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MINUTES LYONS CITY COUNCIL MEETING **November 23, 2010**

OPEN MEETING 6:00 P.M.

The Lyons City Council Meeting was called to order by Mayor Mike Lucas. Present were City Councilors Doug Morgan, Jeff Branch, Lon Conner and Dan Burroughs. City Staff in attendance were City Manager Mary Mitchell and Assistant City Manager Audrey McNerney.

GUESTS. Mike Kuenzi and Curt Christiansen of Pacific Sanitation, Dick Voltin, Susan Lindemann, Shawn Raines of the Lyons Rural Fire District, Troy Donohue, Theresa Donohue, Willis Owen, Denny Hoop, Sherri Namitz, Julie Morgan and Brenda Harris.

Mayor Lucas 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.

Shawn Raines – Lyons Rural Fire District Light Request. Mr. Raines stated that he was appearing on behalf of the Lyons Rural Fire District with regard to the recent theft which occurred in their parking lot while they were responding to a call. A vehicle was stolen and several others rummaged through. They would like a street light installed on the corner of Main and 12th Streets. There is a power pole on the Fire District property but no light. He had been advised that he needed to petition the City if they wanted to get a light installed on the pole. There is a light across the street from the parking lot but the area is very dark. He went on to state that the Fire District is gathering information into the cost of installing lights and security cameras on their building to help prevent this type of incident from happening again. Lucas commented that the cost of installation, of a pole and light is approximately \$2,500 and asked if, in Raines' opinion, whether having a light in that area would have made a difference. Raines said that he felt that lighting the entire area could have made a difference since the intruder utilized the cover of night to avoid detection. He also said that the firefighters planned to be more aware of possible problems and would be more careful in locking their vehicles and securing their valuables. Mitchell said that she would do some additional research to determine the cost of installing just the light. Denny Hoop stated that Platt Electric, a wholesale electric company in Salem, would have a salesman come out and evaluate their needs and suggest a plan for placement of lighting and cameras. This service is free of charge. Lucas suggested that the Fire District proceed with its evaluation of what is necessary for better security in the

area in question and that the City will determine the cost of placing a light on the existing pole and the cost of the extra electricity that would be generated. He invited Raines to come to the next City Council meeting prepared to let Council know what they have determined and Council will, at that time, let him know what the City can possibly provide. Morgan said that if the City decided to install the light it would be nice if the Fire District would partner with the City in connection with the costs. Raines said that he would contact Mitchell to determine the exact date of the next Council meeting.

