



# City of Lyons

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## MINUTES LYONS CITY COUNCIL MEETING/HEARING

March 22, 2011

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

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

Mayor Morgan 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.** Allison McKenzie, Anthony Adams, George L. Geddes, Mark Orr, Darren Cross, Molly Freeman, Kathy Keeney, Sandi Landers, Mike and Ruth Higgs, Jean Newham, Madlyn Boyd, Mike Medley, Linda Conner, Linda Grace, Roy Kent, LeAnn Kent, M. Hughes, Rich Lindemann, Julie Morgan, Dave DeLapp, Ron Barker, Newell Robinson, Brenda Harrison, and Gary Alkire.

Mayor Morgan 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.

**1. Mark Orr – Reader Board Request.** Orr referred to a letter he had presented to Council with regard to requests that the City post a notice on the reader board regarding the results of the latest water plant sanitation survey which were verbally received by the Secretary of the Lyons Mehama Water Board. These requests were denied and he wanted to know the reason for the denial. Orr said that he felt that the most important job of Council was public safety and he could not understand why those results could not be posted on the reader board. He asked that the issue be open for discussion because he did not feel that the Mayor had the right to make the final decision as to what was posted on the reader board. He went on to say that he would like to know where public safety rates with each Councilor and then, as a Council, make a decision. Donohue stated that he would “motion to open it up as a multi-purpose reader board.” Orr then presented a document to Council and stated that this document was a proposal which had been presented to Council when the reader board was being considered as to how the City would utilize the reader board.

Morgan stated that the City did receive a telephone call from the Water District advising that they had passed the latest sanitation survey “with flying colors.” The City said that they would post that information **when it was received in writing** (from the state), including a link to the state website. Morgan noted that there is nothing on the Water District’s website to confirm their statement. He went on to state that merely a telephone call requesting that something of this nature be placed on the website or reader board without written verification is not standard practice. Morgan then stated that the reader board has been used for community activities and events. What the Water District Board was asking for was entirely different. The City did not use the reader board to say that they had **not** passed their previous surveys nor did the City use the reader board to say that they (the Water District) had received a \$10,000 fine from the IRS. Morgan acknowledged that it was his decision to maintain the position of simply using the reader board for community activities and events. He said that the City’s intent with regard to the use of the reader board was to use it mainly for events or in case of an emergency.

Burroughs commented that this was not what the document presented by Orr stated. Morgan responded that when the reader board was purchased City Council’s stated position was: “In order to improve communication with the community regarding official business such as meeting notification, emergency event notification, road closures, elections and other civic activities; the City of Lyons has installed an electronic reader board in the City Park located next to City Hall. The reader board will also play an important part in communicating community events such as the City Wide Cleanup, the City Wide Garage Sale, the Library book sale and other programs and events.” Again, the type of these communications are programs and events.

Burroughs commented that not everyone has a computer and he felt that water safety was something that the community should be aware of. He referred to the document provided by Orr and said that it reflected that the reader board would be utilized for public notification. He felt that this qualified as public notification. Burroughs went on to state that he understood the City’s need to have the report in writing and that the City does not have it in writing at this time, however, he said that once the confirmation in writing is received he felt that the notification should be placed on the reader board.

Morgan asked where the line should be drawn and questioned whether the original information that the Water District Survey had come back with significant deficiencies should have been posted on the reader board. Burroughs said “that was a total different entity that was after that...Concerned Citizens.” Morgan then asked if we should have put on the reader board that the water was clean but should not have put on the reader board that the water was dirty. Burroughs asked “where’s the paper work that said it was dirty.” Morgan said that there was documentation of a potential for that to have been the case. Morgan then went on to say that if public safety is a number one concern then those facts should have been posted on the reader board. He asked “What does the fact that the water is clean have to do with public safety?” Burroughs said that there was rumor in the community that people have to boil water. Morgan said that that rumor did not originate from the City. Burroughs stated that he had heard that rumor from a number of people in the community.

