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MINUTES LYONS CITY COUNCIL MEETING **June 25, 2010**

OPEN MEETING 6:00 P.M.

The Lyons City Council Meeting was called to order by Mayor Mike Lucas. Present were City Councilors Doug Morgan and Jeff Branch. Councilor Lon Conner was excused. Councilor Dan Burroughs' absence was not excused. City Staff in attendance were City Manager Mary Mitchell, Assistant City Manager Audrey McNerney and Public Works Employee J.D. Burns.

GUESTS. Skye McGinn, Steven Baldwin, Darlene Walker and Dave DeLapp.

Mayor Lucas 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. There being none, the meeting continued.

Skye McGinn (All Pro Webworks) – Website Demonstration. Ms. McGinn presented a preview of the new City website. She praised Mary Mitchell, the City Manager, for all of her hard work in putting together the information for All Pro so that the website could be created. Mitchell commented that a number of permits, both City and County, listed alphabetically, were available under the heading "Development." McGinn noted that agendas and minutes from 2009 and 2010 will be available for viewing on the website. DeLapp asked how soon meeting minutes would be available after a meeting. He was advised that minutes would be available after the next meeting subsequent to receiving Council or Planning Commission approval. Mitchell stated that the website will be an excellent resource for the community and as soon as it is completed it is her intention to make reference to it on the reader board to make the community aware of its existence. Mitchell commented that the creation of the website had been a long process but All Pro has done an excellent job in creating a website that the City could be proud of. Lucas asked if there were any ongoing maintenance costs and was advised that Mitchell would be updating the website and that the only ongoing cost was the cost of hosting the website. Mitchell said that the cost was minimal. Lucas then asked if whether a disclaimer of liability included. McGinn stated that a disclaimer could be added via a "footer" that would be displayed on every page. McGinn advised Council that all of the pictures added to the site were "stock footage" meaning that they were copyright free. Any of the pictures provided by Mitchell were taken by her or were public domain. McGinn went on to state that a disclaimer is a good idea but that in her experience she has found that if there is an

objection to any information it can be removed immediately which would alleviate any possibility of liability. Lucas asked if there were any further questions or comments. Branch congratulated Mitchell and McGinn on a job well done. Lucas asked that the record reflect that both Mitchell and McGinn be commended for the professional result which is directly attributable to their efforts to give the City an outstanding website. DeLapp commented that he felt that some of the beautiful homes in the area should be showcased. There was discussion regarding the fact that the homeowner's permission would be required. Mitchell referred to the "Community" link and suggested that rather than the showing the sign perhaps they could insert pictures of homes in the community. Morgan suggested including a reference to places such as the Grange which are available for many functions such as weddings, meetings and the like. McGinn suggested that rather than the slide show on the home page it might be a good idea to scatter some pictures throughout the community page. Mitchell stated that she would also like to list local churches, businesses and organizations. Lucas thanked McGinn for her effort and stated that she should be very proud of the result. Mitchell said that because of her experience working with McGinn on this project, and the end result, she felt that the City could, without reservation, give All Pro a reference if requested.

CONSENT AGENDA.

Lucas asked if there were any questions regarding the Consent Agenda which includes the Minutes of the May 25, 2010 City Council Meeting; the Minutes of the May 25, 2010 Budget Committee Meeting; Resolution #427 regarding Worker's Compensation Coverage to Volunteer Workers, and the June, 2010 Bills to Pay Report. Morgan made a motion to approve the entire Consent Agenda. Branch asked whether the item on the Bill to Pay Report regarding updating the Cemetery Records was for the project previously contemplated by a boy scout as his Eagle project. Mitchell explained that the young man had sent a card to the City rescinding his offer to work on the Cemetery Records which Lucas read to Council. The item Branch was referring to was for the recent update of the Cemetery Records which is done periodically. The cost for the update is calculated by the number of spaces in the cemetery. She explained that it had been 7 years since the records had been updated and all handwritten corrections and additional information gathered during that time are now incorporated into the computer generated records. Branch then seconded the motion. Voice vote. Motion carries.

OLD BUSINESS UPDATES

- **Burroughs Update – 25th Street Sign, Brush & Tree Removal; 5th Street Tree Removal; Library Ramp.** Since Burroughs was not present Lucas asked Mitchell to give a report on these projects. Mitchell stated that the County Representative had installed the new 25th Street sign. She said that when heading west on Lyons Mill City Drive there are branches hanging down which obscures the sign and she intends to contact the County to request that those branches be trimmed to allow for better visibility. She went on to state that Burroughs is coordinating with Burns to remove all of the brush and trees on the southwest side of 25th Street which will help make the entrance to 25th Street more visible. The tree on 5th Street has been removed which allows for better visibility of the reader board. She also advised that the resident of the property at 449 Cedar Street has agreed to cut back the branches of the tree on the corner of Cedar and 5th Streets which will allow better reader board visibility. With regard to the Library Ramp, McNerney reported that Burroughs had advised her that he had contacted Linn County Planning &

Building Department and had been told by them that the ramp did not need to be engineered. After a design is approved, the City can go out with a Request for Proposal (RFP) for its construction.

