

**City of Lafayette**  
**City Council Meeting Minutes**  
**June 14, 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, Bob Cullen, Art Bixman, Jim Rue, Lisa Heatherly

*Absent:* none

*City Staff Present:* Diane Rinks- City Administrator, Trena McManus- Assistant to the City Administrator.

*Others:* Leah Harper, Chris Pagella, Esther Flood, Chris & Mary Heisler, Steve Kahns, Randy Kashka, Sergeant Tim Svenson and Captain Ken Summers- Yamhill County Sheriffs Office, Darrell Flood, Kenny & Kim Schweiger, Laura Leebrick and Dave Larmouth- Western Oregon Waste, Lance Vandecoevering, and approximately 3 others.

Mayor Don Leard welcomed everyone to the Lafayette City Council meeting. He said that this is the new Lafayette, and asked that everyone raise their hand and be recognized before speaking. He asked the audience members to state their name and address as well. If everyone has only one main goal, which is to have a better Lafayette, then we will get a lot accomplished.

**4. APPROVAL OF MINUTES:**

Michael Roberts made a motion to approve the May 10, 2007 minutes as presented. Art Bixman seconded the motion. Discussion- Darrell Flood, 287 Canyon View Dr.- said that under Citizen Input, Diane Rinks stated that Angela Flood received a Council packet and her \$20 back. Darrell Flood said that she received her money back, but she did not get a Council packet. Diane Rinks said that she did give her a packet along with the \$20 back. After some discussion, the consensus of the Council was to leave the minutes as is. There was no more discussion and the motion passed unanimously.

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

None

**6. ADDITIONS AND DELETIONS:**

None

**7. PUBLIC HEARINGS**

**1. FY07-08 Budget Hearing:**

Mayor Don Leard opened the budget hearing at 6:32 p.m.

Diane Rinks said that she needed to announce that there was a publication error in the budget that was published in the News Register. On the LB-3 form, some of the totals on this page were not carried forward from the other LB forms. The amounts listed on the individual LB forms were correct. State law says that the City must provide notification of the error and provide a corrected copy of the notice (copies were available at the meeting).

Diane Rinks said that she had numerous recommended changes to make to the budget. The first change is on page 1, line 9 (revenue- 911 state taxes)- was increased by \$4,200, because the state might not be disbursing the last quarter of 911 taxes until the new fiscal year starts. This requires the revenue line item and the expense (page 7, line 6) to be increased by \$4,200, so the city can receive the money and turn around and pay it to YCOM for 911 services.

During the last Budget Committee meeting, the committee stated that they wanted to allocate an additional \$15,000 to the Community Center fund. However, the specific allocations were not decided, so it has to be done at the Council level. However, the Council is restricted to only making changes up to 10% of the total amount in any fund. So, \$5,000 was added to page 32, line 24, and the other \$10,000 was taken out of page 11, line 18 and put to page 2, line 29 in order to meet the 10% requirements. This allows the \$15,000 to be spent on Community Center improvements.

The Budget Committee also wanted to put \$8,500 to the Sewer Capital Projects Fund, but it was not specifically allocated. Diane Rinks said that she believes the intent was to put this towards costs associated with finishing the sewer project, so her recommendation was to put this money in the Contingency line item (page 34, line 28). The Council agreed.

Diane Rinks said that the costs of drilling one of the additional wells in the Dayton wellfield will be shared jointly with Dayton. The agreement is that Lafayette will pay the costs up front and Dayton will reimburse Lafayette for their half of the costs. This means that the City has to reflect the receipt of that money from Dayton (page 35, line 8) which amounts to \$95,000, and increase the expenses by the same amount (\$85,000 on page 36, line 14 and \$10,000 on page 36, line 29).

Page 37, line 17, Miscellaneous Contracts, was increased by \$6,000 to allow for probable construction costs to provide power to the speed radar signs that will be put on Bridge Street and 7<sup>th</sup> Street Extension. Page 37, line 27 (Unappropriated Ending Fund Balance) will be decreased by \$6,000 to offset this change.

