

City of Lafayette
City Council Meeting Minutes
May 8, 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: Bob Cullen, Ron Ross, Marianne Mitchell, Mayor Lotis Hanks, Gary Filpi and Mike Lewis.
Absent: Joe Giesbers (submitted resignation- see agenda item 11(6))
City Staff Present: Diane Rinks- City Administrator, Trena Cranfill-Assistant to the City Administrator, Skip Wendolowski- City Planner.
Others: Cecil Elbert, Edwina Meitzen, Laura Laird, Celeste Viau-Navetta, Mike Hanks, Kim Schweiger, Travis Johnson, Deputy Paul May, Deputy Bob Wiro, Bonnie Pursel, Dean O'Reilly, and Kathi Futornick.
- 4. APPROVAL OF MINUTES:**

Gary Filpi made a motion to accept the April 10, 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:**

Marianne Mitchell said that she would like to discuss the City's mowing ordinance. The Council agreed to add this as Discussion Item #1.
There were no other additions or deletions.
- 7. PUBLIC HEARINGS:**
 - 1. Ordinance amendment recommendations from Planning Commission:**

Mayor Lotis Hanks opened the public hearing at 6:32 p.m.
Skip Wendolowski said that this is a legislative action public hearing on planning file 03-01-01.
Skip Wendolowski read the staff report (see packet file 5/8/03).
There are 3 proposed changes to the existing zoning and development ordinance. The first change would affect section 2.4101, and it would be modified to state that where conflicts occur between the requirements of the ordinance and the conditions of approval established as part of the land use decision, the provisions of the conditions of approval shall prevail.
The second change to the zoning and development addresses the Council's recent concern about bonding as part of a submittal of a subdivision plat. The City is concerned that there might be language in the existing ordinance that would allow (not prohibit) 100% bonding before recording a plat. Bonding is usually left for minor checklist items. This language should be clarified to avoid any confusion in the future.
The third change has to do with sign restrictions within the City's commercial core area. The planning commission found that the current ordinance is very restrictive, and the planning commission would like to increase some of the sign dimensions. (see staff report)
Skip Wendolowski said that since the planning commission's decision on these amendments, the City Council has discussed the issue of bonding in relation to subdivision planning. The Council requested that the planning commission discuss this matter further and provide them with specific language to clarify the bonding issue further. Because of this, Skip recommended that the Council deal with the conditions of approval and the sign requirements tonight, and refer the bonding issue back to the planning commission for further discussion.
Bob Cullen thought that the Council amended the bonding issue recently. Diane Rinks said that was in relation to the public works standards, not the zoning and development ordinance. The City Attorney is working on eliminating the inconsistencies that exist between the two. The change that the Council is dealing with tonight would only apply to future applications.
Discussion ensued.
Gary Filpi made a motion to accept staff's recommendation on planning file 03-01-01, with the exception of the amendment to section 2.208.05(b). This section will be sent back to the planning commission for further review. Ron Ross seconded the motion. There was no more discussion and the motion passed unanimously.
Mayor Lotis Hanks closed the public hearing at 6:44 p.m.

Skip Wendolowski said that he will prepare the appropriate ordinance for adoption at the next meeting.

2. Proposed uses of state revenue sharing funds:

Mayor Lotis Hanks opened the public hearing at 6:45 p.m.

Diane Rinks said that this is a public hearing for comment on the proposed uses of state revenue sharing funds for the FY2003-04. Anyone who wishes to speak on this subject may do so at this time. The budget hearing held a public hearing on April 28, 2003 and the following ideas were presented as possible uses for the state revenue sharing funds: fire department- wildland fire equipment, money for thermal imaging camera, parks/community center, streets, and heritage days. Diane Rinks said that all of these suggestions, except for streets, fall under the general fund.

Cecil Elbert, 816 Madison St.- asked how much the state revenue sharing funds are and Diane Rinks said that the City is expecting to receive about \$16,000.

Bonnie Pursel, 1333 Adams St.- said that she has had to cut the Heritage Days budget this year because of the lack of profit from last year. She said that they could really use some additional funds. Ron Ross said that if Heritage Days is part of the City's budget, he feels that the Council should have a discussion on the structure of Heritage Days. This should be discussed further with the Heritage Days committee and the Council. Discussion ensued.

Celeste Viau-Navetta, 583 Jackson St.- said that she would like to see some of the revenue sharing funds dedicated to the parks.

Mayor Lotis Hanks closed the public hearing at 7:05 p.m.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Bonnie Pursel, 1333 Adams- said that the flower beds in front of the Community Center look really nice (Public Works weeded the flower beds).

Laura Laird, 820 Jackson Ct.- said that she spoke to the Budget Committee about her concerns with the LCAT budget that the City has prepared. Her numbers do not match the City's and she is concerned about this. She said that she is looking forward to having a meeting with the City and getting her questions answered.

Kim Schweiger, 710 Water St.- asked about the status of purchasing a hood for the Community Center. The City is losing rental income as long as the kitchen isn't operable.

Mayor Lotis Hanks said that he checked on the cost of a hood and they range in cost from \$1,000-20,000.

