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**MINUTES LYONS CITY COUNCIL MEETING
August 27, 2009**

OPEN MEETING 6:05 P.M.

The Lyons City Council Meeting was called to order by Mayor Rolow. Present were City Councilors, Pat Bowe, and Mike Lucas. Councilors Jeff Branch and Dan Burroughs were excused. City Staff in attendance were City Manager Mary Mitchell, Assistant City Manager Audrey McNerney and Public Works & Maintenance Supervisor Randy Kinzer.

GUESTS – Rick Crandall, Flint LeBard of the Linn County Sheriff's Office, Tass Morrison of the North Santiam School District Board of Supervisors, Judy Wells, Carol Trudt, Brenda Harris, Mike Wagner of the North Santiam School District Board of Supervisors, Sandra Landers and David DeLappe.

Mayor Rolow inquired as to whether there were any declarations of conflict of interest or ex-parte contact regarding the agenda items. There were none.

North Santiam School District Board Liaison. Tass Morrison introduced Mike Wagner, a member of the North Santiam School District Board of Supervisors (the Board), and advised Council that the Board has started a relationship with each of their municipalities (cities of Stayton and Sublimity) who have volunteered to appoint a liaison with the Board. She stated that they would like to invite the City of Lyons to share the same experience as the other two cities. She indicated that there are many issues that affect both the City and the Board in different ways. Since the Board owns property in the City there are instances which could arise which would necessitate that the City and the Board work together as partners. She said that the purpose of her attendance at this meeting was to invite a representative of the City to attend the Board meetings. Wagner stated that the Mari-Linn School is probably the largest employer in the City. One of the first things most people looking to purchase property in the City inquire about is the school. He went on to say that on several occasions they have found that the Stayton Council member brought forth things that might happen in the future that were of interest to the Board. Morrison stated that the Sublimity Parent Teacher Club had raised money to upgrade a sign outside of the school which required approval from the city. These are examples of how the cities and the school district can work together. She distributed a copy of North Santiam School District Goals 2009-2012 and commented that some of them have to do with being viewed as a unified school district. She said that she felt that the relationship of the Board with their municipalities is vital in working toward that goal. Involving the

community more in their district is another goal. To that end the Board is looking to “forge a working relationship with each of the three municipalities with whom they partner and serve.” Rollow asked whether they were looking for a City Councilor or if a member of the Planning Commission could serve as a representative. Morrison responded that the other two cities do have Councilors representing them; however, the decision as to who should be the City’s representative rests entirely with the City. Lucas asked how often the meetings took place and how long they generally lasted. Morrison stated that they meet every month and that the meetings start at 7 PM and last anywhere from 1 ½ to 2 hours. They are held at a variety of schools and meet in Lyons at least once a year. There is no expectation that the City’s representative would be required to attend every Board meeting. The Board’s agenda, which is posted at the school and on their web site, can be reviewed prior to the meeting and the representative can then determine if there is a need to attend. Rollow stated that he felt that this issue should be held over until the next Council meeting when a full Council is present. Morrison stated that the Board meetings are held on the third Thursday of the month and she was hopeful that a volunteer from the City could attend the September meeting. However, since the Board meeting will be prior to the Council meeting she was hopeful that a decision could be made prior to their October meeting. Rollow stated that the matter would be tabled to the next Council meeting.

CONSENT AGENDA.

Lucas made a motion to approve the Minutes of the July 23, 2009 City Council Meeting and the August, 2009 Bills to Pay Report. Lucas seconded the motion. Voice vote. Motion carries.

WAVE Broadband – Request for Franchise Agreement Extension. The representative from WAVE Broadband was unable to attend the meeting but Mitchell stated that what they are looking for is actually an ordinance amendment and she wanted to get a consensus of what Council would like to do so that she can schedule the matter for hearing. Rollow informed Council that WAVE Broadband has requested a two to five year extension of their Franchise Agreement. The current Franchise Agreement states that it may be extended by written Agreement for an additional term, not to exceed two years. If the Ordinance is amended the length of the additional term can be changed. Mitchell stated that WAVE would like to extend the Agreement for five years from the original expiration date of March, 2012. The WAVE representative was going to advise Council tonight of their reasons for this request and answer any questions Council may have but a scheduling conflict arose and she was unable to attend. Mitchell advised Council that in exchange for the extension of the Franchise Agreement WAVE is offering to provide both City buildings with broadband service at no cost for the duration of the agreement. They are willing to provide service at 81 megabits which is the top speed currently available. Mitchell said that she had requested set up for all of the computers at both the library building and this building. She commented however, that during the course of the discussion it was determined that possibly setting up wi-fi (wireless) service would be better. The General Manager of the region agreed to provide this service. Mitchell said that Harris had advised her that currently the library has 768 kilobytes of shared access through CCRLS. The more people using this access the slower the speed of the computers. This would not be the case with the wireless access which would be provided to the City at no charge. At this time CCRLS takes care of the costs for the T1 line going to the library. Mitchell said that she didn’t know if they would run concurrently or if it would be changed over. A technician has checked out the library and City Hall and has advised that it would be no problem to set up wi-fi service at both places. The representative from WAVE can speak to the more technical aspects of the service when she comes to the next Council meeting. LeBard commented on the aspect of the security of the wi-fi service since it

