



City of Lyons

Phone: 503 859 2167

449 5th Street

Fax: 503 859 5167

Lyons, Oregon 97358

MINUTES LYONS CITY COUNCIL MEETING February 26, 2013

OPEN MEETING 6:30 P.M.

The Lyons City Council Meeting was called to order by Mayor Dan Burroughs. Present were City Councilors Troy Donohue, Gary Alkire, Mark Orr and Mike Lucas. City Staff in attendance were City Manager Mary Mitchell and Assistant City Manager Audrey McNerney.

GUESTS. Sr. Deputy Greg Amo, Linn County Sheriff's Office, Molly Freeman, Michelle Keirse-Coulibaly, Kimberley Keirse, George L. Geddes, Jim Miley, Steve Baldwin, Brenda Harris and Barbara Orr. Attendees whose names were illegible on the sign in sheet may be misspelled or not included.

Linn County Sheriff's Office Report. Deputy Greg Amo who was present at the meeting at the request of Sgt. Klein gave a report on the drug related search warrant which was executed at 5:18 A.M. on January 30, 2013 which resulted in the arrest of Lyons resident Donny Lee Owens and three others present at the residence. There were in excess of 30 law enforcement and support staff on the scene. The process and investigation in connection with this matter is ongoing. There was no seizure of property.

He also reported on a traffic stop executed by Deputy Barker inside Lyons which was related to the investigation of a chop shop located outside of the Lyons city limits. Barker recognized a person of interest in connection with that investigation driving a vehicle which was later determined to have been stolen from Salem. Barker arrested the driver on an outstanding warrant. Amo stated that this was one piece of a puzzle which had been put together in two different shifts and as a result they were able to find the person who was stealing the vehicles, bringing them to Lyons where they were traded. The vehicles then were transported to the chop shop where they were chopped up and loaded on a trailer and taken to a scrap metal yard where they were sold. This is also an ongoing investigation. Amo said "Kudos to Barker for spotting that guy and following up with the information and subsequent arrest."

Sgt Klein asked Amo to report that Linn County Sheriff's Office had approximately 77 hours of accumulated time with the SWAT callouts and the search warrants and some additional time resulting from Barker's contact with and subsequent arrest of the driver of the stolen vehicle.

There was discussion regarding the execution of a search warrant and subsequent arrests in Mill City and the arrests made by Deputy Church in connection with certain firearms thefts in Lyons. The guns were not recovered. This is also an ongoing case.

Council commended the Sheriff's Office for jobs well done and thanked Amo for his report.

Planning Commission Applicant. Kimberley Keirse, who had applied for the position of Planning Commissioner, introduced herself and gave a brief history of her qualifications. She stated that she had resided in Lyons for approximately 2 months. Mitchell stated that if Council, after a review of her application, was satisfied with her qualifications, a motion could be made to appoint her to the Planning Commission. Mitchell reported that because Kimberley Keirse is the sister of a Planning Commissioner Michelle Keirse-Coulibaly she had checked with City Attorney Steve Tabor to determine if there was any conflict. Tabor responded that there was no conflict and no problem with Kimberley Keirse being appointed to the Planning Commission.

After discussion Alkire made a motion to appoint Kimberley Keirse to the Lyons Planning Commission. Orr seconded the motion. Voice vote. Motion carries.

Kimberley Keirse was sworn in as a member of the Lyons Planning Commission by Mitchell and she and Baldwin drew for terms. The terms drawn were as follows:

- Kimberley Keirse – Position 1 – term 1 year.
- Steven Baldwin – Position 5 – term 3 years.

Because there is now a quorum of Planning Commission members Burroughs said that he would entertain a motion for Planning Commission Chair. Donohue made a motion to appoint Steve Baldwin as Planning Commission Chair. Alkire seconded the motion. Voice vote. Motion carries.

Alkire then made a motion to appoint Michelle Keirse-Coulibaly as Planning Commission Chair Pro Tem. Orr seconded the motion. Voice vote. Motion carries.

CONSENT AGENDA (Decision by Motion).