Morgan went on to state that there was a lot of rumor circulating in the community and one of the things that Council will discuss later in the meeting is a way to get past all of the rumor and innuendo.

Donohue asked if, in the event the Water District presented written proof from the state to the City that the deficiencies stated in previous surveys are cured, there is a way that the City can let people know what the Water District has accomplished. Donohue commented that it seemed “one sided” for the City to present information on the deficiencies but not to present information that deficiencies have been cured and that the state’s latest report certified that fact. Morgan said that the City, once the information is verified in writing, could place that information on the City’s website. He also again commented that later tonight Council will be discussing a way to clear up lot of misconceptions and rumor.

Lucas said that he felt that Council was discussing two different situations. One is a policy regarding use of the reader board. That policy can be modified or changed since the Council made the decision regarding that policy. The other is the specific use of the reader board. The City has received nothing in writing regarding the findings of this re-inspection. The City has asked to be included in the distribution of that report and it has not yet been received. He said that Council needed to look at the current policy and evaluate it. He said that when the reader board was installed Council did not want to “nail down” specifics. It was to be for community action such as discussed tonight; programs and events. The goal was to make it very simple and open it up to as many people as possible. A lot of time could be spent on this issue tonight or Council could evaluate whether or not the current policy is sufficient at another time. Council can then determine whether the policy needs to be changed. He commented that the purpose of the reader board has always been for communication. There was additional discussion regarding what should or should not be posted on the reader board. Morgan said that Council can review the policy and determine whether or not it needs to be modified.

Orr then asked each of the Council members where public safety rated with each of them as City Councilors of the City of Lyons. He said that he wanted to see a vote tonight as to whether or not “clean water” should be placed on the reader board. Morgan said that there would not be a vote on that issue tonight but if the Councilors wanted to voice their opinion as to where public safety rated they should feel free to do so.

Councilor Burroughs stated that in his opinion safety was a number one issue. Conner stated that public safety was very high on the list as did Mayor Morgan. Councilor Donohue stated that he agreed and stated further that whether or not you agree or disagree with what is going on with the Water District Board, the bottom line is public safety and knowledge. If they (the Water District) have written proof that the system passed and the deficiencies have been corrected, that is viable information that the public needs to know. Lucas said that public safety is the driving force behind everything that Council does. Achieving that is not always going to make everybody happy but the safety and security of the citizens of Lyons is always most important.

**2. Anthony Adams – Land Care Service Proposal.** Adams advised Council that he had been in the land care business since 1993 and for the last 30 days had been trapping moles at Fox Valley Cemetery (Cemetery). He said that he had been doing this kind of trapping for the past 10 years and probably had more traps than most people in this area. He said that when he first got to the Cemetery there were about 500 basketball sized mounds all over which he flattened and raked. He also said that it took about 2 weeks to determine where the current activity was. He has since gained knowledge of where the tunnels are and has trapped 4 moles.

He went on to state that most mole trappers work on a bounty system of \$20 per mole which, depending on the number caught, could be quite costly. However he wanted to present a more budget friendly approach. He also noted that there is significant ground squirrel activity at the Cemetery which is causing sagging gravestones. He presented two plans, a 6 month plan for \$200 per month and a 12 month plan for \$175 per month. He assured Council that he has the equipment, the experience and is licensed and insured.

Burroughs asked how safe his traps were for children and dogs. Adams said that his traps are buried at least 6" to 8" underground and he has to dig up each trap to see if there is anything in them. The only thing above ground is a location flag.

Morgan commented that it appeared that this has been an issue at the Cemetery for quite some time and that Adams is having some success. Lucas suggested that the City contract with LandCare (Adams) under the 6 month plan which he had presented and re-evaluate the situation in 6 months. When asked, Adams said that he checked his traps at least 3 times per week.

Conner made a motion to contract with LandCare under the 6 month plan at \$200 per month, and to re-evaluate the situation in 6 months time. Donohue seconded the motion. Voice vote. Motion carries.

Adams said that he would provide monthly documentation reflecting the number of moles trapped.