can be accessed from outside the building. Mitchell stated that commonly the distance is anywhere from 100 to 200 feet, but it can be adjusted to a shorter distance.

Mitchell stated that what she would like to know is whether Council would consider the extension of the Franchise Agreement. If so she would like to schedule it for hearing. There are a lot of details that have to be considered and there would be a number of changes which need to be handled in a hearing environment. Lucas asked how the Council could consider the extension without a representative being present to give the rationale as to why they want the extension. They also need to comply with the paragraph in the current Franchise Agreement which sets forth the Amendment procedures. Lucas went on to say that we are entering into a negotiation for what they can give the City for free before they comply with the requirements of the original Agreement. He said that he would like WAVE to comply with those requirements and then Council can determine whether they want to amend the requirements. The Agreement is very specific that any extension cannot exceed two years. The agreement is also very specific that notices are to be in writing and shall be deemed given upon receipt by hand delivery, certified mail return receipt requested or by overnight courier.

Mitchell explained that the representative was to have been present at the meeting strictly for discussion purposes. Lucas said that they need to read the Agreement and comply with its provisions. Mitchell clarified that what Council would like her to do is make sure that WAVE has complied with all of the requirements before Council will consider the request. Bowe commented that he too had a number of questions he would like answered and asked when the Agreement expired. After discussion Lucas moved that the matter of the extension of the WAVE Broadband Franchise Agreement be tabled until such time as WAVE has complied with the notice requirements of the Franchise Agreement. have appeared before Council to explain their reasons for the requested extension and answered any questions Council may have in that regard. Bowe seconded the motion. Voice vote. Motion carries.

OLD BUSINESS

- **Display of Art Work in the Library.** Rolow stated that there had been a request from a local artist to display some of her paintings in the library which would be saleable but not by the Library staff. Harris stated that there would be room for a limited number of pictures. Lucas commented that the issue had been discussed at a previous meeting and that because the artwork would ultimately be for sale Councilor Branch had not been in favor of it. The matter had been tabled awaiting information from Harris regarding whether or not other libraries had such displays. Harris stated that there were two libraries out of eight that she had contacted who display artwork. There was a question with regard to the issue of liability. Mitchell stated that if Council wished to approve the display she would request that Tabor prepare a hold harmless agreement with the artist (s). Bowe asked how many artists would be interested in displaying their work. Harris stated that she had had several people approach her in this regard but that she had not pursued the issue because she was waiting for Council's decision. Lucas commented that there were two different issues, one was someone wishing to display something for the good of the community and the other was the artist who wished to display paintings with an ultimate goal of selling the artwork. Lucas asked how other libraries handled the requests for various displays. Harris commented that they usually have a sign up sheet and a time limitation for the display according to whatever policy is in effect at the individual library. She went on to say that although the Lyons Library does not presently have a policy specifically addressing the display of items in

the library, the Library Board has made a recommendation to set such a policy. Mitchell asked how the appropriateness of the display would be determined. Harris responded that the display would have to be approved by at least three Board members and there would have to be a policy in place as to what the content of a display could be. Lucas asked if one of the other libraries would be willing to share their copy of such a policy to utilize as a guide line. Harris stated that she could send out an e-mail to request that assistance. Bowe commented that the censorship issue was an important one which will need to be addressed and while he thought it would be nice to have some artwork displayed at the library he had concern as to what it might lead to. Lucas commented that the one thing that this library has is the beautiful detailed mural which is an outstanding piece of art. That shows that the right piece of art can add to the aesthetics of the community and the library. There was a question with regard to whether some quilts which are not for sale could be displayed at the library. Rollow stated that the issue of displaying art at the library will be reviewed at the next meeting after Harris gets some additional information from other libraries with regard to policies.