Lucas made a motion to accept the Consent Agenda which contained:

- ❖ Minutes – January 29, 2013 City Council Meeting
February 12, 2013 Goal Setting Workshop
- ❖ Bills Paid – February, 2013

Donohue seconded the motion. Voice vote. Motion carries.

DISCUSSION ITEMS.

Staff Reports and/or Updates. Mitchell referred Councilors to her Staff Report which was a follow up from the last Council Meeting and was provided to keep Council updated as follows:

- **Security Cameras.** Update by Councilor Alkire who stated that he had made copies of systems available which range in price from \$400 to \$550 which is an 8 camera system. He said that office staff needed to determine how many cameras and what type were needed to cover security around the City Hall building. Installation is not difficult. There was discussion as to the many types of cameras available. There was discussion as to how many cameras were needed and the areas which needed to be covered. Mitchell commented that the areas of major concern were the porta-pottie which had been vandalized numerous times, the park which had experienced inappropriate activity and vandalism, the bus shelter and the front door. The security company representative had recommended placing a camera at the peak of the roof which would give a better directional view into the park itself but Mitchell was unsure if that would give a wide enough sweep to also cover the porta-pottie. There was additional discussion regarding the types of cameras available and Orr commented that he would like to see motion activated cameras at each door and recommended an 8 camera system similar to the ones used at his workplace.
- Amo stated that while cameras are great, they do not prevent crime but allow the Sheriff's Office the opportunity to solve the crime. However, if the camera does not have the ability to show a person and not just a blob, it will not help to solve the crime and will only give them a time frame. He said that before a decision is made the City should be aware of the grade of the camera and what it is capable of.
- Orr asked if a light was left on in the office at night. Mitchell responded that a small light is left on in the office for security purposes. Orr then commented that since someone had already attempted to get into the building that it would be foolish not to cover our bases. Amo stated that what the City is going to find is that there have been many safety assessments for schools and that you can get more cameras for a limited amount of money if all the cameras are purchased at the same time. It is far better to have too many cameras than not enough. He discussed the recent technology with regard to some systems that allow checking off-site through the use of a smart phone. Mitchell asked Amo if he could do a safety assessment and make some recommendations. Amo said that he would talk to Klein and perhaps he and Klein could do so. Burroughs stated that the company that provides the City's security system had made an assessment but that the cost for the placement of only two or three cameras was very high. Orr also suggested purchasing as many cameras as possible and setting any extras aside rather than having to purchase them after the fact.
- **Newsletter.** Burroughs stated that he had discussed the preparation of a newsletter with Michelle Keirse-Coulibaly. Keirse-Coulibaly stated that she would like to talk to Mitchell to see what this entails before she makes a commitment.
- **Boulder Placement.** Donohue said that he had contacted X-Rock who said that they would sell boulders to the City for \$17.00 per ton. Donohue went on to say that these large rocks are very valuable as yard decorative materials but that it was his belief that X-Rock would give the City a good discount. Orr stated that he had called North Santiam Paving for a cost comparison and was waiting for a call back.
- **Gopher Problem.** Orr gave Lucas contact information for a volunteer who willis willing to trap the gophers free of charge at Fox Valley Cemetery. Orr asked Mitchell whether the City had any

traps the volunteer could use and Mitchell responded that we do. Mitchell said that she would do a count on the number of traps we have.

