



City of Lyons

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MINUTES LYONS CITY COUNCIL MEETING January 29, 2013

OPEN MEETING 6:30 P.M.

The Lyons City Council Meeting was called to order by Mayor Dan Burroughs. Present were City Councilors Troy Donohue, Gary Alkire and Mark Orr. Councilor Mike Lucas was excused. City Staff in attendance were City Manager Mary Mitchell and Assistant City Manager Audrey McNerney.

GUESTS. Joyce Folz, Barbara Orr, Sgt. Greg Klein, Linn County Sheriff's Office, George L. Geddes, Dave DeLapp, Ron Adams, Richard Lindemann, Steve Baldwin, Brenda Harris, Denny Hoop, Lon Conner, Newell Robison, Wayne Eggiman, Deborah Miley and Dennie Perry. Attendees whose names were illegible on the sign in sheet may be misspelled or not included.

CONSENT AGENDA (Decision by Motion).

Alkire made a motion to accept the Consent Agenda which contained:

- ❖ Minutes
 - December 18, 2012 City Council Meeting
 - January 3, 2013 City Council Special Meeting
 - January 8, 2013 Goal Setting Workshop
 - January 15, 2013 Executive Session
 - January 15, 2013 Special Meeting
- ❖ Bills Paid – December 2012 and January 2013

Orr seconded the motion. Voice vote. Motion carries.

Audit Acceptance. On hold pending discussion at workshop at close of meeting.

Staff Report – Assistant City Manager. McNerney presented her staff report, a copy of which is attached hereto and made a part hereof by reference. A copy of this report is available upon request.

- Cascades West Area Commission on Transportation. Council was invited to nominate an elected member of Council to act as a representative to the Commission. No decision was made at this time.
- Insurance Agent Services. After discussion Donohue made a motion to continue utilizing the services of Madison & Davis as the City's Insurance Agent. Orr seconded the motion. Voice vote. Motion carries.
- Use of Pepper Spray. McNerney advised Council that she had spoken with Sgt. Greg Klein of the Linn County Sheriff's Office who informed her that he would be making inquiries regarding training on the use of pepper spray for citizens.

Sgt. Klein was present at the meeting and informed Council that the Sheriff's Office had a new patrol captain and they were looking into the matter to see if there was a class or training available. He said that the new patrol captain will make himself available to the City. Donohue expressed his concern regarding the City's liability in the event pepper spray is used on City property.

Staff Report – City Manager. Mitchell referred to her staff report, a copy of which is attached hereto and made a part hereof by reference. A copy of this report is available upon request.

- Security Cameras. Councilor Alkire stated that the bid received from the security company was very expensive and that he would like to look at some cheaper options. He said that he and Mayor Burroughs would like to research the matter further.
- Newsletter. Mayor Burroughs suggested asking Michelle Keirse-Coulibaly whether she would be interested in working on a newsletter for the City. Councilor Alkire suggested that this be discussed further in a workshop. He also suggested that the newsletter should include information regarding both the library and city information and that the newsletter could be distributed to local businesses for availability to the public. He said that he would like to have library staff included in the workshop.
- Boulder Placement. Mitchell stated that subsequent to a concern expressed by several citizens that there was a lot of "bad behavior" going on in the parking lot on 13th Street in the park such as squirreling, ripping around, etc. the question was whether Council wanted to consider moving boulders around in the large parking/picnicking/fishing area of Freres Park. Council had asked her to see if the City would have any liability if this were done. She referred to the response from our insurance agent who advised as to what can and cannot be done and the possibility of liability. Donohue stated that we must be sure that we have clear access for EMS and persons with handicaps. Mitchell said that she would work up a plan with the Parks Commissioner (Donohue). Mitchell also said that she would prefer that the City utilize the rocks that we have in the area rather than purchasing some. Donohue said that he would work on this.
- Gopher Problem. It was suggested that the discussion on this matter be tabled until Cemetery Commissioner Lucas was present.
- Weight Limits and Signage. Several City streets have a posted weight limit. Mitchell stated that the City Ordinance provides that if it is for a delivery or for a one time occurrence it is allowable. There was discussion as to which streets were excluded from the weight limits. Orr asked if there