- **Lucas –**
 - **Reader Board.** Lucas commented that the sign bearing the City's Logo mounted above the electronic reader board is open on the backside. This could provide a haven for bird's nests. He said that Mitchell is checking with Mr. Freshour of Daktronics to find out if this is the way it is made or if the back of the sign should be enclosed. Mitchell has not yet had a response from Freshour. Lucas asked the guests at the meeting how they became aware of this Council Meeting since the time had been changed from the usual Tuesday evening. All three responded that they got the information from the reader board. There was discussion regarding the number of items to be displayed and the length of time each item is displayed. Mitchell said that it was her intent to keep the information displayed on the reader board current.
 - **Public Works Hiring.** Lucas advised Council that after publication of the job offering the City had some viable candidates who were screened and their references checked. There were three people who were interviewed. All three were capable of doing the job but candidate Doug Miller appeared to be the best person for the position. He has accepted the job and will start on Monday training with J. D.
 - **13th Street Backhoe Work.** Clastine Ritchie has reported that she has been unable to contact McDougal, the backhoe operator who will be doing the work suggested by our environmental evaluation. The commencement of the work was delayed by wet weather. She will let us know as soon as she has contacted him and arranged for the work to be completed.

OPEN BUDGET HEARING

- **Resolution #424.** Lucas read Resolution #424, An Ordinance/Resolution Declaring the City's Election to Receive State Revenues. He asked if there was any person present who would like to comment on this Resolution. There was no public comment.
- **Resolution #425.** Resolution #425 is a Resolution Adopting the Budget and Making Appropriations. This is an encapsulation of the Budget Document approved by the Budget Committee on May 25, 2010. Lucas asked if there was any person present who would like to comment on this Resolution. There was no public comment.
- **Publishing Mistake – Independent Press.** The Notice of Budget Committee Meeting contained an error in that the date of the meeting was reflected as being for the year 2009 instead of 2010. The newspaper took responsibility for the error and a correction was printed on May 26, 2010. The rules state that the error and correction must be acknowledged at a public meeting and made a matter of public record. Lucas commented that there have been many inaccuracies and problems with publications appearing in the Independent Press and that in the future the City will be utilizing the Stayton Mail for publication purposes.

CLOSE BUDGET HEARING

Resolution #424. Branch made a motion to adopt Resolution #424, An Ordinance/Resolution Declaring the City's Election to Receive State Revenues. Morgan seconded the motion. Voice Vote. Motion carries.

Resolution #425. Morgan made a motion to adopt Resolution #425 Adopting the Budget and Making Appropriations. Branch seconded the motion. Voice vote. Motion carries.

NEW BUSINESS.

- **Complaint #537 – Carrio.** McNerney reported that the violation reported in this complaint had been abated and no further action was necessary.
- **Complaint #541.1 – Schoning.** McNerney referred Council to the various correspondences in their Council books regarding this matter. She advised Council that this was a rental property which has had many complaints registered over the years, mainly for trash and junk scattered over the property. The last tenant, who recently moved out of the property, complained that there was a sewage leak on the property. When checking the river level near this property during the heavy June rains Mitchell noticed a strong odor of sewage on the property especially near the septic system. When advised of this matter Linn County Department of Environmental Health indicated that in order to legally enter onto the property to determine whether or not there was a problem with the septic system they had to have the permission of either the current tenant or the owner. Since the property is vacant and, from previous experience with this property owner, Jan Heron of Environmental Health felt that such permission would not be granted, she advised that they were closing their file for the time being. She suggested that we notify her when the property is occupied and she can go to the door and ask the tenants for permission to investigate. McNerney told Council that Lucas had written a strong letter to the Linn County Commissioners questioning why nothing can be done in a situation where there is clearly a violation of environmental rules. Their response was the same as that from the Department of Environmental Health in that as a matter of law, especially considering that no one is currently occupying the residence to give permission for an inspection, there is no quick fix to the situation. Mitchell has consulted with someone from the City of Albany who has had the same problem with the same landlord. She provided us with forms which can be used to obtain a warrant to inspect the property should we decide to go through the courts to get permission. Mitchell stated that it appears that the best course of action to take at this time will be to contact the new tenant to request that if they experience any such problems for them to contact the City. There was additional discussion regarding the matter and Lucas commented that the overriding issue on this problem was the health and safety of the citizens of Lyons and the protection of the water quality in the river. Planning & Building had been advised of the terrible condition of the residence but the inspector also stated that there was nothing that they could do without legal access to the property.
- **Sex Offender Bulletin.** Mitchell presented a copy of a Sex Offender Bulletin received from the Linn County Sheriff's Office advising that a registered sex offender had moved into the area. There was discussion regarding the location of his place of residence. A copy of the bulletin has been provided to the Library staff for their information. Lucas asked if the City had a list of sex offenders residing in Lyons. Mitchell said that we do. She will get a current list together for the next City Council meeting. Morgan stated that this particular individual is considered to be a

sexual predator. The reason the Sheriff's Office issued the bulletin is that this predator has just recently moved into Lyons from Aumsville.

- **Council Availability for July Meeting.** The next regularly scheduled City Council meeting date is July 27, 2010. Morgan stated that he would be available. Branch said that he would check the date and let us know his availability. Lucas said that he would be available.

Morgan stated that he had done some further research in connection with garage sale fees and perennial garage sale regulation and would discuss his findings with Mitchell at a later date. He said that in corresponding with other cities in this regard he felt that garage sale regulation was more effective than garage sale fees.

There being no further business to come before Council, Morgan made a motion to adjourn the meeting. Branch seconded the motion. The meeting adjourned at 7:30 P.M.

Audrey McNerney
Assistant City Manager