



City of Lyons  
Phone: 503 859 2167  
Fax: 503 859 5167

449 5<sup>th</sup> Street  
Lyons, Oregon 97358

## **MINUTES LYONS CITY COUNCIL MEETING July 23, 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** – Glenda J. Kinzer, Darlene Walker, Neonta Bell, Steve Baldwin, Linda Smith, Steve Lucker, Berva Bennett, Bryan Wolf, Anthony Clark, Sasha Snyder, Kathleen Sears, Terry Sears, Cherri Namitz, Amber Namitz, Chad Namitz, Lon Conner, Sherrie Sprenger (State Representative), Clastine Ritchie, Dave DeLapp, Judy Wells, Brenda Harris.

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.

**STEVE LUCKER – FEMA MAP CHANGES.** Mayor Rolow introduced Steve Lucker who is with the Department of Land Conservation Development (DLCD). Mr. Lucker stated that DLCD is working with the Federal Emergency Management Agency (FEMA) introducing the new flood maps which are the result of a program which has been going on for about 6 years called the Map Modernization Program. He advised that Linn County's maps had been released about three weeks ago and they are in the process of distributing them and advising the public about the changes. He said that on August 4, 2009 there will be a community meeting held in Albany with FEMA representatives and insurance agents present to answer questions. He advised that if anyone has questions that he can't answer he will take the questions, refer them to the appropriate agent and get the information to the person requesting it

He went on to state that there are some minor changes in the Lyons area. He presented a current map which was prepared 25 years ago. He said that it was difficult, utilizing that map, for planners and insurance agents to understand what was going in the area because there has been so many changes in the interim. A lot of the process has been to modernize the information and put it in a computer environment so that the information can be accessed on line. He showed the new map which has an aerial photo in the

background. All the lines are in the computer so that if you have the data you can mix and match with planning information and do all different types of analyses. He passed around an unofficial new map and explained the difference between the current elevation lines and the new ones. He explained that the old maps which had been scanned in were not very accurate and could be off by as much as 20 to 40 feet. This resulted in some concern regarding properties which may have originally been outside of the flood plain and are now in the flood plain. In looking at the map which he distributed he commented that there might be some properties along the river where that might be the case. There is now better, more refined information to express the elevation lines set forth on the maps. This is happening in all communities around the state where there is better elevation information. However, he said that if anyone has property any where near the flood plain he would urge that they attend the community meeting which is scheduled for August 4<sup>th</sup>. There was discussion regarding the maps distributed. Lucker stated that he had concentrated on the Lyons area when copying the maps from the computer and noted that there had been very little change in the Lyons area. If anyone wanted snapshots of their individual properties he requested that they provide their address. He said that the process for changing the maps will take at least a year. At the present time they are accepting comments with regard to road names and jurisdictional boundaries and the like. Three or four months after the commentary is concluded they will finish the map and publish it. Six months from that point the new maps will become effective. The question came up as to when parties should get flood insurance. Lucker said that it would not have to be purchased right now. He suggested that anyone with a question regarding flood insurance contact him at his e-mail address ([stephen.lucker@state.or.us](mailto:stephen.lucker@state.or.us)) and he will forward the request to someone who has expertise in insurance issues. He commented that he wanted to emphasize the fact that a flood doesn't necessarily stop at a map line. If a property is anywhere close to the line the property owner should seriously consider purchasing flood insurance through the National Flood Insurance Program. There was a question as to whether or not the Corps of Engineers had any responsibility and Lucker said that he did not have an answer to that question. He suggested that the City have a representative from the Corps answer any questions that might come up in that regard. There were some questions from the audience regarding insurance rates and Lucker stated that the person in their organization with insurance expertise could better answer those questions. There was a question with regard to how location in the 500 year flood plain affects property. Lucker explained that that designation was more for planning purposes and considered to be a moderate risk. It is not necessary to get flood insurance under the National Flood Insurance Program for properties located in the 500 year flood plain.

Mitchell stated that there will be a press release in the next issue of the Mill City Independent Press which will outline the August 4, 2009 meeting time and location for those persons who want to attend.

Mayor Rolow thanked Mr. Lucker for his presentation and Lucker left the meeting.

