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MINUTES LYONS CITY COUNCIL MEETING December 28, 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, Assistant City Manager Audrey McNeerney, and Public Works employees J.D. Burns and Doug Miller.

GUESTS. Linda Conner, Linda Grace, Judi Lucas, Amy Shield, Leanne Lail, Julie Morgan, Theresa Donohue, Troy Donohue, Steve Baldwin, Clastine Ritchie and Sgt. Flint LeBard, Linn County Sheriff's Office.

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.

GUESTS

1. **Shawn Raines – Lyons Rural Fire District Street Information – Update.** Lucas stated that it was his recollection that a representative from the Fire District would attend this meeting to advise Council of what they had decided to do to deal with the security issues at their parking lot and that the City was going to determine whether or not it would be appropriate for the City to install a new light near their parking lot. Since no such representative was present the matter was tabled.

2. **Flint LeBard-Linn Country Sheriff's Office – Vandalism Investigation Update.** Sgt. LeBard stated that the Sheriff's Office had not made an arrest in connection with this matter since vandalism is a very hard crime to prove. They have a good idea of who is doing the vandalism and they have cited some juveniles on several other issues such as trespass, curfew and minor in possession of tobacco. The fact the Sheriff's Office has been pursuing the matter diligently has resulted in the slowdown of some of the vandalism but not all. They have cited two juveniles for lawn ornament theft which may have made an impression on the local vandals. The two who received the most citations have been on an informal probation with the Juvenile Department and the Sheriff's Office is hopeful that with these latest citations they may be able to get the juveniles into a more formal type of probation which will involve more

frequent visits from a probation officer. Lucas asked whether the 10 o'clock curfew had been helpful. LeBard said that he had not previously been aware that Lyons had a 10 o'clock curfew. Now that he has knowledge of it he was able to cite a juvenile (who is a suspect on several of the vandalism acts) on Christmas night for curfew violation. LeBard said that he had sent an e-mail to all of the deputies working the North County District regarding this matter and they are all working on it. He said that he was surprised to learn of all of the contact being made by Sheriff's deputies with suspect juveniles (on this and other cases). Lucas thanked LeBard for his efforts on behalf of the City.

3. LIBRARY BOARD CHAIR LIFT RECOMMENDATION. Conner stated that Council had been struggling with the Library access issue for some time. He went on to state that in trying to accommodate everyone we were accommodating no one. He said that he had attended a Library Board meeting to discuss this issue at which, after discussion, the Library Board unanimously voted to move ahead with a request to Council to purchase and install a chair-lift for use by handicapped patrons in the Library, with the understanding that Library staff is not required to assist such patrons. This will enable the Library to assist the vast majority of handicapped patrons who might need to utilize the chair lift. In addition the cost of the chair lift falls within the range of available funding for this project. He read the recommendation presented to the Council from the Library Board which states "The Lyons Library Board recommends moving forward with installing a chair-lift for use by handicapped patrons in the Library, with the understanding that Library staff are not required to assist." Conner commented that ADA standards state that there is no requirement that staff members of any organization must physically assist the individual that requires the use of the device. Usually someone in that situation will have either a caregiver or family member to assist them. In the event that a Library patron is unable to utilize the chair lift or whatever other access is available to them they can be referred to the Stayton Library which is fully accessible. In the alternative there is the option of home delivery which has been in place for some time. Lucas asked Amy Shield, the Library Board Chair if the Library Board understood that there were going to be no further improvements to the Library at this time. Shield indicated that they did.

