



City of Lyons

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MINUTES LYONS CITY COUNCIL MEETING October 25, 2011

OPEN MEETING 6:05 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 Assistant City Manager Audrey McNerney. Also present was City Attorney Steve Tabor.

GUESTS. George L. Geddes, Theresa Donohue, Julie Morgan, Steve Baldwin and Mark Orr.

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. There being none, the meeting continued.

1. Erlandson – 426 Ash Street – Temporary Occupancy Extension. McNerney advised Council that the recreational vehicle was no longer parked on the property so the extension was no longer necessary.

PUBLIC COMMENTS TO COUNCIL. Morgan announced that if anyone would like to comment or address the Council, this was the time to do so.

Teresa Donohue said that Ralph Heuberger had stopped by and complimented her on the flowers she had planted on the area by the Public Works Shed on 13th Street. He donated a small trailer load of bark dust to finish off the project. She said that she had received many compliments on the appearance of the area now that she has finished it. She provided Council with a business card from Ralph Heuberger, “The Bark Layman” who had donated the bark dust so that the City could send a “thank you” to him for his generous donation.

CONSENT AGENDA.

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

2. Minutes – August 30, 2011 City Council Meeting and Resolutions #450 and 451.
3. Bills to Pay – September & October, 2011

Burroughs seconded the motion. Voice vote. Motion carries.

DISCUSSION ITEMS.

4. City Council Commissioners – Update of Activities.

Cemetery Commissioner – Lucas reported that he had met with Larry Nydegger to discuss the installation of a perimeter fence between Nydegger's property and Fox Valley Cemetery. Nydegger said that the fence needed to be replaced and produced Minutes from a 1981 City Council Meeting which reflected that it had been agreed by City Council that if he provided the fencing that the City would install the fence if needed. Lucas said that the question was who was going to install the fence and the cost to the City for the installation. There was discussion as to the location of the fence and Lucas informed Council that there were two trees that needed to be removed from the fence line. Nydegger told Lucas that he would be willing to remove those trees in exchange for the wood. There was also discussion regarding a third tree located at the northeast corner of the Cemetery property which Nydegger felt should also be removed. Lucas did not feel it was necessary to remove that particular tree. Lucas stated that Council needed to decide whether or not to let Nydegger remove the two trees in exchange for the wood and who would perform the actual fence installation. Lucas felt that the public works employees were capable of doing the work and that Nydegger had offered to help them. There was discussion regarding the cost and scope of having the trees removed professionally versus having Nydegger perform the tree removal. Lucas said that if it was decided to let Nydegger have the trees for the wood that a Memorandum of Understanding should be entered into setting forth the details. Mitchell said that Nydegger had also stated that he would level the ground after the trees were removed and would let the City use his fence wire stretcher and auger when installing the fence. Morgan said that he felt Nydegger had acted in good faith in providing a copy of the 1981 agreement and had no problem with moving forward with allowing Nydegger to remove the trees. Lucas again recommended entering into a memorandum of understanding authorizing Nydegger to remove the trees and setting forth the scope of the cleanup.

Building Commissioner – Donohue reported that Mitchell had advised him of a problem with the siding on the west side of the City Hall building and upon inspection it was determined that rather than trying to patch sections of the siding it would be more cost effective to replace the entire wall. Based upon that determination, the public works employees replaced the siding on the west wall of the City Hall building. Donohue reported after inspecting the siding on the building he had recommended that Mitchell look into budgeting funds to re-side the remainder of the City Hall building.

Street Commissioner – Burroughs reported that cracks in the asphalt on Dogwood, Cedar and 3rd Street as well as the City Hall Parking lot had been sealed. He said that there were more streets that needed cracks sealed but that he had not yet had time to provide specific details to staff. Morgan asked how long it was projected that the seals would hold. Burroughs said that the seal keeps the water from getting under the asphalt and eroding it and that the seal should last a long time. Burroughs said that he had

cleared the culverts on 24th Street and had also cleared the culverts on railroad property so that railroad personnel could get to them to make necessary repairs. He said this should prevent flooding on 24th Street this year. Mitchell and Burroughs commented that Linn County was going to contact the railroad regarding the repair of their culverts.

5. DLCD Grant Receipt. Mitchell reported that she had applied for and received a \$1,000 grant from DLCD (Department of Land Conservation and Development). She said that she plans to work with the Planning Commission to update the Comprehensive Plan within the next year. She stated that she would like to apply those funds towards the cost of reprinting the applicable portions of the Municipal Code book. She indicated that she planned to schedule a Planning Commission meeting before the end of the year to begin the Plan update. The grant funds will cover the costs associated with updating the documentation through Code Publishing.

Donohue said that he would like to make a motion to keep the recorded minutes until after the minutes are approved by Council. McNerney stated that she uses her own recorder to help her make an accurate record of the meeting. Tabor said that it seemed logical to have the recording available until such time as the minutes are approved by Council. After discussion Morgan said that it seemed prudent to keep the recording until such time as the Minutes are approved and then the recording could be eliminated. He went on to say that the motion would be formalized when the meeting proceeded to "Action Items."

PUBLIC COMMENTS – LIMITED TO DISCUSSION & ACTION ITEMS.

Geddes asked, since the minutes are not read at the meeting, who has access to the minutes before the Council Meeting. Burroughs responded that any person can get a copy of those minutes at City Hall. McNerney stated that once the minutes are approved they are posted on the City's website. Minutes are also distributed to all Council members prior to the meeting together with their Council materials so that they can be reviewed prior to the meeting. Morgan stated that they are then approved as part of the Consent Agenda.

Teresa Donohue asked if the Minutes were available at the Library for people to read prior to the meeting. McNerney responded that the Library is provided with a copy of the Minutes upon finalization each month.

Orr suggested that the City might want to check to see if it would be more cost effective to have a fence company bid on the installation of the fence at the cemetery rather than have employees utilize their time installing the fence. He said that it wouldn't hurt to get one or two bids and compare it to the City's budget for the job. Mitchell commented that the City had already purchased necessary materials to construct the fence. Morgan stated that the City would check into its options.

ACTION ITEMS.

Lucas made a motion to get outside bids for the labor to install the fence at the cemetery; compare those bids against the man hours that would be required for the installation of the fence by the City's public works employees (no overtime); make a determination as to what would be the most cost effective

method to install the fence; and for the City to move forward with the least expensive alternative. Burroughs seconded the motion. Voice vote. Motion carries.

Lucas made a motion to enter into a Memorandum of Agreement with Nydegger authorizing him to remove the two trees from the fence line in exchange for the wood from the trees and setting forth the scope of the cleanup after the trees are removed. Donohue seconded the motion. Voice vote. Motion carries.

Donohue made a motion to retain the recorded minutes until such time as the written minutes are approved. Burroughs seconded the motion. Voice vote. Motion carries.

Council Availability for November 22, 2011 Meeting. All councilors present stated that to the best of their knowledge they would be available on that date.

There being no further business to come before Council, Lucas made a motion to adjourn the meeting. Morgan seconded the motion. Voice vote. The meeting adjourned at 6:25 pm.

Audrey McNerney
Assistant City Manager