



## City of Lyons

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### **MINUTES LYONS CITY COUNCIL MEETING March 6, 2012**

#### **OPEN MEETING 6:00 P.M.**

The Lyons City Council Meeting was called to order by Mayor Doug Morgan. Present were City Councilors Mike Lucas, Troy Donohue, Lon Conner and Dan Burroughs. City Staff in attendance were City Manager Mary Mitchell, and Administrative Assistant Tami Owen. Assistant City Manager Audrey McNerney was excused from this meeting.

#### **Guests**

Jim Miley, Debora Miley, Marc Hughes, George L. Geddes, Robert A. Wright, Steve Lackner, Pat Lackner, Gary Schrader, Ron Adams, Mark Orr, Theresa Donohue, David Morse, Steve Baldwin, Francis Choate, Donald Choate, Tim W., Kathryn Keeney, J. Morgan, Alan Franklin, Ed Owen, Dustin Rea, Dick Voltin, Larry Nydegger, Gary Ackire, Bud Leseman, and Leanne Lail. Attendees whose names were illegible on the sign in sheet may be misspelled or not included.

Mayor Morgan asked that all stand for the Pledge of Allegiance. He then inquired as to whether there were any declarations of conflict of interest or ex-parte contact regarding the agenda items. Burroughs stated that he had submitted a bill for services rendered.

#### **PUBLIC COMMENTS TO COUNCIL**

Mark Orr raised issues with the content of the minutes. Ultimately and after considerable discussion City Council reviewed the requirements set forth in the Public Meetings Law and authorized purchase of an audio recorder to record City Council meetings. Staff was instructed to retain the audio tapes until written minutes of the recorded meeting were approved.

The representative from the Canyon Weekly newspaper requested Council's permission to video tape the City Council Meeting and put the video on their website. Permission was granted.

#### **CONSENT AGENDA**

Burroughs made a motion to accept the Consent Agenda which consisted of:

- Minutes – January 24, 2012 Executive Session Meeting
- January 24, 2012 City Council Meeting
- February 8, 2012 State of the City Address
- February 2, 2012 – Goal Setting Workshop Report
- Bills to Pay – February, 2012
- Resolution #455 – Memorandum of Understanding – Housing Rehabilitation
- Resolution #456 – Transfer of Funds – Library

Lucas seconded the motion. Voice vote. Motion carries unanimously.

## **DISCUSSION ITEMS**

### **City Council – Reports on Activities.**

Mayor Morgan asked if any of the Councilors had activities to report on within their commissionerships. No reports were presented.

### **OCR (Oregon Civil Rights) – VRA (Voluntary Resolution Agreement) Status Update.**

Mitchell referred to the documentation submitted to OCR and asked if Council had any comments or questions with regard to the direction being taken regarding the establishment of a satellite library at the City Hall building until such time as the City is able to move forward with providing full ADA accessible services at the library building. Morgan explained that timelines were set forth in the VRA. Conner (Library Commissioner) stated that he felt that this was an appropriate course of action to take at this time. Mitchell informed Council that she had secured \$3400 in dedicated funding at no cost to the City which will go toward having the bathrooms at the library building rehabilitated at such time as the City has sufficient funds to move forward in this regard. Mitchell explained what needs to be accomplished at the City Hall building to make it completely ADA compliant such as signage and restriping in the parking lot.

### **Goals Workshop – Setting Next Date.**

The next goal setting workshop was scheduled for Thursday, April 12, 2012 at 6 P.M.

### **Budget Officer Appointment.**

Lucas made a motion to appoint Mary Mitchell as the Budget Officer for the fiscal year 2012-2013. Conner seconded the motion. Voice vote. Motion carries unanimously.

### **Habitat for Humanity Breakfast and Attendees.**

Morgan informed Council that the City is sponsoring a table for 10 at the Habitat for Humanity fundraising breakfast which is being held at Regis High School on March 31, 2012. He asked Council members to let staff know if they plan to attend.

### **Recording of Minutes.**

Mitchell read the letter from Steve Tabor, City Attorney, which reflects Tabor's opinion that taping of Council meetings is unnecessary. He said that minutes of a meeting are designed to succinctly set forth who attended the meeting, what occurred at a meeting and the action taken by the Council. He attached a copy of the statute which outlines what is required for minutes. Mitchell presented current copies of minutes of other agencies in the area which are much less detailed than those prepared by City staff but which meet statutory requirements. Mitchell read the requirements as set forth in the Public Meetings Law. Mitchell stated that there needed to be a consensus of Council as to whether or not the meetings should be recorded. There was discussion regarding the motion by Councilor Donohue at the October meeting (which was voted on and approved) that Council meetings should be recorded and the recording erased after the written minutes are approved. Lucas noted that the meetings can be recorded by any attendee. Mitchell invited the reporter from the Canyon Weekly to video tape City Council meetings which could then be posted on their website and linked to the City website.