was liability if we pick and choose who can and who can't use the streets. Mitchell commented that these streets have been signed for some time but that she didn't know the genesis behind why some streets are signed and others are not. She said that she had contacted ODOT to determine whether signing the streets would jeopardize the state gas tax revenues. ODOT informed her that the City has the ability to pick and choose how we want to sign the streets. There was discussion regarding which streets were posted with weight limits, the amount of the limit and the language of the existing ordinance. Donohue asked if the ordinance could be changed and Mitchell informed him that the ordinance could be changed if Council went through the hearing process. Mitchell said that the ordinance had been on the books for many years and that she would review how the ordinance is written. Donohue asked why this issue was coming up now and Mitchell advised him that there had been a complaint about a truck parked on a posted residential street. She explained that if a complaint is received and verified Staff has to review the ordinance which on the books and a letter has to go out. McNerney was asked why Council did not have a copy of the complaint and whether it was a verbal complaint. She stated that when the complaint was received she forwarded a letter to the owner of the property inquiring whether the truck in question was over 18,000 pounds. She said that she spoke with Burroughs (Transportation Commissioner) because in order to proceed with the matter we would have to prove that the truck is being parked on that street. Burroughs said that he had checked the street a few times and had not seen the truck parked there. The comment was made that the ordinance should be reviewed because a problem could arise if exceptions are made for some and not others. Mitchell said that she would review the ordinance.

- Permit to Store Water. The attached Memorandum sets forth the update on this issue which was read by Mitchell.
- Comprehensive Plan Review. A workshop will be scheduled to start work on the Comprehensive Plan Review.
- Councilor E-Mail Establishment. Orr asked if there was some way the Council could receive information at any time. Burroughs said that information could be sent to a Councilor's e-mail if that was what he wanted. The questions was raised as to whether there was a way to use government type e-mail, Mitchell explained that a separate e-mail account can be established specifically for information received as a City Councilor. Alkire has set up such an e-mail account for Mayor Burroughs. Alkire said that it was important to be aware that it was alright to receive an e-mail from City Hall, but communication between Councilors via e-mail should not be done. He said that receiving information is fine but if there are questions City Hall should take care of the issue because anything over the internet could present a problem. He stated that Linn County has a ruling on this issue but it is unclear. When the issue was raised at the "boot camp" it was recommended that e-mail be used strictly for receiving information. E-mail correspondence should be only between the Councilor and City Hall.

Commissioner & Liaison Reports. Mayor Burroughs asked if any of the Councilors had reports on their Commissionerships.

- Library Commissioner. Alkire distributed a report entitled Lyons Library Data. The report covered the library's monthly operating expenses, the projected interior upgrade projects and estimate cost; projected exterior projects and estimate cost. He stated that he had covered the

projects but not the costs since the projected costs were not current. The report also covered the current status of ADA compliance. He reported that a satellite library had been set up in City Hall and when that is approved some workshops can be scheduled to determine what will be done with that building in the future. At this time the Library is not ADA compliant even though all of the tasks required by the City have been done. The reason the finalization of this matter has been held up has been the fault of the U. S. Department of Education Office for Civil Rights. The report went on to set forth the Library personnel names and positions; the fact that the Library is currently within budget and a breakdown of the Library Fund (Library Accounts received/resources); library expenses; materials and services and contributions. He said that the Library receives a lot of support from the community. He has observed that the Library is very busy and the staff has done a good job. They have good volunteer support. He noted that he wanted to commend the Library Staff on their efforts and the extra time that they put in by working past Library hours. He asked Brenda to pass on to the Library staff "kudos" for their work and efforts. He also provided Council with a copy of the Library Board Minutes and requested that if they have any questions to please write them down, deliver them to Mitchell who will deliver them to Alkire so that he can have answers for Council at the next Council meeting. He said that he will attempt to have long and short range plans for the Library for presentation at the next City Council meeting.