Mike Kuenzi – Pacific Sanitation, Rate Increase Request – Resolution #432. Lucas called on Mike Kuenzi, General Manager of Pacific Sanitation, to make his presentation regarding their requested rate increase. Kuenzi stated that the last rate increase for sanitation service was in June of 2006 during the time Allied Waste was providing that service in Lyons. Pacific Sanitation took over sanitation service in March, 2008. At that time Allied Waste was preparing to request an increase and he (Kuenzi) asked them not to increase the rates at that because they were purchasing the route and he didn't feel right about increasing the rates as soon as they took it over. He went on to state that they have had substantial increases in their operating costs such as a 16% increase in fuel; a 62.9% increase in Health Insurance; a 99% increase in annual truck registration; and an increase of 25% in Weight Mile Tax. Kuenzi said that the rate increase they are proposing would allow them a 4% profit before taxes. This is approximately 6% below the industry standard for the solid waste industry. He said that he felt this was appropriate given the economic situation. The breakdown for increase to the majority of clients in Lyons who have 35 gallon roll cart service is \$3.75 per month or \$0.75 per week based on a 52 week year. He discussed the option of a 20 gallon insert for the 35 gallon cart which would reduce the increase to \$1.25 per month. Kuenzi referred to the rate comparison sheet for surrounding cities and commented that the pending rates for Idanha, Detroit and Gates have already been approved. He also stated that Marion County would be considering the rate increase for Mehama at their meeting tomorrow. Mehama will be paying the Marion County Rural Rate. Conner asked what the usual time period between rate increases was. Kuenzi stated that it was usually no more than 2 years. The rate that he has proposed is based on a 2 year projection. There was some discussion regarding the 20 gallon insert which had not been offered previously and Lucas commented that to get the full 35 gallon use it will cost \$1.25 more. The billing will continue to be bi-monthly. Conner asked whether it is possible to get a larger recycling bin. Kuenzi said that they would be happy to provide this service but there would be an additional charge involved because of the additional equipment costs involved. Lucas asked what would happen if the City did not approve the rate increase. Kuenzi said that he had given that possibility a lot of thought and determined that in that event the only recourse would be to request a reduction in service such as eliminating the recycling pickup. Lucas asked if Kuenzi could speak to the free services provided to the City during the Citywide Cleanup. Kuenzi said that in most cities when they operate a cleanup if there is a call for a 30 yard box (which is the size that is used the most in the Lyons Clean Up) the other cities pay the current box rate. At the Lyons Cleanup the City pays the disposal rate and an hourly rate for their driver. This works out to reduce the cost significantly for the boxes. Pacific Sanitation also provides some volunteer time in collecting tires and appliances and only charges for the processing of the material, not their handling time. Lucas stated that the City and the citizens of Lyons are very appreciative of what Pacific Sanitation has done and is willing to do to make the Lyons Citywide Cleanup a worthwhile event. After additional discussion Lucas made a motion to approve Resolution #432, A Resolution Agreeing to a Proposed Rate Increase for Services Provided by Pacific Sanitation, Inc. and Repealing Resolution #355. Branch seconded the motion. Voice vote. Motion carries. Lucas commended Kuenzi for putting together a very

comprehensive proposal which stated their case well and made it easier for Council to make its decision. Kuenzi thanked Council and stated that Pacific Sanitation would notify its customers of the rate increase.

Susan Lindemann – Complaint No. 2010-3. Lucas read Mrs. Lindemann’s complaint which stated that her concern was that on the Fox Valley Cemetery Clean up Day all of the flowers, new and old were removed from the graves in the cemetery. She also stated in her complaint that she had concern with the Cemetery Rules regarding a 14 day limit on decorations for special holidays and the planting of flowers shrubs and trees. Lindemann stated that while she understood the concept of the Clean Up Day at the cemetery she disagreed with the decision to clear the gravesites. She said that just prior to the Clean Up she had placed potted chrysanthemums on her parents’ graves as had Sherri Namitz. She (Lindemann) wanted to know why, since they were new plants, they had been discarded. She referred to Article 4 of the Cemetery Rules which states “Arrangements that become wilted, faded, or unsightly will be removed by the cemetery care taker.” She said that these plants did not meet these criteria. Conner explained that 65 children from Mari Linn School had participated in the annual Clean Up Day project and in order to avoid confusion he, as Cemetery Commissioner, made the decision to have everything removed. He offered an apology for the decision that had been made, offered to reimburse Mrs. Lindemann for the cost of the plants and stated that in the future the date of the annual clean up will be posted on the reader board and on the City’s website so that anyone who wishes to remove flowers or ornaments from the grave sites will have at least one week’s notice to do so. Lindemann commented that she didn’t want the money and felt the Cemetery rules need to be updated. She said that in December she places swags on her parents’ graves and they are usually there for the entire month not just 14 days. Mitchell stated that throughout the year the caretakers remove flowers that are wilted, faded or unsightly. If it hadn’t been for the unique situation of the cleanup project those plants would not have been removed. Lindemann asked if the caretakers trimmed the shrubberies on the various plots and expressed dissatisfaction with the manner in which shrubs on her family plot (which consists of 17 gravesites) were trimmed. Mitchell explained that when a gravesite is purchased a portion of that purchase price is dedicated to perpetual care and the caretakers routinely maintain the entire grounds. Mitchell stated that if Lindemann would submit a letter stating that she did not want those specific lots maintained by cemetery caretakers, they can be exempted from such maintenance. Mitchell said that if Lindemann wanted to improve the appearance of the site by placing fresh gravel on her family plot she was free to do so. Morgan pointed out that the rules barred the planting of shrubs. Lindemann said that since there is a border around her family plot it can’t be mowed and she should be allowed to plant shrubs if she wanted to. Mitchell quoted from the rules that digging holes, planting flowers, shrubs and trees, etc. are not allowed at any time and that permission to allow Lindemann to plant anything on her family plot would be a Council decision since it would require a policy change. Lindemann responded that the City should get input from grave site owners regarding the rules. Mitchell pointed out that it is impossible to contact all owners because of the lack of current contact information on the owners of some of the older sites. Lindemann said that she was referring to the local people who have insight into the feeling of the cemetery and who could offer some suggestions. She said that she felt that perhaps there could be some updating of these rules to make them more user friendly. After additional discussion, Lucas stated that since the City had apologized and offered to reimburse her for the cost of the plants, he was unsure as to what, if anything further, the City could do. He suggested that if Lindemann would like to form a committee on her own to bring forth recommendations to the Council for possible amendments to the cemetery rules, she was welcome to do so.