Conner made a motion that Council approve the purchase and installation of a Harmer 350 ac/dc Indoor Stair Lift with commercial package from Advantage Accessibility at the cost of \$5495 which includes the freight at the Lyons Library. Burroughs asked if this meant that the City will not have to replace the ramp at the rear of the building. Conner stated that this was correct. Burns stated that a power outlet would have to be installed at the base and at the top of the stairs. Conner stated that the reason for the power outlet is that there will be a call box installed at the Librarian's station because the chair lift is locked in place and cannot be moved without a key. Lucas said that one of the things Council had requested was that the vendor be contacted to determine whether there were any other ADA or insurance questions. Conner responded that he had been advised by Advantage Accessibility that the use of the lift is covered under our current liability insurance. Burroughs asked if there would be a wheel chair provided at the top of the lift. Conner said that there would be one provided. The lift is not a full platform and the patron will leave their wheel chair at the base of the stairs. Conner went on to state that while there may be some wheel chair bound patrons who may take advantage of the chair lift, the primary users will be the patrons using walkers or canes. Morgan seconded the motion. Voice vote. Motion carries.

4. Mark Orr – Extension of Hours Appeal. Mr. Orr had indicated he would like to discuss the issue of the extension of City Hall office hours. However, he is not in attendance this evening.

CONSENT AGENDA.

5./6. Morgan made a motion to accept the Consent Agenda which includes the Minutes of the November 23, 2010 City Council meeting and the December 2010 Bills to Pay Report. Burroughs seconded the motion. Voice vote. Motion carries.

OLD BUSINESS & UPDATES.

7. Morgan – Update of Water District Activites. Morgan stated that the Water District had another meeting at which approximately 25 citizens were in attendance. Also attending were representatives from the State Human Services Water Drinking Program (HSDWP), Karen Kelly and Jay MacPherson. Grimes gave an update the work the Water District was doing with regard to correcting some of the deficiencies outlined by the HSDWP. The answers did not appear to be sufficient to satisfy the Citizens Group which has formed regarding the issues surrounding the Water District. It appears that the Citizens Group will proceed with taking further action. As far as the City is concerned the City will continue monitoring the actions of both the Water District and the Citizens Group.

8. Morgan -Alarm System Update. Morgan stated that the City has installed an alarm system in the City Hall building. The Council meeting room is monitored, the office is monitored and the outside door to the middle room is monitored. It can all be turned on or off from the office. Individuals can be working in the office area and the back of the building can be secured or vice versa. Mitchell stated that the City had received a small grant of \$500 towards the installation of a security system from the City's insurance company which covered about a third of the cost. Morgan stated that the City had purchased the system rather than renting it on a monthly basis. Since the system was purchased there will be a small monthly monitoring cost. When the alarm goes off the alarm company will contact a designated person. At the last Council meeting Council had decided that it was better to purchase the system and pay the small monthly monitoring fee. Lucas stated that he wanted the record to reflect thanks to Mitchell for doing the research to find the grant and an excellent job in preparing the grant application and obtaining the funding.

9. Conner – Tree & Shrub Planting Project Update & Tree Location Discussion. Conner stated that the City had received a wonderful gift from Bev Reding of Fawn Meadow Farms of 400 trees and shrubs last month. One of the challenges was to get the trees into the ground while being able to take advantage of the wet weather. Through the efforts of our Public Works employees Burns and Miller and Steve Winn of Saw Tree Service the sites were prepared and the new trees planted. The City had an inmate crew working on this project for two weekends and 200 trees were planted at Freres Park one weekend and the balance of the trees were planted at Fox Valley Cemetery on the second weekend. Conner stated that he felt that this was a great investment in the future and the City is very pleased with the outcome. He went on the state that Steve Winn will be taking care of some additional work that will be done around the Library. There is still the potential of planting another 25 or 30 trees at the intersection of Juniper and 5th Street as well as on the southwest corner by the bridge. He reported that he had spoken with two or three of the owners of the property on Juniper and 5th Street and they had agreed to continue to mow and clean the area during the summer months. The City is continuing with the process of getting permission from

ODOT to plant these trees in their right of way. Lucas asked what Conner was prepared to do if ODOT gives its permission. Conner said that if ODOT gives its permission the City will take a more in-depth look at how much water these trees will require and whether the City can tie into an existing line to install a drip system or some form of watering system. Morgan asked if there was a time frame within which to plant these trees. Winn stated that as long as there was water around the root system they can be planted at any time. Conner said that one of the critical issues will be where the water for irrigation can be obtained. He said that he had spoken with one of the property owners whose property borders the area in question who had indicated that he would not be averse to allowing the City to tap into his water system as a trade off for having the trees.

