

City of Lafayette
City Council Meeting Minutes
September 29, 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, Steve Malone, Art Bixman, Jim Sieber, Michael Roberts, and Lisa Heatherly.
Absent: 1 vacancy.
City Staff Present: Diane Rinks- City Administrator, Trena McManus- Assistant to the City Administrator.
Others: Sara Mikkelson, Peder Mikkelson, Ivy Partridge, Sergeant Tim Svenson, Bonnie Pursel, Ken Bauer, Mark Hoyt, Dave Galati- Council of Governments, Kim Schweiger, Bob Cullen, David Horner- McMinnville School District, and approximately 2 others.

4. **APPROVAL OF MINUTES:**

Art Bixman made a motion to accept the August 25, 2005 minutes. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

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

None.

Steve Malone said that due to personal reasons, he needs to resign as Council President. He appreciated the nomination at the last meeting, but he will not be able to serve out the duties of Council President at this time. Art Bixman made a motion to accept Steve Malone's resignation as Council President. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

6. **ADDITIONS AND DELETIONS:**

Diane Rinks added the following items to the agenda: Departmental report #5- Sheriff report, Action Item #4- Adopt Planning Commission Order (05-06-09), #5- WWTP Change Orders, #6- Appoint new Council President, and Discussion Item #3- Ken Bauer, right of first refusal on reservoir property.

Mayor Don Leard said that he would like to move agenda item 11(1) Appointment to City Council, to this point in the agenda.

11. **ACTION ITEMS:**

1) **Appointment to City Council:**

Mayor Don Leard said that this appointment is to fill the vacancy left by Ron Ross. Mayor Don Leard appointed Bob Cullen to the City Council.

Steve Malone made a motion to accept the Mayor's nomination. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

Diane Rinks swore in Bob Cullen and he took a seat at the Council table.

6) **Appoint new Council President:**

(Added by Diane Rinks under 'Additions and Deletions')

Michael Roberts made a motion to elect Bob Cullen as Council President. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

7. **PUBLIC HEARINGS:**

1. **Request for formation of Reimbursement District- Green Heights (Joe Green)**

Open Hearing

Mayor Don Leard opened the hearing at 6:40 p.m.

Staff Report

Diane Rinks said that she amended the reimbursement district resolution to reflect the fact that the applicant has reached a settlement with Lafayette Highlands Phase 1 and she also removed the school from the affected property list.

Mark Hoyt (attorney for applicant Joe Green)- said that his client had reached an agreement with Lafayette Highlands Phase 1, and it was never the applicants intention to charge the School District this reimbursement district fee. The

only property that will be affected by this reimbursement district is 1224 7th Street Extension. Diane Rinks said that Denny Muchmore prepared a City Engineer's report on this proposed reimbursement district and his recommendation is to approve the reimbursement district as amended. Mark Hoyt said that the only time that 1224 7th Street Extension would have to pay the reimbursement district fee is if they were to develop the property further. Diane Rinks said that it would also be triggered when the existing house hooks up to the City sewer system now that it is available to them.

Close Hearing

The hearing was closed at 6:46 p.m.

Council Deliberation

Art Bixman asked if this reimbursement district would be for a 5 year period and Diane Rinks said yes, with 2 optional 5 year extensions (at the discretion of the Council at that time).

Council Decision

Lisa Heatherly made a motion to adopt Resolution 2005-18, as presented. Steve Malone seconded the motion. There was no more discussion and the motion passed unanimously.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Bonnie Pursel, 1333 Adams St.- said that she wanted to thank Lisa Heatherly for a job well done on Heritage Days this year.

PRESENTATION FROM DAVE GALATI- COUNCIL OF GOVERNMENTS

Dave Galati, Council of Governments- said that he wanted to take this opportunity to address the Council about the Council of Governments and the services that they provide. He talked about the importance of forming partnerships, the City of Lafayette's involvement with the COG on grant administration for the WWTP project. Discussion ensued. He also offered to lead a long term goal session for the Council. Mayor Don Leard said that he would like to see a goal setting session planned after the first of the year.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Diane Rinks reviewed her priority projects for the next few months- the Madison Street (Lafayette-Hopewell Highway) bridge replacement project, sewer project, Dayton wells, and Street and Storm Drain Capital Improvement Plans and SDC's.

Diane Rinks said that Public Works had to repair the support beam for the water line that runs under the Madison Street Bridge. They coordinated the repair with the County, and everything went well.

The \$500,000 DEQ loan application that was submitted (with the intention to replace the existing \$500,000 loan for the sewer project) has been approved, and will be utilized, if needed, at the end of the project.

Diane Rinks said that she has spoken to the sewer project engineer (HBH Engineering) about some concerns she has about the lack of on site inspection and the condition of the streets. The streets that have been torn up due to the sewer project should be patched by the end of next week. There was some discussion about the other wells to be drilled in the Dayton wellfield.

2) Fire Department report:

Art Bixman asked about the local alarm system/malicious false alarm that was logged on August 26, 2005. He asked if there is a way to charge someone for the City having to respond to a malicious false alarm. Diane Rinks said that there is no mechanism in place to charge for that.