The Personal Services line items (lines 2-8 on pages 2, 4, 5, 6, 8, 9, 14, and 17) were changed to reflect a motion made by the Budget Committee to provide each staff member (except Diane Rinks) with an additional step increase due to the significant decrease in workers compensation and unemployment rates that the City has to pay this coming year. This will result in an overall increase of \$6,887 in the personal services line items.

Mayor Don Leard asked for any public comment on the FY07-08 budget. There were no comments.

Mayor Don Leard closed the public hearing at 6:48 p.m.

Michael Roberts made a motion to approve the FY07-08 Budget and direct staff to prepare the appropriate Resolution to be adopted at the next Council meeting (time and date to be decided later in this meeting). Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

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

Chris Pagella, 446 E 16<sup>th</sup> Street, said that the general condition and safety of the City parks is really bad. He provided pictures of some of the issues that he has with the parks (fences, safety of play equipment, condition of pavilion at Perkins Park, etc.). He also said that the builders throughout town are leaving the lots a mess and leaving windows open.

Matt Smith said that it is important to note that money has been put into next years budget to do some park improvements.

Darrell Flood, 287 Canyon View Drive- asked why he did not receive a copy of the budget with the Council packet that was paid for by Leah Harper. Trena McManus said that a copy of the budget was set with the packet to be picked up, but the staff member that gave it to Leah Harper did not realize the budget went along with the packet documents. She was not charged for the budget since it was part of the public hearing tonight and multiple copies were available at the meeting.

Darrell Flood said that some more certified letters that were sent to the Council members regarding the Town Hall meeting have been returned and he wanted that to be on the record.

He also said that while scanning some City documents, he saw a vacation request form for Bob Willoughby in 2000. He wanted to see the checks and balances reinstated. He said that he did some research on the drilling contractor that is recommended for drilling the well in Dayton. He said that he could not find a CCB# for Larry Eaton- he only found a CCB# that has been suspended. He also submitted a City Administrator evaluation comment sheet to the Council.

Chris Heisler, 1407 Madison St.- thanked Mayor Don Leard for attending the Town Hall meeting. He asked the Council when the town hall meeting that the Council said they were going to have is going to be. It has been two months and nothing has been done to plan this yet. Mayor Don Leard said that this will be addressed during his report.

There was some discussion about the citizen group scanning documents at City Hall (fees associated). He provided the Council with a copy of the resolution that adopts the public records policy and pointed out the section that states that "...fees may be waived...". He stated the records that the "citizen group" have been requesting are for the benefit of the general public, and would like to see the fees waived for requesting these documents. He also asked if any research has been done on the questions that came out of the town hall meeting.

Leah Harper, 241 E. 16<sup>th</sup> St.- handed out an organizational chart of Sherwood and pointed out that the citizens of Sherwood are at the top of the chart. She would like to see that added to Lafayette's organizational chart. She would like to see a Town Hall meeting scheduled to allow the citizens to get involved. She also expressed concern with the condition of the parks.

Chris Pagella, 446 E. 16<sup>th</sup> St.- said that he has an issue with the citizens concerns not being responded to.

Mary Heisler, 1407 Madison St.- asked the Council if they thought the scanning of public documents is being done for one person. She said that it is being done for the citizens of Lafayette. It is being posted on a website for people to access.

Jim Rue said that he would like to see staff work toward being able to post Council packets online.

Matt Smith asked staff when City Hall could have scanning ability, and Diane Rinks said that she is looking into it and depending on the price; it shouldn't take long to get it.

Darrell Flood, 287 Canyon View Drive- said that he offered to scan any documents the City would like digitized. He also said that he would like to see the City look into upgrading their website to allow for more documents to be posted.

## 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:

Matt Smith said that he feels the stop sign reconfiguration has been addressed well and he wanted to commend Public Works for their efforts on this.