NEW BUSINESS

10. Conner – Library Board Quarterly Meeting Recommendation. Conner stated that one of the things that were discussed at the Library Board Meeting was the possibility of moving toward a quarterly meeting rather than a monthly meeting. The Board decided that rather than go to a dedicated quarterly meeting schedule the Librarian and the Library Chair would meet and determine whether there was enough business to convene a Board meeting for the coming month and, if not, they would not have a meeting. Lucas commented that the goal was to be sure the Library personnel and Library Board are aware that the City Council is supporting and working with them to accomplish the goals of the Library. He expressed appreciation to the Library Board for their volunteer service to the Library.

11. Doug Miller – Request for Hourly Increase. Lucas commented that Miller is the newest City Employee who has worked for the City on a part time basis for 7 months. He went on to state that J.D. Burns received a salary increase approximately 2 months ago and Miller would like Council to consider increasing his salary as well. Lucas referred Council to Miller's Employee Evaluation which was performed by his supervisor Mitchell on September 21, 2010. Lucas asked Miller for a few comments as to why Miller felt that a raise would be appropriate. Miller stated that the basic reason was for his salary to stay in line with Burns' salary since they job share. He said that he enjoys performing all of the duties of the job and that he felt that attitude was an important factor in the performance of the duties required. He went on to state that he felt that he had a "pretty good attitude" and that he had not received any criticism of his performance. Miller also commented that he really liked his job and found that after spending 35 years on a high stress desk job which kept him awake at night, he sleeps better now. Lucas stated that this was an unusual forum for this type of discussion but that the precedent had been set by Burns' (pursuant to the terms of his employment) salary increase which was granted by Council. This is not the normal way to discuss an employee salary increase and the justification for such salary increase but since the Council members only get together at a Council meeting it was the only venue at which this issue could be discussed. However, Lucas pointed out that it was necessary that their job performance be satisfactory to their supervisor, Mitchell, in order for them to be given the opportunity to come before Council with their request. There was discussion regarding the salary history of the two employees. Branch asked Miller how long he had been employed by the City. Miller responded that it would be 7 months in January. Branch then asked Burns how long he had been employed by the City. Burns responded that he had been employed for 10 months. Miller was hired 3 months after Burns was hired. Branch asked if they both basically did the same thing. Miller said that their job descriptions were the same. Burns commented that they complement each other with Burns being stronger in some areas and Miller being stronger in others. Conner asked Miller for his suggestion as to what improvements the City

could make to enable him to do his job better. Miller said that he felt that it would great if the City could put in a few fishing docks. He also suggested that it might be might be a good idea to have the Oregon Department of Wildlife stock the pond with trout. He said that enjoyed working with the public and on the walking paths at the park and he has had many people comment on how nice the City Hall Park is. He said that the main goal should be to satisfy the public. Morgan commented that Mitchell's evaluation of Miller was above satisfactory in most categories and asked Mitchell whether this was an above normal evaluation of an employee or whether it was a pretty standard one. Mitchell responded that she tries to be objective in the different areas that are addressed. The two gentlemen are very different in that they have different working styles, different personalities and they each bring very different elements to the job. Miller is easy to work with and complements Burns in a lot of aspects. His attention to detail is very good. Burns is stronger in some aspects because of the experience he brings from the number of different jobs he has held. There are occasions when Burns can do something that Miller is not familiar with but Miller is always ready to learn. He learns quickly and is ready to accept additional responsibilities very graciously. Miller said that since he first started he has learned a lot about what is expected of him on the job and his ability to perform his job has improved. Mitchell said that Miller has recently displayed more confidence and self assuredness in taking on additional jobs. There is a learning curve but once he learns it he can do it and do it well. Branch made a motion to make the pay for Miller and Burns equal at \$14.97 per hour effective January 1, 2011. Burroughs seconded the motion. Voice vote. Motion carries. Miller thanked Council.

