

City of Lafayette
City Council Meeting Minutes
October 12, 2006
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, Lisa Heatherly, Jim Sieber, and Bob Cullen.
Absent: Michael Roberts (exc.), Art Bixman (exc.), 1 vacancy.
City Staff Present: Diane Rinks- City Administrator, Trena McManus- Assistant to the City Administrator, and Walt Wendolowski- City Planner.
Others: Ivy Partridge, Chris Pagella, Beth Pagella, Ralph Betts, Julio Gomez, Monique Streech, Sergeant Tim Svenson- Yamhill County Sheriff's Office, Darrell Flood, Mark Hoyt- attorney for Joe Green, Teha Kordich, Nicole Fisher, Jim Crowell, Dee Bañuelos, Crystal Dryden, Steve Cole, Mark Nelson, Teresa Nelson, Suzi Lorence, Patrick Pfrehm, Heather Pfrehm, Shane Fowler, Rachel Fowler, Tracy Ell, Winston Ell, Randy Kashka, James Cooke, Beth Cooke, Chris Harper, Leah Harper, Keith Smith, Silvia Morales, and approximately 3 others.
- 4. APPROVAL OF MINUTES:**
Lisa Heatherly made a motion to accept the September 14, 2006 minutes. Jim Sieber seconded the motion. There was no discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**
None.
- 6. ADDITIONS AND DELETIONS:**
Diane Rinks said that she would like to delete agenda item 12(1)- Possible refinancing of water/sewer bonds, since Art Bixman requested that this be placed on the agenda and he is absent tonight. She also wanted to add agenda item 10(4)- Resolution 2006-11- Amendment to easement agreement on well #2, and agenda item 10(5)- Resolution 2006-12- FY06-07 Budget Transfer (Fire Dept.).
There were no other additions or deletions.

PRESENTATION FROM COMM. LEWIS RE: YAMHILL CO. TRANSIT DISTRICT
Yamhill County Commissioner Leslie Lewis, Peter Scholtz- Chair of Transportation Committee, and Tonja Saunders- Transportation Coordinator for Yamhill County, gave a presentation on their proposal for forming a Transit District in Yamhill County. They asked the Council to adopt a resolution showing the City of Lafayette's support for the formation of this district (see agenda item 10(3)).

PRESENTATION FROM COMM. STERN RE: METH LEVY
Yamhill County Commissioner Mary Stern and Sheriff Jack Crabtree gave a presentation on the meth levy that will be going before the voters in November 2006. If passed, this will levy will add \$.305 per \$1,000 of assessed value to property taxes. They asked the Council to adopt a resolution showing the City of Lafayette's support for the meth levy (see agenda item 10(2)).

Bob Cullen made a motion to take a short break. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 7:46 p.m. The meeting was called back to order at 7:52 p.m.
- 7. PUBLIC HEARINGS:**
 - 1. Continuation of hearing (from Sept. 14 meeting)- Request for change of Condition of Approval- Joe Green**

Open Hearing

Mayor Don Leard opened the hearing at 7:53 p.m.

This public hearing is on planning file 06-08-14, an amendment to subdivision application approved in 2003 (specifically condition of approval 'E4' of planning file 02-09-17).

Mayor Don Leard said that this hearing is only open to new testimony.

City Planner Walt Wendolowski said that a hearing was held on this application on September 14, 2006. The applicant is requesting a modification of the condition with regard to the dedication of land for a city park. At the end

of the hearing, the Council voted to continue the hearing until tonight. This hearing is for new testimony only, and then the Council will deliberate and make a decision. Staff had no further material to submit at this time. One additional letter was received from Kenneth Westfall, which has been included in the packet.

Additional Public Testimony

Suzi Lorence, 346 E. 16th Street- asked what the benefit would be to the City if they sold this pocket park to buy additional park property. She said that it sounds like the City would get such a small amount for this pocket park compared to the huge amount that is being asked for the larger parcel.

Beth Cooke, 336 E. 16th Street- said that she is very concerned about the precedence that selling this property would set for other new developments. It is important to have open spaces and a place that people can take their kids to play. She said that she won't take her kids to the other parks in town anymore due to the paraphernalia that she has found there.

