

City of Lafayette
City Council Meeting Minutes
July 12, 2007
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, Matt Smith, Art Bixman, Jim Rue, and Lisa Heatherly
Absent: Bob Cullen (excused).
City Staff Present: Diane Rinks- City Administrator, Trena McManus- Assistant to the City Administrator, Walt Wendolowski- City Planner.
Others: Bonita Pursel, Debbie Schley, Betty Roberts, Suzi Lorence, Lauren Dillard- News Register, Gayle and Kelly Russell, Mark and Tori Joy, Mary and Chris Heisler, Darrell, Angela, Sarah, and Esther Flood, Michael Pfeffer, Joslyn Lowe, Leah Harper, Randy Kashka, Beth and Chris Pagella, BT Bui, Truc Nguyen, Thomas Christian, Nicholas and Rosalin Harris, and approximately 3 others.
- 4. APPROVAL OF MINUTES:**
Michael Roberts made a motion to approve the June 14, 2007 minutes as presented. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously.
- 5. REVIEW PROCEEDINGS AND APPROVE MINUTES OF SPECIAL MEETINGS:**
Art Bixman made a motion to approve the June 22, 2007 special Council meeting. Lisa Heatherly seconded the motion. There was no discussion and the motion passed unanimously.
- 6. ADDITIONS AND DELETIONS:**
Diane Rinks said that she wanted to add agenda item 10(2)- Resolution 2007-14- Level 1 water restrictions. There were no other additions or deletions.
- 7. PUBLIC HEARINGS**
 - 1. Zoning and Development Code Amendment- Sign Code:**
Mayor Don Leard opened the sign code hearing at 6:33 p.m.
City Planner Walt Wendolowski said that this is a public hearing for planning file 07-02-03, City of Lafayette Sign Code. He read the staff report that gave an overview of the proposed revision to the existing sign code. There are 11 pages of code language included in the Planning Commission Order of Recommendation that illustrates the proposed code. He said that allowed signs are based on the type of use. For Commercial Development signs, the allowed size is determined by the total frontage of the building X 1.5. So, the bigger the building, the bigger the sign can be (maximum of 150 sq. ft.). Sidewalk signs (sandwich boards) would be allowed to be placed next to the building as long as there is at least 5 feet between the curb and the edge of the sign, to allow adequate sidewalk clearance for pedestrians. This proposed code does not address off premise signs. Content is also not regulated. The Planning Commission had two work sessions on this proposed code revisions, and all business owners within the Residential/Commercial, Commercial, and Industrial zones were notified of the hearings. Very few comments were received on the proposed changes.
Walt Wendolowski said that the Planning Commission recommends that the City Council adopt this code amendment.
Art Bixman asked if a vacant lot can have a sign, and Walt Wendolowski said that if there is no building (no frontage), then a sign would not be allowed. Political signs are not covered in this code.
Darrell Flood, 287 Canyon View Dr.- said that in section 2.206.05, a 90 day period to replace a "grandfathered" sign that has been destroyed is too short.
Walt Wendolowski said that the Planning Commission discussed extending the time period to 120 or 180 days, but they finally decided that 90 days would be adequate.
Walt Wendolowski also said that this code does not cover garage sale signs.
Betty Roberts, 160 W. 13th Street- asked if portable billboard signs are allowed, and Walt Wendolowski said that that would be considered a portable sign, and that is not allowed.
If there is a two sided sign, only one side is counted towards the total allowed sign area.
All existing signs in place at the time this code is adopted is grandfathered, and will be allowed to remain.
Russ Burrows, 1237 Cramner St.- asked about whether open/hours signs or menus count as signs and Walt Wendolowski said no.

Matt Smith said that this code is based on objective standards, which will make it easier for staff to enforce. There was some discussion about the time period that should be allowed for the replacement of grandfathered signs that are destroyed. Chris Pagella, 446 E. 16th Street- said that the 90 day period is meant to protect those that have a grandfathered sign that don't conform to the current standards, so they should be encouraged to act more aggressively to maintain that type of sign. Angela Flood, 287 Canyon View Dr.- asked when the 90 day period starts, and Walt Wendolowski said that it would start from the date the sign is identified as damaged. Discussion ensued. The public hearing was closed at 7:11 p.m.