**3. Ruth Higgs – Meals on Wheels.** Ruth Higgs, the Mill City Manager of Meals on wheels in the area from Lyons to Gates, advised Council that Meals on Wheels currently has 7 people in Lyons who are receiving Meals on Wheels. They also have 4 Lyons residents who come into the dining room which serves meals to people and their spouses 60 years of age and older at noon on Tuesdays and Thursdays in the Fellowship Hall behind the Presbyterian Church in Mill City. The meal costs them \$6.70 each and they ask for donations of \$3.50 from the clients. If the client can't afford the \$3.50 donation they can donate less. She said that they serve approximately 2,200 meals to the Lyons area each year. Some of the clients get 2 hot meals and up to 5 frozen meals per week. They are requesting a donation of \$500 from the City. Morgan commented that in looking at the report from last year it appears that the number of Lyons residents being served by Meals on Wheels has almost doubled. Lucas asked how the information about the program was communicated to the community. She responded that there was information in the Canyon Weekly newspaper. She said that other than word of mouth she could not think of any other way to communicate the availability of the senior meals to the public. Morgan suggested putting the information on the City's reader board.

After discussion Lucas made a motion to support the Meals on Wheels program for another year and to grant their request for a \$500 donation. Conner seconded the motion. Voice vote. Motion carries.

**4. Linda Grace – Community Center Room Request.** Linda Grace introduced herself and described the services she provides for the community. She said that she would like to expand her classes and requested that she be allowed to use the lower floor the 8<sup>th</sup> Street Library building. She commented that this a good sized area which has a tile floor which can be cleaned and sanitized. She said that her

classes would be maximized at 8 and that area would be suitable for dogs and their owners. Grace commented that she pre-screens her clients and does not accept clients with dogs who have aggression problems. Grace informed Council of her background and experience. Orr asked if the City would have any additional liability if someone were to be bitten. Orr then commented to Grace that there is no ADA bathroom so she could face an issue of discrimination. He also asked whether the City would have to provide a staff member to open and close the facility. Orr expressed concern about where the dogs would get their water and commented "we might be interchanging the dog water and the human water." Grace responded that she had a large amount of liability insurance. Morgan said that Grace had responded to those questions in the Use Request she had provided to Council. Newham asked how the people who bring their dogs would have access to a bathroom since there is no bathroom downstairs and Grace's clients would have to use the bathrooms which are for the Library patrons. Morgan assured her that all such security issues would be worked out during contract negotiations. Grace said that she could guarantee that no dogs would be upstairs in the Library. Molly Freeman (Library Aide II) stated that she had been present when Grace looked at the facility in question and commented that Grace was very conscious of how the dogs were going to act where the water supply is. Freeman went on to state that there is a water spigot outside which would probably be used by the dogs. Morgan said that if there are concerns after the contract negotiations commence he would bring the issue back to Council. Discussion followed regarding City Dog Ordinances.

**5. Rich Lindemann – Madison & Davis Insurance.** Lindemann stated that he had recently done a review and update on the City's insurance program and commented that he had recommended the Agility Program. He explained that Agility asks the City what their needs are with regard to computers, generator needs, etc. should there be an emergency and City Hall is destroyed. There is no cost until such time as their services are needed. They can bring in modular units, set up computers and whatever else that may be necessary and can have City Hall up and running in a very short period of time since they have the necessary assets already located in the State of Oregon. He then commented that it was his understanding that the Continuity of Operation Plan is approximately 90% completed.

Lindemann said that during his review he had asked whether the City had any property located in Flood Zone A. Any such property would not be covered under CIS Insurance which does not cover property for flood damage if the property is located in Flood Zone A. Property located in Flood Zone A is eligible for the National Flood Program. The City does have one piece of property located in Flood Zone A and Lindemann said that he had provided the estimated premium for that insurance.

Lindeman said that there is no state statute that requires a city employee to be bonded. The Lyons City Council does bond its employees. The bonding is a position schedule bond which means that the correct position must be indicated. The bond has been updated to show the correct current positions. He went on to state that the cost to increase the amount of the bond is \$3.50 per thousand (each thousand being one unit) for each position. He recommended that each position be bonded for no less than \$50,000. It would cost the City \$175 per year per position for coverage of \$50,000 per position.