Heather Pfrehm, 1428 Jefferson Street- asked what the time frame is for the purchase and development of the new larger parcel if this pocket park was sold. Diane Rinks said that it may not happen at all, but if it did, it would hopefully be within a year, and probably 1-2 years to develop it.

Greg Stafford, 962 12th Street- said that it sounds like the City is willing to take a gamble on something that isn't for sure (purchase of another piece of park property).

Sean Brady, 1124 14th Street- asked if the City owns the pocket park and Diane Rinks said no- the lots do not exist at this time.

Chris Pagella, 446 E. 16th Street- talked about the poor condition of the existing parks and read some quotes from the parks master plan supporting the City keeping the condition of approval in place.

Beth Pagella, 446 E. 16th Street- said that pocket parks do work. She had one in her old neighborhood, and her kids used it all the time.

Ivy Partridge, 1217 Wilson Street- said that she is concerned about the kids in her neighborhood having a place to play and wants to see the City keep the pocket park.

Monique Streech, 1053 E. 14th Street- said that there is a whole new group of people in the audience tonight, and she hopes that the Council sees all of the support for the pocket park.

Tracy Ell, 1435 Jefferson Street- said that there is a lot of building going on in Lafayette and no new parks. She feels that there needs to be a park on the northeast side of town.

Julio Gomez, 1114 14th Street- said that the people that will be moving in to Green Highlands are not here to voice their opinion because the subdivision does not exist yet, which puts them at a disadvantage.

Applicant Rebuttal of Evidence or Testimony

Mark Hoyt said that this pocket park will not be in the same development that all of the people in the audience live in. It is in a neighboring development that hasn't been built yet. Mark Hoyt said that his experience with pocket parks is that they don't work. This is going to be a very small park (10,000 sq. feet). If the City sells these lots back to the developer, the money will be dedicated to parks. Wascher Elementary School's playground is readily available for kids to play. If the City decides to sell these two lots and buy a new, larger parcel of park land, it will benefit the entire community, and will be a long term asset for the City.

Close Public Testimony

Mayor Don Leard closed the public hearing at 8:20 p.m.

Council Deliberation

Bob Cullen said he is concerned that the long term support for this park will fade.

Jim Sieber said that he feels that a bigger park would be better for the community, but he sees both sides of the argument.

Lisa Heatherly said that she doesn't feel that the audience is looking at the big picture and what is best for the **whole** community.

City Planner Walt Wendolowski said that the staff recommendation is to approve the application, amending Planning File 02-09-17 by eliminating Condition of Approval E.4.

At this point, the Council can: 1) approve the request, adopting the conclusions contained in the staff report, 2) approve the request, adopting modified conclusions, or 3) deny the application, specifying reasons why the condition should be maintained.

Bob Cullen made a motion to deny the application. Lisa Heatherly seconded the motion. Discussion- Bob Cullen asked if the Council can revisit this issue in two years, and if it has become a weed patch, he wondered if the Council would have the option to sell it. Diane Rinks said the condition of approval states that this land would be dedicated for park purposes and it would have to stay that way. Jim Sieber asked when the land (pocket park) would become the property of the City and Walt Wendolowski said that it would be when the plat is recorded. Bob Cullen said that

he wanted everyone to know that his consideration of this request was never about the money. There was no more discussion, the Council was polled, and the motion passed unanimously.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Teha Kordich, 1054 E. 14th Street- asked about the appeals process, and asked if the applicant could try to amend this condition again at a later time? Diane Rinks said that there is a 21 day appeal period, and if there are no appeals, the decision is final and cannot be considered again.

Sean Brady, 1124 E. 14th Street- said that he was looking at the City's code and the developers are suppose to pay the City to put street trees in the planting strips (right of way) and Premier Homes has gotten away with not doing that. Diane Rinks said that she is not aware of anything in the Lafayette Zoning and Development Ordinance that allows that to be placed as a condition of approval.

