

City of Lafayette
City Council Meeting Minutes
December 14, 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, Michael Roberts, Art Bixman, and Bob Cullen.
Absent: 1 vacancy.
City Staff Present: Diane Rinks- City Administrator, and Trena McManus- Assistant to the City Administrator, and Jim Anderson- Public Works Foreman.
Others: Rod Sharp, Darrell Flood, Beth Cooke, Chris Pagella, and approximately 2 others.
- 4. APPROVAL OF MINUTES:**
Michael Roberts made a motion to accept the November 9, 2006 minutes. Art Bixman 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 add another Executive Session to agenda item 13 under ORS 192.660 (2)(e) to discuss real property transactions. There were no other additions or deletions.
- 7. PUBLIC HEARINGS:**
None.
- 8. CITIZEN INPUT ON NON-AGENDA ITEMS:**
None.
- 9. DEPARTMENTAL REPORTS:**
 - 1) City Administrator report:**
Diane Rinks said that staff received the new 2006 population estimate of 3,440 from Portland State University. This is over a 10% increase from last year, which is the highest in the County. She said that Councilor Bixman had a question at the last meeting as to whether the DEQ permit violation at the sewer plant was listed on the public works report and Diane Rinks said that it was listed on the September 2006 report.
Diane Rinks said that the sewer plant project is still not complete, as it was discovered that the engineers authorized the installation of a PVC pipe coming from the blowers and the plans called for a stainless steel pipe. This change is not acceptable to the City or to DEQ, so the pipe will have to be replaced. The tanks that were leaking (due to cracks) have been sealed, and the tanks have to be refilled and a 5-day leak test has to be performed again. Diane Rinks said that she is hoping that if these issues get resolved, we will be able to start the plant up in the first or second week of January.

Art Bixman made a motion to look into the costs of an alarm system and monitoring for City Hall. The motion died for lack of a second.
 - 2) Accounts payable report:**
Bob Cullen said that he just wanted to mention that the City had to make two bond payments this month totaling almost \$638,000.
There were no questions on this report.
 - 3) Public Works report:**
Diane Rinks said that since we are still operating the old plant, and with all of the heavy rains this last month, the fact that Roy Loftis was able to operate the sewer plant with no fines or major incidents shows what a great job he is doing.

Jim Sieber asked about the status of getting some striping done on the roads throughout town. Jim Anderson said that Spaniol Striping has been contacted about doing the striping and the City is on their list, but they are very busy and can only work when the weather allows.

Jim Anderson said that he has gotten two bids to pave the crossings on Bridge Street, and will hopefully be able to enter into a contract with one of the companies soon to get this done. Unfortunately, the City does not have the proper equipment to get enough compaction in these areas to be able to do the work in house. He is hoping that the City will be able to budget for a jumping jack compactor next budget year, which will provide the best compaction in these situations. He said that they have also spread 24 bags of cold mix throughout town to patch many potholes.

4) Fire Department report:

There were no questions on this report.

10. LEGISLATIVE ACTIONS:

1) Ordinance 588- Amend LMC 1.270 re: Municipal Court Fees (second reading):

Michael Roberts made a motion to do the second reading of Ordinance 588 by title only. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. Diane Rinks read the Ordinance by title only- 'An Ordinance Amending Section 1.270 of the Lafayette Municipal Code dealing with Municipal Court Fees'. Michael Roberts made a motion to adopt Ordinance 588, as presented. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

2) Ordinance 589- Amend LMC 1.205-1.260 and 6.260 re: Municipal Court:

Bob Cullen made a motion to read Ordinance 589 by title only. Michael Roberts seconded the motion. There was no discussion and the motion passed unanimously. Diane Rinks read the Ordinance by title only- 'An Ordinance relating to Enforcement of the Lafayette Municipal Code and amending Lafayette Municipal Code (LMC) sections 1.205, 1.215, 1.220, 1.225, 1.230, 1.235, 1.240, 1.245, 1.250, 1.255, 1.260, and 6.260.' Bob Cullen made a motion to adopt Ordinance 589, as presented. Michael Roberts seconded the motion. Discussion- Diane Rinks said that the purpose of this Ordinance is to clarify the warrant issue process. It can't be tied to an outstanding citation as it currently states in the code; it must be for contempt of court. Also, this Ordinance replaces the word 'infraction' with 'violation' in the sections listed above to be consistent with ORS (Oregon Revised Statutes) terminology. There was no more discussion and the motion passed unanimously.