Celeste Viau-Navetta, 583 Jackson St.- complained that a sign was put up outside before the parks committee meeting last week that said "meeting in progress", and she almost went home because she thought she shouldn't go inside. Diane Rinks said that it was an honest mistake by a new employee, and it won't be put up again.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Mike Lewis said that Diane was checking into what it would cost to join Newberg's dispatching system, instead of participating in YCOM (Yamhill County's dispatching system). Diane Rinks said that the Mayor was looking into this, but she hasn't heard any updates on this lately.

Gary Filpi asked about the status of the watershed grant that Kathi Futornick submitted on the City's behalf. Kathi Futornick said that the grant was approved, as submitted for \$3,332.90.

2) Public Works Superintendent report:

Mike Lewis asked about the servicing of the City vehicles.

There was some discussion about dirt being dumped at the public works shop.

Diane Rinks said that you can fill within a floodplain- it is not allowed in a **floodway**. There is no prohibition against stockpiling within a floodplain. Diane Rinks said that her understanding is that the piles of dirt are being stored in the floodplain. Mike Lewis maintained that the dirt is in the floodway. Discussion ensued.

Bob Cullen asked why public works is spraying the ditches along Bridge St. when they mow. Bob Cullen said that dead grass does not look attractive in the ditches. Diane Rinks said that it is very time consuming to mow all of the ditches weekly or bi-weekly during the summer. Diane Rinks said that she will talk to public works about this. Bob Cullen asked if the soda ash system is operational and Diane Rinks said yes.

10. LEGISLATIVE ACTIONS:

1) Resolution 03-07- FY2003-04 Workers Compensation:

Diane Rinks said that this resolution extends the City's workers compensation coverage to volunteers. This

resolution is required by City County Insurance. This has been offered to the City's volunteers in the past. Bob Cullen made a motion to adopt Resolution 03-07, as presented. Mike Lewis seconded the motion. Discussion- Marianne Mitchell asked about the Heritage Days Committee being included for this coverage. Diane Rinks said that the Council needs to discuss the role of Heritage Days further, but it doesn't hurt to include them, and amend the coverage later. There was no more discussion and the motion passed unanimously.

2) Ordinance 560- Electing to receive state revenue sharing funds:

Marianne Mitchell made a motion to designate the state revenue sharing funds to the general fund. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously. Marianne Mitchell made a motion to adopt Ordinance 560 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. Trena Cranfill read the ordinance by title only- in the matter of an ordinance declaring the City's election to receive state revenues for the FY2003-04. Marianne Mitchell made a motion that ordinance 560 pass to a second reading. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously. Trena Cranfill read the ordinance by title only. Marianne Mitchell made a motion to adopt Ordinance 560, as presented. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

11. ACTION ITEMS:

1) Approval of Accounts Payable:

Gary Filpi asked about the contract with Clean and Green. Diane Rinks said that the Council received a copy of the detailed items that are included in the contract. They provide the shrubbery, plants, maintenance, spraying, etc. of all of the bulb outs around the lights, in front of City Hall, and around the City sign. Mike Lewis and Marianne Mitchell objected to this expenditure. Mike Lewis said that Public Works should be doing this. Discussion ensued. Bob Cullen made a motion to authorize a monthly expenditure to Clean and Green for \$79.83. Gary Filpi seconded the motion. Discussion- Bob Cullen said that they mow the lawn in front of City Hall and they don't charge the City for it. Mike Lewis maintained that the staff should be doing this. There was no more discussion, the Council was polled, and the motion passed with Ron Ross, Gary Filpi, and Bob Cullen voting aye, and Mike Lewis and Marianne Mitchell voting nay.

Gary Filpi made a motion to accept the accounts payable. Ron Ross seconded the motion. Discussion- Mike Lewis asked about the payments to City Sanitary, Unifirst (uniforms), Yamhill County Public Works, United Pipe and Supply. Discussion ensued.

There was no more discussion and the motion passed, with Mike Lewis voting nay.

2) Adoption of Watershed Management and Action Plan:

Kathi Futornick said that she has worked with the Watershed Citizen's Advisory Board (WCAB) since 2000 to develop a watershed action plan. Kathi went over her slide handout (see packet file 5/8/03), which included the purpose of the WCAB, their mission statement, milestones of the WCAB, selected recommendations, and the fire training plan (in conjunction with the Fire Chief and volunteer fire department).

Ron Ross said that the City owes Kathi Futornick and Dean O'Reilly a big thank you for all of the time and effort that they put into this plan. Bob Cullen said that he is very impressed with the work that Kathi, Dean, and the committee have done. Discussion ensued. Kathi Futornick reviewed the fire training plan.

Gary Filpi made a motion to direct staff to prepare the appropriate resolution for adoption of the Watershed Management and Action Plan, dated February 4, 2003 and the fire training plan at the next Council meeting. Bob Cullen seconded the motion. There was no more discussion and the motion passed unanimously.

