



# City of Lyons

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## **MINUTES LYONS CITY COUNCIL MEETING/HEARING April 26, 2011**

### **OPEN MEETING 6:00 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 Assistant City Manager Audrey McNeerney and Public Works employee J. D. Burns.

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.

**GUESTS.** Allison McKenzie and Mike Medley from GROW North Santiam, Denny Hoop, Willis Owen, Mark Orr, Steve Baldwin, George L. Geddes, Ron Adams, Kathy Keeney, Sandi Landers, Gary Alkire, Darren Cross, Theresa Donohue, Aurora Ellison of Our Town Newspaper, Leanne Lail, and Marc Hughes

**1. Allison McKenzie – Economic Development Corporation and GROW Letter.** Allison McKenzie stated that she wanted to update Council on what they had been doing at GROW. She said that she had heard a radio news broadcasts on a Portland radio station earlier this year that more jobs had been created in the State of Oregon in February than any other month since 1996. She reported that 17 people from Lyons had taken the Micro-Enterprise Classes; 17 clients from Lyons have been active this year and that there are 7 businesses based in Lyons who are clients of GROW. She went on to state that they have a number of clients from Lyons who are business partners with others or are trying to start a business in Lyons. She enumerated a number of the general business areas in which clients from Lyons are involved. She referred to the Sugar & Spice Bakery who had been operating a home based business and had just purchased a building in Lyons. They plan to be operating out of that building by June of this year. She also mentioned Social Graces, a dog training business. She said that they had assisted one of their clients, a construction business, to find a new office manager. She went on to state that they are really pleased with all the different things happening in and around Lyons as a result of their program.

McKenzie then stated that they intend to reapply for the CDBG grant for Micro-Enterprise Assistance and are hoping that the City of Lyons can partner with them again. She said that the classes were a success

and entrepreneurial activity really picked up in Lyons when they started offering those classes. She advised Council that Sugar & Spice Bakery was a featured business in the official magazine for SEDCOR, which is a huge economic development agency for Marion and Polk Counties. McKenzie commented that the owners of Sugar & Spice were their “poster children” for what GROW does with entrepreneurs.

Mike Medley, the Board Chair of the North Santiam Economic Development Corporation (NSCEDC) which is commonly known as GROW Santiam requested a \$500 donation to help support GROW for the coming year. He told Council that they appreciate all the work that the City has done to support the program and would be grateful for Council’s consideration of this request.

Morgan asked what would be the biggest hurdles for businesses to start up in Lyons. McKenzie responded that there is no downtown “core” for people to walk around in and that makes it difficult to start a store front business. However, she stated that issues entrepreneurs in Lyons face are pretty much the same as the ones seen everywhere. She described some of the issues they have dealt with and stated that it is a collaborative process.

Lucas asked if the funds donated would go to anything besides overhead. Medley said that their cost structure is very streamlined. They have one employee who requires a cell phone; one other telephone number which alerts Medley if there is an e-mail that requires a prompt response; an insurance payment and a few small bills. This is their entire overhead. When monies are donated from the cities and other sponsors those funds, other than overhead, go directly to their clients. McKenzie said that they were very heavily volunteered and that last year they had received over 1500 volunteer hours. She also commented that when applying to some private foundations demonstrating local support, not only in dollars but in numbers of donors, is really important. Any contribution from Lyons is very meaningful since they would then be able to include the City on their list of donors.

Morgan stated that there is now a place for “Action Items” on the Agenda so that everyone has a chance to comment on individual agenda items before action is taken. If this is an item on which Council wishes to take action they can do so at that point in the meeting.

**2. Susan Patterson –Chamber of Commerce Request.** Since Ms. Patterson was not present this matter was not addressed.

**Steve Baldwin.** Baldwin stated that he had only recently reviewed the Survey posted on the City’s website. He said that the survey was done very well but there are certain comments of a personal nature included that he felt did not belong on a public website. He said that those comments had nothing to do with the survey, were personal attacks and should be removed from the survey. He went on to say that because those comments were made anonymously no defense could be made to them.