Judy Downer – Editing & Publication Request. Lucas explained that Mrs. Downer was unable to attend the meeting due to the weather. He said that Mrs. Downer was the wife of the editor of the Independent Press located in Mill City. A request has been made to allow Mrs. Downer to edit the City Council meeting minutes and publish the condensed version in the Independent Press. Lucas commented that the minutes are available at City Hall and are published on the City's website. The minutes of the Council meetings are very detailed and it was his (Lucas') opinion that it would not be appropriate to allow someone to edit or summarize those minutes. After discussion it was the consensus of Council to deny the request. In order to make this a policy decision, Conner made a motion to authorize staff to draft a letter to the Independent Press to advise them that since a hard copy of the minutes are available at City Hall upon request and published on the City's website as well, they are sufficiently available to the public and therefore their request to edit and publish the minutes of the Lyons' City Council meetings in the Independent Press is denied. Morgan seconded the motion. Voice vote. Motion carries.

CONSENT AGENDA.

Morgan made a motion to accept the Consent Agenda which includes the Minutes of the October 26, 2010 City Council meeting; the November 2010 Bills to Pay Report and Resolution No. 431, A Resolution Transferring General Fund Monies to the Library Fund, Amount being \$15,000. Conner seconded the motion. Voice vote. Motion carries.

OLD BUSINESS & UPDATES.

Morgan – Update of Water District Activities. Morgan stated that for the record, he wanted to recap where we have come from and where we have been with regard to the Water District.

- **September 14, 2010.** City Council Meeting – review of Water System Survey conducted by MacPherson, Human Services Drinking Water Program (HSDWP).
- **October 1, 2010.** Letter sent to members of Water Board reiterating deficiencies as outlined by HSDWP and requesting attendance of Board and Water District Superintendent at the October 26th City Council Meeting to provide specific, written actions for deficiency resolution.
- **October 13, 2010.** Water Board Meeting. Water Board members stated that they had reviewed the Survey, the Superintendent had not reviewed the Survey, and that they weren't going to get into a discussion of the Survey. They did not feel that any action was necessary at least until the first of the year.
- **October 25, 2010.** Namitz sent a preliminary summary response of deficiency resolution to MacPherson (HSDWP). At that time they tried to answer the State with regard to the deficiencies noted on the Survey by noting a checklist. The State needed additional information.
- **October 26, 2010.** Grimes attended the City Council meeting. The Board members did not. No significant information was imparted. The City had asked for two things, a response as to what they were going to do and when they were going to do it. They, at that time, said they did not have that information for the City.
- **October 27, 2010.** We were advised that the District had spoken with MacPherson and they had discussed the fact that they would be providing additional information.