### **13<sup>th</sup> Street Improvements.**

- a) Overlay. Mitchell stated that the City had received an opportunity to share in the funds that were available under the American Recovery and Reinvestment Act of 2009 (ARRA). There were specific criteria which had to be met in order to qualify. The oldest and most poorly maintained street in Lyons and the most expensive to improve is 13<sup>th</sup> Street. Mitchell advised that she had written a grant proposal for \$100,000 specifically to overlay 13<sup>th</sup> Street and received approval. The project was supposed to cost about \$98,000 to overlay 13<sup>th</sup> Street beginning at the bridge and extending just past Dogwood. The street

from Dogwood to the north belongs to the Linn County. The County agreed that if the City paid for the overlay to Dogwood they would finalize the paving from just past Dogwood down to John Neal Park. The bids came back much lower than anticipated. The City was estimating that the cost of the asphalt would be \$75 per ton and the bid came in at \$46 per ton. The project which the City had estimated would cost about \$98,000 will cost about \$56,000. Mitchell stated that she met with the Linn County Engineer, the City Engineer and the City's Public Works person and, since the work has to be transportation related and attached to the originally applied for project, it was decided to overlay an additional two feet in width (to give additional room on the sides for pedestrian and bicycle traffic on 13<sup>th</sup> Street).

- b) Driveway Approaches. The City now requires driveway approaches (i.e. paved from the edge of the street in about 10 feet onto the property the width of the driveway) on all new development. None of the properties on 13<sup>th</sup> Street currently have driveway approaches. The purpose of the driveway approach is to keep gravel off of the street and out of the drainage ways. Mitchell stated that if anyone has a driveway the location of which they are not satisfied with, or if they would like to modify or reconfigure their driveway they are requested to mark (with white spray paint) where they would like to have the driveway located. There will be no charge for the driveway approaches and/or modifications to existing driveways. The minimum width that will be paved is 12 feet. Mitchell commented that if anyone does not want their driveway to have a depth of 10 feet because of the configuration of their property they should contact her so that she can pass the information on to the paving contractor.
- c) Start Date. The paving is scheduled to begin on Friday, July 31<sup>st</sup>. The contractor will make sure that one lane of traffic will remain open. Mitchell recommended taking into consideration the fact that it may be difficult getting in and out of driveways and that it will take extra time to access 13<sup>th</sup> Street.
- d) Grants. Mitchell stated that there were two grant proposals submitted. One was for pulling the hillside back for a better line of sight down 13<sup>th</sup> Street. This was a separate grant proposal which was not approved. However because of the way the bids came in, the City can now afford to pave all the way to Main Street. The City didn't get the funding to build a retaining wall and cut back the hillside but the street will be paved from Main Street all the way to John Neal Park. Mitchell noted that there is a significant drop off at the edge of Ash Street (North side) where the post office delivery person pulls off the side of the road to deliver the mail. That section will be paved in a sweeping pattern so there will no longer be a drop off there. The final proposal with the additions came to \$79,000 which leaves about \$12,000 of funding remaining. Mitchell said she intended to discuss other possibilities for the use of the remaining funds with Council. There was a question raised regarding the repair of the bridge handrails. Mitchell stated that due to vandalism it appears that this will be an ongoing maintenance issue. Mitchell commented that she would like suggestions as to what can be done to keep people from tearing the handrails out. Rolow stated that this is the second time that the handrail has been vandalized. It was replaced and lasted only about 4 or 5 months. He said that the City is looking at the possibility of making a metal rail. Kinzer stated that he is in the process of making a metal hand rail but he hasn't determined the best way to fasten it. There was some discussion regarding fastening the rail into existing concrete, however the City does not have a bore machine which could accomplish that. There was also discussion regarding the washout of

the area around the bridge caused by the beaver population. Mitchell stated that the bridge is inspected on a two year inspection cycle. Kinzer stated that the City keeps a close watch on the condition of the bridge.