- **Weight Limits & Signage.** Burroughs said that he would coordinate with the Public Works employee and they will drill a few holes in some of the streets to see what weight they would bear. Donohue asked Burroughs if he knew of anyone who had a compaction tester which would be better than drilling holes in the asphalt. He said that he could check with North Santiam Paving to see if they would allow the City to use that equipment. This testing would also give information as to the condition of the asphalt. Donohue said that this was very expensive equipment and it was not likely that it would be available for rent. Orr said that he could check with North Santiam Paving when he talks to them next week about the rocks. Donohue suggested that they might be willing to come out and check the streets for us.
- There was discussion about the number, size and placement of the rocks to be used at the park. Mitchell asked how hard it would be to move the rocks around when the City Wide Cleanup is held in May. Burroughs assured her that they could be moved easily.
- **Councilor Email Establishment.** Donohue said that he had not yet had an opportunity to talk to Burroughs about e-mail communications. Mitchell asked him to let her know when he had established one.
- **Permit to Store Water.** Mitchell had discussed with Freres whether or not they had applied for water rights during their ownership of the pond properties. They had not. The Permit application has been finalized and forwarded. She did not know how fast the turnaround would be.
- **Comprehensive Plan Review.** Mitchell explained that the Comprehensive Plan is a living document which sets the foundation for the decisions that are made within the City. She said that it was time to start working on the update of the Plan and Burroughs had indicated that he would like to hold off on starting this review until all Councilors have had an opportunity to become more familiar with their commissionerships and liaisons and their job as Councilors before we start with this review. She informed Council that the Comprehensive Plan is in the back of the Code Book which had been provided to each Councilor. Mitchell suggested that the Councilors review the Plan and let her know when they felt comfortable with moving forward. This review will be done jointly with the Planning Commissioners. She said that perhaps by next Council Meeting they will be able to give her a time frame within which Council will be ready to start looking at this. She informed them that this update requires notification to several different governmental entities, notification and posting process. She said that we could start by doing a workshop.
- **Commissionership & Liaison Descriptions - Acceptance.** This issue will be discussed later in the meeting.
- **US Department of Education – Office of Civil Rights.** Mitchell informed Council that she has sent out multiple emails and made numerous telephone calls requesting finalization of ADA compliance with regard to the Satellite Library. They have acknowledged that the holdup is on their end. We are waiting for them to give us the go-ahead.

- **NSSD Meeting.** We are awaiting scheduling by the School District to discuss planned improvements to Mari-Linn School with City Council. Baldwin stated that it was his opinion that they were not yet ready to get together with Council. He said that he would let the Council know when the School District was ready to discuss this with Council.
- **25th Street Light.** Mitchell read the following excerpt from her memorandum:
 - “Met with Bob Werti of PP&L 02/19. Preferred location for pole installation for maximum lighting benefit would occur if placement was on the south side of 25th and Main Street intersection. LCRD rep Dave Curran states that the only allowable location for light is within right of way at the NW corner of 25th Street due to culverts and existing drainage issues. Proposed cost of pole and installation is \$2,365 which is after the \$1,200 credit allowance PP&L would provide the City as an allowance to offset the City’s operational costs. *(This includes flaggers, labor for a three man crew, wire, pole, 14’ mast arm, light head and backhoe.)* Bob recommends the 250 watt lamp which is standard for an arterial street. The average cost for street light operation varies dependent upon type of light installed. Thirty day average per street light:

○ 70 watt:	\$8.57	400 Watt VPR	\$21.96
○ 200 watt:	\$17.65	175 Watt	\$11.06
○ 100 watt:	\$10.63	250 Watt	\$23.43
○ 400 watt:	\$32.57		
 - \$102.84 - \$390.84 is the variable spread for the annual cost of operating a single street light.
 - \$281.16 would be the annual cost for the operation of an additional street light at 250 watts.”
- She then referred to Council to her memorandum dated February 12, 2013 which sets forth a number of options and facts to consider when addressing the 25th Street/Main Street intersection street light request.
- When asked if there was any requirement as to wattage on a city street Mitchell responded that Werti had informed her there was not. Orr asked what most of the streets in our area have. Mitchell said that she did not have the answer for that question. What she had done was a breakdown from the power bill which shows that we have, for example, 17 street lights that are 70 watt. It does not give the locations. Mitchell said that the 250 watt light was Werti’s recommendation, that it did not necessarily have to be 250 watts but that this was a standard for arterial streets.
- Orr stated that this was a school bus stop. Baldwin said that he had contacted the bus driver for that area who advised him that at this time no students get on the bus at that corner in the morning. Orr said that even though there may be no students getting on the bus there now there may be some at a later date. Baldwin said that the light from the storage area was very bright. Burroughs

and Keirseay-Coulibaly both said that there had been students getting on the bus at that stop previously.