- **October 29, 2010.** District's deadline for submittal to the state addressing deficiency summary resolution. As far as we know they have not submitted a timeline as to what they were going to do but stated that they were "diligently working" toward compliance on certain issues.
- **November 5, 2010.** A letter from the City was delivered to the residents of Lyons regarding the Water District's failure to address these deficiencies; advising them that the City had issued two invitations to the Water District Board to attend Council meetings to discuss this matter and that they (the Water District Board members) had failed to attend. Council felt that it was Council's responsibility, since they had knowledge of the situation, to make the citizenry aware of the deficiencies. The letter requested that citizens of Lyons attend the next Water District Board meeting.
- **November 10, 2010.** The Water District Board meeting was held and at that meeting the Water District failed to provide information as to what was being done regarding the deficiencies nor did they provide a time line. They did, however, acknowledge that there were deficiencies; that it was the Superintendent's fault that the deficiencies had not been addressed, and that they were going to give an update on the status of the deficiencies reported in the Survey at the next Water District Board meeting. They also stated that they plan to have a website up and operational within 30 days from the date of the meeting and that they will continue to progress toward fulfillment of the remaining state requirements within an anticipated 6 month time frame.

The City has yet to receive a written commitment as to what the Water District intends to do to correct the deficiencies or a time line within which they intend to correct them. However the City does have a verbal commitment from the Water District Board to correct the survey deficiencies. At this time Morgan stated that the City is in a monitoring mode to make sure that things do get done in a timely fashion. Since the Water District has stated that they are going to correct the deficiencies there is not much more that the City can or should do at this time.

Morgan went on to state that he had been discussing the issue of the fire hydrants with the Fire District and has advised them that Grimes had stated that he had no problem with the Fire District flushing the hydrants; monitoring the water pressure in each one and doing maintenance. The Fire District said that they did not feel that this was their job. It appears that the City has no one flushing the fire hydrants; monitoring the water pressure or performing any maintenance on them. Burroughs commented that it should be the job of the Fire District.

Morgan said that Mitchell had done some research with other communities to determine how they handled the fire hydrant issue. The difference is that in most communities the water district is part of the city services. Willis Owens stated that he felt that this should be the responsibility of the fire department because they have the familiarity with their use and location. Morgan felt that the Fire District should at least be familiar with which hydrants work and which don't. Morgan commented that at the last Water District Board meeting Grimes had expressed surprise that there were hydrants that didn't work. However, there appears to be some question as to which hydrants work and which ones don't and there does not appear to be anyone who knows because no one has been doing the maintenance. Conner asked if this function is one that is normally performed by fire departments. Owens said usually the fire department does the service and the water department does the repair and notifies the fire department when the repair has been completed. Morgan said that the hydrants in Lyons *were* flushed and maintained by the Fire District up to the point that the two districts had a disagreement.

Hoop stated that a citizens group had been formed. They will generate a letter to the Water District which will state that they want to know when and what the Water District intends to do regarding the deficiencies by the next Water Board meeting. Morgan stated that as far as what Council wanted done was assurance that the testing and maintenance were being done. Hoop said that the feeling of the group was that, minimally as consumers, they would expect water that people could drink without the possibility of illness; enough pressure to support activities in the home, and assurance that when the fire department rolls up to a fire hydrant it will meet their needs. The group is just asking that the Water District do their job as a board and they, as citizens, can do that because they have some recourse. Morgan said that he wanted to make it clear that in his time line he only went back to September 14th, but in fact as a Council they had been speaking with representatives of the Water District prior to that time. Morgan said he has been attending Water District Board meetings as the liaison between the City and the Water District Board for some time.

There was some discussion regarding whether or not the City had the responsibility to bring the Water District's deficiencies to the attention of the citizenry.