Council Deliberation

Matt Smith said that he feels that the 90 days is sufficient for grandfathered signs to be replaced. Matt Smith said that if the sign has been grandfathered, then it doesn't meet current code, and you don't want to give an extended period of time to replace it, because the goal should be to have all signs that meet the code requirements. Matt Smith made a motion to accept the Planning Commissions recommendation for the sign code and direct staff to prepare the adoption ordinance. Lisa Heatherly seconded the motion. There was no more discussion and the motion passed unanimously.

8. CITIZEN INPUT ON NON-AGENDA ITEMS:

Angela Flood, 287 Canyon View Drive- said that she requested to be put on the agenda tonight and Diane Rinks said that she would not place her on the agenda. She is concerned with what took place at the June 22 Council meeting, regarding Diane's evaluation. She expressed concerns about responses to public records requests. She asked when the Council has made decisions on questions she and others has raised, because she has not gotten answers in a public meeting. Discussion ensued.

Chris Pagella, 446 E. 16th Street- said that an RFP (for making the sewer plant environmental) costs nothing, and the City is a business, and he doesn't understand why this isn't being done.

Chris Heisler, 1407 Madison- said that it is outrageous that Diane said that she made an executive decision that it would cost \$75-150,000 to get this RFP, without looking at the true costs of getting these things done.

Darrell Flood, 287 Canyon View Drive- said that last month it was requested that the fees be waived for the public records that were requested by the citizens group and it was not acted upon. He wanted to know if the Council was going to waive the fees for the citizens group.

Thomas Christian, 1176 Cramner Street- said that he feels the website should be more professional looking. He said that their website will have links to all City documents, and it will track how councilors vote on issues. The tape system is out of date, and needs to be replaced.

Mary Heisler, 1407 Madison Street- said that she wants to see the fees waived for the public records that the citizens group is asking for and wants to have the \$150 refunded that has already been paid. She spoke with a representative from the state and they said that it is absurd that they have been charged these fees. This \$150 was money collected at the town hall meeting. She submitted a letter to the Council (see packet), and requested an answer by next months meeting.

Matt Smith said that it is being stated that if the fee waivers are denied, then it is being implied that we are against a group or group of people. He said that we have to maintain a balance with administrative time. The fees are put there to protect the limited amount of time the staff has to conduct the business of the City. If an exception is given to one group, then it sets a precedent for others to request the same.

Mary Heisler said she is requesting this because it is in the public records policy resolution passed in 2003.

Darrell Flood, 287 Canyon View Drive- said that there are still 2 way signs posted at the corner of 8th and Washington (should be 4 way stop signs). He asked if the City is going to pursue an ordinance for unmuffled air brakes.

Michael Pfeffer, 287 Canyon View Drive- questioned different things on the City Attorneys bills that were provided to him regarding an uncertified plumbing inspector, contamination concerns relating to some winery property adjacent to the watershed, and the overall costs associated with the city attorney.

Chris Heisler, 1407 Madison Street- said that some of the questions that came from the town hall meeting have been answered, but there is a list of 8 items that are still unanswered. He asked that the Council respond to the remaining questions. He also wanted to know what steps have been taken to obtain downtown beautification grants.

Thomas Christian, 1176 Cramner Street- said that he has brought up some problems with the parks, and some improvements have been made, but he reviewed the pictures that he had on his computer pointing out what he felt were still deficiencies of Joel Perkins Park. Discussion ensued.

Kenny Schweiger, 710 Water Street- said that he would donate part of his 5 minutes if he could get an explanation of attorney questions posed by Michael Pfeffer. He asked if the City Attorney has been used for personal reasons. Diane Rinks said that the attorney has never been used for personal reasons.

Leah Harper, 241 E. 16th Street- asked what allegations have been made that require contacting the attorney.

Debbie Schley, 1512 N. Jefferson- said that she doesn't understand why there is this wall between the Council and the public. She wishes that both sides could come to a common ground.

Esther Flood, 210 Canyon View Drive- said that the check registers don't give an explanation of what the checks are for.