### **PUBLIC COMMENTS TO COUNCIL.**

Morgan announced that if there was something that a member of the public would like to comment on or if someone wanted to address the Council, this was the time to do so.

Councilor Donohue said that on March 4<sup>th</sup> the City paid for the testing of a water sample and asked Mayor Morgan whether he had authorized that payment. Morgan said that because he was out of town he had not authorized the payment. Donohue stated that the samples were taken on March 4<sup>th</sup>, the results came back on the 18<sup>th</sup>, Council meeting was on the 22<sup>nd</sup> and this information was not provided to Council until after the Council meeting. Morgan stated that an “ugly” sample of water and pictures were brought to the City and there was a request that the water be analyzed. The City authorized the analysis of the water and found that the process in which the water was obtained was not scientific and therefore the results would not be scientific. There was discussion as to when the results were distributed to Council since Donohue said that the results had been obtained on March 18<sup>th</sup>, prior to the Council meeting. Donohue commented that Morgan had stated that the City’s position was to “monitor” and he felt that by the City paying for the water sample it changed to City’s position to an active one and put him, as a City Councilor, into “the middle of the recall petition.” Donohue asked if someone other than Councilor Conner had brought the sample to the City would the payment have been authorized. He said that he felt that Mitchell would be more likely to authorize payment for the water test because it was brought in by a Councilman than if a private citizen had brought it in. Morgan said that because of the condition of the sample and the photos provided it would have raised a red flag no matter who brought it in. Morgan then said that to answer the question of why the information had not been brought to Council’s attention prior to the Council meeting, to the best of his knowledge that information was provided to Council as soon as it was received. McNerney stated that the date on the test report was March 24<sup>th</sup> and that as soon as the report was received it was distributed to all Council members. Donohue said that his concern was that there had been nothing said about the test being done and that having this test done was not monitoring, it was being proactive. He again stated that it was his opinion that Councilor Conner had used his position to get the City to pay for the testing. Lucas commented that when a water sample such as this one is provided there is a responsibility to determine potential hazard. The results had not yet been received when the Council meeting took place on March 22<sup>nd</sup>. Donohue then said that Council had not been notified that the test had been done. Lucas asked what difference that would have made. Donohue said that it would make all the difference; it is just like the wall being built “in the library”. He said that he is the Building Commissioner and he had no information of this happening. Morgan said that he had authorized the building of the wall and apologized to Donohue for not notifying him. He told Donohue that it was not his intention to make him feel “left out.”

Burroughs said that he wanted to know who was qualified to do the water testing. Morgan responded that the City did not request nor authorize the test; the water was brought to the City following its collection. Burroughs asked why Conner was the person who brought the water to City Hall and who gave the okay for someone to open the hydrants. He asked if that person was qualified. Morgan said that Burroughs would have to ask that person. Burroughs stated that it was not legal to open fire hydrants. Burroughs said that he felt that it was done more for the “Concerned Citizens” than the City. Donohue said that Mayor Morgan had stated many times that it was the City’s position to “monitor”. He felt that since this test was done on the 4<sup>th</sup> Council should have been advised on the 22<sup>nd</sup> that the City had authorized this test. He went on to state that because the City paid for the test the City was now involved. Morgan asked “is not testing monitoring?” Burroughs commented that the State does the monitoring. Donohue said that you don’t drink out of the fire hydrant; you drink out of the faucet. Morgan said that didn’t answer his question of whether testing is monitoring. Donohue said that it was not when you don’t have permission

to open the hydrants. Donohue then went on to state that this water was not paid for and therefore technically, the City stole water. Morgan said that the City was not involved with authorizing or opening the hydrants. Donohue said that technically it was, since the City paid for the testing. Donohue commented that there may be an issue of theft of water because the water was not metered and there is no way to determine how much water was taken or spilled. Morgan then stated that this brings up the fact that this the only community that does not test, flush or service its water hydrants. This is not the City's responsibility other than to make sure that they *are* being tested, flushed and serviced. This is or should be a concern to Council. Donohue said that this is a different issue for Council to discuss and determine how to approach the Water District/Fire District to test the hydrants. He said that he was disappointed that the City involved him in this process (the water testing) without letting him know prior to it taking place.

