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**MINUTES LYONS CITY COUNCIL MEETING
June 25, 2009**

OPEN MEETING 6:05 P.M.

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

GUESTS – None

Mayor Rolow inquired as to whether there were any declarations of conflict of interest or ex-parte contact regarding the agenda items. Burroughs stated that he had a conflict of interest in connection with the Bills to Pay Report since his bill for services rendered was included.

CONSENT AGENDA.

Mitchell stated that there was a correction to Number 5 on the Bills to Pay Report, the installment payment in connection with the purchase of the Methodist Church. She said that the payment will not be made until July 1, 2009 which is the actual date due for the payment of this installment. The amount of the payment listed on the Bills to Pay report is \$12,000; the actual amount of the payment is \$11,248 based upon the closing date of the escrow for the purchase of the property. Rolow commented that no interest was due from July 1, 2008 until the November 15th closing date. Branch inquired about the \$2590 payment for the Library Store. Mitchell stated that it was for library supplies. Branch then inquired about the payment for Stayton Skills USA for security door and signs. Rolow advised that they had built and installed a sliding metal security door at the bottom of the steps going into the basement area of the 8th Street Building. Mitchell commented that they had also designed and installed a sign for the outside of the building made out of wrought iron. She further stated that at the last meeting Branch had requested that she contact Mr. Sunderman (the teacher for the Skills Program), to discuss having them make an outside security door for the front door of the 8th Street building. Since Mr. Sunderman had left for the National Skills Competition and Mitchell doesn't know what the summer schedule for the program is, it appears that we will have to wait until school starts in the fall to discuss this project with him.

After discussion Lucas made a motion to accept the Consent Agenda including June 2009 Bills to Pay Report as corrected; the Minutes of the Budget Committee Meeting and Minutes of the City Council Meeting of May 28, 2009 and the adoption of Resolution #410 proclaiming July 2009 to be Oregon National Guard Month. Bowe seconded the motion. Voice Vote. Motion carries.

OLD BUSINESS

- **I Serve & Rain Gutters on Library Building.** Mitchell stated that the painting of the 8th Street building is scheduled for Saturday, June 27th from 9 AM to 2 PM. The necessary supplies have been purchased, arrangements have been made for a lift and there will be two or three paint sprayers available. Kinzer had previously pressure washed the building but since the gutters had been removed (because they needed to be replaced), when it rained the other day dirt splashed back up on the building and it needs to be pressure washed again. Rollow commented that all of the fascia board behind the gutters was in good shape and does not have to be replaced. He stated that he had checked with several businesses in Salem to get an idea of the cost for replacing the gutters. Rollow stated that approximately 200 linear feet of gutter plus downspouts will be required, the cost for which will be approximately \$1000. Mitchell said that it was important to replace the gutters as soon as possible after the building is painted so that rain doesn't come off the roof and splash dirt back onto the building. Rollow said that the gutters could be obtained in a color contrasting the paint. Mitchell stated that she and Kinzer had chosen good paint with a lifetime warranty that requires only one coat to cover. The cost of 20 gallons of paint, which is what Kinzer has estimated will be needed, will be \$595. Kinzer stated that he will have the high areas painted first so that they don't have to keep the lift any longer than necessary. Mitchell then stated that she would like Council's permission to purchase the gutters so that they can be installed as quickly as possible. Bowe made a motion to approve the purchase and installation of gutters on the Library building. Branch seconded the motion. Voice vote. Motion carries.

NEW BUSINESS.

- **Denise Harrell – Permission to Display Paintings for Sale in the Library.** Mitchell stated that Denise Harrell, who painted the mural in the library, has requested permission to display paintings for purchase in the library. Mitchell said that she wasn't aware of anything that sets a precedent for allowing items for sale to be displayed in the library and was requesting Council's input. It was her feeling that Council would have to determine on a case by case basis, the type of items allowed to be displayed for sale. Branch expressed concern that allowing this would open the door for other like requests. He said that he would not be in favor of setting a precedent for this type of activity in the library. Lucas said that if the pictures were reviewed and they were aesthetically pleasing and enhanced the library we could display them so long as they didn't have a "for sale" sign on them. Branch responded that the bottom line was that the pictures were for sale. Mitchell suggested that that Harris could be requested to check to if this issue had been raised at other libraries and if so, how have they handled this issue. Rollow said that in that way the City would not be opening the door to everyone who wants to display their wares. It was the consensus of Council to have Harris check this out and get back to Council with a report.
- **Community Center Use.** Mitchell informed Council that for a number of years Diane Roberts has provided tap dancing and ballet lessons for citizens of the community at the Grange Hall. The Grange Hall has had issues with allowing tap dancing on their wood floor. Roberts would like to