3) Accounts Payable report:

There were no questions on this report.

4) Public Works report:

There were no questions on this report.

5) Sheriff report:

(Added by Diane Rinks under 'Additions and Deletions'.)

Sergeant Tim Svenson, YCSO- said that Deputy Brandon Bowdle is back on active duty, so he will be in the area again.

Bob Cullen asked about the helmet law for kids, and Sergeant Tim Svenson said that all kids under 16 must wear helmets (on bikes, scooters, skateboards, roller blades, etc.). Discussion ensued.

10. LEGISLATIVE ACTIONS:

1) Ordinance 578- Zone Change and Comp. Plan Amendment:

Diane Rinks said that at the last meeting, the Council approved a zone change and comp. plan amendment for Premier Development on a piece of property located at 12th and Bridge Street. This ordinance implements that zone change.

Michael Roberts made a motion to adopt Ordinance 578, as presented. Art Bixman seconded the motion. Diane Rinks read the ordinance by title only- 'In the Matter of an Ordinance amending the Lafayette Comprehensive Plan Map and Zoning Map.' Discussion- Bob Cullen asked what the reasoning was to overturn the Planning Commission decision. Michael Roberts said that the zone change matches most of the property's surroundings (apartment complex and mobile home park). Bob Cullen said that he wanted to caution the Council about going against Planning Commission decisions because there is a lot of time and effort put in by the staff and Planning Commission on their decisions/recommendations. Changing a zone also affects the density of the town. Mayor Don Leard said that he agrees with Bob Cullen in that the City Council should uphold Planning Commission decisions/recommendations unless there was something grossly wrong with the Planning Commission's decision/recommendation. Art Bixman said that frontage concerns were a factor in making his decision. Diane Rinks read the Ordinance by title only (second reading). There was no more discussion and the motion passed with Bob Cullen voting nay.

2) Resolution 2005-18- Green Heights Reimbursement District:

This agenda item was addressed under agenda item 7.

11. ACTION ITEMS:

2) Appointments to Planning Commission:

Mayor Don Leard appointed Matthew Smith to the Planning Commission. Art Bixman made a motion to accept the Mayor's appointment. Jim Sieber seconded the motion. There was no discussion and the motion passed unanimously.

Steve Malone said that he would like to see Peder Mikkelson appointed to the Planning Commission.

Mayor Don Leard appointed Ronald Kerr to the Planning Commission. Jim Sieber made a motion to accept the Mayor's appointment. Bob Cullen seconded the motion. There was no discussion and the motion passed with Steve Malone voting nay.

3) Award contract for replacing City Hall roof:

Diane Rinks said that 8 requests for proposal were sent out and three bids were received for the replacement of the roof on City Hall- Washington Roofing, Mike's Construction, and Jeremy Rhodes Construction. The low bid was Mike's Construction (\$3,035 re-roof, or \$5,435 for tear off and re-roof). Washington Roofing did not bid on the re-roof only and bid \$9,290 for the tear off and re-roof. Jeremy Rhodes Construction bid \$5,280 for re-roof only and \$7,260 for tear off and re-roof.

Art Bixman made a motion to go with the tear off and re-roof option. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

Art Bixman made a motion to authorize the City Administrator to enter into a contract with Mike's Construction for the replacement of the City Hall roof, and to negotiate any needed repairs. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

4) Adopt Planning Commission Order on planning file 05-06-09:

(Added by Diane Rinks under 'Additions and Deletions')

Diane Rinks said that this order is the result of the Council's decision at the last meeting to approve the subdivision and minor variance submitted by Premier Development for the Bridgeport development (12th and Bridge).

Michael Roberts made a motion to adopt the order for planning file 05-06-09 (Premier Development). Art Bixman seconded the motion. There was no discussion and the motion passed with Bob Cullen voting nay.

5) **WWTP Change Orders:**

(Added by Diane Rinks under 'Additions and Deletions')

Diane Rinks said that she has three change orders that were submitted by HBH Engineering but she is only recommending approval of one of the change orders.

Change Order #4 is a 60 day time extension and is a zero dollar change order. The notice to proceed was issued in April, but the project didn't get started until June. The contractor needs to have two summers to complete the project and this time extension was agreed to when the contract was signed.

Art Bixman made a motion to accept change order #4 on the sewer project. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously.

Diane Rinks said that change order #5 and #6 are optional so she wants to get Council approval on these. Change Order #5 is for \$3,450 to replace the aluminum slide gates in the SBR unit with stainless steel slide gates. Diane Rinks said that she doesn't see the need to have stainless steel, and Roy Loftis (Wastewater Treatment Plant Operator) spoke with another agency that has a similar sewer system and the aluminum gates work fine. The Council agreed with Diane's recommendation to not accept change order #5.

Change Order #6 is for \$4,720 to add leak sensors in the submersible pumps at the plant. Diane Rinks said that she doesn't feel that these are worth putting in because of the relatively inexpensive nature of the pumps. Therefore, it would not be cost effective to add these expensive leak sensors to the pumps. The Council agreed with Diane's recommendation to not accept change order #6.

