



*City of Lyons*  
*Phone: 503 859 2167*  
*Fax: 503 859 5167*  
*97358*

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

**MINUTES LYONS CITY COUNCIL/PLANNING COMMISSION  
JOINT MEETING/HEARING  
February 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 Lon Conner, Dan Burroughs, Jeff Branch and Doug Morgan. Planning Commissioners in attendance were Ed Jones, Kimberly Hunn, Clastine Ritchie and Cheri Doran. City Staff in attendance were City Manager Mary Mitchell, Assistant City Manager Audrey Mc Nerney and Randy Kinzer, Public Works/Maintenance.

**GUESTS.** Darlene Walker, Jason & Jordan Saari, Glenda Kinzer, Leann Kent, Roy Kent, Kelli Lulay, Madlyn Boyd, Jean Newham, Flint LeBard, Linn County Sheriff's Office, Dick Voltin, Steve Baldwin, Dave DeLapp, and Linda Grace.

Mayor Lucas 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 with the introduction of the members of the Planning Commission.

**Baldwin – Planning Commission Application.** Lucas stated that Steven Baldwin had forwarded a letter indicating that he would like to continue to serve on the Planning Commission. Morgan made a motion to appoint Steven Baldwin to the Lyons Planning Commission. Branch seconded the motion. Voice vote. Motion carries.

**Swearing in of New Planning Commissioners – Drawing of Terms.** Hunn and Baldwin were sworn in as members of the Lyons Planning Commission. Commissioners Hunn, Baldwin and Doran drew for the unexpired and open terms and the results of the draw were as follows:

Kimberly Hunn	Position No. 1	1 year term - expires December, 2010
Steve Baldwin	Position No. 2	2 year term – expires December, 2010
Cheri Doran	Position No. 3	2 year term - expires December, 2011

**Selection of Planning Commission Chair and Chair Pro Tem.** Jones nominated Hunn to act as Planning Commission Chair. Ritchie seconded the motion. Voice vote. Motion carries. Jones nominated Baldwin to act as Chair Pro Tem. Hunn seconded the motion. Voice vote. Motion carries.

**Jordan Saari – Cemetery Proposal.** Eagle Scout Jordan Saari is an 8<sup>th</sup> grade student at Mill City Middle School and has been a Boy Scout for 3-1/2 years. He stated that the Boy Scouts of Troop 449 had been placing flags on the graves of veterans at Fox Valley Cemetery for several years and had found the existing map difficult to read. As an Eagle Scout Project he would like to improve and update the cemetery map and have it computer generated in an Autocad. He would also have it laminated or printed on waterproof paper. He said that he would enlist the aid of local contractors to help build a kiosk on which the map could be mounted. After discussion Branch made a motion to allow Jordan Saari access to the Fox Valley Cemetery and the cemetery records so that he can accomplish the goal of his proposed project. Morgan seconded the motion. Voice vote. Motion carries. Mayor Lucas signed the written proposal prepared by Jordan so that he could turn it into the Boy Scouts for credit towards his Eagle Scout badge.

**Kelli Lulay -13<sup>th</sup> Street Sand Shed Property Concerns – ADA Library.** Kelli Lulay stated that she had issues and concerns regarding the “burn pile” located on the 13<sup>th</sup> Street Sand Shed property. She indicated that she had contacted DEQ and the Department of Agriculture to determine their requirements with regard to burning and wetlands issues in the area. She presented a number of pictures which had been taken over a period of time. She discussed her meeting with Councilor Burroughs and expressed her concern regarding material which had been previously placed and/or burned on the property.

Lucas asked what objectionable material remained on the Sand Shed property today. She acknowledged that all of the material at that location had been removed. She was then asked, since the objectionable material had been removed from the sand shed location, what her current concern was. She responded “nothing” but commented that she has since done research regarding these issues and is now aware of steps that need to be taken to make sure that before anything else is done in the area there are applicable procedures which need to be followed.

Lucas asked if she would be willing to share her research with the City. She said that she would.

Lulay then stated that she had checked with Linn County Planning & Building and had been advised by John Hixson that the City had not been issued a Change of Occupancy Permit or a permit to remodel the Library building or the City Hall meeting room area. Mitchell stated that the City had not remodeled the Library or the City Hall and permits for the work performed were not required. Mitchell went on to say that the only permissible activities were for electrical work and the new septic system which was installed at the Library building prior to finalizing its purchase for which permits had been obtained. She (Mitchell) will contact Hixson to discuss these issues.

In response to comments made by Voltin there was heated discussion regarding ADA requirements for the Library including the wheelchair ramp and handicapped parking places. Lucas stated that we would look at these issues further but that nothing had been done unilaterally. He also stated that the issue of bringing the building to current ADA standards had been thoroughly researched. Newham asked for a time frame within which the questions raised would be addressed by Council. Lucas responded that further information would be available at the next Council meeting. He also stated that he wanted to assure the audience that nothing had been done, whether it be the burn pile at the Sand Shed property or the ADA issues at the Library, with the intent to bypass or take any action that would circumvent any rule, regulation or guideline. He said that he could not state with certainty specifically how long the process would take but that these issues will be handled on a priority basis. Lucas stated that a report will be made at the next Council meeting setting forth the status of these issues. Morgan commented that some issues have been raised tonight which require further scrutiny and Council needs to find out what, if anything, needs to be done and the manner in which the issues will be addressed.