have the opportunity to teach the tap lessons in the Community Center portion of the 8th Street building. She is interested in beginning classes in mid-September on Mondays from 3:30 PM to 5:30 PM and from 6 PM to 7 PM. In the past the Grange has given her keys so if we were to do the same it would not be necessary for anyone to be available to allow her to gain entry to the building. She expects to pay about \$150 per month this year to the Grange for the use of their hall for ballet. Mitchell said that she will get a memo out to the Library staff requesting that all Library materials and any other Library belongings be removed from the area reserved for the Community Center by no later than September 1st. Since a number of the Councilors have expressed concern regarding the condition of the area in and around the circulation desk, the memo will also address this issue. Mitchell said that she wanted to know Council's opinion regarding moving ahead and beginning to generate some income which could be set aside for improving the area so that it actually could be a functioning community center. Bowe asked what the floor was made of. Rollow responded that it was old fashioned hard tile. Roberts had checked it out and said that tap would be fine but it would be too hard for ballet. The only flaw is that there is no bathroom facility downstairs in the building. Mitchell has scheduled an appointment with Carpenter's Plumbing to determine whether it would be feasible to turn a portion of the former office into a bathroom and to determine the costs involved. Rollow commented that he had observed some time ago that in order to put a bathroom downstairs some form of sewage lift pump would have to be installed. Mitchell said that she is not planning to move ahead with such a major project at this time but would like to know whether Council would consider allowing use of the room for specific events even though it is not ready to become a full fledged community center. Rollow commented that until a bathroom facility is provided, the bathroom upstairs in the Library would be the only facility available. Mitchell stated that Roberts probably would have no more than 10 students at a time and if she accompanied them upstairs to use the facility before the start of the class they would probably be fine. It was the consensus of Council to allow Roberts to use the facility as above stated. Mitchell then asked if Council had given any thought to what the charge for the use of the facility every Monday from 3:30 PM to 5:30 PM and from 6 PM to 7 PM should be. After discussion Bowe made a motion to allow Diane Roberts to utilize the lower floor of the 8th Street building for her tap dancing lessons for the sum of \$50 per month. Burroughs seconded the motion. Voice vote. Motion carries.

- **Freres Park Proposal; Including Porta Potty Request.** Mitchell stated that she would like Council to consider turning the large parking area on 13th Street where the City Wide Cleanup was held into a dirt park for the local kids for BMX dirt bicycle riding. She said that it would not require a great deal of preparation. It would be for non-motorized vehicles only and strict rules and regulations would have to be in place for usage. The only thing that would have to be done is to move some rocks around because we would have to restrict access for anything other than bicycles. She is not sure how many tons of dirt would be required. She has talked to some of the local kids and they are very enthusiastic about the project and she has requested that they present her with a proposal showing what kind of jumps and what kind of a layout they would like. She would have the kids build it and she has drafted up some rules regarding the times it would be available and what would and would not be allowed. She informed Council that she has spoken with the City's insurance agent who advised that there would be no additional cost to the City for liability insurance since all of the City's parks are covered under the current liability policy. She would like to install a porta potty at the location. The City has already received a request from one of the residents on 13th Street to have one installed in that area since the fishermen are using nature's facilities there. Mitchell has contacted Ace Septic with regard to purchasing a used one.