Conner – Library Accessibility Update. Conner stated that Council had been discussing the subject of the installation of a new ramp at the Library, but after research into this possibility it became apparent that the cost of providing such a ramp was very high. It was felt that Council should take a step back to see what else could be done to provide better handicapped access to the Library. He stated that a meeting had been held with Advantage Accessibility with regard to installing an actual chairlift to give wheel chair accessibility up the steps to the main floor of the library. Conner said that he was attempting to get additional bids for such a chairlift. He stated that the cost would be approximately \$5,500 to \$6,000 for a chair and installation. Lucas commented that since this issue was raised there have been few Council meetings where this has not been a topic. He asked Conner, for the benefit of the record, to summarize the different considerations for a ramp, type of ramp (wooden vs. concrete); engineering vs. no engineering and all of the things Council has gone through to get to this point. Conner said that right now there is a ramp at the library. It has been used in the past to move people in wheelchairs in and out of the building, but it is a very steep ramp. Council has looked at installing either a wooden ramp or a concrete ramp. The latest thing Council looked at was a modular type of metal ramp. Between the actual wooden ramp, the concrete ramp and the metal ramp the cost span was from \$15,000 to \$25,000. Another issue that has come up with the ramp access is that there is a possibility that it may be necessary to have another ingress and egress door on the main level which would add to the cost of the ramp. The question arises as to how to provide the service to the community and still keep the cost at an acceptable level. It was then decided to look at something other than a ramp and the chair lift idea came to light. There was discussion regarding the advisability of a chair lift taking into consideration liability issues which could arise in case of an accident. Conner stated that the City was trying to plan for as many contingencies as possible and one of the things that still has not been determined is what the actual usage will be. He also commented that the Library does provide home bound book delivery service at no charge. There was discussion regarding the installation of an elevator but Conner said the cost would be prohibitive. He went on to say that if the City were to try to plan for every contingency the project will never get done. The issue of liability because of lack access was raised and discussed. Harris stated that they have had three people in wheel chairs use the existing ramp with the assistance of their caregivers. Conner said that the people

who install the chair lifts have stated that a call box would have to be installed. They are not to be operated by the individual, but by staff.

Troy Donohue asked if there had been an asbestos or lead paint study done on the building. Lucas said that at the time the building was purchased an independent evaluation of the building had been made. Councilor Branch also checked the building for that purpose. Branch said that there was no asbestos in the building except for the floor tiles were made of asbestos which have a sealer on them. Hoop stated that in connection with asbestos the key word is "friable." So long as it is not friable (becomes airborne) there is no problem.

Lucas stated that what the City wants to do is arrive at the best solution at the minimum cost and to do that becomes a real challenge. He suggested that if anyone present wanted to provide information, exchange ideas with Conner or do some research the City will accept whatever help is offered. Council will not make a final decision until everything has been evaluated and the best possible solution determined. There will probably be some degree of compromise in whatever Council decides to do. Council is trying to do the best possible job to save taxpayer money but not be so aware of financial expenditures that they fail to do the right thing.

Donohue asked if there were any agencies to help provide funding to assist in making the building more handicapped accessible. Lucas said that first a decision as to what needs to be done has to be made. We want to comply with ADA requirements, make sure that it is the best solution possible and we need to be sure that we consider the downstairs area. Lucas said that some time ago when the Library was situated in the City Hall building, because it was not accessible to everyone the decision was made to provide home bound delivery services. Home bound or handicapped people have, even today, been able to get material from the Library. The City is trying to balance customer service with federal and state regulations, as well as taking the cost into consideration. One person could be working on this full time because each time we think there is a possible solution we run into a whole host of other problems and issues. Any assistance, including suggestions or the formation of a committee will be appreciated.

Lucas suggested that Burroughs make a determination as to the cost of constructing a concrete ramp. Lucas said that the problem with a wood ramp was the issue of maintenance and the fact that engineering is required. In addition, the width of the ramp is determined by the occupancy load of the building which has yet to be determined.

Morgan- Alarm System Update. Mitchell stated that when she heard about Mill City's loss of records and equipment because of their City Hall fire she realized that the Lyons City Hall could also suffer an irreparable loss of records and equipment if a fire were to occur here. She became aware of an opportunity to write a grant through City County Insurance Services for safety and security. She wrote and received a grant of \$457.45 toward the cost of the installation of an alarm system in the City Hall building. Morgan met with two different semi-local entities, ADT and Security Alarm Corporation (SAC). Morgan said that the proposals of both companies were similar. There was discussion regarding the installation of a "panic button" (a silent alarm) since there might be a situation where Staff requires assistance if a disgruntled citizen became verbally or physically abusive. This was considered to be a good addition to their basic plan which includes securing two doors with an infrared system that is both a motion detector and heat detector, and the keypad. Morgan said that of the two proposals the SAC