Mark Joy, 1225 Jefferson St.- said that he was disappointed with the water shortage notice that he got. He said that he has a programmable sprinkler system, but he can't program it to meet the every other day requirements. He thinks there should be some exceptions to those that have programmable sprinkler systems.

Kenny Schweiger, 710 Water Street- read part of the 1st Amendment.

Sarah Flood, 287 Canyon View Drive- said that Diane Rinks stated that she has spent 3-4 hours dealing with public records requests and no one has gotten anything.

9. DEPARTMENTAL REPORTS:

1) City Administrator report:

There was no Council discussion on this report. It will be addressed with each agenda item.

2) Accounts payable report:

There was no Council discussion on this report.

3) Public Works report:

Lisa Heatherly said that she noticed the 2 way signs at 8th and Washington as well. There are also some stop sign posts that no longer have stop signs on them that are still in the ground. Public Works Foreman Jim Anderson said that he will look into this. Lisa Heatherly also asked if a date has been set for the work crew work on the park on Washington Street. Jim Anderson said that the work has already started, and they will continue to work on it over the next week or so.

4) Fire Department report:

There were no questions on this report.

5) Sheriff report:

There was no report.

10. LEGISLATIVE ACTIONS:

1) Resolution 2007-13- Amend Western Oregon Waste Rates:

Western Oregon Waste sent the City a letter stating that they had made a mistake on one of the rates in their rate sheet. A new resolution needs to be adopted to update the rate schedule that was accepted at the last meeting. Michael Roberts made a motion to adopt Resolution 2007-13, as presented. Matt Smith seconded the motion. There was no discussion and the motion passed unanimously.

2) Resolution No. 2007-14 Level 1 Water Restrictions:

Diane Rinks said that she is presenting the Council with a Resolution to uphold her decision to declare a water crisis. After consulting with Public Works Foreman Jim Anderson about the low water reserves, she felt she had no choice but to declare the water crisis that requires an odd/even watering schedule. Findings are being presented to the Council by this resolution, and the Council can uphold, amend, or cancel the declaration. Diane Rinks recommended that the restrictions remain in effect until further notice.

Jim Anderson explained the reasons behind his recommendation to the City Administrator to declare the water crisis. He said that three out of the four wells in the watershed are running (one is dry), the springs are producing very little water this time of year, the city park well is running, and we are getting a significant amount from Dayton, but we are not able to keep up with the demand right now. There was some discussion about reservoir levels, storage capacity, and future needs. Door hangers were hung in many of the subdivisions and a letter was mailed today to every resident informing them of the restrictions. This declaration will be in effect until further notice.

Michael Roberts made a motion to adopt Resolution 2007-14, as presented. Lisa Heatherly seconded the motion. There was no more discussion and the motion passed unanimously.

Michael Roberts left the meeting at 8:59 p.m.

11. ACTION ITEMS:

1) Approve Use of Public Facilities for Heritage Days:

Diane Rinks said that she got some paperwork from the insurance company (City/County Insurance Services) about the guidelines and procedures needed for Heritage Days. This information was forwarded to Bonnie Pursel and she submitted the necessary documents. The conditions of approval that are being requested as well are: any directional signage must be placed on private property (with owners permission), and not in the city right of way or on any utility poles, all vendors must sign the rules of conduct and hold harmless agreement, acknowledging the expectations of the vendors. In addition, all food vendors must provide a certificate of liability insurance listing the City of Lafayette as additional insured. The 8 items requested from city staff will be completed, but any additions or changes in the items requested should be reported to city staff as soon as possible. The approval of the use of the City facilities is based on the response to general guidelines for the Lafayette Heritage Days Festival as submitted by Bonita Pursel.

Matt Smith made a motion to approve the use of city facilities for Heritage Days 2007, subject to the conditions listed above.

Lisa Heatherly seconded the motion. There was no more discussion and the motion passed unanimously.

12. DISCUSSION ITEMS:

1) Community Center Improvements:

Chris Pagella, 446 E. 16th Street- said that he put out a request to Pacific Lifestyle Homes to help revive the Community Center, and Joe Kaiser (from Pacific Lifestyle Homes) has come to the meeting to address the Council.

