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## **MINUTES LYONS CITY COUNCIL /PLANNING COMMISSION JOINT MEETING MARCH 30, 2010**

### **OPEN MEETING 6:00 P.M.**

The Lyons City Council/Planning Commission Joint Meeting was called to order by Mayor Mike Lucas. Present were City Councilors Lon Conner, Doug Morgan and Jeff Branch. Councilor Danny Burroughs was excused. Planning Commissioners present were Ed Jones, Kim Hunn, Cheri Doran and Steve Baldwin. Planning Commissioner Clastine Ritchie was excused but entered the meeting room during the meeting. City Staff in attendance were City Manager Mary Mitchell, Assistant City Manager Audrey McNERNEY and Public Works Supervisor J.D. Burns.

**GUESTS.** Darlene Walker, Glenda Kinzer, Randy Kinzer, Chris Brown, Jeffrey Rook, Kelli Lulay, Dick Voltin, and Clastine Ritchie.

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.

**INTRODUCTION OF NEW EMPLOYEE.** Lucas introduced J.D. Burns as the newest City employee. He said that J.D. is a local resident who has been selected to be the City's Public Works Supervisor from a field of 15 very good applicants, most of whom would have qualified for the position. He went on to say that J.D. rose above the rest and welcomed him as a member of the City Staff.

**MEHAMA BALL PARK CONTRIBUTION.** Chris Brown informed Council that a local committee had taken over the management of the Mehama Ball Park last year. Prior to that everything regarding the Ball Park had been done through Stayton. When they took over the field they had no usable equipment and the concession stand was in disrepair and had not been used for years. They are looking for a donation to purchase new equipment to enable them to keep the ballpark available for the use of the children in the community. They would like to offer soccer and flag football as well as baseball. After some discussion Lucas asked what it will take to get the program started. Jeff Rook commented that any assistance would be helpful. They have been spending money out of their own pockets to get equipment and they have had some assistance from local sponsors. He said that when signups started they were

averaging about 45 children. They now have upwards of 90 children signed up for the program He said that they have tried to use all local vendors for the equipment and materials which have been purchased but they are falling behind in getting good, safe equipment which is their major goal. Brown enumerated the various programs by age group and commented that they are trying to offer a softball program to 7th and 8<sup>th</sup> graders since the school no longer offers one. Hunn said that it would be helpful if they had a list of their needs. Brown said that their greatest need was for baseball helmets, bats, faceguards, catcher's equipment and umpire equipment. Rook commented that there have been no major improvements to the field in over 15 years and they are in deplorable condition compared to other fields they visit. They have raised some funds from sponsors and fund raisers to try to keep the programs going. Morgan asked if the businesses would have an opportunity to advertise. Brown said that the sponsors will have banners that can be hung on the fence and that the kids will wear T-shirts that have the names of the sponsors on them. Rook stated that they have some special needs kids and they have been able to offer sponsorships or scholarships for kids that can't afford to play. Branch said that he would like to see a list of what is needed and Council can work from that. Rook commented that they have many volunteers who have come out to clean up and make repairs at the field. Conner suggested that when they give us the list they provide us with an estimate on the cost of the items on the list. Lucas stated that Council will consider their request. Branch stated that since the baseball season goes by pretty quickly they might not want to wait a month for Council's decision. He suggested that they provide the list to Mitchell as soon as possible. Rook and Brown said that they would put the list together as quickly as they could and deliver it to Mitchell. Lucas said that if they do their part the City will do their part.

### **CONSENT AGENDA.**

Lucas asked if there were any questions regarding the Consent Agenda which includes the February 23, 2010 City Council/Planning Commission Joint Meeting and the March 2010 Bills to Pay Report. Mitchell stated that there was a correction on the Bills to Pay Report. Item No. 4 should be \$20. There being no further questions, Branch made a motion to approve the Consent Agenda. Conner seconded the motion. Voice vote. Motion carries.

