretionary to the Cross Connection Inspector, which is Randy Hubbard. Mike Lewis said that by law, these connections are to be tested yearly, and he said that he wants to see the records for the last 6 years (Marianne Mitchell said that she would also like to see these records). Diane Rinks said that she has the records in her office and he can come and look at them. Discussion ensued. Marianne Mitchell said that she is concerned about John Wright's letter about this program. Marianne Mitchell asked the Council if they want to pursue the allegations that John has made and Ron Ross said that the Council should let the City Administrator do her job. Discussion ensued. Laura Laird asked if every house is supposed to have a backflow device, and Diane Rinks said no. A backflow device is required if you have a sprinkler system, hot tub, restaurant, etc.

**3) Marianne Mitchell censure (Ms. Mitchell read letter into record from her attorney):**

Added by Marianne Mitchell under 'Additions and Deletions'.

Marianne Mitchell made a motion that the City Administrator not release personal letters to the entire Council and the public. Mike Lewis seconded the motion. Discussion- Marianne Mitchell said that it is not the Council's business to know about anything outside of Council. Ron Ross asked if those letters are public documents and Diane Rinks said that they are. Diane Rinks said that she does not consider those letters to be personal, because they address the responsibilities of City Councilors. The Council rules also state that any correspondence given to one councilor is to be copied to the entire Council. Discussion ensued.

There was no more discussion, the Council was polled, and the motion failed with Mike Lewis and Marianne Mitchell voting aye and Ron Ross, Gary Filpi, and Edwina Meitzen voting nay.

Marianne Mitchell requested a copy of the second letter from Don Leard's attorney regarding his grocery store and auction house. Staff will put this letter in the next Council packet.

Marianne Mitchell asked about the City's water shut off policy, and wanted to know when the City stopped hanging pink tags 24 hours prior to shut off.

Ron Ross asked if this could be put on the next agenda for further discussion.

Laura Laird, 820 Jackson Court- said that when she did some research on water shut offs, she was told by someone that state law requires 24-hour notice prior to shut off. Staff will look into this (state law requires at least a 5 day notice).

Marianne Mitchell read the letter from her attorney regarding the censure resolution that the Council passed at the July 10, 2003 meeting (see packet file 10/9/03).

Ron Ross said that everyone should review the charter because it clearly states what the duties of the City Administrator, Mayor, and City Councilors are. If the Council feels that it should be changed, then it should be discussed and put before the voters. Discussion ensued.

**13. COMMITTEE REPORTS:**

None received.

**14. MAYOR'S REPORT:**

None.

**15. REVIEW OF HANDOUT MATERIAL:**

None.

**16. ADJOURNMENT:**

Ron Ross made a motion to adjourn. Edwina Meitzen seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 8:12 p.m.

**Minutes approved on this 13th day of November, 2003.**

**APPROVED:**

**ATTESTED:**

---

Mayor Lotis Hanks

---

Diane Rinks, City Administrator