She was advised that the City could purchase a used one for about \$300. If the City purchased the unit we could just have scheduled maintenance done on it in the same manner as the one by City Hall and the one at the other end of Freres Park. The only costs involved in setting up the dirt park would be for the porta potty, the hauling in the dirt and the dirt itself. It will not take a lot of maintenance and so far as surveillance is concerned there are people in the neighborhood such as Mitchell, Clastine Ritchie (Planning Commissioner) who lives right across the street, Mayor Rollow and Randy Kinzer, the City's Public Works employee, who live at the top of the hill which overlooks the area, and other community members who can provide passive surveillance. Issues could arise but the City could shut it down at any time if need be. Many of the kids in town ride bikes and are very enthusiastic about the idea since there is very little for them to do in town. Mitchell provided Council with some research she had done with regard to configuring dirt bike parks. It is a relatively inexpensive way to give the kids something to do. Rollow advised Council as to the contemplated area and said that there might be dirt available from construction projects taking place around town. Mitchell said that she still needed to calculate how much dirt would be needed. Burroughs stated that Mitchell needed to get the kids involved in designing the park so that the City could determine how much dirt would be needed. Mitchell said that there were a few of them who ride professionally and they could help come up with a design. She said that it will probably not happen overnight but that she wanted to move forward as quickly as possible so they have this summer to start working on the project. Burroughs said that it would probably take about 10 truckloads (the size of his truck) of dirt. If the dirt has to be purchased it could be quite costly but Burroughs stated that he probably could get a lot of it donated. The only cost would be for hauling it. Branch said that he would check with Freres to see if they had any excess dirt. Mitchell said that she could contact some of the developers in the area to see if they had any dirt available. Mitchell advised Council that she would like permission to section off the low lying area where the City Wide Cleanup was held, move a few rocks around, and install a porta potty as well as authorization to get some dirt. Burroughs asked if this would interfere with the cleanup project. Mitchell responded that she could reconfigure the area used for that project. There was some discussion as to where the clean up project could be located in the future if the dirt park were in place. After some discussion regarding other dirt parks in the area and their configuration, Branch expressed concern that there might be problems connected with an activity of this sort in the area. Mitchell said that she couldn't be sure that there wouldn't be problems but there is a good group of neighbors in the area who all have kids and are accustomed to dealing with teenagers and who would not tolerate much nonsense. Rollow asked if there was any objection to pursuing this further with the possibility of establishing the dirt park for the youth of Lyons. Kinzer suggested using the bridge piers behind the sand shed instead of moving the rocks around. Some of them could be used to keep the dirt from going into the pond. Burroughs commented that the kids could even ride on some of them. Rollow said that Freres would probably move them into place if requested. Rollow commented that the Freres' have always been cooperative with the City when requested to assist with a project. He said that he would talk to Ted Freres regarding the possibility of their assistance. Kinzer said that he would like to have a barricade put through the north parking lot where the porta potty is now. That would break up the parking lot area and keep the cars from "making donuts" and tearing it up. Bowe expressed concern that there might not be a large enough work party to accomplish the dirt park project. Mitchell said that she has spoken with at least a number of kids and they are all enthusiastic about working on it. They might make changes as they go along. This will give the kids something to do with their hands that they can be proud of and something they can use. Bowe asked if the residents of the area had been

canvassed to determine if they were in favor of the project. Mitchell said that she had spoken with one of the neighbors and would find a way to communicate with all the others. Mitchell said that the neighbors can be informed of what we would like to do and request their help with passive surveillance. If something was amiss they could contact City Hall. Bowe said that he would like to be sure that there was no objection to the installation of a dirt park by the residents in the area. Bowe said that he would like to be sure that there were enough kids involved to get the project done. Mitchell said that if they can't get it done the worst thing that could happen would be that the City would level the dirt and plant grass. She proposed that she do some further research and put together some financial information to provide to Council at a special meeting or at the next regularly scheduled City Council meeting. She said that she probably could get a preliminary plan from the kids which could evolve over time. There was discussion regarding the feasibility of installing another porta potty at Freres Park and the cost and scheduling of cleaning and pumping an additional facility. Mitchell stated that Ace Septic had advised her that they could furnish a nearly new one for about \$300. They did not have a handicapped unit available but since the City already has a handicapped unit available in the park another handicapped unit would not be necessary. After discussion Branch made a motion to purchase a porta potty for Freres Park and to authorize Mitchell to pursue further research into the possibility of establishing a BMX dirt park on 13th Street. Lucas seconded the motion. Voice vote. Motion carries.

- **Small City Economic Stimulus Program.** Mitchell advised Council that she had applied for two grants from ODOT. One was to install a retaining wall spanning the distance from the mouth of 13th Street to the bridge to improve visibility. This grant application was not approved. The other grant application was to fund a 2 ½ inch overlay to 13th Street from the bridge to Dogwood Street which was approved. She requested Council's permission to add on the portion of 13th Street between Main Street and the bridge to the overlay project. Based on the formula for calculations from the Linn County Road Department the approximate cost to add on that section of street would be about \$20,000. That will cover the cost of approximately 157 tons of AC plus adding on for approximately 198 tons of one inch minus shoulder rock and the bridge span. We have \$71,000 in the Street Fund and according to ODOT's requirements we are to utilize those funds on a regular basis. Rollow commented that to his knowledge the City has no other street projects planned for this year other than making two patches on 14th Street and a patch on Dogwood. Mitchell said that she had contacted the Linn County Road Department to determine if the add on could be handled by a change order but she has not yet received a response. She has also coordinated with Linn County to have them finish overlaying the County portion of the road from Dogwood Street to John Neal Park. After discussion Lucas made a motion to authorize the expenditure of funds from the Street Fund for the overlay of 13th Street from Main Street through the bridge. Burroughs seconded the motion. Voice vote. Motion carries.
- **Tree Removal.** Rollow stated that there were five trees on City property which need to be removed. Three of the trees were damaged in the recent storm and are leaning over into the property located at 388 9th Street. The City has received a proposal from B and E Brush Removal to remove the trees at a cost of \$1700. This does not include clean up and removal. There was discussion as to the location of the trees. Kinzer stated that if the trees fell they would damage the house. There was discussion as to what was necessary to alleviate the problem. Kinzer said that there was a maple tree whose top had broken off and was hanging in the branches. If this came down it would destroy the corner of the house. He would recommend that at the least the maple tree should come out. It will have to be taken out in sections. Mitchell said that the class at Stayton High School to which the previous donation of wood had been made would probably be