Lindeman advised Council that the insurance coverage on all City buildings has been upgraded to replacement cost values, including contents, pursuant to recent appraisals done by an appraisal firm contracted by CIS.

Morgan asked Lindemann to address what the bond covers. Lindemann responded that it basically covers incidents of fraud. He discussed the issue of risk management in small cities as opposed to larger cities such as Portland. He said that he was not saying that \$50,000 was enough coverage. He was recommending that amount as a bare minimum. He said that this was a decision which needed to be made by Council. Mitchell asked what the typical coverage for a small city was. Lindemann responded that the coverage for most small cities was \$75,000 to \$100,000. It comes down to how much of a premium the City can afford and how much someone can abscond with over a 3 to 4 year period. Some of the larger cities will have random forensic audits. There is no set requirement. It is what Council feels they are comfortable with and what the City can afford to do. The amount of coverage could be varied for different positions since the coverage is for each individual position.

Orr asked what Lindemann would recommend for insurance coverage if Grace were to use the City building for her dog training class. Lindemann said that he had two thoughts with regard to risk management. He asked whether the room had cooking facilities and if so, were they in use or would they be used at some future time. Mitchell responded that there were cooking facilities which were not used but could be used at some future time. Lindemann then asked whether the Health Department would have a problem with having dogs in the area. He went on to say that Grace should name the City as an additional insured on her liability policy if she were to use the area. He expressed concern regarding the breed of dogs which would be trained. Grace responded that she trains all breeds of dogs but reiterated that she did not accept dogs with aggression problems.

Orr then asked about the security of the area when dogs are being trained and whether onlookers would be allowed. There was discussion as to how the area would be secured.

There being no further questions for Lindemann on this issue, Mitchell stated that she would check with the Health Department regarding the kitchen issue.

Lindemann said that if Council decided to increase the amount of the bond they did not have to wait for renewal; that it could be done at any time. Morgan said that he would review this issue and bring a recommendation back to Council.

## **OPEN HEARING**

**6. Allison McKenzie & Mike Medley – Update on Micro-Enterprise Grant.** Morgan introduced Mike Medley and Allison McKenzie. Medley stated that he was the Board Chair of the North Santiam Economic Development Corporation (NSCEDC). He thanked the City of Lyons for working with them in connection with the Community Development Block Grant (CDBG) which supplied small business micro-enterprise training services to citizen throughout the community. He said that under the CDBG they were allowed to work with 4 cities in the area from Marion Forks to Aumsville. He noted that as required by the Grant this was their second official public presentation and gives them an opportunity to share the results of their efforts over the past year. He said that the Grant is structured to provide training for a minimum of 34 people, 18 of whom had to be at low to moderate income. They provided training to 49 citizens, 29 of whom were low to moderate income. The percentage required by the government was