- e) Repair 14<sup>th</sup> Street and Dogwood Street (near the school). Mitchell stated that there were two areas on 14<sup>th</sup> Street that need repair. Those areas will be cut out and packed and when the contractor does the paving they will pave over those two areas. There is also an area on Dogwood Street (near the school) which will also be repaired in the same manner.
- f) ARRA Agreement. Rolow inquired as to whether there were any questions regarding the 2009 Fund Exchange Agreement under the American Recovery and Reinvestment Act of 2009 for the 13<sup>th</sup> Street Pavement Resurfacing between the State of Oregon and the City of Lyons. There were no questions and Rolow moved on to the next subject.
- g) Park Usage. Mitchell stated that there had been a discussion at the last Council meeting regarding the feasibility of turning the main parking lot on 13<sup>th</sup> Street (where the City has been holding the Citywide Cleanup) into a dirt area for local bicycle riders. The discussion involved the installation of a porta pottie for the area and bringing in truckloads of dirt for the riders to build jumps on. The only cost associated with the project would be the actual hauling of the dirt. There was discussion regarding whether local builders would be willing to donate the dirt. Mitchell went on to say that after giving a considerable amount of thought to the issue it appears that this is a project that the City should not rush into. She commented that there a number of potential difficulties that could come with the project. When there are teens involved no matter how hard you try and how hard you plan there is always potential for them to misbehave. The area would be strictly for non-motorized traffic (bicycles). There would also have to be strict rules and guidelines imposed. Mitchell had received approval at the last City Council meeting to do further research into the matter. She stated that the next logical step would be to ask the residents of the area for their input. There was considerable discussion regarding the issue. Concerns were voiced regarding policing, littering, vandalism, traffic and the like and it was obvious that the people in the neighborhood were not in favor of the project. The residents *were* in favor of installing a porta pottie in the area for the use of the fishermen at the ponds. Rolow stated that the City was planning to install a porta pottie at the south end of the park for that purpose. He said that the City could purchase one for about \$250 to \$300. There was additional discussion regarding whether or not it was the City's responsibility to provide activities for the children in the area. Most felt it was the parents' responsibility to see that their children had appropriate activities to keep them busy.
- h) Speed Humps. Mitchell stated that the City had received a request to install speed humps on 13<sup>th</sup> Street. The residents on 13<sup>th</sup> Street are aware that even though the speed limit on the street is 25 miles per hour, people road race, they rarely go the speed limit and there is a significant amount of pedestrian and bicycle traffic on the street. Mitchell referred to the information provided regarding speed tables vs. speed humps both of which are traffic calming devices. Speed tables reduce traffic to 20 to 30 miles per hour. If a car is going the speed limit there is really no impact. They can be constructed of asphalt, concrete or rubber. It is currently recommended that they be made of rubber due to several factors including ease of installation. Speed tables can be bolted down and moved at a later date if it is determined that they should be eliminated or moved to a different location. In addition, unlike concrete and asphalt, which necessitate frequent and high cost replacement, rubber products are longer lasting and thus more cost efficient. Mitchell

commented that this request had just recently been received and Council has not yet had an opportunity to review and discuss this. Since many of the residents of 13<sup>th</sup> Street were present at this meeting it seemed an appropriate topic of discussion. There was a question as to what the speed tables looked like. Rollow commented that they are an elongated table along the road which is raised about 3 to 4 inches. Rollow stated that if the speed limit is being observed there would be no damage to vehicles. Rollow said that the tables are long enough so that all four wheels of a car will get on it. Mitchell noted that speed tables cause less of a delay than humps and are typically preferred by emergency responders. When asked about the cost, Mitchell responded that the cost was about \$1,000 each. There was discussion regarding how the speed tables were fastened to the road. Burroughs commented that they didn't change the asphalt; they were just bolted on to the road. Mitchell reiterated that this would just slow traffic down. The material states "Speed tables are effective in calming traffic on streets where the speed limit needs to be maintained rather than slowing cars more significantly." There was discussion regarding how many should be installed, where they should be located and how they would affect traffic on 13<sup>th</sup> Street. Rollow commented that the actual location or locations could be determined at a later date. He assured the residents that once a conclusion as to location has been reached the affected property owners will be contacted. After discussion it appeared that the majority of the residents were in favor the installation of speed tables to slow the traffic on 13<sup>th</sup> Street.

There being no further discussion regarding this issue a number of the guests left the meeting.