- North Santiam School Board Liaison. Planning Commissioner Steve Baldwin reported that representatives from the School Board will come to a Council meeting when they finalize their plans to utilize the funds authorized by the passing of the recent bond issue. He said that Mari-Linn and Sublimity will be the first two projects they will start on.
- Linn County Sheriff's Office. Sgt. Greg Klein reported that a new Patrol Captain has been appointed and he will come to the next City Council meeting to answer any questions Council may have. Brenda Harris asked if there would be training on the use of pepper spray available for the Neighborhood Watch. Klein responded that this was a possibility that would have to be discussed but they would first have to determine if there is training available.

There were no further reports.

PUBLIC COMMENTS TO COUNCIL.

Deborah Miley presented a petition to Council signed by a number of citizens who live in the area of 25th Street/Riverloop requesting the installation of a street light at the intersection of 25th Street and Main Street. She commented that she had brought this issue before Council previously but that no action had been taken. She expressed concern because it was difficult to see the intersection in the dark. She reviewed the efforts made by her to date to make that intersection safer. She also stated that there were only 2 streets in Lyons that do not have a street light and that 25th Street was one of them. When asked how many people signed the petition she responded that there were 44 signatures. She commented that she had not discussed this matter or the petition with Mayor Burroughs who lives on 25th Street which would have presented a conflict of interest for him. Mayor Burroughs confirmed this fact and declared a conflict of interest with regard to this issue. There was discussion regarding the fact that a number of children wait for the school bus at this intersection in the morning; that it was still dark when they are standing there and that there is no dedicated space for them to stand. Burroughs asked if any action had

been taken after the City had offered to pay one-half of the cost of installation if the citizens would pay the other half. Miley responded that there had been discussion but that no formal action had been taken. Denny Hoop asked why the City would be involved in replacing the pole when Linn County had removed the light which was previously there and that the light had been on County property. He also asked whether the petitioners lived within the City limits. Miley responded that there were 6 households within the City limits who had signed the petition and 26 households who lived in the area but were not within the City limits. There was discussion as to whether the taxpayers of the City should pay for the installation and Hoop suggested that the homeowners should “go after” the County. Miley commented that she had contacted Linn County and the City and the issue of responsibility had gone back and forth with no resolution. Mitchell explained the history behind the removal of the light. The pole was situated on County property and no one was paying for it. Orr commented that his concern was public safety and that he felt that the City should look into this issue. Donohue suggested that this be made an agenda item for the next meeting and that the City should look into costs involved. Lon Conner stated that when the City had last looked into this issue a few years ago the costs quoted were about \$2500. He also commented that there were going to be ongoing costs and that City taxpayers would bear those costs. Donohue stated that he felt that if the City could spend money on planting and maintaining trees to beautify the City he didn’t know why the City couldn’t spend money to make the City safer. He went on to state that he felt that it was the City’s responsibility to look into this issue. Conner commented that there were no tax dollars collected from that part of town which was outside of the City limits. Mitchell said that she would look into the cost of providing power and would make a report at the next City Council meeting. Orr commented that there is no way to determine the value of public safety. He felt that if there is a safety issue the City has to look into it. Mitchell asked what Council wanted Staff to prepare for the next meeting. She was advised to look into the cost of pole installation and ongoing costs to power the light.

Mitchell stated that the next Council meeting was scheduled for February 26, 2013 and inquired as to whether Council wanted to start the meeting at 6:30. After discussion Donohue made a motion to change the regular Council meeting time to 6:30 P.M. Orr seconded the motion. Voice vote. Motion carries.

The meeting adjourned at 7:35 P.M. Burroughs stated that Council was going to convene in a workshop to discuss the audit if any of the public wished to remain.

WORKSHOP – convened 7:55 PM

Mitchell presented a cost breakdown of the cost of installing and maintaining the donated trees. There was some discussion regarding these costs and Mitchell stated that the information was provided for information because of previous discussions in connection with this issue.

