

**City of Lafayette**  
**City Council Meeting Minutes**  
**June 9, 2005**  
**6:30 PM**

- 1. CALL TO ORDER:** Mayor Don Leard called the meeting to order at City Hall at 6:30 p.m.
- 2. FLAG SALUTE:** Mayor Don Leard led the flag salute.
- 3. ROLL CALL:** Diane Rinks, City Administrator, called the roll.  
*Present:* Mayor Don Leard, Michael Roberts, Steve Malone, Art Bixman, Ron Ross, Jim Sieber, and Lisa Heatherly (arrived late at 6:37 p.m.).  
*Absent:* None.  
*City Staff Present:* Diane Rinks- City Administrator, Trena McManus- Assistant to the City Administrator.  
*Others:* Sara Mikkelson, Melodie Malone, Bonnie Pursel, Jason Breaux, Diana Breaux, Don Truscott, Dorothy Truscott, Beth Karecki (Your Community Mediators), Marlena Bertram (Your Community Mediators), Sergeant Tim Svenson, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**  
Art Bixman made a motion to accept the May 12, 2005 minutes. Jim Sieber seconded the motion. There was no discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**  
Ron Ross made a motion to accept the June 2, 2005 Council worksession minutes. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously.
- 6. ADDITIONS AND DELETIONS:**  
Diane Rinks said that she needs to add Discussion Item #2- July Meeting Schedule, and add an executive session (at the end of the meeting) as allowed by ORS 192.660 (2) (d) regarding labor negotiations. There were no other additions and deletions.
- 7. PUBLIC HEARINGS:**
  - 1. 2005-06 Budget:**  
Mayor Don Leard opened the public hearing at 6:33 p.m.  
Diane Rinks said that the purpose of this hearing is to take public comment on the budget that was approved by the Budget Committee. The total amount of the 2005-2006 budget is \$10,817,354, which includes transfers amounting to \$1,415,225. The City's permanent tax rate is \$3.4857 per thousand dollars of assessed value.  
Public Comment- None.  
Mayor Don Leard closed the public hearing at 6:35 p.m.
  - 2. Proposed Ordinance No. 577 (First Reading)- Proposal to Limit Livestock and Poultry:**  
Diane Rinks read the ordinance by title only- 'An Ordinance Amending LMC Section 5.415 concerning the keeping of livestock and poultry within the City.' The change to the code would be limiting the number of livestock and poultry animals on parcels less than one acre to three. This ordinance has been drafted in response to the multiple complaints that have been received about the keeping of these types of animals.  
Lisa Heatherly arrived at 6:37 p.m.  
Mayor Don Leard opened the public hearing at 6:38 p.m.  
**Public Comment-** Don Truscott, 1091 7<sup>th</sup> Street- said that he has 5/8 of an acre and has 3 ducks and 3 chickens and wanted to know if he would be required to get rid of them. Mayor Don Leard said that this is just a proposal and there was some discussion about the enforcement of this ordinance, and setting the minimum parcel size to ½ acre.  
Sara Mikkelson, 1282 Third Street #68- said that the Council has bigger problems that they should be worrying about.  
Mayor Don Leard closed the public hearing at 6:40 p.m.  
**Council Deliberation-** Ron Ross said that most of the complaints are on small (less than ½ acre) lots, so he would agree with reducing the minimum parcel size to ½ acre.  
Art Bixman asked if any lots that the City is receiving complaints about are larger than ½ acre, and Diane Rinks said no.  
Discussion ensued.  
There was some discussion about addressing problem properties after 3 complaints and the current use of the city's noise/odor ordinance.

Diane Rinks said that she could check into whether Ron's idea (ordinance is triggered by # of complaints) would work.

Art Bixman made a motion to table this issue until staff looks into this further. Michael Roberts seconded the motion. There was no more discussion and the motion passed unanimously.

