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MINUTES LYONS CITY COUNCIL MEETING September 29, 2009

OPEN MEETING 6:05 P.M.

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

GUESTS – Alan Franklin, Connie Franklin, Donald Choate, Frances Choate, Brenda Harris, Bonnie Taylor, David Morse, Lon Conner, Kay Branch, Steven Baldwin, Jacki Valentine, Tom Karff (Sp.?) Lucas Angel, Dawn Angel, Darlene Walker, David DeLapp, Gary Schott, Russel Satterfield, C.J. Willett (Sp.?) and Sgt. Flint LeBard, Linn County Sheriff's Office.

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.

Dean Sartain – Audit

Mr. Sartain distributed copies of the City of Lyons Audit Report for the year ended June 30, 2009 to the Councilors. He explained the procedure for performing an audit and stated that he had found no discrepancies. He commented that because Lyons is such a small city with a limited number of employees it is not possible to have the same internal controls that might be in place in a larger city. It was his recommendation that members of the City Council periodically review the bank statements and look at invoices as a measure of assurance. He also made a recommendation that any equipment purchase over \$500 be recorded as a capital expenditure and anything less be recorded as office supplies. The Budget should follow the same process. Rolow thanked Mr. Sartain for his efforts on behalf of the City. Sartain responded that it was a pleasure to work with the City's staff. Mr. Sartain then left the meeting.

LINN COUNTY PARK PROPERTY

Mayor Rolow stated that at a previous Council meeting the Council had approved moving forward with accepting the donation of a 1.7 acre property off of River Loop which is outside of the City Limits and

belongs to Linn County. Linn County has stated that they would like the City to extend the City's Urban Growth Boundary (UGB) to include that property. After reconsidering the matter the Council has determined that it is not in the best interest of the City or the residents in the area for the City to acquire the property. Rolow referred to a Memo submitted to Council by Mitchell which states that "After due consideration I would like to have Council reconsider the acceptance of this property. There are a number of influencing factors...."

- I believe that any formal action to extend the UGB to include that area would be met with opposition and interpreted as a move toward annexation.
- The property has a significant amount of damaged tree tops and branches which fall randomly and pose a potential liability if children are playing in the area which I understand they do regularly.
- Initially, the idea of providing an additional park area for the community seemed to be a good idea. In retrospect, even if the area were annexed into the City, the cost of providing and maintaining a park area which would only serve a very small portion of the population seems contrary to the best interests of the citizenry as a whole."

Branch made a motion to withdraw the acceptance of the donation of the property legally described as Township 9 South, Range 2 East, Section 20AC, Tax Lot 700, Linn County Oregon. Bowe seconded the motion. Voice vote. Motion carries.

Rolow went on to say that it was never the City's intention to extend the UGB or annex the River Loop area into the City. DeLapp stated that this was an untrue statement and referred to the City Council Minutes dated May 28, 2009 which discussed the procedure for annexation and the possibility that the citizens of the area might feel that it would be to their benefit to consider annexation of the area to the city. Comments were read from the minutes BY Mr. DeLapp, out of context, and heated discussion ensued regarding whether or not the City had at any time intended to "force annexation." Rolow again stated that the City had no intention of extending the UGB and/or annexing the River Loop area into the City at this time or at any time in the recent past and that since the motion to withdraw the acceptance of the donation of the property had been made, seconded and carried, the discussion was moot. DeLapp left the meeting.

Alan Franklin stated that it had been brought to his attention that there is a possibility that some of the residents in the area are considering forming a homeowner's association to look into the possibility of acquiring the property in question. He has been advised by Linn County officials that they will research the issue and get back to him.

After further discussion a number of the people present at the meeting, all residents of the River Loop area, left the meeting.

CONSENT AGENDA.

Lucas made a motion to approve the Minutes of the August 27, 2009 City Council Meeting and the September 2009 Bills to Pay Report. Lucas seconded the motion. Voice vote. Motion carries.

OLD BUSINESS

- **Display of Art Work in the Library.** Rolow commented that the City of Newberg Library was the only library which had responded to the request for recommendations on a library display policy. Harris said that she had made a number of requests but since several of the directors are out and other persons filling in she had received no further responses. She will make a second request. Rolow referred to the response received from Attorney Steve Tabor in connection with this issue. He said that Tabor's concern was that once the public is allowed to display information the city will have to be careful not to violate free speech by limiting the displays in an arbitrary manner. Rolow asked Harris if there had been more than the one request to exhibit items in the Library for display and possible future sale. Harris said that there had been a few others, one to display a quilt above the fireplace and one to display fossils. Those items would not be for future sale, but strictly for display. She said that there was room for these displays. Harris said that most of the larger libraries do allow them. Harris also stated that the Library Board had proposed setting a policy pertaining to this issue which was:
 - Items to be displayed will be limited to a maximum of 3 months.
 - All items must be approved by at least 3 Board members.
 - A business card may be displayed with contact information.
 - The library does not sell merchandise.
 - A liability release (hold harmless) must be signed.