Orr stated that he had not had sufficient time to adequately review the Audit Report and Mitchell explained that because of extenuating circumstances the Report had been received later than usual and that it had just been received.

Donohue asked if “cultural and recreational” referred to parks and library. Mitchell responded that she would check with the auditor to clarify this reference.

There as a lengthy discussion regarding income vs. expenditures and Mitchell explained how the Budget Document set forth those figures. Donohue pointed out that the PERS rate had tripled over the past 2 fiscal years. Mitchell explained that the City had a very low PERS rate because the City had accumulated a cushion to offset future increases. PERS said that the City should not be accumulating this cushion and they reduced the rate until the cushion was depleted. There was additional discussion regarding PERS rates and how they affected the City. Orr stated that Council will have to determine how to make up the deficit which the City had and will continue to have. He went on to say that some tough decisions would have to be made in the upcoming budget year. Mitchell commented on the fact that the \$10,000 per year for law enforcement would be an ongoing expenditure that had not been anticipated.

Orr said that public safety had to be had to be a primary goal of the City. Mitchell said that was why a workshop was necessary. She commented that was why last year cuts had been made to the library and staff funding. Orr talked about public input and was advised that the City had recently conducted a survey to find out what was important to the public. He suggested that a simplified survey setting forth only a few questions should be circulated. He asked that he be provided with a copy of the survey.

There were further specific questions with regard to the audit report which Mitchell answered to the satisfaction of the Council members.

Mitchell commented that the City has to take a hard look at the budget and determine what really needs to be spent. She requested that each Councilor determine their top projects in their specific areas and discuss, as a group, which is the most important and budget for those projects. She said that she knows what the City *has* to spend but she does not know what Council wants to spend over and above what has to be spent.

Mitchell suggested distributing Budget Books from last year for Council's review since they contain a good explanation of last year's budget.

Orr asked what the total cost for the auditor to prepare the report was. Mitchell responded that the cost was \$4,400. She stated that she had actually cut the cost from \$6,050 last year since the auditor said that he could do a review rather than what he had done the previous year which was over and above what had to be done. The City spent approximately \$2,000 less this year than last year since the audit was scaled back.

Mitchell distributed a wage analysis of 78 different small cities in Oregon that she had prepared for Council's information.

Donohue asked Mitchell to check with the Auditor to clarify the meaning of cultural and recreation. He said that he thought it was probably parks and library.

Mary asked for Council's availability for the next Council meeting and some specific dates for workshops. All Councilors present stated that they would be available on February 26, 2013.

BACK IN SESSION 8:50 pm

Orr made a motion to accept the Review Report for the fiscal year ending June 30, 2012. Alkire seconded the motion. Voice vote. Motion carries.

Mitchell suggested setting up some workshop dates. After discussion it was determined that the workshops could be held on Tuesday nights. It was the consensus of Council that the first workshop would be held on February 12, 2013 at 6:30 P.M. to discuss goals so that Mitchell can get started on the Budget.

Baldwin asked if he should attend the workshop on February 12, 2013 since he had been a member of the Budget Committee for several years. Council felt that it would be appropriate for him to attend.

Mitchell set forth several other workshop agendas and asked Council to rate their priorities. Council rated the workshop priorities as follows:

- Newsletter – low priority
- Gopher Problems –
- Weight Limits – low priority
- Comprehensive Plan – high priority
- Goal Setting – high priority

Mitchell requested that Councilors set forth the top three goals for their particular area for discussion at the workshop on February 12th.

There was discussion regarding handling the gopher problem at the cemetery and Orr stated that he would speak to a trapper that he knew who may volunteer to set some traps. Mitchell said that the City had some traps. Donohue said that he would volunteer some time on a weekend.

There was discussion regarding setting boulders at Freres Park and the street light on 25th Street. Mitchell told Council that she had had many discussions with PP&L and they will not install the light free of charge. She commented that since this was a street problem Burroughs could address the issue as one of his goals.

There being no further business to come before Council, the meeting adjourned at 9:05 P.M.

Audrey McNerney
Assistant City Manager