**F. LeBard, Linn County Sheriff's Office – Report on Recent Burglary Activity in the Area.**

Sgt. LeBard reported that he had run a query on the Linn County Computer System for the period of December 2009 to February 2010 to determine what burglaries had taken place in the City of Lyons during that time frame. There was only one burglary within the City limits during that time. The majority of the burglaries which took place were on Lyons Mill City Drive and in the area of Highway 226 towards Stayton. He said that two females had been arrested that had been linked to at least some of the burglaries that had taken place. LeBard went on to report that Deputy Church had investigated a call which involved a yellow truck but that seems to be the only call that the yellow truck was tied to. There was a burglary near where the truck had been sighted. The deputies are aware of the truck and know its location, but the owners do not seem to be people of interest in these burglaries. LeBard said that one of the burglaries nearby on Highway 226 was tied to one of the burglaries on Lyons Mill City Drive. The two females that were arrested were probably involved in both of those. Since they have been arrested the burglary activity seems to have diminished. He talked about some of the vehicles that had been suspect in connection with the burglaries. When there are burglaries in a small community people communicate information with each other and with the Sheriff's Office and that their information can be very helpful. He said that he would encourage calling the 1-800 Number for the Sheriff's Office if there is something that arouses suspicion. He also discussed the effectiveness of the Neighborhood Watch program.

LeBard, in response to a comment by Voltin, stated that there had been a group of youths with skateboards hanging out at the City Park (next to City Hall). One of them threw a rock at car and cracked the windshield. The driver contacted the Sheriff's Office, remained in the area and kept track of the location of the boys. LeBard and another deputy were close by and responded to the call. After a pursuit LeBard caught one of them and he led LeBard to the rest of the group. The boy who had thrown the rock admitted what he had done and was arrested.

**OPEN PLANNING COMMISSION HEARING**

Hunn opened the hearing regarding Ordinance G1-2010, An Ordinance Amending the Text of Lyons Municipal Code (LMC) 18.30.150 and Expanding the Text of LMC 18.30. She asked if there was any person who wanted to give public testimony regarding the Ordinance. Mitchell read the Ordinance in its entirety. There was discussion regarding the size of the sign which will be permitted. Mitchell explained that each application will go before the Planning Commission and will be reviewed on a case by case basis. Hunn then closed the Planning Commission Hearing.

#### **CLOSE PLANNING COMMISSION HEARING**

After deliberation Baldwin made a motion to make a recommendation to City Council to adopt Ordinance G1-2010, An Ordinance Amending the Text of Lyons Municipal Code (LMC) 18.30.150 and Expanding the Text of LMC 18.30. Jones seconded the motion. Voice Vote. Motion carries.

#### **PLANNING COMMISSION MINUTES**

After discussion Jones made a motion to approve the Minutes of the Planning Commission meeting dated December 28, 2009. Baldwin seconded the motion. Voice vote. Motion carries.

#### **OPEN CITY COUNCIL HEARING**

Lucas opened the City Council Hearing and stated that the Planning Commission had made a recommendation to Council to adopt Ordinance G1-2010, An Ordinance Amending the Text of Lyons Municipal Code (LMC) 18.30.150 and Expanding the Text of LMC 18.30. Since Mitchell had read the entire Ordinance during the Planning Commission Hearing, he read the Ordinance by title only. There being no public testimony he then closed the City Council Hearing.

#### **CLOSE CITY COUNCIL HEARING**

After discussion Conner made a motion to adopt Ordinance G1-2010, An Ordinance Amending the Text of Lyons Municipal Code (LMC) 18.30.150 and Expanding the Text of LMC 18.30. Branch seconded the motion. Voice vote. Motion carries.

#### **CONSENT AGENDA**

- Lucas referred to the Minutes of the City Council Meeting of January 28, 2010 and asked if there were any questions or comments. There being none, Lucas called for a motion to approve the minutes. Morgan made a motion to approve the Minutes of the City Council Meeting of January 28, 2010. Conner seconded the motion. Voice Vote. Motion carries.
- Lucas then referred to the February 2010 Bills to Pay Report and asked for questions and/or comments. There being none, Lucas called for a motion to approve the February 2010 Bills to Pay Report. Conner made a motion to approve the 2010 Bills to Pay Report. Branch seconded the motion. Voice vote. Motion carries.

### CONTINUING BUSINESS

- **Resolution #416 – ADOPTING LAND USE FEES FOR EXCEPTION APPLICATIONS.** Mitchell explained that this resolution sets the fees that will be associated with the changes made effective by the adoption of Ordinance G1-2010. Prior to accepting any application for the sign allowances or exceptions it is necessary to adopt a fee schedule. This resolution adds to the City's fee schedule for a Land Use application which would be heard before the Planning Commission. These are administrative fees which cover the costs for Notices, Staff Reports, etc. After discussion Conner made a motion to adopt Resolution #416, A Resolution Adopting Land Use Fees for Exception Applications. Burroughs seconded the motion. Voice vote. Motion carries.