Lisa Heatherly asked when the pocket park in Lafayette Plantation (Washington Street) will be dealt with, and Diane Rinks said that it was going to be done at the same time as a scheduled abatement next door. She said that she will check with Public Works as to the exact schedule on this.

Michael Roberts asked about getting a street sweeping schedule, and Diane Rinks said that she will bring this before the Council in July.

Art Bixman asked if ODOT ever sweeps Highway 99W, and staff said that they do. They were just seen sweeping Highway 99W a few days ago.

Darrell Flood, 287 Canyon View Dr.- said that on the corner of 8<sup>th</sup> and Washington, it says it's a 2 way stop and it has been changed to a 4 way stop. At 6<sup>th</sup> and Washington, there is no sign indicating 2 or 4 way. He also said that he would like to see the posts removed where the stop signs have been removed all together.

### 4) Fire Department report:

There was no report.

### 5) Sheriff report:

Sergeant Tim Svenson provided a copy of his report to the Council. He stated that there have been quite a few traffic citations issued this last month, and they are going to continue this. He also talked about the different areas of town that have been patrolled more frequently. There have been some complaints received about contractors beginning work on the weekends outside the hours allowed by the City code. Contact has been made with the builders, so they have been made aware of the rules.

Kenny Schweiger, 710 Water St.- asked if Deputy Jeff Donahoo is still going to be the code enforcement officer and Sergeant Tim Svenson said that he will share the duties with Deputy Tim Casey, and possibly a newly hired officer.

Esther Flood, 210 Canyon View Dr.- asked about whether or not air brakes are allowed in town.

Sergeant Tim Svenson said that ODOT allows it, so there has to be an ordinance that prohibits them. He would have to check the City's Municipal Code to see if it is addressed.

## 10. LEGISLATIVE ACTIONS:

### 1) Ordinance 590- Election to Receive State Revenue Sharing Funds (2<sup>nd</sup> reading):

Bob Cullen made a motion to read Ordinance 590 by title only (2<sup>nd</sup> reading). Matt Smith seconded the motion. There was no discussion and the motion passed unanimously.

Diane Rinks read the Ordinance by title only- 'In the matter of an Ordinance Declaring the City's Election to Receive State Revenues for Fiscal Year 2007-2008.'

Bob Cullen made a motion to adopt Ordinance 590, as presented. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously.

### 2) Resolution No. 2007-10- Western Oregon Waste Rates:

Diane Rinks said that there are representatives here from Western Oregon Waste to answer any questions that the Council may have. Bob Cullen asked if they have given any consideration to having a drop off site in Lafayette for glass recycling. Dave Larmouth (WOW) said that they would be willing to look into that given there is a viable site to put a drop box and as long as there isn't a city ordinance prohibiting a drop box. Bob Cullen asked staff to look into this as time allows.

Lisa Heatherly asked if Western Oregon Waste had any plans to begin curbside pick up of green waste (grass

clippings, leaves, etc.). Laura Leebrick (WOW) said that they are willing to consider it, but it is an expensive additional program to offer.

Michael Roberts made a motion to adopt Resolution 2007-10, as presented. Bob Cullen seconded the motion. Discussion- Diane Rinks said that Western Oregon Waste sent out a rate analysis report as required by the franchise agreement. There was no more discussion and the motion passed unanimously.

**3) Resolution No. 2007-11- Renew VFW Flag Contract:**

Michael Roberts made a motion to adopt Resolution 2007-11, as presented. Lisa Heatherly seconded the motion. Discussion- Michael Roberts said that they are doing a great job putting out the flags on the required holidays. He would like to see some of the worn flags get replaced. There was no more discussion and the motion passed unanimously.

**11. ACTION ITEMS:**

**1) Approval of FY07-08 Sheriff's Contract:**

Captain Ken Summers said that he had presented several options to the Council back in March for consideration during the budget process. The proposal that he is recommending is the 3, .5 FTE, with a 15-hour code enforcement officer for a contract total of \$156,525.28 for FY07-08.