3) Resolution 2006-13- Public Works Design Standards Update:

Jim Sieber made a motion to adopt Resolution 2006-13, as presented. Lisa Heatherly seconded the motion. Discussion- Diane Rinks said that as issues come up in the field, Public Works and the City Engineer work together to develop these updates so that the issues are adequately addressed in the Design Standards. Mayor Don Leard had some questions answered by Diane Rinks and Jim Anderson regarding drain pipe requirements, dry wells, etc. After some discussion, the motion passed with Jim Sieber voting nay.

11. ACTION ITEMS:

1) Declaration of the November 7, 2006 General Election results:

Trena McManus said that as the Elections Official, she received the abstract of votes of the November 7, 2006 General Election from the County Elections Official on November 27, 2006. On that date, she determined that the results of the election were as follows: There were 852 ballots cast in the election. Darrell Flood was elected Mayor with 301 votes. For the 3, 4-year Council positions, Lisa Heatherly was re-elected with 454 votes, Bob Cullen was re-elected with 427 votes, and James Rue was elected 460 votes. For the 2-year Council position, Matt Smith was elected with 584 votes. The new Council will be sworn in at the January 11, 2007 Council meeting.

2) Appointments to the Planning Commission:

Art Bixman said that he heard that Matt Smith has not officially resigned from the Planning Commission. Diane Rinks said that the Council can make the appointments effective as of January 2007. Mayor Don Leard appointed Chris Pagella to position 6 and Beth Cooke to position 1 on the Planning Commission. Jim Sieber made a motion to accept the Mayor's nominations. Bob Cullen seconded the motion. There was no discussion and the motion passed with Art Bixman voting nay.

Bob Cullen made a motion to declare Shellie Duvall's seat (position 4) on the Planning Commission vacant. Lisa Heatherly seconded the motion. Discussion- Diane Rinks said that Shellie has not attended a Planning Commission meeting since July 2006. There was no more discussion and the motion passed unanimously.

9. DEPARTMENTAL REPORTS:

5) Sheriff report:

Sergeant Tim Svenson said that Deputy Jeff Donahoo has been assigned as the City's new Code Enforcement Officer. He has done a very good job making contact with residents and getting compliance with the City's Ordinances. Up through December 1, he has made contact with 70 residences and issued 29 parking tickets.

12. DISCUSSION ITEMS:

1) 14th Street Sidewalks:

Bob Cullen made a motion to authorize staff to instruct Westech Engineering to proceed on the design of the 14th Street sidewalks and pedestrian crossing at their established hourly rate under their existing City Engineer contract. Michael Roberts seconded the motion. Discussion- Diane Rinks said that this will be a relatively small contract, so it isn't necessary to enter into a separate contract with Westech. Unfortunately, the City did not receive the ODOT (Oregon Department of Transportation) grant that staff had applied for to cover the cost of this project. There was no more discussion and the motion passed unanimously.

Diane Rinks presented Jim Sieber and Don Leard with plaques of appreciation for their service on the City Council. Mayor Don Leard thanked the Council and staff for the last two years, as he thought that the Council and staff had done a great job.

Art Bixman made a motion to take a 5-minute break. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 7:33p.m. The meeting was called back to order at 7:40p.m.

13. EXECUTIVE SESSION AS ALLOWED BY ORS 192.660 (2)(a) re: to consider the employment of a public officer AND as allowed by ORS 192.660 (2)(e) re: to discuss real property transactions

The Lafayette City Council will now meet in executive session for the purpose of considering the employment of a public officer, employee, staff member, or individual agent, consistent with ORS 192.660(2)(a) and for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions, consistent with ORS 192.660 (2)(e). Representatives of the news media and designated staff are allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session except to state the general subject of the session. 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 7:40 p.m. (under 192.660 (2)(a)).

Mayor Don Leard moved the meeting back into open session at 7:55 p.m.

The Council went into executive session at 7:56 p.m. (under 192.660 (2)(e)).

Mayor Don Leard moved the meeting back into open session at 8:13 p.m.

Michael Roberts made a motion to authorize the City Administrator to withhold all monies due and payable to Brian Smith due to rescission of the contract for Building Official services, due to breach of contract. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously.

14. COMMITTEE REPORTS:

None.

15. MAYOR'S REPORT:

None.

16. REVIEW OF HANDOUT MATERIAL:

There was a complaint received about the maintenance of the open space on the corner of 15th and Washington St. Diane Rinks said that this space is supposed to be maintained by the Haylen Meadows Homeowners Association, but it the owner is still listed as Lafayette Properties, LLC (developer).

Mayor Don Leard reviewed the other complaints that were received.

17. ADJOURNMENT:

Lisa Heatherly made a motion to adjourn. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 8:26 p.m.

Minutes approved on this 11th day of January, 2007.

APPROVED:

ATTESTED:

Mayor

Diane Rinks, City Administrator