proposal was, in his opinion, the more preferable. Morgan referred to the description of the basic system in the SAC proposal. There is a maintenance lease option which requires only a one year commitment as opposed to the ADT proposal which requires 3 years. He said that he liked the fact that the equipment would be inspected on an annual basis to be sure that everything is in working order. The installation fee is \$195 and for \$49 per month they will do the monitoring. If the alarm goes off they will contact the City's "responsible person" for the appropriate code and, if necessary, they will contact the Sheriff's Office. Branch wanted to be sure that the \$49 monthly fee included the yearly inspection. Morgan said that it did. Branch noted that when the alarm company does its weekly inspection of the monitoring system that call will supersede any call that may be on the phone line at the time of the inspection. The call is made at the same time every week. Morgan went on to say that fire detection is not included in the basic proposal. That is something that they do offer but it is more money. Willis Owens said that it was his opinion that it was very important to have a fire detection system. Hoop commented that if there if a fire it can go from 75 degrees to 300 degrees very quickly (rate of rise). Branch said that he thought that the infrared detector was also a heat detector. Morgan said that it was called dual tech. They don't want just motion detectors because that can cause a lot of false alarms. They combine them with heat sensors. Morgan said that with the SAC system each additional door sensor is \$96; each additional infrared motion detector is \$78. Mitchell said there were sufficient funds to add coverage for an extra door or whatever else might be needed. Lucas said that it was important to have fire detection. The question of whether there would be an insurance premium decrease if fire detection coverage were included was raised. Mitchell said that she would assume so but she would check on it. There was discussion regarding leasing vs. purchasing the equipment. The proposal presented is for the purchase of the basic system for \$1,097 and \$25.50 monthly monitoring fee.

After discussion Conner made a motion to purchase the SAC System with an audible alarm, covering the entire building, including fire protection; including a second key pad; including a panic button in the front office, and electing the monthly monitoring option, utilizing the \$475.45 grant funding toward the purchase price. Branch seconded the motion. Voice vote. Motion carries.

Storm Water Drainage Plan Request. Mitchell said that since about the year 2000 the City has been trying to find funding for a Storm Water Drainage Plan. There have been several opportunities to apply for grants but the City has been unable to do so until the drainage issues were resolved. The original Storm Water Drainage Plan was done in the '70s and is very out of date since there has been additional development in the City. In 2004 there had been an opportunity to get a sidewalk installed from Dogwood Street to Cedar Street. The ODOT Engineer said that they would not allow the installation of any more sidewalks or any other improvements until the drainage issues were taken care of. There are several areas in Lyons where the water builds up and floods the street. Mitchell went on to say that just immediately to the north of City Hall a couple of times a year the area floods, the water goes over the fog line and the children walking home from school have to walk out into the highway to get past the standing water. That has been a safety issue for some time. Mitchell said that she had talked to the City Engineer several times over the past few years to determine whether he would be willing to put together a storm drainage plan for the City and what the cost would be. She referred Council to e-mail correspondence with the City Engineer which discusses the estimated cost to have the plan done. Even if City Staff assists him with as much of the work as possible and, if because of the fact that all of the mapping of recent development is available at City Hall, the survey costs could be eliminated, the cost to prepare the plan would still be about \$12,000 to have this plan done. She emphasized that there is a real need for the plan.