Bob Cullen made a motion to direct the Mayor to enter into a Modification of Agreement for Police Services for 2007-08 for proposal #1 for a total of \$156,525.28. Art Bixman seconded the motion. There was some discussion about who will fill the code enforcement officer position. There was no more discussion and the motion passed unanimously.

**2) Award Contract for Dayton wells:**

Michael Roberts made a motion to award the contract, in the amount of \$293,930, to Jensen Drilling Co. and to authorize the Mayor or City Administrator to sign the agreement. Matt Smith seconded the motion. Discussion- Lisa Heatherly asked staff to verify the validity of their CCB# with the City Engineer. Discussion ensued. There was no more discussion and the motion passed, with Lisa Heatherly voting nay.

**3) Award Contract for 14<sup>th</sup> Street Sidewalks:**

Michael Roberts made a motion to award the contract, in the amount of \$36,257, to Concrete Solutions, Inc. and to authorize the Mayor or City Administrator to sign the agreement. Art Bixman seconded the motion.

Discussion- Mayor Don Leard asked if the bids came in lower than expected and Diane Rinks said that they were about 19% below the engineers estimate. Matt Smith asked if there are any improvements to the water/sewer lines in the near future where this sidewalk is going to be placed. Diane Rinks said that there are no utilities located where the sidewalk will be placed.

Chris Heisler, 1407 Madison St.- asked if this will be paid by the homeowner or the City. Diane Rinks said that the City is paying for it. Discussion ensued.

There was no more discussion and the motion passed unanimously.

**4) OLCC Liquor License Recommendation:**

Bob Cullen made a motion to recommend that OLCC grant the limited on premise sales liquor license to Antonio's Italian Restaurant. Michael Roberts seconded the motion. Discussion- Mayor Don Leard said that this is really a formality, because OLCC does not base their decision on whether or not the City recommends approval. Bob Cullen said that it is nice to see another business going in in town. There was no more discussion and the motion passed, with Matt Smith voting nay.

**5) Amend Change Order #9 for WWTP:**

Michael Roberts made a motion to approve the amendment of Change Order #9 to the contract with Emery & Sons, Inc. to delete the \$3,500 for the IDEXX Tray Sealer, resulting in a total amount of the Change Order of \$410. Lisa Heatherly seconded the motion. Discussion- Diane Rinks said that the Council passed this change order 2 months ago, but we found that we can get the tray sealer a lot cheaper if we purchase it direct, since the contractor puts a 10% markup on the product. The tray sealer has already been ordered and installed, so the change order just needs to reflect the deletion of the tray sealer from the contract price. There was no more discussion and the motion passed unanimously.

**6) Approve Change Order #11 for WWTP:**

Lisa Heatherly made a motion to approve change order #11 to the contract with Emery & Sons, Inc. in the amount of \$8,870. Matt Smith seconded the motion. Discussion- Diane Rinks said that when Westech was

brought in as the project managers, they discovered that there had been no consideration given for the trench drainage when they remove the vault for the old inlet. This change order deals with that drainage issue. There was no more discussion and the motion passed unanimously.

## **7) Heritage Days Chairperson Resignation:**

Michael Roberts made motion to accept Angela Flood's resignation as Heritage Days Director. Lisa Heatherly seconded the motion. Discussion- Matt Smith asked Darrell Flood if his wife's decision is final, and he said that all he knows is that she sent out a second email to the Council. There was no more discussion and the motion passed unanimously.

Mayor Don Leard said that he got a letter from Bonnie Pursel saying that she is willing to assume the role of Heritage Days Director if the Council so chooses. Mayor Don Leard appointed Bonnie Pursel as the Heritage Days Director. Michael Roberts made a motion to accept the Mayor's appointment. Matt Smith seconded the motion. Discussion- Michael Roberts said that Bonnie has done a good job in the past. There was no more discussion and the motion passed unanimously.

Michael Roberts made a motion to take a short break. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously. A break was taken at 8:24 p.m. The meeting was called back to order at 8:38 p.m.