Joe Kaiser, 11815 NE 99th St., Vancouver, WA- submitted a letter and budget to the Council that said that Pacific Lifestyle Homes would be happy to contribute to revitalizing the Community Center, and submitted a budget of possible improvements to the Council. He said that they are willing to increase their contribution from \$5,000 to \$6,500. There was discussion about the individual items to be improved.

Joe Kaiser said that he's been asked to get a coat of paint on the Community Center before Heritage Days. The Council chose an olive green for the paint color.

Angela Flood, 287 Canyon View Drive- asked if community members would be able to help do some of the prep work, and Joe Kaiser said that some prep work (like removing windows) will allow them to meet the price listed in the budget. He said that he will consult his contractors about other prep work that could be done.

Discussion ensued.

2) Award Contract for Street Sweeping:

Diane Rinks said that she had Great Western Sweeping come and sweep the City streets, and she wanted to know if the Council wanted to enter into an ongoing agreement with them to sweep the streets on a regular basis. There was some discussion about notifying the residents in advance of the sweeping schedule.

Darrell Flood, 287 Canyon View Drive- said that the sweeper did not come down his street, and Diane Rinks said that the sweeper can only go down streets that have standard curbs and gutters. Canyon View Drive has rolled curbs that are not normally included and Mayor Leard said they could be damaged by the sweeper.

Lisa Heatherly made a motion to authorize the City Administrator to enter into an agreement with Great Western Sweeping on a bi-monthly basis for an annual fee of \$5,250. Art Bixman seconded the motion. Discussion-

There was further discussion about curbed vs. non-curbed streets and the different machinery available. There was no more discussion and the motion failed unanimously.

Lisa Heatherly made a motion to table this agenda item until the next meeting. Art Bixman seconded the motion. Discussion- Matt Smith said that he feels that it is up to the person operating the machine as to what streets they can sweep, so he doesn't see why this issue should be tabled. Diane Rinks said that she will ask if they have any other types of equipment that could handle other streets, without standard curbs. There was no more discussion and the motion passed with Matt Smith voting nay.

12. DISCUSSION ITEMS:

2) Income Survey:

Diane Rinks said that there are pros and cons to having this survey done. First of all, it will cost approximately \$5,000-\$7500 to have the survey done. The requirements followed by the Oregon Economic and Development Department (OECD) in determining eligibility for the Oregon Community Development Block Grant (CDBG) program were changed two years ago. Because of those changes, the City of Lafayette will not be eligible to apply for Block Grants starting with the 2008 program year. This eligibility is based on income levels in the community and, although the 2000 census numbers indicated that we still met the 51% or more low and moderate income level, our recent increase in population and the new rules have placed us in the ineligible category. She has been researching our options and also looking at possible consequences if we have this done and the results do not come out in our favor. If we are successful in regaining our eligibility, there still is no guarantee of any grant funding. However, we currently are eligible for possible grant funding from the Rural Utility Services because they rely solely on the census numbers until the next census numbers are available, unless a new income survey has been done. We could run the risk of losing that eligibility.

After some discussion, the consensus of the Council is to not do the income survey.

3) LGPI (Local Government Personnel Institute) Membership:

Diane Rinks said that the Council chose not to join LGPI last year, and she recommends not joining again this year. She has not found the membership to be that beneficial. The City used their services during labor negotiations in 2005, but she doesn't foresee needing to use them for this in 2008. The consensus of the Council is to not join LGPI.

Jim Rue said that he would like to schedule a worksession to discuss park improvements. After some discussion, it was decided that this will be placed on the regular meeting agenda in August.

Diane Rinks reminded the Council that there will be a special meeting on July 26 to hold a Transportation SDC public hearing.

13. COMMITTEE REPORTS:

None.

14. MAYOR'S REPORT:

None.

15. REVIEW OF HANDOUT MATERIAL:

None.