51% but they managed to provide training to 59% of people of low to moderate income and felt that their project had been hugely successful. A requirement of the Grant is a review by the Oregon Infrastructure Finance Authority (IFA) which took place two weeks ago. Louise Birk, Regional Coordinator met with Mary Mitchell, Allison McKenzie, the Executive Director of NSCEDC and the Enterprise Facilitator for the GROW Program, an Medley and reviewed the documentation regarding the Grant. The only corrective action required was to revise the User Certification Form to reflect the correct income limits for their project service area. This form has been revised and returned to Ms. Birk. He said that the job has been completed very well and thanked the City for their cooperation. He asked Allison to describe how the program actually worked. She stated that they had been able to work with people in Lyons, Aumsville, Mill City and Idanha. They were able to do this as a pilot project to see how effective it was. One of their concerns was to be sure that the work they did with the one on one with entrepreneurs was not diluted by the work being done in the classes. They did not want people to look at the classes as substitute for doing the business management training that they do with the one on one training. The classes were set up to augment the successful program that has been set up for entrepreneurs. Some of the classes were on technical training but the bulk of them were on how to set up the most effective management of a business. She described the content of the classes. She noted that all of the people who came to the classes that were of low to moderate income were people who were excited about the product they had. In the last series she noticed that people who she had expected to have the least likelihood of success were far more confident, were speaking with more authority and knowledge about the subjects that had been discussed in the classes and they were collaborating more with other people in the classes. She went on to say that in addition to just the numbers from a HUD standpoint she felt that these classes were very successful. She commented that there is no money from the Grant that goes toward administration and therefore all of the administration had been done primarily by Medley. Orr asked how many people in Lyons participated in the classes. McKenzie said that they held classes in Mill City, Lyons and Aumsville. The Aumsville people stayed in Aumsville. Mill City and Lyons people went back and forth. There have been 17 GROW clients who came from Lyons and another 11 who came from Mehama. About 15 people from Lyons participated in the classes. Orr said that he had lived in Lyons all of his life and didn't know that there was such a program. McKenzie said that there were many forms of communication utilized to inform people of the availability of the program such as flyers, posters, post cards, and information regarding classes was placed on the Lyons reader board.

There being no further questions Morgan closed the hearing.

### **HEARING CLOSED**

**PUBLIC COMMENTS.** Morgan announced that if there was something that a member of the public would like to comment on or who may want to address the Council, this was the time to do so.

Orr asked if City grants were posted anywhere so that he could see what grants the City had open at this time. Mitchell responded that this information was contained in the Minutes which are posted on the City's website.

Orr said that he had come to the conclusion that the reason the information regarding the Water District survey was not posted on the reader board was personal. He said that Mr. Conner and Mr. Lucas had

obtained signatures on the recall petition and there was discussion regarding how the information regarding the deficiencies cited on the Water Board Survey was disseminated to the public. Orr again commented that Conner and his wife had obtained signatures on the recall petition. Conner asked what that had to do with the reader board. Conner said that he had been advised that the secretary of the Water Board had received a **verbal** statement from the state that the Water District had passed their inspection. Conner asked if, when the official document from the Oregon Health Authority Drinking Water Program is received, a citizen wanted to review that document, what office would they go to and whether it would be available for public viewing since it is a public document. Orr responded that Conner would have to submit that question to him in writing so he could respond.

Orr said that he intended to start a committee of concerned citizens for public safety (which is a City issue) and he wanted to use the City meeting room for their meetings. He asked if he could use the building and whether it would be free of charge. Morgan said that Orr could submit that request to City Hall and it would be reviewed at that time. Morgan said that Orr would be held to no different standard than anyone else who made such a request. Mitchell asked when Orr planned to hold the meeting and whether it would be during the day. Orr responded that his calendar was open and that the meeting would be held in the evening so that it would be user friendly to people who work.

Jean Newham complained that people residing on 14<sup>th</sup> Street and on Dogwood Street did not get notification regarding the installation of the speed bumps. There was discussion regarding the reasons for the installation of the speed bumps and whether or not the few seconds difference caused by the speed bumps were a danger to citizens being transported by ambulance. Morgan stated that the reason the speed bumps were installed was that the City holds public safety as a high priority. A member of the audience stated he had observed a number of children playing in the playground area on 13<sup>th</sup> Street; children riding bicycles and children who transverse that street with fishing rods on their way to the ponds.

Brenda Harris asked if there was a policy as to what is placed on the reader board. Mitchell said that she could provide Harris with a copy of the policy which had been discussed earlier in the meeting.

Orr asked if there was a safety program in place for City employees at the present time which was accessible to every employee. Mitchell responded that it was in the City Employee Handbook which has been provided to each City employee.