Ritchie asked if there were some guidelines as to how salary increases are granted. Lucas stated that all City employees are evaluated annually. The Council looks at the "cost of living" to determine whether an increase is appropriate. There have been times when the "cost of living" increase as been foregone. The "cost of living" is standard but Council has never come to a satisfactory regulation where consideration is taken as to "pay raise/performance pay". Mitchell stated that this procedure is completely out of the ordinary; however, Burns had requested permission to come before Council to see about getting a salary increase and that request was granted. Lucas said that now that the salary of both Burns and Miller are on an equal basis they will be evaluated at the same time as other City employees and it will be determined at that time whether or not there is a salary increase and, if there is one, how much of an increase there will be.

12. Elected Officials Workshop. Lucas referred to a document entitled "Government Ethics in Oregon" which set forth the locations and dates of a workshop for elected officials and management staff of cities, counties, special districts and other local governments. It will cover the myriad of ethics laws that apply to local public officials and provide interactive opportunities for participants to apply what they have learned in real-world scenarios. He said that Mitchell is trying to schedule a workshop here in Lyons. Mitchell said that it is a wonderful learning opportunity for newly elected officials or people who do not have familiarity with government ethics. There is a workshop being held in Salem on Tuesday, January 19, 2011 from 9am to 2pm. She said that she had contacted the League of Oregon Cities to determine what the cost would be to conduct a workshop here in Lyons which would be more convenient. She has not yet had a response. She stated that she would like to determine the interest of Council and Planning Commission in either attending the Salem workshop or bringing a workshop to Lyons. We could also do a joint training with Mill City, Scio and several of the surrounding communities, have their public officials attend and share the cost. In response to a question from Burroughs, Lucas stated that the City would pay for cost of attendance at the workshop. Lucas asked Donohue if he would be able to attend.

Donohue said that he would take a day off work to attend if necessary. Lucas, Conner, Burroughs and Ritchie said they would attend. Lucas said that it might be easier for everyone to attend if it were scheduled for Lyons. Lucas said that the subject would be deferred to the January 11, 2011 meeting.

OTHER

13. Reminder of Joint Meeting – January 11, 2011 – 6pm. Lucas stated that there would be a joint City Council/Planning Commission meeting on January 11, 2011, at which time the new City Councilors will be sworn in and the gavel passed to Morgan as the newly elected Mayor of the City of Lyons. Mitchell stated that at that time the applicants for the Planning Commission openings will be interviewed by City Council and ballots will be completed. After the Planning Commissioners are selected the new Planning Commissioners will take their Oath of Office. There will also be a presentation regarding the recent survey and the Natural Hazard Mitigation Plan (NHMP) will be discussed. She commented that the Planning Commission had recently approved the NHMP. Mitchell referred to the copies of NHMP which had been provided to each Council member and requested that they each review the document and come prepared on January 11th to make their recommendations for any corrections and/or changes. Once it meets with Council approval it will be adopted and it will first go to FEMA and then on to Linn County for inclusion in their NHMP.

14. Council Availability for January Meeting – January 25th. All Councilors and newly elected Councilor Troy Donohue, who will take his Oath of Office on January 11, 2011, stated that they will be available to attend.

Lucas stated that he wanted the record to reflect an official heartfelt thank you on behalf of the citizens of Lyons to Jeff Branch for his 12 years of dedicated service to the City.

There being no further business to come before Council the meeting adjourned at 6:55pm.

Audrey McNerney
Assistant City Manager