### **CONSENT AGENDA.**

Bowe made a motion to approve the Minutes of the June 25, 2009 Budget Committee Meeting; the Minutes of the June 25, 2009 City Council Meeting and the July, 2009 Bills to Pay Report. Lucas seconded the motion. Voice vote. Motion carries.

### **OLD BUSINESS**

- **Charging for Video Check-Outs.** Rollow stated that at the June 25, 2009 City Council Meeting the Council had authorized the sum of \$1,000 for the purchase of new videos which would be available for rental at the Library. However, it was his understanding that, according to the Library Board, the Library Staff was not interested in handling videos. He requested that Mitchell address this issue. Mitchell referred to the Lyons Library Board Memo dated July 21, 2009 (received July 23, 2009) which stated that "1. The library is not in the video business" and that "the collection of fees would be additional work, not to mention cataloging of the materials." Rollow commented that he thought that the cataloging of videos would be the same as the cataloging of books. Mitchell clarified that it appeared that the objection of the library board was to the *rental* of videos by the library. She said that the library now offers videos by check out (the same as the check out of books). Burroughs commented that contemplated charge was to cover the costs of purchasing current videos. Harris stated that other libraries, with the exception of the Salem Library, do not charge for videos. Mitchell stated that the checking out of videos at the library had worked well. What had been discussed had been expanding the video library to contain more titles and current releases. In order to pay for having a current video library there

would have to be a way to recoup the costs of purchasing current releases. This would require a large expenditure to start and an ongoing expense to maintain. Mitchell said that the problem was trying to determine how to offset the cost without it becoming a drain on the budget. That was why the suggestion to charge \$1 for the rental of a video was made. Mitchell commented that with the closing of the video store there is no place to rent videos in Lyons. According to the comments made in the memo, it appears that the library is not interested in taking on a video business where a charge for the rental of videos would have to be made. Harris stated that the City of Salem had enacted a \$1 per week charge some time ago. They had to have a separate contract with CCRLS because all libraries have a contract with CCRLS whereby they agree to "provide free borrowing privileges to card holding residents/patrons of other participating CCRLS Cities." In order for the City to charge for videos the City would have to make a change in its contract with CCRLS. This contract is renewed each year. Harris went on to state that the feedback she had received from other libraries in connection with video charges was, for the most part, very negative. She said that the Salem Library Staff has stated that they have received a very negative response from the public and that the staff, not the City Council, has to deal with it. She said that it was not that she did not want to have videos available and while she understands there has to be a charge for the service, she felt that \$1 per day was excessive. There was discussion regarding the fees charged by video stores in Stayton. Lucas asked that Harris expand on the comment that additional work was involved in the collection of fees and the cataloging of material. Harris responded that she had discussed the cataloging issues with Mitchell. She went on to say that because every fine or fee that is received by the library is documented taking in additional fees would result in additional record keeping. In addition, under the contract with CCRLS if a fee change is made or if a new fee is imposed everyone in the library area would have to be notified of the changes. Lucas asked how a new fee would change the manner in which fees are now collected. Harris responded that there would be an increase in the amount of money handled and documented. She explained that they have a money bag that is kept in a locked drawer. When any fee is collected from a patron it is documented on the computer record and the patron is given a receipt. It is then noted on a log which is kept by the library staff. Lucas asked if the \$1000 which had been authorized to update the video library had been spent. Mitchell responded that it had not. After discussion regarding whether or not there would be additional demand for video because of the closing of the Video Store; whether or not patrons would be willing to pay for them; the manner in which to pay for the cost of maintaining a current video library; and the availability of other sources for the citizens of Lyons to rent videos if they so desired, Lucas made a motion to rescind the June 25, 2009 authorization for \$1000 for an expanded video program at the Lyons Library and to have the library continue handling the check out of videos in the same manner as they do at the present time. Branch seconded the motion. Voice vote. Motion carries.

