



City of Lyons

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LYONS CITY COUNCIL MEETING

April 23, 2013

OPEN MEETING 6:30 P.M.

Mayor Dan Burroughs called the Lyons City Council Meeting to order at 6:30 P.M. Present were Councilors Gary Alkire, Troy Donohue and Mark Orr. City Manager Mary Mitchell and Assistant City Manager Audrey McNerney attended as staff.

GUESTS. Barbara Orr, J. D. Burns, Sgt. Greg Klein and Captain Kevin Gilford of the Linn County Sheriff's Office, Dick Voltin, Brenda Harris, and Norm Purvis.

Burroughs 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.

CONSENT AGENDA (Decision by Motion).

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

- ❖ Minutes – March 26, 2013 City Council Meeting
- ❖ Bills Paid April, 2013 as Applicable

Orr seconded the motion. Voice vote. Motion carries.

Sgt. Klein (Linn County Sheriff's Office) introduced Captain Kevin Gilford who stated that the Undersheriff and/or the Sheriff would be available to attend the planned Forum on June 7, 2013. He also provided a breakdown of the cost for 33.7 hours of law enforcement services per month as requested by Mayor Burroughs.

Orr inquired as to how a deputy's start time charged against the City's allocated extra hours under the current contract, is calculated. He was advised that the time starts when the deputy enters the City unless the deputy is called in from Albany. In that instance the time is calculated from when the deputy leaves Albany. In the event there is an arrest the time will include the time necessary to take the arrestee to jail.

Klein asked if the Forum would include a question and answer session with the Sheriff. He was advised that the Sheriff should be prepared to answer questions showing the benefit of the extra patrols to the community. It was pointed out that even without a law enforcement contract deputies will respond to a call placed to 911.

It was also suggested that the recent crime statistics provided by Deputy Lepin at last month's City Council meeting should be updated and presented by the Sheriff at the Forum.

There was discussion regarding the monthly Enhanced Patrol Report provided by Klein and Gilford to Council. Klein commented that he had noticed lights in the City Hall building which he felt was a good preventative measure. He stated that well lit residential areas would be a crime deterrent.

DISCUSSION ITEMS.

Staff Report(s) and/or Updates

➤ Librarian.

- Harris presented a breakdown of the daily activity statistics for the Lyons Library. She commented that they had had some issues with the circulation computer which can affect statistics but they were working around those issues when they occur by manually recording the daily activity.
- Harris stated that Rose Mary Voltin had volunteered to do some cataloging. She is trained in this procedure and CCRLS had given permission for her to do so. She would like to do this cataloging on a Monday when the Library is closed and would like to have a key to the Library so that Harris would not have to be there to allow her entry. Alkire said that he would like to discuss this issue with Harris tomorrow.
- Harris said that cleaning and organizing of the downstairs area of the Library had taken place. As a result there were a number of movies and CDs donated to the Marion Home. The donation was much appreciated.
- Harris also stated that Freeman is tackling the organization of the circulation area and is doing a good job in that regard.
- Harris explained that if a patron wants to use the internet they have to sign up for the use of a computer and they are required to provide either a valid library card or other valid I.D. such as a driver's license. However many people within range of the Library's internet service access it on their own computers.

➤ City Manager.

- Newsletter. Mitchell reported that the crime statistics provided by Lepin at the last City Council meeting would be published in the May issue of the City Newsletter. She asked for Council's input as to anything else they would like to have included in the Newsletter.
- Permit to Store Water. Mitchell advised Council that we had received a response from the Oregon Water Resources Board advising us of their

preliminary determinations. A copy of this response is available at City Hall upon request.

