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LYONS CITY COUNCIL MEETING
April 2, 2009

OPEN MEETING 6:00 P.M.

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

GUESTS – Captain Jeff Cone, Linn County Sheriff’s Office and Darlene Walker.

Mayor Pro-Tem Burroughs 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.

CONSENT AGENDA.

After discussion Branch made a motion to approve (a) the Minutes of the February 19, 2009 City Council Meeting; (b) the Minutes of the March 26, 2009 abbreviated regular City Council Meeting and Executive Session Meeting; and (c) Resolution #402 transferring \$10,000 from the General Fund to the Library Fund. Lucas seconded the motion. Voice Vote. Motion carries.

OLD BUSINESS

- **Wood Donation to Skills Program.** Mitchell explained that this was an alternative program benefiting the teaching of life skills to high school students at Stayton High School. A group of the students picked up the wood which was collected during the Freres Park Cleanup and which was donated by the City to the Skills Program. They intend to sell the wood to help fund the program. Kinzer stated that there were more trees on the bank that need to be pushed over and dragged to the road. This wood will also be donated to the program. Arrangements have been made for that wood to be picked up by the appropriate parties.

NEW BUSINESS.

- **SEI Reminder.** Mitchell reminded the members of the Council that the second quarterly Statement of Economic Interest was due by April 1, 2009. She stated that if any additional copies of the form were needed they were available.
- **Linn County Building Permit Waiver.** Mitchell informed Council that because of the high unemployment rate and the fact that the construction industry has been hit particularly hard during the current economic recession the Linn County Board of Commissioners found that an appropriate use of Linn County Economic Development Funds is for the purpose of reimbursing the Linn County Planning and Building Department for the waiving of certain building permit fees beginning at 10:40 a.m. March 4, 2009 and continuing until 5:00 p.m. April 30, 2009. There will be a \$100 transaction fee which county officials hope will discourage frivolous permits but encourage those who were considering a construction project to go ahead now. For permits that normally cost less than \$100 the fee is waived completely. Commercial projects eligible for the fee waiver are capped at \$5,000 and industrial projects are ineligible.
- **City Wide Clean-up.** Mitchell advised Council that the City Wide Clean-up event has been scheduled for May 16, 2009 from 9 a.m. to 3 p.m. She said that she would appreciate whatever help the Council members were willing to provide. Branch said that he would be willing to help if he was in town. Lucas and Bowe will help for part of the day and Burroughs said that he will provide backhoe service. Mike Kuenzi, the general manager of Pacific Sanitation, indicated that they would prefer that we not accept household waste. Mitchell said that that was her preference also. That does not preclude the citizens bringing household furniture and the like, but we should not accept household garbage. Lucas suggested that when the event is advertised the flyer should also advise people that if they are bringing the waste to the disposal site they must be willing and able to unload it. Mitchell suggested that the backhoe be reserved for brush and heavy items. Burroughs commented that it could also be used to break up furniture and the like so that more debris will fit in the trash containers.
- **Law Enforcement Budgeting.** Mitchell stated that the City had received the 2009/2010 Law Enforcement Agreement from the Linn County Sheriff's Office which contemplates a 3% increase. She said that she had inquired as to whether or not that increase was negotiable and had been advised that it was. She requested that Council review the Agreement and give her their opinion with regard to the proposed increase. The total cost for this period would be \$65,981. We are committed to renew the contract with the Sheriff's Office. The question is whether or not the City wants to pay an increase this year. Mitchell said that since she is in the process of preparing the City's budget for the fiscal year 2009/2010 she would like to have Council's input with regard to the increase. Lucas asked whether there had been a decrease in the City's income at this point. Mitchell responded that there has been a decrease in building permit income, land use fees and cigarette taxes. She has also been advised to expect a decrease in property tax revenue because of the number of foreclosures. However, there are other areas which remain consistent with past revenue. Lucas asked whether Mitchell could determine an overall percentage of the decrease in income. She said that she would have to compute that. Bowe asked Cone if the senior deputies had a step increase every year. Cone responded that a four year contract had recently been

negotiated with the association for the deputies. Cone said that they did this on a 4 year basis because the levy is based on a 4 year rotation which gives them a better chance to predict increases. He also stated that the Sheriff's office would be making a presentation to the County Commissioners next week in connection with their portion of the budget. Mitchell advised council that at this point the City had generated just \$6,081 for building permits. She had budgeted \$20,000 which places revenue at 75% below what was budgeted and we are 70% through the fiscal year. Mitchell commented that someone has been stripping copper wire and putting the remains in the dumpster at the cemetery. She asked Cone if it was possible to get some extra patrol in the cemetery. After discussion the decision regarding the Law Enforcement Agreement was deferred till the next City Council meeting.