3) City Sanitary- electronic equipment recycling:

Diane Rinks said that City Sanitary is now offering electronics recycling to its customers. There is a minimal cost for offering this, so City Sanitary will not be increasing the rates at this time. The Council asked staff to inquire whether this service will be offered curb side or only at the recycling center in McMinnville. Staff will check into this and bring it back to Council at the next meeting.

4) Award contract for phone system:

Trena Cranfill said that the phones are no longer working properly. The phones were donated by Bob Willoughby about 5-6 years ago, and the system was used when it was donated. The paging system does not work properly, the cords fall out of the handsets, the system hangs up on people once they are put on hold, and some of the lights on the phones don't work. The Telephone Company of Oregon will be installing the system and they have offered many different references in the area. Discussion ensued.

Ron Ross asked if this is a budgeted item, and Diane Rinks said yes.

Ron Ross made a motion to authorize the City Administrator to enter into an agreement with the Telephone Co. of Oregon for a new phone system for a not to exceed cost of \$7,000. Gary Filpi 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 8:42 p.m. The meeting was called back to order at 8:51 p.m.

5) Waiver of fees on Mitchell partition (planning file 01-01-01):

Marianne Mitchell stepped down from the City Council for this agenda item.

Ron Ross said that he reviewed Resolution 99-1, which states that the applicant must be notified when their deposit reaches \$100 and the applicant must replenish the deposit before any further action is taken. The City did not notify the applicant when they should have. Once the applicant (Marianne Mitchell) was notified in August of 2002, Ron Ross said that she should be responsible for paying the fees that accumulated after that date. Diane Rinks said that the City is implementing a tracking system so this doesn't happen in the future.

Gary Filpi said that he agrees with Ron Ross, and he feels that the applicant should be responsible for paying the fees that accumulated after August 2002.

Bob Cullen said that a lot of these costs are attorney costs as a result of the appeals that the applicant filed, and the Council reached a compromise on the appeal.

Mike Lewis said that he thinks there were added charges because of personal conflicts. Mike Lewis said that it sounds like Diane Rinks is working on a tracking process so this doesn't happen in the future.

Gary Filpi asked if it states on the original application that the applicant is responsible for fees if it goes above the deposit. Diane Rinks said that there was no reference to the Resolution on the application when Marianne signed it. The applications have since been changed to reflect the applicant's responsibility to pay any fees that are above the deposit.

Marianne Mitchell said that she was not notified of what she owed after she received Richard Van Orman's letter in August 2002. She said that since she was not billed regularly, she had no way of knowing what she owed. She also questioned the amount that is owed. Marianne Mitchell said that the City racked up fees in an unfair situation, and the applicant should not be forced to pay the fees. Discussion ensued. Mike Lewis said that as a citizen, he thanked Marianne for not paying the fees. Gary Filpi asked Marianne Mitchell what she would like the result of this issue to be. Marianne Mitchell said that she thinks the City should use this as an example on how not to treat people in the future, and she doesn't think she should be charged anything over the original \$1,100 fee.

Ron Ross said that the residents will have to pay these fees, no matter how they were accumulated. Ron Ross said that Marianne made no attempt to bring her account current once she was notified in August 2002. Marianne said that she should have received regular billings. Discussion ensued.

Ron Ross made a motion that Marianne Mitchell be required to pay the fees that accumulated after she was notified in August 2002, for a total amount of \$1,084. Gary Filpi seconded the motion. Discussion- Gary Filpi said that he considers the letter from the City in August 2002 as a bill. There was no more discussion, the Council was polled, and the motion passed with Ron Ross, Gary Filpi, and Bob Cullen voting aye and Mike Lewis voting nay.

6) Acceptance of Joe Giesbers resignation:

Ron Ross made a motion to accept Joe Giesbers resignation. Gary Filpi seconded the motion. There was no discussion and the motion passed unanimously.

Mayor Lotis Hanks nominated Edwina Meitzen to Joe Giesbers position on the City Council.

Marianne Mitchell said that the vacancy should be advertised before the position is filled. Ron Ross said that the public should be allowed to apply and then the Mayor can make his nomination. Staff will put the vacancy up on the reader board and bring the applications to the Council at the next meeting.

There was no motion to accept the Mayor's nomination, so the nomination failed.

12. DISCUSSION ITEMS:

1) Mowing Ordinance:

Marianne Mitchell said that she doesn't feel that people who have larger properties, should not be held to the same requirements of the mowing ordinance as those who have one lot. There should be different categories of the mowing ordinance- one section for regular lots (R-1 zone), and one for large parcels (more than an acre).

The consensus of Council is to discuss this further at the next meeting.

13. COMMITTEE REPORTS:

None received.

14. MAYOR'S REPORT:

Mayor Lotis Hanks said that he has asked someone about a hood for the Community Center and he will try to get some more information on it.

Marianne Mitchell left the meeting at 9:49 p.m.

15. REVIEW OF HANDOUT MATERIAL:

None.

16. ADJOURNMENT:

Gary Filpi made a motion to adjourn. Ron Ross seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:51 p.m.

Minutes approved on this 22nd day of May, 2003.

APPROVED:

ATTESTED:

Mayor Lotis Hanks

Diane Rinks, City Administrator