## **NEW BUSINESS**

- **Cell Phone Usage – Public Works.** Rolow stated that Mr. Kinzer has been using his personal cell phone for City business since he began working for the City. He proposed that the Council authorize a monthly stipend of \$15 per month to offset the cost of the use of the phone for City business. Mitchell commented that she and McNerney contact Kinzer at least three or four times daily in connection with his performance of his duties. That is the only way City Hall is able to communicate with him since his duties take him out of the office. Lucas asked Kinzer if he felt that \$15 per month would cover his costs for the use of his phone for City business. Kinzer

responded that he felt that it would. Branch made a motion to compensate Kinzer the sum of \$15 per month for the use of his cell phone for City business. Burroughs seconded the motion. Voice vote. Motion carries. Harris commented that she uses her cell phone for library business quite often but she said that she “looked at it as part of her job.” Rolow stated that in her job she has access to a land line. Harris responded that when the library moved to 8<sup>th</sup> Street she had to use her cell phone until the land line was installed. Branch offered to compensate her for the use of her personal phone. Harris refused compensation. She said that she brought the subject up because if Kinzer has unlimited minutes on his phone there would be no additional charges for the use of his phone for City business. Harris said that she didn’t have an unlimited minutes plan for her personal cell phone and had increased the monthly allowable cell phone minutes. Kinzer responded that when he receives a call from a line other than his carrier he gets billed for the time. Harris said that if he was billed for calls from lines other than his carrier it was not an “unlimited minutes” plan. Branch again stated that if she had out of pocket expenses the City would compensate her. He said that the City does not want her to incur out of pocket expenses for City business. She responded that she does a lot of things on her own time for which she receives no compensation nor does she want any.

- **Concern No. 514 – Wells Fargo Bank 544 5<sup>th</sup> Street.** McNerney stated that the property had been abandoned and foreclosed upon and is now owned by Wells Fargo Bank in Fort Mills, South Carolina. McNerney advised Council that on May 21, 2009 she had advised Wells Fargo Bank by Certified Mail that the high grass and weeds on the property were a health and fire hazard and thus in violation of LMC 8.05.030A. They were given 14 days to abate the violation. They failed to respond to our written request and they did not abate the violation during that time. On June 25, 2009 they were advised by Certified Mail that since more than 30 days had passed since they were advised of the violation the City had no alternative but to abate the nuisance. At this point in time the City had received several complaints about the condition of the property and several citizens had expressed concern that the property was a health and fire hazard. Wells Fargo Bank was requested to remit the sum of \$96.08 (the cost of clearing the property and the expenses for certified mail) payable to the City of Lyons on or before July 25, 2009. They were advised that if they failed to reimburse the City as requested, the cost of the abatement, together with a 10% administrative fee would become a lien against the property. McNerney said that she had made three attempts to reach the property management agent by telephone but received no return calls. McNerney requested Council’s permission to impose a lien on the property so that in the event the property is sold the City will be reimbursed for its expenses plus interest and administrative fees. Lucas asked if we had expended any money when the property was abandoned. Rolow stated that the bank had the garbage and debris hauled off and the City did pay someone to mow the property at that time. It was Rolow’s recollection that the City had been reimbursed for that expenditure. McNerney said that she would review the file to determine if the previous expenses had been reimbursed. Branch made a motion to place a lien on the property located at 544 5<sup>th</sup> Street, Lyons, OR for all expenses incurred by the City to date together with any future expenses which may be incurred in connection with clearing hazardous grass and weeds on the property. Burroughs seconded the motion. Voice vote. Motion carries.
- **Quarterly Public Official Disclosure Changes.** Rolow advised Council that the bill rescinding the requirement to file quarterly reports had been signed on July 7, 2009. The report due on July 15, 2009 will not need to be filed. Only annual reports will be required.

- **Council Availability for August 27, 2009 City Council Meeting.** Burroughs stated that he was not sure he would be available. Mayor Rolow and Councilors Branch, Lucas and Bowe said they would be available.
- **Speeding Vehicles on Main Street.** Darlene Walker stated that there is a significant problem with people speeding in the area between 5<sup>th</sup> and 7<sup>th</sup> Streets on Birch and she asked if the City would consider installing speed tables there. Rolow said that the City would consider putting up a speed limit sign if there isn't one there already.

There being no further business to come before the meeting the meeting adjourned at 7.35 PM.

Audrey McNerney  
Assistant City Manager