## **8. CITIZEN INPUT ON NON-AGENDA ITEMS:**

Melodie Malone, 1282 Third St. #62- read a letter to the Council that she had prepared in which she resigned as the director of Heritage Days. She said that there is a lack of sufficient financial support from a majority of the City Council. After serious review of the Budget Committee's approval of only half of the requested general fund transfer, it is her belief that there is not any way that this celebration can become a self sufficient fund. She asked for the record to show that the revenue from last year's celebration was considerably more than in previous years. She said that Lafayette Heritage Days was well on its way to being a self funded celebration. It is her belief that due to the way that 4 of the Council members voted during the Budget Committee meeting, that even the less than approved transfer (approved by 9 of the Budget Committee members) is being considered. In light of this, she resigned as director and she asked that her name not be associated with this very important celebration's potential demise. Sara Mikkelson, 1282 Third St. #64- said that since this Council has been voted into office, it is a joke. She expressed her disappointment with the town and the way it is being run. She said that nothing is being followed through with. Discussion ensued.

## **9. DEPARTMENTAL REPORTS:**

### **1) City Administrator report:**

Diane Rinks said that she had a meeting with the Yamhill County Public Works Director and an engineer from OBEC Engineering on the design of the Lafayette Highway (Madison Street) Bridge that is due to be replaced next year. The County is estimating that the project will be out to bid in March 2006 and construction should begin in summer/fall of 2006. The new bridge will be built just west of the existing bridge. As a result, the County may need to encroach on a minor amount of Terry Park. If this is necessary, the City will enter into negotiations with the County. As part of the negotiations, there may be a possibility to get some improvements done to the park at no cost. Discussion ensued. There will also be some discussions with the County about the relocation of the water line under the bridge.

Diane Rinks said that Emery & Sons (sewer project) is working on the bore on Madison Street for the new sewer line. Right now, traffic is being detoured to Adams Street, but Emery & Sons will be plating the hole and traffic will resume on Madison Street for the weekend. The work on Madison Street should be completed by next Thursday.

There is a joint meeting with the Planning Commission and City Council scheduled on June 23 at 6:30 p.m. The purpose of this meeting is to receive a presentation on the TGM (Transportation and Growth Management) Plan for the Industrial property.

### **2) Fire Department report:**

There were no questions on this report.

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

There were no questions on this report.

### **4) Public Works report:**

There were no questions on this report.

Sergeant Tim Svenson handed out the Sheriff's report for the month of May, and he said that Deputy Joe Shipley has been working on ordinance violations in the City. Diane Rinks said that Deputy Shipley is doing a great job for the City. There was some discussion about the police coverage/scheduling once the City increases the contract to 40 hours/week of coverage beginning July 1, 2005.

Art Bixman made a motion to take a 5-minute break. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 7:23 p.m. The meeting was called back to order at 7:31 p.m.

## 10. LEGISLATIVE ACTIONS:

### 1) Resolution 2005-13-Adopt Budget,Make Appropriations;Impose and Categorize Taxes:

Diane Rinks said that this resolution adopts the 2005-06 budget, appropriates the funds, imposes and categorizes taxes. Art Bixman made a motion to adopt Resolution 2005-13, as presented. Michael Roberts seconded the motion. Discussion- Ron Ross said that he would like to see \$2,000 taken out of the Heritage Days Fund and put it into parks. After some discussion, Ron Ross said that he would agree to only taking out the \$1,250 transfer to Heritage Days from the general fund, and would like to see the \$1,250 go to page 8, line 12 (parks, miscellaneous contractors). Diane Rinks went over the line item changes that the removal of \$1,250 from the Heritage Days Fund (to parks) would make. In the first paragraph of Resolution 2005-13, it will change the total budget amount to \$10,816,104, total transfers will change to \$1,413,975. On page 2, parks department, materials and services will increase to \$6,010, and the total parks department will change to \$35,296, and under non-departmental, transfers will decrease to \$119,667, and total non-departmental will change to \$159,667. On page 3, Heritage Days, materials and services will decrease to \$1,650. Mayor Don Leard said that the Budget Committee spent their time and energy on the budget and he feels that it should be passed the way it is. The motion on the floor is to adopt the budget, without any changes, and the motion failed, with Jim Sieber and Steve Malone voting aye and Michael Roberts, Ron Ross, Art Bixman, and Lisa Heatherly voting nay.