Mitchell then referred to the City's Needs and Issues Inventory and stated that starting in 2002 this issue has continued to move up the list as one of the biggest needs of the City. She is unable to qualify for many grants because of the need for information to determine what infrastructure is required. Before any further improvements can be made this Storm Water Drainage Plan must be completed. Conner asked if the \$12,000 would get us the necessary information. Mitchell stated that she had previously received a price of approximately \$15,000 from Jim Schuette, the City Engineer. However, when she itemized what staff could do to assist him and since the City has all of the maps for the new developments which have been added since the last Plan was prepared which would eliminate the need for a survey, he said he could quote a price of not to exceed \$12,000. Since Schuette gets very busy with development projects during the summer this would be a good winter project. Mitchell said that she is seeking Council's approval to start the work toward getting the study done. If the City wants any more improvements utilizing external funding (ODOT) this will have to be done. Branch asked if the project has been put out for bids. Mitchell responded that this would be a Council decision. Mr. Schuette is the City Engineer and is more familiar with the City's infrastructure, the maps and the plans and what is necessary to prepare the Storm Drainage Plan than another engineer would be. Mr. Schuette already has a copy of the original plan, has had the opportunity to review it and knows what other information we have available. He is giving his proposal from an educated position. Schuette also said that as a part of the project he would have the existing mapping converted to a CAD system which could be easily updated in the future. Branch stated that he would like to see another bid for comparison. Mitchell said that she could draft a Request for Proposal (RFP) within the next week or two for publication in the Daily Journal of Commerce. She said that she could set a two week time frame for the submission of proposals, have the documents available and possibly have bids back by the next Council meeting. Donohue suggested that because of the time involved in copying documentation and the cost of the material for distribution to bidders, the City could require bidders to purchase the information. He said that this was done regularly in his construction business. Even a minimal charge would help cover the cost of producing the information. He said that he would discuss this issue with Mitchell to assist her in incorporating these charges in the RFP.

NEW BUSINESS.

Office Hours Modification. A resident of Lyons had mentioned to both Lucas and Mitchell that he felt that the hours that City Hall is open to the public (9 AM to 4 PM) are not long enough and suggested that if the two members of the City Hall office staff were to stagger their hours, the office hours could be extended by two hours and be open from 8 AM to 5 PM. He felt that this would better accommodate the working public. Lucas asked Mitchell whether this was a common complaint. Mitchell said that she and McNerney had discussed the possibility of changing their hours so that one person came in at 8 AM and left at 3 PM and the other came in at 10 AM and left at 5 PM this schedule would accommodate longer open hours without increasing overhead. The only difficulty would be on a day that either employee is in the office alone that person would have to cover all of the open hours. Mitchell stated that while she and McNerney would prefer to keep the hours the way they are, they are willing to modify them if it is Council's pleasure. The citizens of Lyons are familiar with the hours and in the 13 years Mitchell has been working for the City there have been very few complaints registered regarding the open hours. Mitchell went on to state that there is usually one day per week when she is the only person in the office. Lucas commented that having two people in the office as many hours as possible is important in case of uncomfortable situations which may arise from time to time. After discussion it was the consensus of Council to leave the City Hall office hours as they presently are (9 AM to 4 PM).

Conner – Tree and Shrub Planting Project. Donohue stated that the center of a maple tree located near 528 13th Street, in the City right of way, appeared to be rotten and asked if someone could take care of it. Conner stated that he would check this out. Conner stated that Bev Redding, who owns the tree nursery on 24th Street, is making a donation of a large number of trees to the City. As a result of this donation the City has initiated a very significant tree and shrub planting project. We plan to take out the row of existing arbor vitae trees at the cemetery, some of which are of the Emerald Green variety. The plan at the present time is to replant the Emerald Green arbor vitae on the Library property. They will be used as a hedge between the property to the south of the Library and the Library itself. The older trees will be disposed of. The area at the front of the cemetery will be replanted with 5 – 6 foot arbor vitae. The area on the west side of the cemetery which contains various trees and shrubs will be cleared leaving some of the larger established trees standing. The area will be replanted with new trees from the south to the north boundary. We will be planting various and sundry trees in the pond area on 13th Street from the turn around to the south pond and in back of the peninsula as well as along the walking trails. There will be some trees planted in the area just to the west of the Corner Market. There will also be some 12 to 15 trees planted on both of the large grassy areas on each side at Juniper and 5th Streets. There is also the area as you enter Lyons along the bridge on Locust Street which will be planted with some smaller shrubs. Other than a few trees that we will have to purchase, the only costs will be for labor. There will be costs for the cemetery cleanup and for digging the holes for the 10-12 foot trees which have a 15 gallon base. The City will be getting bids for this purpose. On the first two weekends in December a prison inmate crew will be coming out to do the planting so the costs for that portion of the labor will be minimal. Conner stated that this was an excellent opportunity. But for the donation of the trees the costs would be in the many thousands of dollars. Mrs. Redding felt that she did not have the type of trees that would do well in the Juniper Street area so the cost for those trees will be purchased at a discounted rate. That portion of the project is contingent upon the City reaching an agreement with ODOT on land usage in the Juniper Street area since that area is ODOT right of way.