Michael Roberts left a statement that he requested be read into the record- By the grace of God, I am still here. I want to thank Pastor Ross and members of Bible Baptist Church, City Administrator and City Staff, Sheriff Crabtree and Sheriff's Department. All the prayers, thoughts, blessings, and well wishes from the citizens of Lafayette, and the citizens for a better Lafayette- I am grateful for all the cards, phone calls, and gifts.

16. ADJOURNMENT:

Jim Rue made a motion to adjourn. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:57 p.m.

Minutes approved on this 9th day of August, 2007.

APPROVED:

Mayor Don Leard

ATTESTED:

Diane Rinks, City Administrator

City of Lafayette
City Council Meeting Minutes
Special Session
July 26, 2007
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, Michael Roberts, Art Bixman and Bob Cullen.

Absent: Matt Smith, and Jim Rue.

City Staff Present: Diane Rinks - City Administrator, Andy Jordan – City Attorney, Don Ganer – SDC Consultant.

Others: Darrell Flood, Angela Flood, Thomas Christian, Bonita Pursel, Leah Harper, Mary Heisler, Chris Heisler, Betty Roberts, Esther Flood, Douglas Carpenter, Richard Hayes, Russell Drake, Beth Pagella, Chris Pagella, Pam Allen, Tracy Ell, Beth Cooke, Sarah Flood and several others.

4. **PUBLIC HEARING: Transportation SDCs**

Don Ganer, an SDC Consultant hired by the city to prepare a Methodology Report and Rate Study for the purpose of adopting new Transportation System Development Charges presented the staff report on the draft, April 30, 2007 version of said document. He explained that Trip Projections, based on the 2003, 7th Edition Trip Generation manual published by the Institute of Transportation Engineers (ITE). The resulting formulae, based on the determined "trip ends" will be applied to the estimated construction costs included in Table 3 on page 8 of the report. These figures were prepared by the City Engineer. In response to questions from Pam Allen, Tracy Ell and Councilor Bixman, clarification was given that the "finished width" included in that table was the "curb-to-curb" width, that Bike and Pedestrian Projects were sidewalks, that these fees would only apply to new development and that if existing buildings or uses were replaced or expanded, a credit would be given for the existing use and only the difference in those values would be charged.

Mr. Ganer reviewed the three components that will be added together to come up with the final, maximum SDC fee that would be allowed, as shown in Table 11. The three components are Motor Vehicle Cost Per Unit, Pedestrian/Bicycle Cost Per Unit and Compliance Cost Per Unit. He reviewed the data and formula used to create each of these costs. He reminded the council that the fees included in Table 11 would be the maximum allowed, and that the council could choose to adopt lower, or no, fees. He would provide some options for doing so during the council deliberations. He then asked the council if they had any questions and Mayor Leard asked if the fee for a small coffee shop could be determined to be used as an example. It was determined that a 300 square foot drive-thru coffee shop would generate a \$21,491 transportation SDC fee. Mayor Leard stated that he felt that was excessive and would not encourage development of our commercial core. Andy Jordan reminded the council that if they chose not to charge the full amount of the proposed SDC they would need to think about where the rest of the money would come from to pay for the needed improvements. He also stated that a direct comparison with other cities is difficult because it is only one variable in the cost of development along with land use and development costs, for example.

At this time, the meeting was opened up for public comment.

Tracy Ell, 1435 N. Jefferson asked why the \$5527 amount shown in Table 11 was different than what the City Administrator had indicated (\$12,623) in the spreadsheet she created for the packets. It was explained that the \$12,623 was the proposed total of all systems development charges, including water, sewer and parks and that the \$5527 is only the proposed Transportation SDC.

Darrell Flood, 287 Canyon View Drive, asked how much this report cost. The City Administrator replied that she did not have that contract in front of her, that she could get it if the council wished and that she thought it was somewhere around \$12,000, which Mr. Ganer stated is what he remembered it being also. Councilor Cullen indicated that he felt this project is well worth the cost, as shown by the tremendous rate of return on the investment of implementing the Parks SDC a couple of years ago.