- Amo asked whether the City had researched crashes within a block or two of that intersection within the last several years. Someone said that they had been rear ended at that intersection and Amo said that there had been a piece of equipment which was not lit crossing into the entrance to the self – serve fuel area was struck there not too long ago. Cars in both directions could not see at all. He said that he didn't know if that intersection had been illuminated it would have helped but that was a very dark section of road. He went on to say that the lights at the ends of the storage buildings were more of a distraction as opposed to having a light overhead.
- Mitchell said that since Burroughs was the Transportation Commissioner he could go over the options they had discussed earlier (as set forth on her memo). Burroughs said that they had discussed putting in reflectors on the road from the fog line around the corner in both directions temporarily until the issue of the street light was settled. He went on to say that the power company said they were going to do some work in the area and they might possibly put in a pole on the opposite side of the road when they redo the power lines. Mitchell stated that they anticipate the engineering to be done within the next year.
- Orr made a recommendation that because of the safety issues the City move forward with the installation of the pole as soon as possible. Donohue commented that it would cost about \$6,000 to install the light and operate it for 10 years. After discussion Donohue made a motion that the City install a street light at the intersection of 25th Street and Main Street. Orr seconded the motion. Burroughs declined to vote because he has a conflict of interest in that he resides on 25th Street.
- Lucas commented that while he agreed with the necessity for the street light he did not see how the City could justify the cost when there were only 6 homes within the City limits and 44 homes outside of the City limits. He reminded Council that some time ago he had given the residents the opportunity to split the cost with the City and they did not respond to that opportunity. He said that he felt that the City was responsible for the residents within the City limits, that the City should put the light in but that there should be a cost sharing situation for the residents outside of the City limits who will benefit from it. He said that he would vote yes to install the light but that he would modify the manner in which it was to be paid for.
- Mitchell referred to the cost breakdown set forth in her memo and stated that it would cost \$28.40 per home. The City could pick up the cost for the 6 homes that were taxpayers and within the City limits. Orr commented that he felt that the City would be putting a price on public safety and that it would be difficult to get all 44 homes to agree to pay their portion. Lucas said that the City has an obligation to pick up the cost for the 6 homes that are within the City limits because they are taxpayers. He went on to say that the City has a residual obligation to the 44 homes because they transit the area but because they are not taxpayers they should contribute to this project. The light is a good thing and we need to put one in but we need to be sure that it is equitable for the rest of the taxpayers in town.

- After additional discussion regarding the issue Burroughs noted that a motion had been made and seconded to install a street light at the intersection of 25th Street and Main and called for a voice vote on the motion. Lucas asked for clarification as to whether the motion indicated that the City would pay for the installation of the street light. He was informed that it did. Burroughs declared a conflict of interest and declined to vote. Orr, Donohue, Alkire and Lucas voted in favor of the motion. Motion carries.
- Mitchell referred to Item #13 of her memo which stated that Council will now be receiving copies of all complaints received and the letters sent to the alleged violators.
- Mitchell then referred to Item #14 of her memo which stated that Council had agreed to jointly address any rumors brought to staff and/or Council and Council members. She noted that this actually was on the agenda at Item #11.
- Item #15 of her memo stated that timelines and updates will be provided to staff by Council members regarding the status of activities or projects they are working on.
- Mitchell then referred to her memo (Item #16) regarding the Councilor commitments and notes from the workshop which are attached and requested that Councilors review these notes to be sure that they are stated accurately. Donohue gave an update on the cost of the bridge rails and explained what material will be used and how the rails will be constructed. He said that the project will cost less than \$300 to install and that they will be rails that cannot be vandalized without a great deal of effort. Donohue and Orr will coordinate the construction.
- Item #17 of Mitchell's memo informed Council that the definition of "Culture and Recreation" referred to in the City's Audit Report was, according to the auditor, "moneys having to do with the library."
- Item #18 stated that Orr had requested a copy of the most recent survey distributed to the citizens of Lyons and that the document was attached to the memo as Attachment #5.
- Burroughs stated that if everyone was willing to go into a Workshop after the meeting they could discuss Item #19 which asked if Council wished to revisit the option of resubmitting the Law Levy to the voters for consideration. The memo stated that if Council wished to revisit this option as a cost cutting and budget balancing consideration now would be the appropriate time to discuss this. It was the consensus of Council that this issue would be discussed at a Workshop to be held after the close of the meeting.
- McNerney then reported that a class for the use of pepper spray by Linn County Sheriff's Office had been tentatively scheduled but that Officer Burch who was to conduct the training had become ill and was unable to conduct the class at that time. Klein informed McNerney that they will reschedule the class at a later date when the Burch is available.