### **NEW BUSINESS.**

- **RESOLUTION #417 –Citizen Concern & Complaint Policy & Procedure.** Lucas read Resolution #417 A Resolution Adopting the Process and Procedure for Handling Concerns Lodged with the City of Lyons by title. He then read Paragraphs II, III, IV and V and commented that by implementing this procedure it will allow the City Manager or her designee to either bring the concern to Council or adjudicate it themselves. Conner suggested that Paragraph IV. (1) reflect that investigatory review will be performed within 60 days from the receipt date of the concern(s) instead of 30 days because of the possibility that additional time might be required to research and review a matter. Morgan suggested putting a time limit of 30 days within which to begin the investigation depending on the issue being investigated. Mitchell stated that the language will be amended to read “will begin within 30 days” rather than “will be performed within 30 days.” Branch said that he would like to see all complaints come to Council. Lucas stated that all complaints will come to City Council. The idea was that the complaints can be resolved at the lowest level possible. He asked Branch if he felt that the complaints should come to Council first. Branch said that Council should see all complaints but if they can be resolved at

the lowest level that is fine. Mitchell referred to Section V. (1) which reads "Upon completion of investigation, a file packet on the concern(s)/complaint(s) shall be provided to City Councilors." Branch stated that he felt that whether or not the file is complete he would like it to come to City Council so that they can see what is going on. Lucas explained that the idea was to resolve things at the lowest level but major or questionable issues be elevated to the next level and the Council be made aware of it. After additional discussion Branch stated that he was satisfied with the language of the resolution. Morgan made a motion to adopt Resolution #471 A Resolution Adopting The Process and Procedure For Handling Concerns Lodged With The City of Lyons as amended by changing the language in Section IV. (1) to read that the 30 days is the *beginning* of the investigation. Conner seconded the motion. Voice vote. Motion carries.

- **Resolutions #418 (Resolution Against Excessive Force) and #419 (Fair Housing).** Lucas stated that these are resolutions which are required because the City has entered into a contract with the State of Oregon to receive \$85,000 from the Oregon Community Development Block Grant, Project No. M09025 entitled North Santiam Regional Micro-Enterprise Assistance Program. There was discussion regarding the content of the required resolutions and Mitchell read excerpts from each of the resolutions. Mitchell explained that Resolution #419 had to be published within 6 months prior to the first draw down of the funds. It is also necessary to hang posters containing applicable Fair Housing information. Posters have been ordered and will be placed in appropriate locations. Morgan stated that he had not been a member of Council when the grant was authorized and asked if Mitchell could provide him with some information regarding how the money from the grant was to be utilized. Mitchell read the purpose clause from the grant application and explained that the program will be offering classroom training and technical assistance in starting businesses. Mitchell stated these resolutions were standard and that the City had previously entered into similar resolutions when the City had applied for and received other grants. Mitchell also commented that the Resolution Against Excessive Force is specific to this particular grant. When the grant closes out these resolutions are no longer effective. After discussion Lucas read Resolutions #418 and #419 by title. Conner made a motion to adopt Resolution #418, A Resolution Against Excessive Force and Fair Housing Resolution #419. Branch seconded the motion. Voice vote. Motion carries.
- **McNerney – Review of Emergency Training Courses.** McNerney gave a brief review of the Pre-Disaster Mitigation Risk Assessment Review and Update Work Session held on March 3, 2010, and the Training Session regarding the Continuation of Operations Plan (COOP) held on March 4, 2010. She advised Council that she and Mitchell had attended the two work sessions and provided them with Memoranda regarding the objectives and content of the two sessions. Copies of the Memoranda are available at City Hall upon request.
- **NHMP Agreement Letter.** Mitchell stated that there is a Memorandum of Understanding (MOU) between the Cities of Tangent, Lyons and Sodaville that needs to be signed. She explained that the County contracted with an organization through the University of Oregon who is actually going to put this whole plan together for the County. There will be the Natural Hazard Mitigation Plan for the County but within that there are specific components for each individual City. There is no cost to the City but the City has to sign an agreement letter committing to a partnership to put this together. The City has been working for a number of years attempting to put together an emergency plan specifically for the City. What they eventually came up with was that it would be better to hire an outside agency to put together this emergency plan and have each City fill out what their emergency component is such as the dam breaking, floods, wildfires and the like. The City fills that out and it is handled as an addendum to the Linn County Plan. This