## **12. DISCUSSION ITEMS:**

### **1) Schweiger Property:**

Jim Rue said that he and Michael Roberts met with Kenny Schweiger down at his property. He said that he understood the main issue to be access to the back portion of his property. There is a small piece of his property zoned Industrial that he does not want to develop at this time, but wants to provide access through the sewer plant to that piece so it can be developed in the future if he chooses to. Jim Rue said that there is nothing that is legally binding on this access, and his opinion is that the homeowner should be responsible for developing his own property. Michael Roberts asked about the access road (next to Water St.), and Kenny Schweiger said that he put that road in himself so he could access the back of his property. He said that it works fine for now, but it's not suitable for 18 wheelers.

Kenneth Schweiger, 710 Water Street, presented the Council with a packet of information. He stated that due to construction of the sewer treatment plant and the fence surrounding the plant property, he is not able to access part of his property. He said that the City received a grant for an Industrial Refinement Plan, and he is not aware of the plan nor seen any results from this plan. Discussion ensued.

Lance Vandecoevering, 246 S. Madison- said that the part of his property that he needs access to is blocked by a creek and pond. There is an accessible road through the City's property (sewer plant) that would allow him to have a usable piece of property.

Art Bixman made a motion to accept the findings of the City Attorney that Kenny Schweiger does not have a legal right (easement) to access through the sewer plant and deny his request. Bob Cullen seconded the motion. Discussion- Lisa Heatherly said that she is basing her decision off of the September 2000 minutes. There was no more discussion, the Council was polled, and the motion passed unanimously.

### **2) Special Meeting Schedule:**

Diane Rinks said that the FY07-08 Budget was passed tonight, but she needs to create the Resolution that will officially adopt the budget, so a special meeting needs to be scheduled. Diane Rinks said that her evaluation will also be conducted in Executive Session at this meeting. After some discussion, the meeting will be held on Friday, June 22 at 6:00 p.m. at City Hall.

### **3) Your Community Mediators:**

Diane Rinks said that Your Community Mediators has submitted a funding request of \$500 for FY07-08. She said that this has been budgeted if the Council chooses to make the donation. Michael Roberts said that he thinks it would be good to have them come to a future meeting to discuss their services. The consensus of the Council was to donate \$500 to Your Community Mediators in FY07-08.

### **4) Alternate Meeting Sites:**

Due to the increase in citizen interest in the City Council meetings, there was some discussion about holding the meetings at another site (Community Center, Wascher School, ?).

Matt Smith made a motion to keep the meetings at City Hall for now. Bob Cullen seconded the motion. There was no more discussion and the motion passed unanimously.

Jim Rue made a motion to direct staff to have a contingent plan in place, in the event that the crowd exceeds the capacity of City Hall. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

Chris Pagella, 446 E. 16<sup>th</sup> St.- said that he has solicited a donation from Pacific Lifestyle Homes, and they have agreed to donate \$5,000 to make improvements to the Community Center. There was some discussion about the best way to utilize these funds. Michael Roberts volunteered to meet with Chris Pagella and Pacific Lifestyle to move this project forward.

**13. COMMITTEE REPORTS:**

None.

**14. MAYOR'S REPORT:**

Mayor Don Leard said that he wanted the Council to decide whether or not to hold a town hall meeting. After some discussion, the Council decided to hold a town hall meeting in September. Notice will be sent out in the water bills and also will be sent home with the kids at Wascher Elementary.

Matt Smith made a motion to have staff organize a town hall meeting in September. Bob Cullen seconded the motion. There was no discussion and the motion passed unanimously.

**15. REVIEW OF HANDOUT MATERIAL:**

None.

**16. ADJOURNMENT:**

Bob Cullen made a motion to adjourn. Art Bixman seconded the motion. There was no discussion and the motion passed unanimously. The meeting was adjourned at 9:50 p.m.

**Minutes approved on this 12th day of July 2007.**

**APPROVED:**

**ATTESTED:**

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

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