delighted to clean up the wood and sell it as a fund raiser. There was discussion regarding the best manner in which to fall the trees and get them down the bank and across the creek. Bowe asked if the City was liable for any damage the trees might cause to private property. Mitchell explained that what the insurance company would say is that if you are aware of a danger and choose not to correct the problem you are liable for the damage caused. Kinzer has stated that the maple tree presents a danger to private property. There was discussion regarding danger trees and where they were located and Kinzer said that you could see where the roots of some of the fir trees had lifted out of the ground. Branch suggested getting a second proposal from Steve Winn who is located in Mill City who had done some work for him at a reasonable price and who had been in the area for quite some time. After discussion Branch made a motion to have the hazard trees removed from the City property after determining the lowest bid available for the project. Burroughs seconded the motion. Voice vote. Motion carries.

- **Councilor Representation - SRA.** Rolow advised Council that he had received a letter from Harold White the Mayor of the City of Aumsville regarding the SRA. White stated in his letter that when the executive council meets they have not had a quorum which might result in their losing their 501-C (3) status. They are scheduling a meeting in Aumsville and would like to know what date and time a representative from Lyons would be available. Rolow stated that the regular meetings will be held on the third Thursday of every third month. Pat Bowe is the City's representative to the SRA and Rolow will check and advise Bowe of the date of the next meeting.
- **Council Availability for July Meeting.** Rolow polled Council and was advised that all would be available for the Council meeting scheduled for July 23, 2009.
- **Quarterly Reports.** Rolow advised that effective July 15, 2009 it will no longer be necessary to file the Quarterly Public Official Disclosure Reports with the Oregon Government Ethics Commission.
- **Publication of the Budget Committee Meeting Notice.** Mitchell advised Council that in double checking her paperwork with regard to the preparation and publication of the annual Budget she realized that she did not have an Affidavit of Publication for the second publication of the Budget Committee Meeting Notice on May 13, 2009. She contacted the Mill City Independent Press to request the Affidavit for the file and was informed via e-mail that they had overlooked the request and had failed to publish it. Attached hereto and made a part hereof by reference is a copy the e-mail request and the response from the owner of the Mill City Independent Press (MCIP) informing Mitchell that they had overlooked the publication. Mitchell stated that this is the second year in a row that the Budget publications had not been made by MCIP in a timely manner. Mitchell then contacted Gordon T. Meyer at the Department of Revenue, explained the situation, and he directed Mitchell to inform Council of the issue and have it made a part of the record. Since we had done everything we were supposed to do there is no problem. Mitchell commented that next year even though she likes to keep the City's business locally, she intends to publish the Budget in the Stayton Mail.
- **Library Landscaping Design.** Lucas provided a Landscaping Design which Harris had requested he deliver to Council. Lucas said that he had received this only today and had no information regarding the issue. He commented that it must have been prepared by a professional landscaper since there was a \$150 charge for preparation on the design. The City does not have to pay for preparation of the design since it appears to have been donated. Council briefly reviewed the design.
- **Re-Establishment of Sewer Fund.** Branch pointed out that that at the Budget Committee Meeting on May 28, 2009 the vote as to whether or not to re-establish the Sewer Fund resulted in

a tie. The minutes of that meeting reflected that since the vote resulted in a tie, the matter could go to the City Council for further discussion at this meeting, at which time both Mayor Rollow and Councilor Lucas would be present to provide their input. Rollow called for a vote and the result of that vote is as follows:

Burroughs – Yes
Branch – No
Lucas – No
Bowe – No
Rollow – No

Mitchell stated that there was already a Sewer Fund CD established. She can keep a CD for that purpose or the funds can roll into the General Fund and be a General Fund CD. When the Sewer Fund CD expires Council can make a decision as to whether they want to keep the CD entitled Sewer Fund and leave it in the General Fund.

There being no further business to come before the meeting the meeting adjourned at 7.30 PM.

Audrey McNerney
Assistant City Manager