- **Wages & Budgeting.** Mitchell stated that she would like to make a recommendation that a wage freeze on the salaries of the City employees be implemented. She said that she felt it didn't seem appropriate, given the economic climate, for the employees to receive salary increases this year. She advised Council that she had discussed this issue with Mayor Rolow and with the City's employees and they had agreed that this seemed reasonable. She said while the City is in a good economic position, we have experienced a significant drop in revenues this fiscal year. There has also been a significant increase in expenditures in connection with the acquisition and refurbishing of the Methodist Church to house the new Library/Community Center. After discussion it was the consensus of Council to impose a wage freeze for the fiscal year 2009/2010. They requested that Mitchell send letters of appreciation to the employees thanking them for the services they have provided and continue to provide to the City and to express Council's appreciation for their understanding and willingness to cooperate with the City in the City's effort to conserve resources during this economic downturn. Cone commented that it would be a good idea to publicize the fact that the City employees had agreed to forgo their raises this year. He said that all county non-represented employees had agreed to accept a wage freeze this year but those represented by the union had not.
- **New Library Update and Parking.** Mitchell referred Council to the Library Update Memo in their Council books. She said that this contained a running commentary on what has been done and is yet to be done in connection with the new library building. Mitchell then referred to a proposed parking plan and stated that she and Brenda had been trying to figure out the best way to configure the area to accommodate the parking that will be needed. There was discussion regarding the placement of the senior and handicapped parking areas as well as the placement of the bike rack. Mitchell has looked into obtaining railroad ties to block the parking area from the grassy area at no cost to the City. Burroughs said that he had some 19 x 25 ties which could be utilized. Mitchell said that they intended to gravel the area. Bowe suggested running cable to block off the grassy area. Two or three concrete posts could be installed to hold the cable which Kinzer could install. After discussion it was the consensus of Council to install two or three concrete blocks and run cable in front of the parking area to block the cars from pulling onto the grassy area. Mitchell advised Council that she had spoken to the teacher of the Skills Program who advised her that the students do a lot of metal work and iron work. They would like to design and create a library sign and a sliding door to separate the library from the Community Center. He will get back to Mitchell with regard to material costs which would not be too expensive. Mitchell stated that she would like Council's approval prior to giving the go ahead for the project. She said that she thought it would be nice to have a metal hanging sign that matched the railings at the entrance of the building. It was the consensus of Council that Mitchell move forward to have the students of the Skills Program design and create a hanging metal sign for the library building.

Mitchell said that Brenda was planning to attend a meeting of the Garden Club who are talking about doing a planting on the north side of the building. They suggested that she put together a wish list of what the City would like to have. Mitchell and Harris had discussed having the Garden Club design all the grounds and contribute the plants and flowers. A plaque could be installed acknowledging their contribution. They will not plant any trees, only flowers and plants. Lucas asked if the Garden Club would maintain the area. Mitchell said that it would be maintained by Kinzer as part of his general maintenance of the library grounds. There was additional discussion regarding the location of the bike rack. It was determined that the best place for the bike rack would be on the east side of the walkway. Branch asked whether the parking spaces would be angled or straight on. Mitchell said that she was planning straight on because she didn't know which direction cars would be coming from. The spaces wouldn't be marked because the parking area will be graveled. The placement of the railroad ties would designate the parking spaces. Mitchell stated that there is a significant amount of rocky soil which she would like to have flattened out and topsoil distributed and planted so that it could be maintained as a nice green area at the rear of the building. It would be best if this is done with a backhoe. Burroughs has a backhoe and would give us the best price to do the job. However, because he is a member of the City Council the issue of conflict of interest might be raised. She would like to have permission for Burroughs to level the area so that Kinzer can plant it. Lucas commented that a bid was not necessary because it was a relatively small amount of money that would be expended. It was Mitchell's opinion that so long as the conflict is declared when the bills are paid there shouldn't be a problem. She said that that is one of the reasons that the Statement of Economic Interest is filled out and so long as the work is declared there should be no problem with the Government Ethics Commission. Branch said that he had no problem with Burroughs doing the work for the City. Mitchell said that if Council approves she will prepare a contract for Burroughs to do the necessary work on the library grounds. Lucas said that he has no problem with Burroughs doing work for the City but felt that it would be wise to check with the City Attorney to get his input as to whether it could be an issue. Burroughs stated that he had been doing work for the City since 1997. Mitchell will contact Steve Tabor to determine whether having Burroughs doing work for the City would create a problem for either Burroughs or the City. It was the consensus of Council to retain Burroughs's services if the City Attorney feels that there will be no problem created by his doing so.