Holiday Certificates. Lucas stated that it has been traditional at the Thanksgiving/Christmas season to give all 8 paid City employees, part time or otherwise, a \$50 gift certificate in appreciation for the work they do. Mc Nerney stated that two of the employees last year stated that they preferred certificates from Roth's Grocery store in Stayton; the other certificates were purchased from Walmart. After discussion Branch made a motion to purchase a \$50 gift certificate, either from Roth's or Walmart, for each of the 8 City employees. Conner seconded the motion. Voice vote. Motion carries.

Request to Stagger Planning Commission Positions. Mitchell read Lyons Municipal Code Chapter 2.20.030 entitled Terms of Office as follows:

“The terms of office of the voting members of the commission shall be as follows: position number one, one year; positions number two and three, two years; and positions number four and five, three years. The five appointed members shall choose their term of office by lot..... Terms of office shall begin at the first meeting of the calendar year in which appointed unless appointment has occurred to fill a vacancy with an unexpired term.”

Mitchell referred to a spread sheet she had prepared which shows where we are today with the 5 positions, the term lengths and the current expiration dates. She stated that when you have one year, two year, etc.

terms, eventually they will all fall close to the same date. This year there are 4 positions that are set to expire. In order to allow the City to have continuity of experience and leadership, she said that it is necessary to be sure that no more than 2 terms expire in any given year, She proposed extending position number five to one more year. That will result in having only three positions expire at the end of December. The other two wouldn't expire until the following year. Then there wouldn't be more than two terms expiring in any given year. Lucas asked what made it necessary to make this change. Mitchell said that it came to light when it was realized that four positions were expiring at the end of this year. After discussion Branch made a motion to accept the proposed change and extend Position 5 on the Lyons Planning Commission for an additional year. Lucas seconded the motion. Voice vote. Motion carries.

Audit – Determination on Presentation. Lucas stated that the representatives from the auditing firm of Steve Tuschsherer, CPA, PC, were unable to attend a Council meeting until after the first of next year. Tuschsherer had suggested that Council could approve the Audit Report as presented and forward it to the Secretary of State before the end of the year as required. The auditors could attend the January meeting to discuss the contents of the Audit Report with Council at that time if Council so desired. Mitchell commented that they had raised several issues that the previous auditor had not and it might be informative to have the auditors present at the January meeting to discuss these issues. Lucas commented that he had previously met with Steve Tuschsherer, the head auditor, who had indicated to him (Lucas) that he was pleased with the manner in which the City (primarily Mitchell) was handling City finances. He was very complimentary and said that we were doing a very good job. With regard to Internal Controls, Tuschsherer thought that the City was doing all that could be done in that regard. He did not make a case for the City needing an Audit Committee. Lucas suggested that Council approve the Audit Report as submitted and request that the auditors come to the January meeting. Morgan commented that he was glad that the City had employed a new auditing firm since it was a good policy to make that change every few years. After discussion, Morgan made a motion to accept the Audit Report as presented with the caveat that the auditing firm be invited to a future City Council meeting to discuss its contents with Council. Branch seconded the motion. Voice vote. Motion carries.

Council Availability for December Meeting – December 28, 2010. Branch, Burroughs, Conner, Morgan and Lucas all stated that they would be available for the December 28th meeting. Lucas thanked Donohue for attending the meeting and welcomed him and his wife, Teresa. Donohue said that he also planned to attend the December meeting to familiarize himself with the issues and the procedure.

There being no further business to come before Council, Morgan made a motion to adjourn. Branch seconded the motion. Voice vote. Meeting adjourned at 8:30 PM.

Audrey McNerney
Assistant City Manager