Monique Streech, 1053 E. 14th Street- said that she feels that everyone here is looking at the big picture and what's in the best interest of the City.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

Diane Rinks said that she had a meeting with HBH Engineering and the City Attorney about the status of the sewer treatment plant and the lack of progress in finishing the project. Not much has happened with the project since that meeting. She is speaking with the City Attorney about the steps that need to be taken to ensure completion of this project.

2) Accounts payable report:

There were no questions on this report.

3) Public Works report:

Diane Rinks said that many years ago, stop signs were placed throughout town without any thought to the overall patterns and effect on traffic flow. Diane Rinks and Public Works Foreman Jim Anderson have re-done the stop sign layout throughout town and Public Works is now implementing this design one intersection at a time. If residents who paid for and put these stop signs in years ago request them back, they are being returned to them.

4) Fire Department report:

There were no questions on this report.

5) Sheriff report:

Sergeant Tim Svenson said that the overall call volume decreased in September. The new code enforcement officer will be starting next week as Deputy Tim Casey will be going to the police academy.

Diane Rinks said that she needs some direction from the Council as to the location of the 10,000 square foot park in Green Highlands (do they want it in phase 1 or phase 2?). After some discussion, Bob Cullen made a motion to have the 10,000 square foot park in phase 1 of Green Highlands. Jim Sieber seconded the motion. There was no more discussion, the Council was polled, and the motion passed with Jim Sieber and Bob Cullen voting aye and Lisa Heatherly voting nay.

10. LEGISLATIVE ACTIONS:

1) Resolution 2006-08- Accepting Fire Dept. Grant:

Bob Cullen made a motion to adopt Resolution 2006-08, as presented. Lisa Heatherly seconded the motion. Discussion- Diane Rinks said that this Resolution accepts and appropriates a grant into FY06-07 budget that the Fire Department received from OHSU in the amount of \$1,210. There was no more discussion and the motion passed unanimously.

2) Resolution 2006-09- Supporting Yamhill County Meth Levy:

Lisa Heatherly made a motion to adopt Resolution 2006-09, as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

3) Resolution 2006-10- Approval of formation of Yamhill Co. Transit Dist.:

Bob Cullen made a motion to adopt Resolution 2006-10, as presented. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

4) Resolution 2006-11- Amendment to easement agreement- Well #2:

Diane Rinks said that this resolution amends the easement agreement for well #2 in the Dayton wellfield. It amends text of the easement agreement to include the right to drill a well on well site #2. It should have been included in the original easement agreement, but was overlooked.

Bob Cullen made a motion to adopt Resolution 2006-11, authorizing the Mayor to sign the amendment of an easement agreement between the cities of Dayton and Lafayette and Evergreen Agriculture Enterprises, Inc. and Evergreen International Aviation, Inc., and directing the City Administrator to have said document recorded in the Yamhill County deed records. Jim Sieber seconded the motion. There was no discussion and the motion passed unanimously.

5) Resolution 2006-12- FY06-07 Budget Transfer (Fire Dept.):

Diane Rinks said that a few years ago a donation of \$5,000 was made to contribute towards the purchase of a thermal imaging camera for the Fire Department. Fire Chief Terry Lucich now wants to purchase a thermal imaging camera for \$9,000. Diane Rinks said that she is proposing a \$4,000 transfer from the equipment reserve line item in fund 27 (Fire Capital Equipment) to the equipment line item to allow for this purchase.

Bob Cullen made a motion to adopt Resolution 2006-12, as presented. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.

11. ACTION ITEMS:

None.

12. DISCUSSION ITEMS:

1) ~~Possible refinancing of water/sewer bonds:~~

Deleted by Diane Rinks under 'Additions and Deletions'.

13. COMMITTEE REPORTS:

None.

14. MAYOR'S REPORT:

None.

15. REVIEW OF HANDOUT MATERIAL:

Mayor Don Leard reviewed the complaints that were received.

16. ADJOURNMENT:

Bob Cullen made a motion to adjourn. Jim Sieber seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:29 p.m.

Minutes approved on this 9th day of November, 2006.

APPROVED:

ATTESTED:

Mayor Don Leard

Diane Rinks, City Administrator