- **North Santiam School District Request for School Board Liaison.** The North Santiam School District School Board is looking for a member of City Council to represent the City's interests with the school district. After discussion it was to consensus of Council to take the matter under advisement and make a determination at a later date.
- **Pat Taylor Resignation.** Mitchell advised Council that Pat Taylor had tendered his resignation from the Planning Commission because he has moved out of the City. After discussion Branch made a motion to accept Pat Taylor's resignation from the Lyons Planning Commission. Lucas seconded the motion. Voice vote. Motion carries.
- **Planning Commission Concerns.** Mitchell advised Council that with Taylor's resignation there were only two remaining members on the Planning Commission which is not enough to render a decision. She said that she has advertised, placed the information on the reader board and inquired of a number of citizens as to whether they would consider joining the Planning Commission with no result. Mitchell contacted City Attorney Steve Tabor who advised that the City's ordinance requires that three voting members be present for a quorum. Without a quorum, the Planning Commission cannot have a meeting and thus cannot make any decisions concerning pending

applications. While the planning process envisions Planning Commission meeting and making decisions which the Council can then either ratify or deny, in the event that the Planning Commission is unable to meet, those applications should then be presented directly to the City Council for a final decision. Branch asked if a Planning Commission meeting could be combined with a City Council meeting. Mitchell explained that the ordinance does not allow for that. Tabor advised her that as individuals the Planning Commissioners have no voting rights. They only have a voting right as a member of the Planning Commission. If there is no quorum, they have no voting rights. Mitchell will provide the remaining Planning Commission members with a copy of the Staff Report together with an explanatory letter advising them that they are welcome to come to the City Council meeting but until at least one more position on the Planning Commission is filled they can't make any decisions. She said that if any of the Councilors know of any one who might be interested in serving on the Planning Commission to let her know. At this time the Planning Commission is meeting about two or three times a year. A notice will go out with the letter explaining that the issues which were to be brought before the Planning Commission will be heard at the regular Council meeting.

- **Rescheduling of Regular Council Meeting.** After discussion it was determined that the Mayor, Councilor Branch and Councilor Bowe will be out of town on April 23, 2009 which is when the next regular Council meeting is scheduled. It was the consensus of Council to continue the next regular Council meeting to Wednesday May 6, 2009 at 6 PM. at which time Council will hear several planning issues. Since there will be no April meeting Bowe made a motion to authorize Mitchell to pay the April, 2009 bills. Branch seconded the motion. Voice vote. Motion carries.
- **Invitation for Mayor to Ride in 4th of July Parade.** Mitchell stated that Mayor Rolow had been invited to ride in the 4th of July parade in Mill City. She referred Council to the packet entitled "2009 Mill City 4th of July Events."
- **Sinkhole on Dogwood.** Kinzer advised Council that there was a sinkhole on Dogwood (just south of the school) that is about 20 inches around and sunk down into the blacktop about 2-1/2 inches. The center has about a 3 inch hole in it and it is about 3 feet deep. He said that he had packed it down with loose gravel to get by until it can be repaired. Mitchell informed Council that she had contacted several companies who can do this kind of street repair. North Santiam Paving said that the City didn't need a bid for such a small job. When Mitchell discussed this with Kinzer and Burroughs they felt that it was a maintenance issue which would cost less than \$1,000. Burroughs discussed what action needed to be taken to fix the problem. Mitchell said that it well under the cap of what the City needs to go out for bid on. She will contact Tabor tomorrow to be sure that she has all the parameters on that laid out but the hole does need to be fixed. Kinzer said that the hole was probably 2-2-1/2 feet into the traffic route. Kinzer told Council that he spoke with the Water Department and they said that the problem is not being caused by a water line. There was some discussion regarding the fact that in the event the City contracted with a company other than Burroughs it would cost significantly more. Lucas stated that no bid was needed because the amount was less than \$5,000. Branch suggested that the City contract with Burroughs to do small jobs under a certain amount. Mary will talk to Tabor to discuss the best way to accomplish that.
- **Linn County Sheriff's Office New Patrol Captain.** Captain Cone introduced himself and gave Council some of his law enforcement history. He said that he had been a South County Resident Deputy, a Sergeant for 6 years and a First Sergeant for 4 years. He has recently been appointed as the Patrol Captain for this area. He said that he wanted to introduce himself to Council and distributed his business card with a direct number listed on the back. He stated that it was his

intention to sit in on Council Meetings as often as he can. Mitchell commented that Sgt. Flint LeBard was doing an excellent job.

There being no further business to come before the meeting Branch made a motion to adjourn. Lucas seconded the motion. The meeting adjourned at 7:15 PM.

Audrey McNerney
Assistant City Manager