- **Library Landscaping.** Rollow stated that there appears to be a considerable amount of work and cost involved in connection with the landscaping proposal presented to Council. Harris said the Friends of the Library and the Garden Club have all stated much of what they are doing will be funded by them and not by the City. The work is to be done by volunteers. There was discussion regarding ongoing maintenance, the placement of the trash cans and recycle bins and other projects. Harris explained that the plan was a simpler version of the one previously submitted. The Friends of the Library worked with the Garden Club and this version was adapted from the original plan. Lucas asked how the determination will be made as to how the costs and the labor will be shared. Harris stated that this issue will be discussed at the Garden Club in September and a representative of the Garden Club will make a proposal to Council at its October meeting and will answer any questions that Council may have at that time. Lucas then stated when we have the details of what the City is expected to do Kinzer can make a determination as to the ongoing maintenance. Harris said that what they would like is to have the sidewalk and the pad for the cans installed before the weather changes. Bowe asked if the Garden Club did concrete work. Harris responded that the Garden Club does not but there are a number of people who will volunteer to do that kind of work at no cost. Rollow stated that this issue should then be deferred to the next meeting, Mitchell stated that she would like to have Council's permission to have Kinzer prune the shrubs, mow the lawn and put down fresh bark so it looks nice for the Grand Opening. Council concurred that Kinzer should take care of what needs to be done to the Library grounds to make the area presentable for the upcoming Grand Opening Celebration.
- **Restroom Facilities for Library and Community Center.** Kinzer stated that it had been determined that it was not feasible to install a restroom facility in the basement of the building. He referred to pictures which showed where another doorway could be cut to make an access into the existing bathrooms and discussed the manner in which this could be accomplished. Harris stated that the book drop would have to be moved from its current location because it would not be secure. Kinzer stated that he felt there was enough room to build a chute into a secure box. Inquiry was made as to how the cost of these renovations compared to the cost of acquiring a porta pottie. Since a porta pottie would have to be placed at the front door Council was not infavor of the idea. Concern was expressed that the contemplated renovations would eliminate some of Harris' work space. There was discussion regarding whether the contemplated renovations would necessitate bringing the building to current ADA standards. After discussion it was determined that they would not. There was additional discussion regarding whether or not the circulation desk

could be moved to make more room for the Harris' work area and other ways to modify the area to make it more user friendly. The question was raised as to whether there would be sufficient community interest in the community area to justify the inconvenience and expense of the contemplated renovations. Mitchell explained that there had already been several inquiries for its use. The space will be rented on an appointment only basis. The idea is to generate funds to offset the cost of the improvements that are to be made. Rolow stated that the cost of the contemplated improvements would be minimal. There was a question as to whether the rental of the community space would incur liability. Mitchell stated that the City's insurance agent had advised her that there would be no additional cost to have the Community Center downstairs. There was discussion regarding the utilization of the work space for the library staff and Lucas suggested that that the area be re-evaluated to determine what options are available.

- **Speed Tables on 13th Street.** Rolow stated that a letter had been received from the Office Administrator of the Lyons Fire District & Ambulance Service expressing concern that if the speed tables were installed it might interfere with the Fire Department's response time in a health or fire emergency situation. The literature on the speed tables states that a 22 foot table reduces the average speed from 36.7 to 30.1 miles per hour. He stated that it was his understanding that the fire department is restricted to only 10 miles per hour over the posted speed limit. Since the speed limit on 13th Street is 25 miles per hour they would be restricted to 35 miles per hour. The installation of speed tables to slow existing traffic would not significantly infringe upon their ability to respond promptly. Rolow commented that there was a significant problem with speeding vehicles on 13th Street which is endangering children, bicyclists and foot traffic. A resident who resides on Main Street inquired as to the possibility of installing speed tables to minimize speeding on that street as well. Rolow responded the Main Street is a county road. She asked whether speed tables were being considered for other City roads. Rolow responded that the only significant speeding problem being experienced on City streets is on 13th Street. In response to a question as to whether the speed tables were brick, Rolow stated that they were rubber and long enough so that all four wheels on a standard passenger car can be on it at the same time. They are about 2 to 3 inches off the grade and are probably about 12 to 14 feet long. Mitchell read the following description of a speed table. "A speed table is a traffic calming device designed as a long speed hump with a flat section in the middle. Speed tables are generally long enough for the entire wheel base of a passenger car to rest on top. The long, flat design allows cars to pass without slowing as significantly as with speed humps or cushions. Because they slow cars less than similar devices, speed tables are often used on roads with typical residential speed limits." The article goes on to say that they are the ones typically preferred by fire departments over speed humps. The City is just attempting to get people to go the speed limit. The question was raised as to whether the City was aware of other local areas that have installed these speed tables. Sgt. LeBard stated that he didn't know whether it was the style being discussed but there is a street in Albany where the city installed "long rises" which are marked. They are not really noticeable but there are a few of them that really catch you off guard. It's not like going over a bump, its actually changing the whole platform of the vehicle. When there are multiple ones the drivers would probably be more aware. Kinzer indicated that the City would be installing 2 to 3 speed tables. Rolow commented that some of the residential areas in Salem which have had problems with speeders have installed them and have controlled the speed of the drivers in the area. LeBard stated that Scio had installed longer tapered asphalt speed bumps. Rolow commented that these speed tables are slightly more costly than asphalt ones but they last longer and can be taken up and relocated. Mitchell stated that the rubber ones are more durable and are not as noisy. Bowe made