then qualifies the City for FEMA monies. If we don't have an agreement to enter into a Hazard Mitigation Plan the City will be unable to get any FEMA monies in the event that we have a natural disaster. She referred to the document entitled Oregon Partnership for Disaster Resilience Letter of Commitment with Oregon's Natural Hazard Region 3 including the Cities of Tangent, Lyons and Sodaville. This letter sets forth the requirements for this agreement. The letter must be signed by April 1<sup>st</sup> and forwarded to the company coordinating the project. There will be additional meetings to finalize this agreement; this process will begin in May. Mitchell read excerpts from the Agreement which explained its primary purpose. Our part, in addition to setting forth the hazards particular to our area, are to (a) designate a primary point of contact (who would be Mitchell or a member of the Planning Commission or City Council); (b) work toward developing and fostering crucial relationships among governments, nonprofit institutions and the private sector, (which we already do); (c) identify and organize a plan development Steering Committee (Mitchell indicated that she had considered asking Gary Reichert from the School District, some of our Planning Commissioners, representatives from the Water District and the Fire District, and a representative from Freres Lumber to be members of the Steering Committee); and (d) we then work towards putting the Plan together. Mitchell referred to the second page of the document which discusses "in-kind matches." This essentially means the City has no monetary investment, only staff time. She went on to state that we have begun work on this project which entitles the City to FEMA money in the event of a disaster. Mitchell then stated that authorization to enter into this Letter of Commitment to partner with the County in providing an addendum to the Mitigation Plan for the County is required. Lucas asked if any members of the Planning Commission would be willing to assist on this project and Kim Hunn volunteered. After discussion Morgan made a motion to authorize the City to enter into the Oregon Partnership For Disaster Resilience Letter of Commitment with Oregon's Natural Hazard Region 3 including the Cities of Tangent, Lyons and Sodaville. Branch seconded the motion. Voice vote. Motion carries.

- **Continuation of Operations Plan (COOP).** There was considerable discussion regarding the COOP system and the on-line library for COOP related documents and files. Mitchell commented that the program puts all of the City's crucial processes, procedures and documentation in a "holding cell" so that in the event of a disaster the current City representatives were not available any person or entity would have the ability to come in and know what needs to be done to keep the City functioning on a day to day basis. After discussion Morgan made a motion to authorize the City to continue with the development of the Continuity of Operations Plan (COOP). Conner seconded the motion. Voice vote. Motion carries.
- **Update to the Comprehensive Plan/Community Wide Survey-Discussion.** Lucas referred to LMC 19.10.10 B.5 which states: "The Lyons Planning Commission, in conjunction with the Lyons City Council, shall, as needed, and at least every 10 years, conduct community-wide surveys to determine community attitudes and needs. The required survey shall, whenever possible, coincide with the comprehensive plan review to be conducted at least every 10 years commencing in the year 2010." A copy of the previous survey results was distributed to the Planning Commission members to assist them in making a determination as to whether or not a new survey was needed, and if so, how to put it together, how to distribute it, and how to analyze what the results are. The Planning Commission will also perform a review of the Comprehensive Plan. Mitchell stated that the idea was to review the comments from the last survey and determine if any of those issues warrant further looking into or whether there are new issues that should be added. In the alternative it may be determined that nothing needs to be done at this time. There needs to be a record showing that we have addressed these issues in a timely manner. Lucas stated

that after the Planning Commission has done their review they can propose their ideas to Council as to what needs to be done in connection with both the Survey and the Comprehensive Plan Review. Mitchell stated that the next Planning Commission meeting was scheduled for April 20<sup>th</sup> at which time Planning Commission could review these issues. Mitchell referred Planning Commission members to the Comprehensive Plan which is in City Municipal Code Book. The Comprehensive Plan is the guiding document for the City. Mitchell commented that there had been a Comprehensive Plan review in 2003 and that Hunn had been a Planning Commissioner at that time. There was discussion regarding the responses to the previous survey and Conner commented that the percentage of return had been a good one.