Bowe suggested that perhaps the library could consider accepting the displays on a trial basis with a three person board determining what would be acceptable for display. Sgt. LeBard said that there might be problem justifying refusal of a display. Lucas stated that Tabor had addressed that issue in his response and it should be covered by the adoption of criteria for use in the approval of what goes on display. Harris stated that she would discuss this issue at the monthly PYM (Polk, Marion and Yamhill Counties) meeting of all CCRLS library directors which she is planning to attend. Bowe stated that in order to be fair it would be a good idea for Harris to take the matter to the Library Board and explain the obstacles that Council is facing in connection with this matter and let the Board determine whether or not it is worth setting policy on this issue. Harris said that she would discuss this matter at the next Library Board meeting. It was the consensus of Council to table the matter until such time as Council receives a response from the Library Board as to how they would like to handle this issue.

- **Speed Tables on 13th Street.** Rolow stated that at the last Council meeting Council authorized the purchase of three speed tables with the assumption that the cost would be about \$1000 each. However, after contacting Traffic Logix, the purveyor of the speed tables, it was determined that the cost would be \$5000 each. Mitchell stated that the \$1000 price was not a quote. It came from the reviews in the promotional material. Council felt that this was too costly. After discussion it was decided to table this matter until Mitchell has had the opportunity to do additional research to determine if there are additional sources for these speed tables.

- **School Board Liaison.** Rolow stated that Planning Commissioner Steven Baldwin had volunteered to be the City School Board liaison with the North Santiam School District and had already attended one meeting. Lucas made a motion to formally appoint Steven Baldwin as the City of Lyons' liaison with the North Santiam School Board. Branch seconded the motion. Voice vote. Motion carries.

NEW BUSINESS

- **Additional Employee Hours vs. Outside Contracting.** Rolow stated that Mitchell had asked the City Attorney whether it would be beneficial for the City to get outside bids for small projects or whether the City should authorize additional hours to have a City Employee complete the project. Tabor responded that while nothing would prohibit a part time employee from bidding on a job, it seems a better practice for the City to simply authorize the employee to work extra hours as needed to complete the job. He went on to say that the City should consider the actual cost to the City and take the method which is the most cost effective. It was his opinion that for small jobs which do not require the use of equipment which the City does not have it seems preferable to have the employee simply complete the work as part of his employment with the City. Rolow said that the job in question was the cement work in and around the library. He felt that it was not a major project and he was not sure whether there were contractors in the area who would be interested in taking it on. Bowe asked if this was a priority issue that needed to be done immediately. Rolow responded that it was not. In response to a question from Lucas, Kinzer stated that the job involved 110 feet of curbing, a 4 foot x 20 foot long sidewalk, a 4 foot x 4 foot bike pad and a 4 foot x 4 foot garbage can pad. This would be a 3 person job. It could be done in segments. Kinzer also asked whether there needed to be a wheelchair ramp on the sidewalk. If this could be done all in one pour it would probably take 5 – 5 1/2 yards of concrete. There is a 4 yard minimum when the concrete is delivered by truck. Branch stated that concrete is expensive but if it is done in segments it doesn't look as good and is more expensive in the long run. It was the consensus of Council to request bids for this project. It was also stated that Kinzer could make a bid to perform this job if he so desired.
- **Proposal for Cupboards, Storage & Work Areas at Library.** Rolow stated that the City had received a bid in the amount of \$2,130 from Deeters Cabinets, Inc. for the construction of unfinished cabinets for the library. There was discussion as to where the cabinets would be placed. Bowe asked what the cost would be to finish the cabinets. Harris recommended that they be stained the same as the circulation desk which would cost about another \$200. Harris said that she had volunteers who could perform the necessary labor. Burroughs asked if the cabinets were really needed. Harris responded that when the wall to make access available to the restroom area from downstairs is installed it will take space away from the circulation area. The installation of the cabinets will allow the library staff to store their materials and the area will look better, will provide additional space and be more functional. Lucas asked Harris if she approved of the concept of the cabinets being on casters and movable. Harris responded that it would definitely be beneficial. It would make things more organized and provide more space. Lucas commented that with the wall that is going to be installed to make the bathroom separate from the library it cuts down on the space and these cabinets, of all the things that were looked at, seemed to have the most utility and functionality. It will give Harris the ability to put things away. While he (Lucas) was a little surprised at the price, given the knowledge of the quality of the work performed by Deeters Cabinets, they will not have to be replaced any time soon. Harris stated that Deeter is

donating the counter top which is the same countertop used for the computer counters. Lucas made a motion to accept the bid submitted from Deeters Cabinets in the sum of \$2,130 for the construction of the unfinished cabinets to be placed in the Lyons Library which will be finished by library volunteers with stain paid for by the City. Branch seconded the motion. Voice vote. Motion carries.