- Comprehensive Plan Review. The first Comprehensive Plan Review workshop was held on April 9th and it went well. The second workshop was scheduled for April 16th, however, we did not have a quorum so the workshop was postponed. Mitchell requested that Council make a motion to postpone the Comprehensive Plan Review to such time as when the City has at least one more Planning Commissioner and the Planning Commissioners have had additional time to train and understand the planning process. She advised Council that a Comprehensive Plan review is not a governmental requirement but a periodic review is recommended in our Comprehensive Plan.
 - An Application to serve on the Planning Commission has been received from Herb Bastuscheck. Council reviewed his application and after discussion Orr made a motion to appoint Herb Bastuscheck to the Lyons Planning Commission. Alkire seconded the motion. Voice vote. Motion carries.
- Water Testing Freres Ponds. Mitchell stated that she had e-mailed the North Santiam Watershed Council inquiring as to whether there might be a facility or person they would recommend to conduct the water testing. To date she has not received a reply to this communication but has learned that the person she would normally contact in this regard is retiring. Donohue said that he will provide Mitchell with contact information for a testing laboratory in Bend. Mitchell said that she would check with the Oregon State University to see if there is a program which could provide an intern to do the necessary testing.
- US Department of Education – Office of Civil Rights. OCR representatives visited March 26th and performed onsite inspections of both buildings, the Library and City Hall. Mitchell received an e-mail from them on April 2nd stating that they are in the process of reviewing the data they gathered during their visit and stating that they are in the process of reviewing the data gathered during their visit and will be sending us a response in “a couple of weeks.” The *handicapped parking* sign at the Library has been replaced with a *senior citizen parking* sign as requested. The replacement ADA sign for the bathroom at City Hall has been ordered as requested.
- 25th Street Light. The street light has been installed.
- Sidewalk Ordinance. After discussion this issue was tabled until we have clarification from the county and state regarding a sidewalk maintenance agreement.
- Sidewalk Repairs. Mitchell stated that she is corresponding with ODOT to determine whether or not there is a sidewalk maintenance agreement in place with the County.

- Grant Writing. Mitchell has sent e-mails and placed a notice in the newsletter that the City is looking for a Grant Writer but as yet has had no inquiries. She received an e-mail today from Mia Mohr who has assisted in writing grants for the City in the past that she would be in touch soon to discuss this issue with Mitchell. Mitchell said that she will continue to explore avenues and options and will keep Council posted.
- Gopher Status. The volunteer has removed the traps from the Cemetery in anticipation of his extended absence from the community. He has returned the traps to Miller (Public Works) who is going to reset them. There is minimal activity at this time.
- Law Levy Forum. Mitchell advised Council that elected officials *may* personally advocate for or against measures or petitions. However, statute states that elected official *may not* require or direct public employees to prepare or distribute materials used in support of or opposition to political activity during regular working hours.
- Videotaping of Events. The City can establish reasonable rules that must be followed, such as where to stand when taping, etc., to ensure that the taping is not disturbing the meeting or event, but generally the taping is allowed.
- Employee Parking. Mitchell stated that we had received a response from our insurance agent stating that as long as the City has not expressed that they would provide any kind of security for the employee's vehicle and the vehicle is not used for City business, he did not feel that there needs to be any agreement made since any damage to the vehicle would be addressed under his personal auto policy. However, a simple signed statement that the City is not responsible for any damage or theft of his vehicle when parked at the City shop may be a good way to make sure that everyone is of the same understanding. After discussion staff was requested to get clarification from the City Attorney and the insurance agent with regard to the fact that Miller does use his vehicle for City business.

Commissioner, Liaison and Non-Council Commissioner Reports.

- Alkire – Library, Lyons-Mehama Water District.
 - Alkire reported that he and the City's insurance agent, Rich Lindemann, had inspected the City shop and the Library. There were only a few minor safety issues that needed to be addressed and that they were being taken care of at this time.
 - All of the unused and/or unnecessary material stored downstairs at the Library will be discarded by May 18th (the date of the City Wide Cleanup). He commented that Mitchell and Harris had cleaned and organized this area last week and discarded much of the unused and unnecessary material stored there. He said that they had cleared out the back rooms (office and furnace area) downstairs. Nothing will be allowed in those areas other than specific items which have been previously

approved. An area around the service panel has been painted off in yellow and nothing can be stacked in that area. The downstairs office area will be shared by maintenance and Friends of the Library. A specific designated area has been marked off for each. All of the sump area and hot water heater area must be kept clear.

- He said that the Friends of the Library had asked permission to put their books for the book sale in the Library in an area specified strictly for them. Alkire said that he had no problem with that since they have supported the Library for years. Rules for the use of their specified area will be proposed at the next City Council meeting.
- Alkire said that he is proposing that he, the Mayor and any City Councilor who wishes to join them, conduct a semi-annual inspection to insure that the Library downstairs area is being maintained in a clean and orderly manner.
- He said that he would like Library staff to prepare a short term and long term plan to keep this area clean. If anything is to be kept there must be a reason for it. If the area is to be used for storage it must be maintained in an orderly fashion.
- The same rules and guidelines that apply to the Library will apply to the City shop. Also, any unused or unnecessary items in the shop will be discarded by May 18th at the City Wide Clean Up. He would also like to conduct a semi-annual inspection of the City shop to be sure it is being maintained in a safe and orderly manner.
 - Orr asked if the violations mentioned by Alkire had occurred since the last OSHA inspection. Alkire responded that he did not know but that the specific items mentioned were minor infractions and that he would have them taken care of. Orr volunteered to inspect the shop because of his experience with OSHA. Alkire said that he had 37 years of experience in this area and was sure that he could handle it but that he would welcome all Council members to inspect both the Library and the shop if they would like.
 - Harris requested that someone remove the rat poison from behind the book drop. Alkire said that he would have Miller take care of this.
 - Alkire said that it was the City's responsibility to maintain safety for personnel, citizens and patrons of the Library so if something questionable is observed it would be appreciated if this was reported so that it can be taken care of.
 - Voltin asked if Miller was authorized to use all of the equipment in the shop. Alkire said that there was a welder in the shop that Miller does not use because he is not familiar with its operation. He is authorized to use all other equipment. Alkire then said that