### **CONTINUING BUSINESS.**

- **Street Light Request – 25<sup>th</sup> & Main Street Follow Up.** Lucas said that Council was following up with Pacific Power regarding their installation of a power pole at 25<sup>th</sup> Street and Mill City Drive. This consideration was based upon the safety concerns have been recently been brought to Council's attention because of the removal of the power pole and light that location. The City has been advised by Pacific Power that they are unable to reinstall this power pole free of charge. The cost of such installation to the City would be \$2500.00. After discussion it was determined that, since the power pole would be located within the right of way of Lyons Mill City Drive, which is a county owned and maintained highway, this light should be paid for by Linn County. It was the consensus of Council that while the City would consider paying a portion of the cost of installation, the matter should be taken to Linn County for resolution.
- **Concern No. 2010-01.** Conner commented that he would like to discuss the issue of a "Certificate of Change of Occupancy" which had been raised by Ms. Lulay (Concern No. 2010-02). He stated that on March 2, 2010, John Hixson, a Linn County Building Official, had advised that the change of use process is typically used in connection with a building permit to verify that the proposed use or occupancy does not create a hazard to the occupants of the building. The church building which was formerly an A3 occupancy has been converted to a library which is a B occupancy and is actually now in a less restrictive use group. On March 3rd the City applied for Change of Use permits for both the City Hall and the Library. Mitchell stated that Hixson has completed the inspection and approved the change of use for both buildings. Conner then went on to discuss the second issue which is the "barrier removal." On March 5<sup>th</sup> the City made a request to Mr. Hixson for a building review to determine if any issues needed to be addressed. On March 8<sup>th</sup> Mr. Hixson performed a physical inspection of the City Hall building and the Library building. During the course of his inspection he noted only two areas of concern. The first was that pursuant to Section 1109.3.2 of the 2007 Oregon Structural Specialty Code, handles, pulls, latches, locks and other operating devices on doors shall have lever or other shape permitting operation by wrist or arm pressure and not requiring tight grasping, pinching or twisting to operate. Conner stated that the City is currently working with a vendor of this type of hardware to insure that the type of hardware being purchased by the City is in compliance with the state statutes. The second area of concern was that locking devices on exterior doors must comply with Section 1008.1.3, 1008.1.8.4 and 1008.1.5. This deals with the types of locks and deadbolts, etc. that are used on a public building. J. D. Burns has measured the doors on both buildings so that the proper locks and latches can be purchased and installed as soon as possible. Hixson looked at the entire facility and determined that all areas such as the parking, access and the ramp were found to be adequate under present usage. Hixson commented that the City may want to consider a more accessible approach

and disabled parking space as a possible enhancement in the future which is dependent on funding. Conner then stated that the City is presently reviewing the issues of the access, including a ramp and a designated parking space at the Library building and is investigating the feasibility of their implementation. Conner will facilitate gathering estimates and looking for potential donors of material for these projects. It is anticipated that some preliminary figures, at least for discussion purposes, will be available by the May Council meeting. Conner further stated that in addition, the job descriptions of the library staff as to how they relate to the assistance of physically disabled persons will be reviewed. It is contemplated that the funding for these projects will be included in the upcoming year's budget. As part of the process the City will have to determine the order of priority for these projects. Conner went on to state that that the goal of the City is to award every individual in the City of Lyons the opportunity to benefit from the City's Library and to afford the Library the opportunity to benefit from the patronage of those citizens. There was discussion regarding how the priorities would be determined. The City will be looking for donated materials and the potential of grant money to assist with the cost of these improvements. Voltin asked if the City had received anything signed from Mr. Hixson indicating that the access and the ramp were adequate under present usage and questioned the City's liability regarding the use of the existing ramp. Conner stated that it is functional the way it is. Voltin disputed that Hixson was the appropriate person to sign off on ADA issues and was advised that Hixson is a qualified County Inspector. Mitchell read the e-mail from Hixson which states: "As far as ADA accessibility goes since no additions, alterations or modifications have occurred there are no requirements to do anything. Obviously it is in the cities (sic) best interest to remove as many barriers as possible as soon as possible but there is no requirement in code or ORS mandating that the city do so at this time. ..." There was additional discussion regarding the ramp and Voltin again raised the question of City liability. He was assured that since the City is in compliance there was none. Conner reiterated that the City will look at funding these projects in the coming fiscal year. Lucas stated that when the City builds a new ramp it will be built in accordance with current code. At the present time the City is complying with County code and has liability insurance in place should it be necessary. Mitchell pointed out that the Library has a service in place for homebound citizens where books are delivered to patrons who cannot come into the Library. Lucas stated that Library personnel are familiar with those persons who are disadvantaged and cannot use the Library. He suggested that a letter go out to those persons advising them that the City is working to facilitate everyone's use of the Library and to remind them that the City has a program in place for homebound patrons if the Library access issues are a problem. Council agreed that this was a good suggestion. Lucas also asked Conner to determine if it was feasible to start these projects before the next budget cycle. Lucas stated that it was important that the record reflect the fact that the Council is doing everything possible to provide patrons who are handicapped access to Library services.