Commissioner, Liaison and Non-Council Commissioner Reports.

- **Library – Commissioner Alkire.** Alkire reported that he had attended the Friends of the Library meeting with Mayor Burroughs. He stated that Rose Mary Voltin had resigned her position. There was an issue with a non-functioning sump pump which was corrected by Alkire and Miller (Public Works). Alkire said that he had done an inspection of the sump pump and that he would be doing a monthly check to be sure that it was operating properly. He researched a water alarm which not only has a siren but also has direct phone contact since the library is not open 7 days per week. He introduced the Brenda Harris, the Librarian and Molly Freeman.
- Harris stated that Freeman had been the Library Aid for 6 years and was moving into Rose Mary Voltin's position and was willing to do what was necessary to fill that position. Council welcomed Freeman.
- Harris then stated that they were working on the Summer Reading Program and she had just received an e-mail that there would be an extra performer provided to the smaller libraries in the State of Oregon.
- She reported that at the Library Board Meeting the question regarding volunteers and background checks was raised. She said that because all previous volunteers had been known to them they had not required background checks. There was discussion regarding whether or not there was a need to require background checks. Harris said that there was no requirement that she was aware of but she knew that other libraries were having them done. Mitchell said that she would contact the City's insurance agent with regard to the City's liability in this regard. Lucas said there were various levels of background checks with varying costs dependent upon the level of the check. There was additional discussion regarding this issue and Lucas commented that if it was done for volunteers it would have to be done for staff as well to eliminate the question of discrimination. Amo pointed out that sex offenses are not the only crime that a person can bring to the table with them as they volunteer. There are many offenses such as, among other things, theft or violence that a background check can uncover. He referred to the level of background check that the Oregon schools utilize. Amo emphasized that the City needs to check with its insurance carrier and request their advice as to what they would like to see happen in this regard because they will be looking out for the City's liability as well as the safety of its citizens.
- Geddes commented that after his first visit to the library he was very impressed and stated that there was a need to get information to the community regarding the library. Burroughs informed him that the City was starting a newsletter that will include information regarding the library and its various programs.

SEI Review. Mitchell informed Council of the requirement to file a Statement of Economic Interest (SEI). These will come to each Councilor and Planning Commissioner directly in the mail and it is important to return these before the deadline of April 15th. If they are not returned in a timely manner it is possible that a fine could be imposed. She explained what needed to be covered in the SEI and stated that if anyone needed assistance in completing it she would be happy to provide assistance.

Budget Officer Appointment. Orr made a motion to appoint City Manager Mitchell as Budget Officer for the fiscal year 2013-2014. Lucas seconded the motion. Voice vote. Motion carries.

Addressing Rumors as Needed. Mitchell stated that Council had made a decision at its last Workshop that if rumors were circulating the most efficient way to get the facts straight is to address the rumors as they come in. Mitchell referred to an article entitled “A Tale of Three Cities” which had been published on the first page of the Independent Press. She said that this is the second time the article has been published and although the Editor knows it to be inaccurate and intentionally inflammatory, he has chosen to run it again. This is the most damaging type of rumor because it goes out to an entire group of readers. She read the article and refuted the inaccuracies and/or misleading statements presented as facts as follows:

1. The City of Lyons has NO full time employees running the City. What it has are two part time office employees and a part time maintenance worker.
2. The City of Gates is not run by one person. They actually have two full time employees and one part time employee. Additionally, they contract out for their work which requires funding not mentioned or included.
3. Regarding grants: Gates has recently been awarded grants totaling \$3,268,000 to: make repairs to its water transmission system; draft a new Water Master plan and to rebuild their water plant. While these grants are noteworthy, the City of Lyons has an independent water district handling water distribution which could be receiving the same grants; the City of Lyons is not eligible for these grants. There are several smaller grants that Gates has received that are not water related; the City of Lyons has substantially exceeded these grants with its own.
4. We do not have a public works director and although the Water District has three employees including a water plant operator, office manager and superintendent; these are not affiliated with or paid for by our governing body.