### **CONSENT AGENDA.**

7. Morgan explained that the Consent Agenda is an item on the Agenda which sets forth items of ordinary business such as approval of minutes and the Bills to Pay Report which are reviewed by Council Members prior to the meeting. He said that these are items that can be quickly dispensed of without too much discussion. However an item can be removed from the Consent Agenda for further discussion. He urged Council to feel free to do so. Donohue asked for clarification regarding Resolutions #434 and #435 which authorized Budgeted Funds Transfers to the Library Fund and the Cemetery Fund. He asked if those were funds from the General Fund transferred to the Library Fund and the Cemetery Fund for operating purposes. He was advised that he was correct. Lucas made a motion to accept the Consent Agenda which included the Minutes of the February 22, 2011 City Council meeting; the March



2011 Bills to Pay Report; Resolution #434-Budgeted Funds Transfer - Cemetery; and Resolution #435-Budgeted Funds Transfer - Library. Burroughs seconded the motion. Voice vote. Motion carries.

**UNFINISHED BUSINESS.**

**8. City's Formal Position re: Lyons-Mehama Water District.** Morgan referred to the Memorandum contained in each Councilor's meeting book. He said that there had been a lot of rumor, signs going up and flyers posted around town, some of them obviously incorrect when it comes to the City's position on this matter. The Memorandum contains the official position of the City which has been distributed to local media and requested that Council review it. Morgan said that he believed there needs to be a further opportunity for truth to be heard because there is a great deal of unnecessary misunderstanding and tension within the community. He went on to state that he was adamant in his belief that there needed to be a public forum where both sides of this issue can be presented. Morgan said that the City could facilitate the forum, provide a 3<sup>rd</sup> party neutral mediator present to moderate the forum and have representatives from both sides of the issue present to answer questions. He said that he saw no other recourse than to allow the public to ask questions and be educated and informed as to what was rumor and what was truth. Lucas asked how Morgan saw this happening. Morgan responded that the forum could be held in a neutral place such as Mari-Linn School Cafeteria. The City could hire a mediator through the League of Oregon Cities. An equal number of representatives from the Water District Board and from the Concerned Citizens for Safe Water would be invited and impaneled and members of the public could ask questions of that panel. There would be time limits imposed and there would be a controlled positive environment. Mitchell commented that if the City were to facilitate such a forum it would communicate more to the community than a notice on the reader board. This would provide an opportunity for the public to obtain the truth of the issues and not rely on cartoons and flyers posted around the community for information. Donohue asked if there would be an opportunity to extend the invitation to the representatives of the Drinking Water Program who, since they recently did the testing, could be in a position to answer any questions which might come up regarding the survey. Morgan responded that having experts present would provide both sides the ability to have their documentation available. He went on to state that "anything that promotes the truth of what's going on would be good." He also suggested that since there had been questions with regard to the District's finances, the auditor who performed the audit for the Water Board could also be invited. Burroughs said that he was in favor of the idea. Conner said he felt that so long as there was a controlled environment and the representatives from the Drinking Water Program and the Auditor did not take the place of the members of the Water Board on the panel he would be in favor of it. Morgan said that he would work on setting up the Forum and the invitations. He would like to schedule the forum for around the 1<sup>st</sup> of April.

George Geddes, Chairman of the Water District Board stated that a meeting such as this had been offered to the Concerned Citizens and that they had refused. Lucas said that the issue of that particular meeting was that the Water Board had declined to hold the meeting in public. Lucas went on to state that the difference here is that the public is invited to participate.

Morgan stated that the idea of a public forum was to allow for questions to be asked and answered. This would allow for those individuals who have concerns or just don't understand the issues to hear both sides present what they have to say regarding the issues.

Ron Adams said that during this controversy Mr. Lucas had accepted information over the telephone from state agencies. He asked if there was a controversy “do we work both sides of the street?” He said that if the City had called Springfield to ask for verification on the testing it should have been good enough since Mr. Lucas had previously accepted information from them over the phone. Adams said that the problem was that because of the time it takes the State Drinking Water Program to prepare and issue their report it could be another two or three weeks before that written report is issued.