Mark Orr asked what the results of the tests were. Morgan responded that because they were unscientific nothing was done with the results. Orr asked Conner what gave him the right to spend the City's money when he did not know how to open the hydrant or how to take the water sample. Orr then stated that Conner's actions constituted fraud and theft and that he, as a citizen, had the right to see if Conner could be prosecuted for his actions. Conner stated that he would not comment. Orr asked the members of Council how they felt about being involved in this issue. Burroughs said that he did not care for it and didn't like being accused of being a thief. Morgan said that he had made his position clear. Donohue said that he had made his position clear. Lucas made no comment.

Aurora Ellison said that she is a reporter for "Our Town." She said that she had met with Mayor Morgan earlier in the day and was planning to come to Council to see if Council had any comments about how they intend to improve relations in the community. She asked if any Council member would like to make such a comment at this time. Council declined to comment.

### **CONSENT AGENDA.**

3. Lucas made a motion to accept the Consent Agenda which included the Minutes of the March 22, 2011 City Council meeting and the April, 2011 Bills to Pay Report. Conner seconded the motion. Voice vote. Motion carries.

### **BUSINESS.**

4. **Update of Commissionerships.** Morgan stated that the description of the commissionerships was essentially the same as previously described except that, because public safety is one of the top issues that a local government should be involved in, that element had been added to the descriptions. Morgan also stated that because this is such an important issue he had asked Commissioner Lucas if he would be Head of Safety for the City. If any of the Commissioners have a concern about a safety issue they can direct that concern to Commissioner Lucas and Lucas can be sure that the issue is addressed. Donohue said that he would like to make a motion that the City contact OSHA to schedule a voluntary inspection of our repair facility. McNerney advised Council that such a review had already been scheduled. Donohue enumerated examples of safety issues that might need to be addressed.

**5. City Wide Clean Up – Council Availability.** Morgan stated that the City Wide Clean Up has been scheduled for May 21, 2011 from 9 am to 3 pm. He said that this has been a very popular program for the residents and asked if any of the Councilors could volunteer to assist with this program. Lucas said some of the safety issues that Donohue has raised may preclude the City from having volunteers take care of the garbage for the people in town. There are some aspects of sponsoring the program such as the possible necessity of hard hats, safety shoes, etc. The City has been doing this as a public service, but if there are safety issues involved the City needs to check to see if there are any standards that need to be met to determine whether the City can continue to provide this service. Lucas said the he would look into making this determination.

Morgan said that Freres would donate the use of a front loader for the day but the City does not have an operaor. He asked if anyone knew of a volunteer to provide this service to please let him know since this has presented some concern.

**Additional Public Comments – Limited to Agenda & Discussion Items.** There were none.

**ACTION ITEMS.**

Morgan stated that the only action item before Council at this time is the GROW request for a \$500 donation. Lucas made a motion to donate the sum of \$500 to NSCEDC in support of the GROW program. Donohue seconded the motion. Voice vote. Motion carries.

**6. Council Availability for May 24, 2011 Meeting.** Morgan asked if any of the Councilors had a conflict with that date that would prevent a meeting being held on May 24, 2011. Councilors Conner, Lucas, Donohue and Burroughs all indicated that they would be available.

There being no further business to come before Council Conner made a motion to adjourn the meeting. Burroughs seconded the motion. Voice vote. The meeting adjourned at 6:45 pm.

Audrey McNeerney  
Assistant City Manager