- **Concern No. 2010-02.** The City hired Mike Holscher, an accredited biologist, to evaluate potential wetlands. He has inspected Freres ponds, and the incoming and out flowing water to the County property. He has provided a draft report of his inspection and has made some suggestions and recommendations. He has stated that overall the watershed is in good condition. There is only one primary concern. The material recently placed by the bridge on the north side of the unnamed drainage near the southeast parking lot entrance needs to be pulled back away from the wetlands area and woody debris gently placed into the wetlands drainage. Lucas said that we are in the process of retaining a contractor to take care of this. Holscher had several other recommendations as follows: (a) The small dam constructed by placing concrete directly into the

waterway needs to be removed and (i) replaced by a engineered appropriate weir/gate system; or (ii) encourage beaver to return and restore the original natural dam; or (iii) create a board weir system by constructing wood or concrete supports outside the ordinary high water mark. (b) On the west shore of the south pond the Himalyan blackberry should be controlled with environmentally approved chemicals. (c) On the peninsula tip on the west shore of the south pond the area could be planted with certain recommended trees and shrubs. (d) In the gravel shed hard packed surface area the fill material should be pulled back and spread south and east of the "No Unauthorized Dumping" sign. Holscher has stated that that land is clearly upland, not marsh. He also stated that the area appears to get regular use for storage and staging (which it does). Lucas stated that the City has agreed that there will be no further burning or storage of debris in that area. Holscher noted that the "casual water" in that area toward the park is beyond the City's property line and belongs to the County. Lucas said that it is a goal of the City to determine exactly where the property line is so that the City does not conduct any activity on property that belongs to the County. Lucas then read the conclusion set forth on the draft report. He stated that when the final report is received a list of priorities will be established. When the final report is received it will be available at City Hall for review. Lulay asked if Holscher would advise the City what agencies, if any, needed to be contacted. Lucas responded that the City will cover as many bases as possible in good faith. He said that if Lulay felt there was someone who should be contacted he would be happy to discuss it with her.

- **Purchase of Laptop Computer.** Lucas commented that when Mitchell and McNerney went for the Emergency Training Courses they had to borrow a computer. He said that he felt that it was important that the City have a laptop available for, among other things, use by J.D., who will utilize it for research and, on occasion, for ordering materials, etc. The City Hall has Wi-Fi and the computer can be used by staff and Council for research, communication and for special projects. There are also many occasions where Mitchell is working on projects that require privacy or her undivided attention which is difficult to achieve in the front office of City Hall. Mitchell commented that when she and McNerney went to the training sessions in Albany there were many cities represented and that we were the only city representatives who did not have a laptop computer available. They borrowed one computer which had to be shared. Lucas said that he felt that this was a tool which was essential to the operation of the City. There was discussion regarding cost. It was the consensus of Council that the City should purchase a laptop computer for the use of City staff.

#### **OTHER.**

- **Councilor Availability for April 27<sup>th</sup> Meeting.** All Councilors present stated that they would be available on that date.
- **Public Comment Agenda Sections.** There was discussion as to the format for public comment and Mitchell pointed out that at the beginning of each category of the Agenda there is a symbol © which refers to the statement at the end of the Agenda which states: "Agenda items where opportunity is given for public comment. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers."

There being no further business to come before the meeting the meeting adjourned at 8:30 P.M.

Audrey McNerney Assistant City Manager