Chris Heisler, 1407 N. Madison, asked if these costs were in addition to the cost of development. Mr. Ganer explained that if a developer was required to construct an improvement listed in the Capital Improvement Plan, he would be allowed credits to his SDCs for that amount. However, the developer would still be responsible for the cost

of construction for the improvements required in their subdivision as a condition of approval. Mr. Heisler also asked the council to explain how the City of Lafayette could have the 71st highest SDCs out of 78 cities he compared. Council Cullen answered that by explaining that other cities have probably had their SDCs in place for quite some time and are not as behind as we are.

Angela Flood, 287 Canyon View Dr., questioned the average trips per day used in the calculations as they only make one. Mr. Ganer explained that all trips, whether it be family, visitors, delivery, etc., are included in the average of 9.57 vehicle trips per day, based on national averages. Mrs. Flood stated that she felt those numbers would not apply to Lafayette and asked if SDC money could be used to purchase land for streets. She was informed that it could if that cost was included in the amount shown in the Capital Improvement Plan.

Chris Pagella, 446 E. 16th, asked where the growth estimate came from and was told by Mr. Ganer that it is based on adopted population projections and employment projections. Mr. Pagella stated that he felt that an upgraded demographic study was needed, that we shouldn't be using a national study, that the numbers did not match up to his. He also asked whether the consultant evaluated other cities and state projects for this report and Mr. Ganer informed him that that was not included in the Scope of Work. It was also questioned why 3rd Street was included when it was owned by ODOT. Mr. Ganer explained that what was included were the traffic signals and streetscape, both of which the city could be required to pay for.

Thomas Christian, 1116 Cramner, stated that he was giving his five minutes to Chris Pagella. He was informed by Mayor Leard that this is not a public comment session so there is no time limit.

Chris Pagella continued on by asking if credits and exemptions could be given piecemeal and Mr. Ganer informed him that state law sets requirements for credits. Mr. Pagella then asked the City Administrator her opinion on the proposed fees. She stated that she was comfortable with the proposed residential fee but agreed with others who felt the commercial fees were high. Mr. Pagella then stated that he thinks the numbers are way off and that a committee of citizens should be formed to work with the consultant.

Mary Heisler, 1407 N. Madison, stated that there were no handouts left when she arrived and asked if she could get a copy of the report. She was informed that the report is on the city's website.

Chris Heisler, 1407 N. Madison, asked if the fees allow for, or account for, benefit to property owners. Mr. Ganer responded that the SDCs only apply to new development.

Leah Harper, 241 E. 16th, asked if the fees apply when replacing an existing building. It was explained how a credit would be determined for the existing use which would be subtracted from the fee if the new use was of higher intensity.

Angela Flood, 287 Canyon View Dr., asked what the fee would be to add a bedroom onto a home. She was informed that the residential fee only applies if an additional dwelling unit is constructed.

Mayor Leard asked if there were any developers or attorneys present and there were none. He stated that it was very unusual to not have developers objecting to the fees. Councilor Cullen stated that, from his prior experiences when Lafayette first instituted SDCs, he would have envisioned a room full of attorneys.

Rusty Drake, 1439 Madison, stated that the home buyers pay the fees that are paid up front by the builders. It was clarified that state law requires that SDC fees can be paid over time, but that developers usually do not do that because it would create a lien on the properties they were trying to sell.

Thomas Christian, 1116 Cramner, asked the City Administrator if she knew for a fact that Dayton had money budgeted to update their Capital Improvement Plans and review their SDCs as she had stated in her Memo to the council. She stated that she was given that information last week by the City Manager in Dayton.

Angela Flood, 287 Canyon View Dr., stated that home sales were at their lowest point and that it wasn't the time for increasing fees in this manner. Councilor Cullen answered that starting from scratch as we are in setting these fees is never good, but it is something we need to do.

Darrell Flood, 287 Canyon View Dr., asked Councilor Cullen if he was saying no to forming a committee so that the people can decide what they want the city to be. Councilor Cullen responded that he could not see what advantage

that would be. Councilor Bixman added that for every new house that we can't charge a fee, we will never recoup that money.

Pam Allen, 1432 N. Jefferson, stated that Lafayette wasn't the "national average".

Chris Pagella, 446 E. 16th, wanted to know when the current Transportation System Plan was adopted and was told it was done in 2003. He felt it was silly to use information that old and that good decisions require current information.