a motion to purchase three speed tables and install them at pre-determined locations on 13th Street. Lucas seconded the motion. Voice vote. Motion carries.

NEW BUSINESS

- **Library Board Renewal Application.** Rolow informed Council that Judy Wells had submitted an application to be reappointed to the Library Board. Ms. Wells has served for the past eighteen months as a member of the Board filling a position vacated mid-term by another individual. Now that the term has been completed she would like to continue to serve on the Library Board for a second term. Bowe made a motion to appoint Judy Wells to the Lyons Library Board for a second term. Lucas seconded the motion. Voice vote. Motion carries.
- **Mayoral Vacancy.** Rolow informed Council that he would be leaving Lyons on October 1, 2008 and would not be returning until April of 2010. He said that it was his intention to resign as Mayor of Lyons effective October 1, 2009. He stated that although it is within the realm of the Charter for Council to approve a 6 month absence he did not feel it appropriate for the Mayor to be gone for such an extended period of time.
- **Ladder Replacement.** Rolow informed Council that Kinzer and Burroughs were working at the Fox Valley Cemetery and Kinzer was using his 32 foot extension ladder to tie off some trees that were being removed. One of the trees fell on his ladder and destroyed it. In checking with both Lowe's and Home Depot Rolow determined that a 32 foot fiberglass extension ladder at Lowe's will cost \$406.69. We also need a 10 foot fiberglass step ladder to change lights in the library. Home Depot price is less for the extension ladder but the step ladder price is the same. Rolow recommended that the City replace Kinzer's extension ladder and buy an extension ladder and a 10 foot step ladder for the City. With a 10% discount coupon which the City has from Lowe's the total cost for two 32 foot extension ladders plus a 10 foot step ladder would be \$918.30. At Home Depot the total cost would be \$925.00. There was a suggestion that these items be priced at the Mehama True Value to determine if they could match the price. Mitchell commented that the City is a customer and supporter of Mehama True Value and spends a significant amount of money there each month. Lucas made a motion to purchase two 32 foot extension ladders and one 10 foot step ladder from Lowe's at a total cost of \$918.30. If Mehama True Value can offer the equipment to the City for comparable price not to exceed the \$918.30 the ladders are to be purchased from Mehama True Value. Bowe seconded the motion. Voice vote. Motion carries.
- **Meeting Date Change.** Rolow stated that the City Council Meetings had been held on the fourth Tuesday of each month for many years. The meeting date had been recently changed to the fourth Thursday of each month to accommodate Councilor Bowe's commitments. Those commitments have now been fulfilled and Councilor Bowe will be available on Tuesdays. Rolow proposed that the date for the City Council meetings be returned to the fourth Tuesday of each month. The office is fully staffed Monday through Thursday and the Tuesday date would allow the paperwork generated as a result of the meeting to be completed when both Mitchell and McNerney are in the office. He also suggested that the meeting time be changed to 4:30 PM rather than 6 PM which would allow the staff sufficient time after office hours to prepare for the meeting and to get home at a reasonable time after the meeting. Lucas commented that recent meetings had been well attended and he had concern that public attendance would be affected if the time were changed to 4:30 PM. After discussion Bowe made a motion to change the meeting dates for the Lyons City

Council to the fourth Tuesday of each month at 6 PM effective with the September 2009 meeting. Bowe seconded the motion. Voice vote. Motion carries

- **Council Availability for September 22, 2009 Meeting.** Councilor Bowe stated that he could not be available for the Tuesday September 22, 2009 meeting. After discussion Rolow stated that the meeting date will be left at the fourth Thursday for the September meeting and the change of meeting date will be effective as of the October, 2009 meeting.

There being no further business to come before the meeting Lucas made a motion to adjourn. Bowe seconded the motion. Voice vote. The meeting adjourned at 7.35 PM.

Audrey McNerney
Assistant City Manager