- **North Santiam Chamber of Commerce Request.** The North Santiam Chamber of Commerce has sent the City a letter requesting financial support for the ongoing operations of their new Visitors' Information Center. They have stated that the City of Mill City has contributed \$1,000 for the 2009-10 fiscal year to fund the center. Lucas commented that Chamber Member Jim Clough has indicated that he would like to attend the next City Council meeting to discuss this request. After discussion Bowe made a motion to invite Mr. Clough to attend the next City Council Meeting. Lucas seconded the motion. Voice vote. Motion carries.
- **Resolution 411 – Census Partner Proclamation.** Rolow read Resolution #411 2010 Census Partner Proclamation. He then read Resolution #411 by title. Branch made a motion to adopt Resolution #411- 2010 Census Partner Proclamation. Burroughs seconded the motion. Voice vote. Motion carries.
- **Hydro-seeding Discussion.** Sam Murphy of ECO-Inc. has stated that he can provide ODOT seed mix which is a low growing mixture with a polynet to cover the areas along the east and west side of 13th Street from just north of Main through where the trees were removed last month (about 6,000 square feet) for \$1,300. This should solve the problem of erosion in that area. He will also advertise that ECO-Inc. will offer their services to any resident in the Lyons area for 10¢ per square foot with a minimum fee of \$100. His normal minimum rate is \$450 for 3,000 square feet. Mitchell stated that the \$1,300 would still be covered by the grant funding. Branch made a motion to approve the hydro seeding of the area along 13th Street as discussed for the sum of \$1,300. Kinzer stated that Council might want to consider hydroseeding the area of the library grounds where the septic tank was installed. Conner commented that there is a blend of grass seed called “water warden” which takes approximately 10% of the water normally used. He suggested discussing the possibility of utilizing that blend of grass seed instead of the ODOT blend. Mitchell stated that she would check on that. Lucas asked how the public would be advised of the ECO-Inc. offer. Mitchell stated that she would have it put on the reader board at the Fire Hall and that a notice will appear in the next issue of the Independent Press. Mitchell further stated that Murphy would be taking care of all scheduling and that nothing would be coming through City Hall. There being no further discussion on the issue Bowe seconded the motion. Voice vote. Motion carries.
- **Rolow Resignation.** Rolow read his letter of resignation which had been addressed to the Lyons City Council, a copy of which is attached hereto and made a part hereof by reference. Lucas made a motion to (reluctantly) accept the resignation of Melford D. Rolow as Mayor of the City of Lyons. Branch seconded the motion. Voice vote. Motion carries. Rolow's resignation as the Mayor of the City of Lyons was effective at 7:08 PM on September 29, 2009. Rolow stepped down from his position to a seat in the Council Chambers.
- **Nomination and Election of New Mayor.** Mayor Pro-Tem Burroughs took his position as head of the City Council. Burroughs stated that he would entertain a nomination for the position of Mayor. Councilor Bowe nominated Councilor Lucas for the position of Mayor of the City of Lyons. Burroughs called for a second. Burroughs seconded the motion for the nomination. Voice vote. Motion carries. Burroughs called for a voice vote to appoint D. Michael Lucas as Mayor of the City of Lyons effective immediately. There was a unanimous voice vote and D. Michael

Lucas was appointed as Mayor of the City of Lyons effective immediately. Mayor D. Michael Lucas assumed his position as Mayor of the City of Lyons.

- **Appointment to Council Vacancy.** Mayor Lucas stated that the City had received a letter from W. Lon Conner stating that he would like to place his name in consideration for the open position now available on the Lyons City Council. Rolow stated that he would like to recommend Mr. Conner for the position since he felt that Mr. Conner, who is presently on the Lyons Planning Commission, would be a real asset to the City and to the City Council. After discussion Bowe made a motion to appoint W. Lon Conner to the Lyons City Council. Branch seconded the motion. Voice vote. Motion carries.
- **Swearing in of Councilor W. Lon Conner.** W. Lon Conner was sworn in and took his seat at the Council table as a Council member.
- **Reminder – Council Meetings on Tuesday.** Mitchell reminded Council members that the regular City Council meetings will now be held on the 4th Tuesday of the month and that the next City Council meeting will be held on October 27, 2009.

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

Audrey McNerney
Assistant City Manager