12. **DISCUSSION ITEMS:**

3) **Ken Bauer- Right of first refusal on reservoir property:**

(Added by Diane Rinks under 'Additions and Deletions')

Ken Bauer, 975 Market St.- said that his family used to own about 8/10 of an acre at the end of Jefferson Street that the City purchased for the purpose of constructing a water reservoir. He said that there may come a time when the City doesn't need that property anymore (if the reservoir isn't constructed on that site) and if the City does ever decide to sell it, he would like to have an opportunity to match the highest bidder (right of first refusal). Diane Rinks said that she spoke with the City Attorney about Ken's proposal and he said that the City can choose to enter into this type of agreement with Ken Bauer, but the City has no obligation to do so. There was some discussion about the timeframe that would be put on the right of first refusal, and Diane told Ken Bauer to discuss this further with her at a later time if the Council agreed to enter into this type of agreement. Diane Rinks said that the City Attorney advised that he should be the one to prepare the agreement. Ken Bauer said that he would be willing to pay the City's attorney fees associated with preparing this document. Discussion ensued.

Bob Cullen made a motion to direct the City Administrator to contact the City Attorney and have him draft a right of first refusal agreement, and to enter into the agreement with Ken Bauer, and costs of preparing the document and recording the document will be the responsibility of Ken Bauer.

Michael Roberts seconded the motion. There was no more discussion and the motion passed unanimously.

Bob Cullen made a motion to take a short break. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 8:25 p.m. The meeting was called back to order at 8:31 p.m.

2) **Storm Capital Improvement Plan:**

Diane Rinks said the City needs to establish a CIP (Capital Improvement Plan) and methodology for storm drainage before the City can establish storm drain SDC (System Development Charge) charges. The City engineer prepared a preliminary storm drain projects overview as a draft for the Council to consider. The total project costs are \$1,343,520. However, the projects listed under Basin 3D for Lafayette Highlands Phase 2 and 3 don't need to be included on the list of projects because those improvements will be completed as part of the subdivision requirements. So, the total project costs would be amended to \$1,225,680. If the Council is comfortable with this list, it would need to be adopted as the City's CIP for storm drainage, so we can pursue the SDC methodology and get the SDC's in place as soon as possible. With all of the building activity that the City is experiencing, every day that is wasted is money lost in storm SDC collections. After some discussion, Bob Cullen made a motion to adopt the preliminary storm drain projects overview dated June 15, 2005, prepared by Westech Engineering, as the Capital Improvement Plan (CIP) for storm drainage, minus the 4 projects listed for Basin 3D that were components of Lafayette Highlands Phases 2 & 3. Michael Roberts

seconded the motion. Discussion- Mayor Don Leard said that he agrees that the City is losing money every day on storm SDC's and it's important to get this done. There was no more discussion and the motion passed unanimously.

1) Street Capital Improvement Plan:

Diane Rinks said that she asked City Engineer Denny Muchmore to prepare the same type of projects overview for streets as he did for storm drains. However, the current CIP (Capital Improvement Plan) that is outlined in the TSP (Transportation System Plan) does not reflect the current project priorities of the City, and the project costs are also outdated. So, the City Engineer's recommendation is to update the CIP and once the projects are identified, then preliminary cost estimates will be done. Diane Rinks reviewed her ideas for the City's priority projects which include 3rd Street, Madison St., Bridge Street, downtown core (2nd to 4th St.) etc. Discussion ensued.

Art Bixman left the meeting at 8:58 p.m.

Michael Roberts said that he thinks that the Council should go with Diane's recommendations and the CIP can always be amended later. The consensus of the Council is to go with Diane's recommendation for a CIP, and Diane Rinks said that she will be bringing cost data back to the Council in November, so it can be officially adopted as a CIP.

13. COMMITTEE REPORTS:

Heritage Days- Sara Mikkelson said that the Heritage Days committee has had its first meeting and they would like the Council's approval to hold Heritage Days events (like the Costume Party on October 29) in the Community Center (at no cost). She also asked if the Costume Party could be put on the reader board a week before the party. Jim Sieber made a motion to allow the Heritage Days Committee to use the Community Center at no cost on October 29, 2005 for a costume party. Steve Malone seconded the motion. There was no discussion and the motion passed unanimously.

Sara Mikkelson said that she would like to have Bonnie Pursel, Sylvie Smith, and Peder Mikkelson appointed to the Heritage Days Committee.

Mayor Don Leard appointed Bonnie Pursel, Sylvie Smith, and Peder Mikkelson to the Heritage Days Committee. Michael Roberts made a motion to accept the Mayor's nomination. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

14. MAYOR'S REPORT:

Mayor Don Leard reviewed the complaint that was received about basketball hoops and garbage cans that are placed on sidewalks.

15. REVIEW OF HANDOUT MATERIAL:

None.

16. ADJOURNMENT:

Bob Cullen made a motion to adjourn. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:15 p.m.

Minutes approved on this 13th day of October, 2005.

APPROVED:

ATTESTED:

Mayor Don Leard

Diane Rinks, City Administrator