Ron Ross made a motion to adopt Resolution 2005-13, as amended (line item changes as stated by Diane Rinks above). Art Bixman seconded the motion. Discussion- Mayor Don Leard asked if the budget can be changed once the Budget Committee approves it, and Diane Rinks said that the only limitation on the Council is that no fund may be increased by more than 10%. There was no more discussion and the motion passed, with Michael Roberts, Ron Ross, Art Bixman, and Lisa Heatherly voting aye, and Jim Sieber and Steve Malone voting nay.

### 2) Resolution 2005-14- FY04-05 Budget Transfer:

Diane Rinks said that this resolution is necessary to correct an over expenditure in the Heritage Days fund that needs to be done before the end of the fiscal year. The Heritage Days Fund is overspent by \$131.39, and this resolution transfers \$135 from general fund/contingency to the Heritage Days Fund to cover the over expenditure. Ron Ross made a motion to adopt Resolution 2005-14, as presented. Michael Roberts seconded the motion. There was no discussion, and the motion passed unanimously.

### 3) Resolution 2005-15- Amend Community Center Rules:

Per the Council's direction at the last meeting, a resolution has been drafted that amends the Community Center's fees and hours of operation. The fees would be changed to \$15 per hour for day use (before 6 p.m.), \$25 per hour for evening use (after 6 p.m.), the deposit would be increased to \$300, and the center hours would end at 10 p.m. The consensus of the Council was that they still wanted to see the residents get a break on the rates for day time use. The resolution should state that the charges for residents are \$15 per hour for day use, \$25 per hour for evening use, and \$25 per hour (at all times) for non-residents. The deposit should be \$150 for day time use and \$300 for evening use. The hours of operation are still proposed to end at 10:00 p.m. Art Bixman made a motion to direct staff to make the appropriate changes to the resolution and bring back to the next meeting. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously. Staff will bring an amended resolution back to the next meeting.

### 4) Ordinance 575- NW Natural Gas Franchise:

Diane Rinks said that the current gas franchise has a 20-year term and it expires this weekend. There were some inquiries as to the effect that raising the franchise from 3% to 5% would have. Increasing the franchise another 2% would raise approximately \$6,000 in additional revenue for the City. Any franchise fee above 3% would also be reflected on the customer's bill. The consensus of the Council is to leave the franchise fee at 3%.

Art Bixman made a motion to adopt Ordinance 575, as presented. Ron Ross seconded the motion. Diane Rinks read the ordinance by title only- 'An Ordinance granting a non-exclusive gas utility franchise to Northwest Natural Gas Company, and fixing terms, conditions and compensation of such franchise, and declaring an emergency.' Discussion- Mayor Don Leard said that the reason that an emergency is declared on this ordinance is because the franchise expires on Saturday.

Diane Rinks read the ordinance by title only. The motion passed, with Michael Roberts, Ron Ross, Art Bixman, and Lisa Heatherly voting aye, Jim Sieber voting nay, and Steve Malone abstaining.

*Since this ordinance did not pass with a unanimous vote of the Council, it will have to be brought to the Council at the next meeting for a second reading and adoption.*

## **5) Ordinance 576- Adopt State Building Codes:**

Diane Rinks said that in 2004, the state readopted the building codes, with some changes. The City needs to readopt the current version of the state building codes.

Ron Ross made a motion to adopt Ordinance 576, as presented. Michael Roberts seconded the motion. Diane Rinks read the Ordinance by title only- 'An Ordinance relating to building codes and amending Lafayette Municipal Code (LMC) Chapter 8.' There was no Council discussion. Diane Rinks read the ordinance by title only, and the motion passed unanimously.

## **11. ACTION ITEMS:**

### **1) Funding request from Your Community Mediators:**

Beth Karecki, Your Community Mediators- thanked the City for their past support and asked for continued support of the mediation services that they offer. After some discussion about the services that Your Community Mediators offers, Ron Ross made a motion to donate \$400 to Your Community Mediators. The motion died for lack of a second. Jim Sieber made a motion to donate \$450 to Your Community Mediators (out of the 2005-06 budget, general fund, miscellaneous). Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

### **2) Funding request from Yamhill Basin Council:**

Diane Rinks said that the Yamhill Basin Council also submitted a letter asking for a donation from the City. The City Council decided not to donate any money last year. Art Bixman made a motion to not donate any money to the Yamhill Basin Council. The motion died for lack of a second. After some discussion, Steve Malone made a motion to not donate any money to the Yamhill Basin Council. Ron Ross seconded the motion. There was no more discussion and the motion passed unanimously.