### **Planning Commission Resignation & Appointment.**

Mitchell stated that the City has received a letter of resignation from the Planning Commission from Kimberly Hunn, a letter of resignation from the Planning Commission from Clastine Ritchie which also sets forth an application for appointment to the Budget Committee, a letter of application for appointment to the Planning Commission from Michelle Kiersey and a letter of application for appointment to the Budget Committee from Steve Baldwin. There was a recommendation to table the

application for Planning Commission from Michelle Kiersey until Council had an opportunity to meet with Ms. Kiersey. Mitchell said that she would invite Ms. Kiersey to attend the next Council meeting and will put her application on the agenda.

Donohue referred to a letter regarding a personnel issue which Morgan stated should be discussed in executive session.

**PUBLIC COMMENTS – LIMITED TO DISCUSSION & ACTION ITEMS.**

Morgan stated that if there were a number of people who were in attendance at the meeting who wanted to discuss the same issue a spokesperson from the group should be appointed.

Ron Adams commented on the discussion regarding the minutes and recommended that the minutes be taken out of the Consent Agenda and read at each meeting. After discussion Morgan stated that Council is responsible for approval of the minutes and that is why this procedure has been implemented. Any member of the public can request a draft of the minutes prior to their approval by Council. If a member of the public has an issue with the minutes prior to their approval the issue can be raised during the Public Comments segment at the beginning of the meeting.

As a result of concerns raised there was discussion regarding the ADA compliance issues at the Library.

Mark Orr requested an audio copy of the last City Council meeting.

Discussion ensued regarding the issue of the City's intentions regarding annexation of areas within the City's Urban Growth Boundary (UGB). Residents of the River Loop/Oak Street area were in attendance at the meeting because they had been told that the City was discussing annexing their property into the City. They were advised that their area was not within the UGB and could not be annexed into the City. After discussion Council advised that the annexation topic which was discussed during a goal setting workshop attended by members of the City Council and Planning Commission was not being actively pursued.

There was a question as to why the street light on 25<sup>th</sup> Street and Mill City Drive was removed. Mitchell advised that the light was removed by the Linn County Road Department because there were drainage issues in their right-of-way.

Donohue asked what the cost was for the new LED street lights. Mitchell said that was one of the topics discussed at the goal setting workshop but that she did not have that information as yet.

There was discussion regarding the best manner in which to inform the public of the matters coming before City Council.

The comment was made that there was no reference in the Goal Setting Workshop Report regarding a sewer system. Morgan stated that this issue had been researched and from the information that the City was able to obtain it was determined that this not a project that citizens were interested in moving forward with at this time.

An allegation was made that certain Council members had personal agendas with regard to the activities of the Water District; this allegation was rebutted by the Councilors in question.

Morgan was asked who had raised the issue of annexation of the Mehama area. There was a comment made that this would be a move to get control of the Water District. Morgan said that annexation would have no effect on the Water District.

Morgan was asked if he could guarantee that the Riverloop area property would not be annexed into the City. Morgan said that this was never a discussion item and that the Riverloop/Oak Street area was not within in the UGB. Morgan also stated that there would never be a time when any such action would be taken without public input.

Morgan was asked if the City intended to annex Mehama. Morgan responded that the City is not actively looking into annexing Mehama.

**ACTION ITEMS**

After discussion Conner made motion that the City discontinue recording of the meetings. There was no second to that motion.

Donohue made a motion to appoint Clastine Ritchie and Steve Baldwin to the City of Lyons Budget Committee. Burroughs seconded the motion. Voice vote. Motion passes unanimously.

After discussion it was the consensus of Council to purchase a recorder, record the City Council meetings and keep the recordings only until such time as the written minutes are approved by Council. There was also consensus that the minutes are to be prepared in a more succinct manner similar to those prepared by other agencies in the area and as required by the Public Meetings Law. Lucas asked that it be clarified that a digital recording of a meeting was not the minutes of a meeting.

**COUNCIL AVAILABILITY.**

All council members stated that they would be available for the next City Council meeting on March 27, 2012.

There being no further business to come before Council the meeting adjourned at 8:30 pm.

Audrey McNerney, Assistant City Manager