Dave DeLapp said that some of the Water District customers reside outside the City limits. He went on to say that he knows nothing about the recall; he gets his information from the Water District as to what their side of the issue is. That has caused some division because he is not aware of what the “other side” is. He would like to have the communication made to all customers of the Water District. He also commented that he lives outside the City but owns property within the City limits. He said that has not received any notice as to what the City is doing. He said that the City is communicating with the people within the City but property owners outside of the City limits don’t know what the City’s position is. DeLapp also said that when he goes to a forum he usually has a good idea of what is going to be discussed that is why he would like to have information from both sides of this argument prior to the forum.

Morgan stated that since not everyone present had read the Memorandum regarding the City’s official position he read the memorandum aloud. The Memorandum read as follows:

“The City’s official position with regard to public allegations written on posters and rumors circulating throughout the City that the City is:

1. ‘Trying to take over the Lyons-Mehama Water District’ and that
2. ‘A lot of money can be made for the City by increasing water rates.’

**The City of Lyons is not initiating nor is it involved in any plan to ‘take over’ the Lyons Mehama Water District.** The City has, and will continue to, monitor the deficiencies listed in the State Drinking Water Program Report for the Water District. This is being done to ensure that the deficiencies are being resolved correctly, completely, and in a timely fashion.

**The ‘rate increase’ referenced in the allegations claiming that the City of Lyons was prepared to undertake a rate increase to generate revenue for the City is completely FALSE.** The City of Lyons receives no income from the Water District; the Water District is a completely separate entity. For many months, the Lyons Mehama Water District Board has been considering the implementation of both a 50% increase to its patrons for the basic MONTHLY residential meter charge and a 15% increase in the cost per thousand gallons to its consumers. The City has had no involvement in this matter.”

**9. Library Board Member Appointment.** Morgan stated that a short time ago the City, at the recommendation of the Library Board, made an appointment to the Library Board for a position that was not yet vacant. Since the position is now officially vacant, the Lyons Library Board has recommended

that Council appoint Cindy McMahan to fill the vacant Library Board position, the term of which will end June 30, 2011. Conner made a motion that Council appoint Cindy McMahan to fill the vacant Library Board position, the term of which ends June 30, 2011. Donohue seconded the motion. Voice vote. Motion carries.

**10. Family Delinquent Account Policy.** Morgan advised Council that the Lyons Library Board had submitted a recommendation that the following Family Delinquent Account Policy be adopted:

“In the interest of protecting the collections of the Lyons Public Library and of the other libraries in the Chemeketa Cooperative Regional Library Service, the Librarian and circulation staff may link family accounts and limit access under the following circumstances:

1. If there are lost or damaged items and overdue fines on the adult registration in the family over the \$35.00 limit that would trigger an account being sent to collections;
2. If the minor’s registration in the family reveals lost or damaged items and overdue fines exceeding the \$35.00 collection threshold;
3. If there is a continuous, verifiable record of abuse of library privileges by family members, to include lost and damaged materials and habitual overdue fines in excess of \$5.00;

The Librarian and circulation staff shall have the right to limit all family cards to one checkout and one hold if any of the above conditions apply to a family’s account(s). These restrictions shall remain in place until fines are cleared or arrangement for payment has been made.

For the purpose of the policy, a ‘family’ is defined as persons who live at the same address.”

Harris explained that there have been several families throughout the CCRLS district who have numerous cards in their family. She cited an example of one family’s abuse. She went on to state that if there is a policy in place it can be more easily enforced. She said that she didn’t anticipate that there would be a problem.

Conner said that he was an observer at the process of the Library Board’s adoption of this policy and he was aware that they had struggled to make this policy a fair one. He said that he, as Library Commissioner, wanted to thank Harris for her efforts in finalizing this policy. Conner made a motion to adopt the foregoing Family Delinquent Account Policy as submitted to City Council. Lucas seconded the motion. Voice vote. Motion carries.

