

City of Lafayette
City Council Meeting Minutes
December 11, 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: Edwina Meitzen, Bob Cullen, Mike Lewis, Mayor Lotis Hanks, Marianne Mitchell, Ron Ross, and Gary Filpi.
Absent: None.
City Staff Present: Diane Rinks- City Administrator, Trena McManus-Assistant to the City Administrator.
Others: Rob Henry- HBH Engineering, Marvinna Coleman, Ross Coleman, Marvin Hill, Travis Johnson, Stan Hill, Alex Stolk, Debbie Stolk, Steven Gritman, Richard Jewell, Kenny Schweiger, Don Leard, Joe Cook- City Sanitary, Tim Ashley, Jonee Ashley, John Schweiger, Deputy Steve Warden, and approximately 3 others.

4. **APPROVAL OF MINUTES:**

Bob Cullen made a motion to accept the November 13, 2003 minutes. Mike Lewis seconded the motion. There was no discussion and the motion passed, with Ron Ross and Marianne Mitchell abstaining (they were not at the last meeting).

5. **REVIEW OF PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**

None.

6. **ADDITIONS AND DELETIONS:**

Mike Lewis wanted to discuss the City's Cross Connection Program. This will be added as Discussion Item #4.

Marianne Mitchell said that she had a letter that she wanted to read into the record. This will be added as Discussion Item #5.

Diane Rinks said that the agendas were reposted to add an Executive Session, but now it is not necessary, so it can be deleted.

There were no other additions and deletions.

Diane Rinks pointed out that the Council was given a copy of the audit (year ended June 30, 2003), and asked the Council to review it for the January meeting.

7. **PUBLIC HEARINGS:**

None.

Mayor Lotis Hanks agreed to move agenda item 11(1) to this point of the agenda.

11. **ACTION ITEMS:**

1) Pre-selection of WWTP Equip.- Rob Henry:

Rob Henry said that he received 5 proposals from 4 different companies on the WWTP Equipment. Two of the proposals were disqualified because they were sized based on the wrong criteria. The base bid from ABJ (aka ITT-Sanitaire) was the lowest and their proposed electricity use is less than the others are. Rob Henry said that he scored the proposals and (out of 10), ABJ received a score of 9.58, Ashbrook received an 8.56, and Jet Tech received an 8.90.

Bob Cullen asked how easily replacement parts could be obtained for ABJ's proposed equipment. Rob Henry said that they are pretty easy to get now- other companies carry parts for this type of system- not just ABJ.

Diane Rinks said that this process is essentially locking in a price for a specific piece of equipment that will be put in the specs when the project is put out to bid. The contractor will be the one that will ultimately enter into a contract with this company. Discussion ensued.

Gary Filpi asked about Rob Henry's experience with ABJ, and Rob Henry said that he has worked with them on another project and they are excellent to work with. Edwina Meitzen asked Diane Rinks if she has gotten an opinion from the City Engineer about this company. Diane Rinks said that she did speak to John Yarnall and he also had nothing but good things to say about ABJ.

Gary Filpi made a motion to authorize Diane Rinks to write a letter to ABJ Contracting stating the City's commitment to use their equipment at the proposed price. Ron Ross seconded the motion. There was no more discussion and the motion passed unanimously.

There was some discussion about the flow meters at the current treatment plant that need to be further evaluated after they were recently calibrated to confirm the design capacity of the new plant. Discussion ensued.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Marvin Hill, 970 7th Street- said that he noticed a large hole in the new subdivision on 7th St. Ext. (Green Heights). He is concerned because it is full of water and kids could get hurt playing near it. Diane Rinks said that she spoke to the City Engineer about this, but she will contact them again to see if the problem has been fixed.

9. DEPARTMENTAL REPORTS:

Deputy Steve Warden provided the Council with the call report for November and said that Deputy Bowdle's K-9 training is complete, so he should be resuming the coverage for Lafayette.

1) City Administrator report:

Bob Cullen asked about the priority of the highway project, and Diane Rinks said that the project is supposed to be ranked on the City's needs and issues inventory. We are still waiting on the county to organize the meetings for the needs and issues of the county. The county will be contacting the City as soon as the meetings are scheduled. Discussion ensued.