Leah Harper, 241 E. 16th, stated there's not much land left so the numbers don't make any sense.

Thomas Christian, 1116 Cramner, stated that he does not want developers on the hook and that this is a reactionary method.

Beth Pagella, 446 E. 16th, stated that she understands the city's need for money but if the fees are too high, we won't get any.

Tracy Ell, 1435 N. Jefferson, stated that she feels that higher fees will drive off higher end builders and that she doesn't want the commercial fees to be so high that we don't have development.

Councilor Roberts asked our consultant how long he would estimate it would take to get back to this point if we started over and Mr. Ganer replied that it would take a minimum of two years.

Chris Heisler, 1407 N. Madison, wanted to know why our proposed fees were so much more than other cities. Councilor Heatherly replied by asking how anyone would know when other cities last updated their fees and that you can't compare current figures with old ones. She expressed her frustration at the animosity directed at the council when all they are doing is volunteering their time and doing the best job they can for the city.

Pam Allen, 1432 N. Jefferson, stated that no one was saying anybody did anything wrong.

City Administrator Diane Rinks asked for the opportunity to clarify several things that had been brought up. Several times it had been mentioned that the population numbers being used would require much more land than we currently have. She informed the audience that the population number used in this study and report is the state certified, county coordinated number that is projected based on the land currently under development with the addition of the possibility of the additional 40 acres north of town that has been requested to be brought into the UGB, as that may occur during the planning period. This entire process started with the development of the Transportation System Plan, which was done by citizen committees, which led to the adoption of the original Capital Improvement Plan, which allowed for engineering level estimating to be done, which gave us the information necessary to have this methodology prepared and to implement the new fee. She also stated that the reason to use nationally accepted standards and to hire a professional consultant is because more times than not, developers will appeal the fees to a higher court. That is what happened to the city when the current fees were done and it cost the city a tremendous amount of money. Council Cullen interjected that this is the reason that the city can't afford to make the bad decisions made previously and go through that costly process again.

Angela Flood, 287 Canyon View Dr., wanted to know how many lots were currently available for development and what acreage in the city was zoned for commercial development. Diane Rinks stated she did not have exact numbers in front of her but she estimated there was probably 250 lots currently in development. She stated she did not have the zoning acreage available. Mrs. Flood then asked Bob Cullen what he meant by previous bad decisions. She was informed that there was litigation when the SDCs were originally put in place and the city prevailed, but were still responsible to pay all the costs of defending the fees.

At 7:55 p.m., Mayor Leard closed the public input portion of the hearing and asked for discussion between the council. Councilor Roberts stated that he felt the council needed to reassess the commercial fees. Don Ganer informed the council that it was very typical for councils to choose to adopt lower numbers and that there were basically four ways the council could do this. The first option is to delete projects from the list, which is not recommended because the projects still need to get done sometime. The second way would be to collect one type of fee and not another. For example, a residential fee could be adopted but no commercial fee. The third option is to adopt a percentage of the maximum allowed in the report. The council would also have the fourth option of phasing the fee in over time.

Mayor Leard questioned whether you can just impose a flat fee for both residential and commercial. Mr. Ganer explained that the fees implemented have to be based on the methodology that is adopted so, if challenged, they will hold up in court. Diane Rinks stated that she also feels the commercial fees are high, but disagreed with the conclusion that the high fees will drive away potential development. She stated that it is her belief that infrastructure drives development and that if we don't have some mechanism to start making these improvements, we still wouldn't have the commercial development, fee or no fee. She also explained that the developers would be to some extent responsible for constructing some of these improvements as a condition of approval for their project based on the city's design standards, so they are going to be paying anyway. But, if the project is on the list, they can apply for credit against their SDC's.

To get an idea of what kind of fees we are talking about, Mayor Leard asked that a calculation be made to show what the transportation fee would be for a 300 square foot coffee shop and it was determined that it would be \$21,491. If it was 1000 square feet, it would be \$71,638. Mayor Leard stated that in his opinion, that was too high. Councilor Roberts agreed but added that he was comfortable with the residential fee. A question was asked pertaining to what impact this would have on the expansion of Wascher School and it was explained that these new fees would be payable by the school district unless they received their building permit before the fees went into effect, which was highly unlikely.