- the City could certify who is authorized to use which piece of equipment.
- Orr asked if he could have a key to the shop so that he could look it over on a weekend. Alkire said that he has a key and would be happy to accompany Orr whenever he wished to inspect the shop.
 - Donohue asked if there was an inventory of the City tools. Mitchell advised that there was.
- Headstone Repair. Burroughs stated that this would be done in October (Cemetery Awareness Month.) There was discussion regarding seeking volunteer help on this project and that the date could be changed if necessary.
 - Bridge Rails. Orr stated that this would be completed soon.
 - Street Repair Inventory/Weight Limits and Signage. Burroughs said that they were working on the crack sealing of City streets at this time. Orr said that he would like to get together with Burroughs on a weekend to discuss the street repair inventory, weight limits and signage. Burroughs said that he would have an estimate on cost by the next Council meeting.
 - E-Mail Establishment. Donohue stated that his computer was being repaired. He said that once he had a working computer he would establish an e-mail account.
 - Catch Basins Along Stinnett Property on Apple Loop. Burroughs stated that this project was put off until dry weather.
 - Public Forum. June 7, 2013 is the date scheduled for the Public Forum.

Resolution #476 – Criminal History Check Policy. Mitchell stated that this was a first draft of the proposed Criminal History Check Policy. Burroughs commented that he thought it was very good. Donohue asked what level of history check would be made because of the cost differential. Mitchell responded that the check would be done in the most economical manner. Orr asked which volunteers would be checked and was advised that the check would be strictly for Library volunteers. Orr asked what the history was on the volunteers in the Library. Harris responded that most of the volunteers in the past were known in the community but that recently there had been volunteers who were newer to the community. Harris said that the Library Board had suggested that, because of that reason, it might be a good idea to do background checks on the newer volunteers. Harris pointed out that no volunteer is ever in a position to be alone with a child. Mitchell stated that the resolution had been reviewed by both the City Attorney and our insurance agent. After additional discussion regarding language in the resolution Donohue made a motion to adopt Resolution #476 Criminal History Check Policy. Orr seconded the motion. Voice vote. Motion carries.

Linn County Sheriff's Law Enforcement Contract Renewal. After discussion Orr made a motion to approve the Agreement for Law Enforcement Services between the City and Linn County for services by the Linn County Sheriff's Office as set forth therein for the fiscal year 2013-2104 in consideration for the payment of the sum of \$10,500. Alkire seconded the motion. Voice vote. Motion carries.

City Wide Clean Up. Mitchell stated that she would like to break up the 9 A.M. to 3 P.M. time period into two hour shifts. Burroughs said that he will be running the backhoe all day; Donohue said that he would work from 11 A.M. to 1 P.M.; Orr said that he would work from 1 P.M. to 3 P.M. Mitchell said that if the Councilors wanted to volunteer for additional time it would be appreciated.

PUBLIC COMMENTS. Voltin commented that the letters on the reader board appeared fuzzy. Mitchell said the postings on the reader board were in the most readable font but that she would check this out.

Nuisance Violation. Donohue inquired as to the status of the Nuisance Violation posted at 544 Birch Street. McNerney advised that she had been contacted by a contractor who did clean up for a bank on properties in foreclosure and was told that if the property was posted the bank would instruct him to do the clean up. The original owners are out of state and will have nothing further to do with the property and the assessor's records do not indicate the name of the bank. The contractor would not provide information as to which bank held the mortgage or the name of his company. The property was posted and we are waiting to see if the property is cleaned up.

Council Availability. All Councilors stated that they would be available for the next Council Meeting on May 28, 2013.

There being no further business to come before Council, the meeting adjourned at 7:50 P.M.

Audrey McNerney
Assistant City Manager