Gary Filpi asked if a settlement has been reached in the SDC lawsuit yet, and Diane Rinks said no. There was a hearing on December 10 to decide if the escrow funds should be released and to rule on a motion to reconsider that was filed by the plaintiffs. The motion to reconsider was postponed for a couple of months, and the request to release escrowed funds was denied, but the judge did say that he had jurisdiction over the funds.

Mike Lewis asked about the status of the porch at the Carniceria Abastos (owned by Don Leard) that was red tagged a few months ago. Diane Rinks said that a permit was never issued for the roof and so it was red tagged. The City is waiting for Don Leard to submit an engineered site plan for the property.

Diane Rinks said that the City's insurance claim attorney is in contact with Don Leard's attorney.

Mike Lewis asked about the status of the sewer plant operator John Wright. Diane Rinks said that he no longer works for the City and if the Council would like further information on this, they can come and talk to her one on one. Discussion ensued.

2) City Clerk report:

Bob Cullen said that the delinquent account amount for utility bills (\$8,282) is down from last month. There was some discussion about the amount of delinquent accounts and the amount that is being sent to collections.

3) Accounts Payable report:

Gary Filpi asked about the payment made to Grove, Mueller, and Swank and Diane Rinks said that it is the final payment to the auditor for the year. He also asked about the payment to the Council of Governments and Diane Rinks said that it is for the parks master plan. Bob Cullen asked about the payment to Wells Fargo and Diane Rinks said that it is for the water bond payment. Mike Lewis referred to the copies of the invoices that he was given for Yamhill County Public Works, and wanted to know why this work is being taken in to the County shop. Diane Rinks said that she approved this request because she felt it was outside the scope of what Public Works had the equipment for and that their time was better spent on other things. There was a question as to which service truck was worked on and Diane Rinks said that she would check on this.

4) Public Works report:

Mike Lewis asked how many hours a day the Public Works crew is spending at the sewer plant. Diane Rinks said that it depends on what tests and things have to be done at the plant that day. Public Works has been doing a lot of work at the apartment as well.

10. LEGISLATIVE ACTIONS:

1) Resolution 03-19- Establish refundable deposit fund:

Bob Cullen made a motion to adopt Resolution 03-19, as presented. Edwina Meitzen seconded the motion. Discussion- Diane Rinks said that the need for this fund is part of changing the accounting system over to a

cash basis. The auditor suggested establishing this fund so that all refundable deposits can be tracked in this fund to alleviate some of the problems with tracking them through a payable account (as it is done now). There was no more discussion and the motion passed unanimously.

2) Resolution 03-20- FY03-04- Supplemental Budget:

Edwina Meitzen made a motion to adopt Resolution 03-20, as presented. Mike Lewis seconded the motion. Discussion- Diane Rinks said that this resolution transfers money from the general fund and the water fund into the refundable deposit fund that was just established (Res. 03-19). In order to make this transfer, a supplemental budget must be done. There was no more discussion and the motion passed unanimously.

Mayor Lotis Hanks decided to take a 10-minute break. A break was taken at 7:45 p.m. The meeting was called back to order at 7:55 p.m.

11. ACTION ITEMS:

2) Renewal of 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- There was some discussion about the amount of insurance that the City has on the equipment and Trena McManus said that she has contacted a representative from the insurance agency about this and is waiting for a response. There was no more discussion and the motion passed unanimously.

12. DISCUSSION ITEMS:

1) City Sanitary- Joe Cook:

Joe Cook, from City Sanitary, said that effective January 1, 2004, City Sanitary will be changing its name to WOW (Western Oregon Waste). He said that it creates a more cohesive identity for the company. Joe Cook said that he spoke to Diane Rinks and she said the Council has some interest in updating the franchise agreement that the City has with City Sanitary. He is actually in the process of going around to the cities in the County to propose a new franchise. As of January 1, 2004, the franchise will automatically renew until a new franchise is reached.