The City Administrator explained that there were some minor discrepancies in the figures contained in Table 3 of the Study based on some miscommunication between her and the consultant. It was agreed that these discrepancies, which could slightly alter the amounts in the report, would be corrected for the final version of the study.

Councilor Cullen then made a motion to direct the City Administrator to prepare a Resolution to adopt the Methodology Report and Rate Study, and implementing fees of 33% of the maximum allowed for commercial and 100% of the maximum allowed for residential and to include indexing those figures to the ENR 20 Cities Index. Councilor Roberts seconded the motion and it passed unanimously, 4-0.

A MOTION WAS MADE AND SECONDED TO TAKE A 10 MINUTE BREAK AT THIS TIME.

The meeting was reconvened at 8:25 p.m.

5. PUBLIC HEARING: Transportation Systems Plan / Capital Improvement Plan

Mayor Leard opened the Public Hearing and asked City Administrator Diane Rinks to present the staff report. She explained that the project list identified by the council as the basis for the Systems Development Charge is called a Capital Improvement Plan (CIP). The current priority list was based on the CIP included in the city's Transportation Systems Plan (TSP) but includes more detail and updated engineering estimates. It is necessary for this updated version of the CIP to be adopted into the existing TSP, and the purpose of this hearing is to receive public input. The Planning Commission also held a public hearing last week and have recommended approval of this amendment to the council.

Mayor Leard then opened the meeting to public comment. Thomas Christian wanted to know why the City Planner was not present. Diane Rinks stated that Mr. Wendolowski was under the weather and that she was able to answer any questions that were asked. There was disagreement from the audience whether that was the case and discussion ensued between the audience and council. Mayor Leard then closed the public input portion of the hearing and asked for council discussion. Councilor Cullen made a motion to accept the Planning Commission's recommendation and approve the proposed amendment to the TSP, adopting the findings contained in the staff report with the correction to the Capital Improvement Plan to include the corrected cost figures. Councilor Roberts seconded the motion and it passed unanimously, 4-0.

6. ACTION ITEM: Approval of Special Procurement for Community Center Improvements

City Administrator Diane Rinks explained to the Council the process required by Oregon State Statutes and the City's Public Contracting rules to enter into a contract with Pacific Lifestyle Homes for repair and maintenance work on the Community Center. Pacific Lifestyle Homes had generously offered to donate materials and services to assist the city with this work at a previous meeting and offered to include the city's budgeted funds with their donation to increase the scope of the project. It was the desire of the council to have some of the exterior work completed before Heritage Days in August. Michael Roberts made a motion as follows:

That the Lafayette City Council, acting in its role as the city's Contract Review Board, authorizes the City Administrator to enter into a contract with Pacific Lifestyle Homes, Inc. for an amount not to exceed \$14,999, with a scope of work totaling at least \$21,499 for improvements to the City of Lafayette Community Center. Said Scope of Work shall be agreed upon by the Mayor and City Administrator and Pacific Lifestyle Homes and shall contain as many items as possible from the proposal submitted 7/12/07 and other items as may be deemed appropriate by the parties involved. The approval of this contract shall be considered a Special Procurement under section 279B.085 of the Oregon Revised Statutes and is based on the following findings:

Award of this contract is unlikely to encourage favoritism in the awarding of public contracts and will not substantially diminish competition for public contracts since it is a one-time occurrence based on an offer being made to the City of donated materials and services.

Award of this contract will also result in substantial cost savings to the city because of the donation being made and will also promote the public interest by allowing for some improvements to be made in a timely manner to benefit the Lafayette Heritage Days festival held in early August;

And also that the City Administrator be directed to post notice of this approval on the City of Lafayette website per ORS 279B.085 (5), as allowed under ORS 279B.055 (4) (c).

The motion was seconded by Bob Cullen and passed unanimously.

7. 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 8:50 p.m.

Minutes approved on this 9th day of August, 2007.

APPROVED:

Mayor Don Leard

ATTESTED:

Diane Rinks, City Administrator