Geddes commented that “you need to consider the source.” Mitchell stated that she felt that it was important that facts needed to be clarified and that the only reason this was addressed was to go on record with the facts to set the record straight.

Commissioner & Liaison Descriptions – Acceptance. This will be discussed in a workshop to be conducted after the meeting.

PUBLIC COMMENTS TO COUNCIL.

Jim Miley commented that there were many people with skills in the City who would like to volunteer and suggested that the City should publish requests for volunteers. He said that there are many people who would like to volunteer and volunteer activities could improve communication with the citizens. He suggested that additional signage regarding the location of the library and Freres Park might make people more aware of their location. Orr suggested that if Council and Staff set out some projects that needed to be done, budget for them and ask for volunteers it would save the City money and improve the City. He commented that the Newsletter will help to get the community involved. Donohue noted that volunteerism had been discussed at one of Council’s workshops. There was discussion regarding some of the volunteer programs such as the City Wide Cleanup and the I Serve Project being helpful in highlighting community involvement. Keirse-Coulbaly recalled the sense of pride that some of the children had by being a part of a community project. There was discussion regarding planning volunteer projects to cement community pride. Lucas commented that the Council and the City Manager had been

active in involving children from the community in many projects as well as making cash donations to improve the ball park. He also commented that the reader board had been beneficial in providing an avenue to advertise many community functions.

All Council members stated that they would be available for the next City Council meeting on April 26, 2013 at 6:30 P.M.

The meeting adjourned at 8:20 P.M. Burroughs stated that Council was going to convene in a workshop if any of the public wished to remain.

WORKSHOP – Convened 8:30 P.M.

- Amo stated that Burch would contact Staff to schedule training on the use of pepper spray.
- After discussion it was determined that Councilor Orr will take the position of Transportation Commissioner and Mayor Burroughs will take the position of Building Commissioner.
- Planning Commissioner Kimberley Keirse will act as liaison to the North Santiam Watershed Council.
- There was discussion regarding the installation of a unisex bathroom at the library. Mitchell stated that as a result of fund raising there was the sum of approximately \$3,300.00 separate from City funds to utilize toward making the bathroom ADA compliant. Mitchell requested that the Library Commissioner and the Building Commissioner give her guidance as to how to proceed. There was discussion regarding the placement of the access to the bathroom so that it would be available in the event the downstairs area was to be used as a community center. Orr suggested that we find out whether there was an occupancy requirement which might result in having to have two bathrooms. Donohue suggested that it might be possible to put an occupancy sign on the building limiting the number of people in the building at one time if necessary. Mitchell stated that she would check with the Fire Marshall to determine what the occupancy level should be. Donohue said that we should find out what the occupancy level for the lower floor would be if the upper floor was blocked off. There was discussion as to how the unisex bathroom could be designed. Mitchell said that she would run it by the U.S. Department of Education – Office of Civil Rights regarding ADA compliance. Burroughs commented that it might be possible to get volunteer help to put the walls up. Mitchell asked if it was possible to do the job for \$3,300.00. Orr said that it would depend on how much plumbing needed to be done. Mitchell stated that much of the material could be obtained from Habitat for Humanity at a reasonable price. Donohue stated that there might be a possibility that some of the material and labor could be volunteered. Orr commented that Lowes might be available to help out with donated materials and that he would find out who he might contact about obtaining materials at no charge. Alkire suggested that he and Donohue get together to determine a starting point for the project.

There being no further business to come before Council, the workshop adjourned at 8:50 P.M.

Audrey McNerney
Assistant City Manager