### NEW BUSINESS

- **Planning Commissioner Invitation.** Lucas stated that the City of Stayton had forwarded an invitation to the City's Planning Commissioners, Councilors and staff to attend a Planning Commissioner Training Session on Tuesday March 2, 2010 at the Stayton Community Center. He said that the training will be presented by Jim Jacks, Senior Land Use Planner with the Mid-Willamette Valley Council of Governments, and will address over a dozen subject areas and include roles and responsibilities, conflict of interest, and conducting a successful public hearing. Mitchell stated that she needed to RSVP for any attendees and asked who would be interested in attending. Hunn, Doran and Conner stated that they wished to attend.
- **Appointment of Budget Officer.** Lucas stated that Mitchell had filled that position for many years but a new appointment is necessary each year. Lucas then made a motion to appoint Mitchell as the City of Lyons Budget Officer for the fiscal year 2010-2011. Morgan seconded the motion. Voice vote. Motion carries. Lucas commented that the City of Lyons has to meet the same governmental requirements as the City of Portland. The City does this with only two staff members. He suggested that more of Council's volunteer time may be required to assist in the necessary research to address some of the issues raised at this meeting.
- **Street Light Request – 25<sup>th</sup> & Main St.** Lucas explained that Pacific Power had removed a pole and light from the intersection of 25<sup>th</sup> and Main Street to accommodate drainage issues. Pacific Power has stated that they will install a new light in the area for a fee of \$2500. DeLapp suggested that the City advise Pacific Power that the lack of light in the area constitutes a hazard and attempt to negotiate with them to get the light installed. DeLapp went on to state that when he moved to the area there was a light at the intersection of 25<sup>th</sup> and Main Street over the 25<sup>th</sup> Street sign. After dark with no light neither the street or the sign can be seen. This creates a significant hazard. After discussion Lucas suggested that the City advise Pacific Power of the safety issue and enter into negotiations to have a pole and light installed at that intersection at the best possible price.
- **Ritchie - Update on Community Garden Project.** Ritchie reported that she had received no response to the E-mails she has posted with regard to this project. She has

placed several calls to the School District because she had been advised that they were contemplated planting a garden in front of the school, but has received no response from them. The gentleman from the church who had offered to go to Albany to look at gardens had determined that since they had no volunteers who were interested in doing a garden project there was no point in doing so. Newham suggested that a notice requesting volunteers be posted on the Fire Hall reader board which might result in some volunteers for the project. Ritchie stated that what she had found was that most people have their own gardens and are not necessarily interested in a community project. There was some additional discussion regarding possible locations for the project but until there are volunteers to actually work on the project it was not the appropriate time to determine location.

- **Assignment of Commissionerships.** Lucas distributed job descriptions for each commissionership to the appropriate Council member.
- **Councilor Bios.** Mitchell reminded Councilors that she would like them to submit their bios for inclusion on the City website. She also requested that Planning Commissioners prepare and submit short bios for posting as well.
- **Letter to Water Board re Water Line Mapping.** Lucas referred Council to the letter he had sent to the Water District regarding the status of the map of the City's water lines which is presently under review by the supervisor of the district. He informed Council that the supervisor is anticipating finalizing his review no later than July 1, 2010.
- **Santiam Regional Agreement.** Lucas advised Council that he had attended the meeting of the Executive Council of the SRA as the Lyons' representative in place of Mike Rolow. The Chair of the Santiam Regional Agreement Executive Council has requested that the City provide written consent to the amendments to the Regional Agreement and appoint a member to the Executive Council prior to its next scheduled meeting. After discussion Conner made a motion to appoint Mayor D. Michael Lucas as the City's representative to the SRA Executive Council and to authorize him to execute the amended Santiam Regional Agreement on behalf of the City of Lyons at the next quarterly meeting of the SRA to be held on March 18, 2010. Burroughs seconded the motion. Voice vote. Motion carries.
- **Kinzer Resignation.** Lucas informed Council that Kinzer had submitted his resignation as the City's Public Works/Maintenance employee effective Friday, February 26, 2010. At the present time this position is a part time 24 hour per week position. However, there is potential for it to become a full time position. He told Kinzer that the effort he has put forth on behalf of the City was appreciated. He stated that a complete job description will be finalized and an advertisement to find an employee for this position will be placed in the local newspapers as soon as possible.
- **Councilor Availability for March City Council Meeting.** Lucas stated that Mitchell would not be available on March 23, 2010 for the Council Meeting. After discussion it was determined that all Council members would be available to meet on March 30, 2010 and the next City Council meeting was scheduled for that date.

There being no further business to come before the meeting, the meeting adjourned at 8:00 PM.

Audrey McNerney

Assistant City Manager