### **3) Approve amended Job Descriptions:**

Diane Rinks said that over the past year, there has been some restructuring of job duties at City Hall due to the loss of one full time position. The job descriptions have been amended to reflect the actual job duties of the City Hall staff. There is also a job description for the Maintenance Worker position that will be added as of July 1, 2005. The Utility Worker I and Office Assistant job descriptions are also included, but there are no plans to fill the positions. Since the Union Contract is for a 3-year term, they are included in the event it is necessary to fill these positions over the term of the contract. Michael Roberts made a motion to approve amended job descriptions, as presented. Ron Ross seconded the motion. Discussion- Jim Sieber asked if adopting these job descriptions will change the salary schedule at all, and Diane Rinks said no. There was no more discussion, and the motion passed unanimously.

### **4) Declare Planning Commission Vacancy:**

Michael Roberts made a motion to declare David Robinson's seat on the Planning Commission vacant. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. Staff will pull any previous applications for Planning Commission and bring them to Council for consideration.

## **12. DISCUSSION ITEMS:**

### **1) Income Survey for Grant Eligibility:**

Diane Rinks said that she met with OECDD (Oregon Economic and Community Development Department) to discuss the possibility of receiving grant funds to help pay for a second well in the Dayton water project, a new reservoir, or a water management and conservation plan for the City. However, she found out that the City is no longer eligible for block grant funds, because the City's median income is supposedly now too high. There was some discussion on having an income survey done in the hopes that the median income is lower than expected. Eligibility for Block Grant Funds is based on the percentage of the population that is at or below the low/moderate income level. Discussion ensued.

### **2) July Meeting Schedule:**

Agenda item 12(2) added by Diane Rinks.

Diane Rinks said that she will not be available for the regularly scheduled July Council meeting as she will be at a conference that week. After some discussion, the consensus of the Council is to have the Council meeting on Tuesday, July 19, 2005 at 7:00 p.m.

**13. COMMITTEE REPORTS:**

None.

**14. MAYOR'S REPORT:**

Mayor Don Leard reviewed the complaints that were received. There was some discussion about replacing the portable toilets at Commons and Joel Perkins Park. Ron Ross made a motion to put the portable toilets back in Commons and Perkins Park. Michael Roberts seconded the motion. Discussion- Mayor Don Leard suggested putting the toilet in a different location in Commons Park. Staff will mark the new locations for the toilets. There was no more discussion and the motion passed unanimously.

**EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (2) (d) re: labor negotiations.**

Executive session allowed by 192.660 (2)(d) added by Diane Rinks.

Trena McManus said that the Lafayette City Council will now meet in executive session for the purpose of conducting deliberations with persons designated by the governing body to carry on labor negotiations consistent with ORS 192.660 (2)(d). Designated staff is allowed to attend the executive session. All other members of the audience are asked to leave the room. No decision shall be made in executive session. At the end of the executive session, Council will return to open session.

The Council went into executive session at 8:53 p.m.

Mayor Don Leard brought the Council back into open session at 9:27 p.m.

Michael Roberts made a motion to accept the Union Contract, as presented. Steve Malone seconded the motion. There was no discussion and the motion passed unanimously.

There was some discussion about the status of Heritage Days. There was some interest in still having the parade and the Fire Department's pancake breakfast.

**15. REVIEW OF HANDOUT MATERIAL:**

None.

**16. ADJOURNMENT:**

Art Bixman made a motion to adjourn. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:37 p.m.

**Minutes approved on this 19th day of July, 2005.**

**APPROVED:**

**ATTESTED:**

\_\_\_\_\_  
Mayor Don Leard

\_\_\_\_\_  
Diane Rinks, City Administrator