2) Park Master Plan- Mark Fancey:

Bob Cullen said that this is the Council's last opportunity to provide input on the draft parks master plan. The Council had already decided that the hanging bridge is out of the plan. Diane Rinks said that she feels that land acquisition is important to address the future park needs of the City. Also, the land acquisition costs in the plan seem very low. Discussion ensued. Diane Rinks said that she will talk to Mark Fancey about this. Bob Cullen said that he was disappointed that the baseball diamond at Wascher School was not included in the master plan, but he was told by Mark Fancey that since it is not City property, it can't be included in the CIP (Capital Improvement Plan).

Mayor Lotis Hanks agreed to move agenda item 12(5) to this point in the agenda.

5) Letter read into record by Marianne Mitchell:

Added by Marianne Mitchell under 'Additions and Deletions'.

Marianne Mitchell read a letter into the record (see packet file dated 12/11/03) in which she stated that she would like to sit down with the Council and City Administrator along with the Yamhill County Mediators because she feels that some Council members and the City Administrator are trying to "oust" and work against her.

Mike Lewis said that he agrees with what Marianne Mitchell has said.

Gary Filpi said that he would be willing to attend this mediated discussion. Ron Ross said that he doesn't feel that it would do any good. Ron Ross said that she doesn't accept Council decisions unless she agrees with it. Bob Cullen said that he will consider attending the mediated discussion.

Diane Rinks said that you have to be careful of quorum and open meeting laws.

Mayor Lotis Hanks asked Diane Rinks to check with the Yamhill County Mediators to find out their availability.

3) Work Session- Utility Billing Policy:

Diane Rinks said that there were a few issues in regards to the Utility Billing Policy that were continued from the last meeting that the Council wanted to discuss further at this meeting. The Council wanted to discuss a

24-48 hour notice prior to shut off, property owner responsibility, and deposits. Diane Rinks said that she would also like the Council to consider adding an additional level of prohibition to the water restrictions currently in the code. She felt that the first level of restrictions should be an odd/even watering schedule. Gary Filpi said that he feels it is good business to hang the pink tag 48 hours prior to shut off. There was some discussion about how many pink tags would be hung each month and what type of fee should be charged to hang the pink tag. The consensus of the Council is to hang the pink tag 48 hours prior to shut off and to charge a \$5 late charge if an account is not paid by the 20th, and charge \$10 when the pink tag is hung.

There was some discussion as to whether a \$2 standby rate should be charged to customers that go on extended vacations and ask to have their water shut off. The Consensus of the Council was not to charge the customer.

There was discussion as to whether owners (as well as renters) should pay a deposit when they move in. The Consensus of the Council was that owners should not have to pay deposits because liens can be placed on the property.

There was extensive discussion as to whether owners should be ultimately responsible for any bills incurred on their property. Mike Lewis declared a potential conflict of interest on this issue, because he is a property owner (which is rented) and has expressed that he is against this because it would affect him financially. Ron Ross said that the City should not be losing out on income because renters take off without paying their bills. Marianne Mitchell said that she disagrees with making the owners responsible for payment. Discussion ensued.

There were 5 or 6 property owners in the audience who expressed their opposition to making the owners responsible for utility bills. They said it is the City's responsibility to collect deposits and shut people off to force payment on delinquent accounts.

Diane Rinks said that staff needs to work on tightening down collection procedures. The policy will not be changed to make owners responsible for renters' utility bills at this time.

4) Cross Connection Program:

Added by Mike Lewis under 'Additions and Deletions'.

Due to the late hour, Mike Lewis agreed to postpone this discussion until the next meeting. Mike Lewis requested a copy of the police report that was filed in regard to the cross connection program. Diane Rinks said that she will provide the Council with a copy of this report.

~~13. EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (1) (H)~~

Deleted by Diane Rinks under 'Additions and Deletions'.

14. COMMITTEE REPORTS:

None received.

15. MAYOR'S REPORT:

None.

16. REVIEW OF HANDOUT MATERIAL:

None.

17. ADJOURNMENT:

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 10:03 p.m.

Minutes approved on this 8th day of January, 2004.

APPROVED:

ATTESTED:

Mayor Lotis Hanks

Diane Rinks, City Administrator