**11. Request to Modify Bill Paying Procedure.** Morgan stated that the City’s bill paying procedure had been discussed at the last City Council meeting and that he felt that there was a more efficient way to pay the City’s bills and a better way to track the payments. He went on to state that Council had requested that the modification of the bill paying procedure be reviewed by the City’s auditors prior to any action being taken by Council. Morgan referred to the response received from the Auditor which states that

payment of recurring bills prior to receiving Council approval would, in his opinion, be fine. He did suggest establishing a threshold amount for those types of transactions. Burroughs asked if this referred to all monthly bills being paid prior to the Council meeting. Morgan said that this referred to regular monthly bills. Anything out of the ordinary would be brought before Council. After discussion regarding the types of bills to be paid and the threshold amount Conner made a motion to accept the modification to the bill paying procedure, with a cap of \$1,000.00. The PacifiCorp bill and the bill for the Sheriff's Contract are exempted from this cap since they are normally in excess of the \$1,000 threshold. Any other bill or contract payment over \$1,000 must be brought to Council before being paid. Burroughs seconded the motion. Voice vote. Motion carries.

### **NEW BUSINESS.**

**12. REVIEW AND UPDATE OF RESOLUTION #215.** Morgan stated that Resolution #215 is a Resolution Establishing Certain Fees which was adopted in 1998. Morgan reviewed the resolution and the amounts set forth therein. Morgan said that the City had recently had a request for information which had cost the City over \$400 in research, copying and mailing fees. The information was provided free of charge. Mitchell said that typically there are few requests for information or records that are not property related and that they typically do not take a significant amount of staff time. Mitchell said that she felt that it was appropriate, when a request for records and information takes a significant amount of staff time, to request payment for those services. Morgan said that the reason this issue is being raised at this time is that more and more staff time is being required to comply with these requests. Lucas said that it was his opinion that the charges authorized under this resolution should be applied universally; however, he felt that item #4 which states "the determination of charges for these items shall be at the discretion of the City Manager..." should be broadened. He asked about response time and was advised that staff takes care of such requests on an immediate basis. The most recent request was complied with within a few days. Morgan said that staff puts a priority on information requests. Lucas suggested that Item #4 should be modified to read "...at the discretion of the City Manager and/or the Mayor..." There was discussion regarding the charges set forth on the resolution and after discussion of potential changes Mitchell stated that the amended resolution could become Resolution #436. Lucas made a motion to adopt Resolution #436 which incorporates the following changes to Resolution #215:

1. The charge for checks returned for "Non-Sufficient Funds" will be \$40.
2. Item 2.) will be amended to read "Matters requiring over 30 minutes to research.
3. Item 4.) will be amended to read "Lastly, the determination of charges for these items shall be at the discretion of the City Manager and/or the Mayor based on the guidelines specified herein.

Conner seconded the motion. Voice vote. Motion carries.

Morgan commented that there was one more item under New Business that he would like to address. He said that it had been his observation that there was a great deal of work that staff needed to deal with on a daily basis and there could be a scenario where if either Mitchell or McNerney were unable to work it would be difficult for Council to immediately fill either position and have the job done efficiently. He said that he and Mitchell had been discussing the possibility of budgeting for another part time position. Mitchell said that they had been discussing a possibility of two days per week; one of those days being to

alternate training for McNerney's or Mitchell's position so that in the event something happened to either one of them it wouldn't be as difficult to fill their position. The other day would be actually performing the job. This would also allow McNerney and Mitchell to cross-train in their positions, since finding the time to do so has been difficult. Morgan commented that McNerney had been working 4 days per week and is now working 5 days per week in order to cover all of the work that needs to be done on a daily basis. Morgan said that what needs to be discussed by Council is whether or not this part time position should be included in the budgetary process. There was discussion as to what had changed over the years that made this a necessity. Mitchell said that much had changed, among which was the fact that the City is more pro-active in researching grants and proposals to Council, whether it be with regard to policies, procedures, preparing and codifying ordinances, the Comprehensive Plan, etc. She also stated that none of the City's employees work a 40 hour week. Morgan asked if this was something that staff should look into the viability of or whether Council felt that this was not a necessity at this time. Lucas said that he would like some research done such as some type of evaluation as to how the job has grown. He commented that preparation of the Minutes took a good deal of time as well the operation of the website and other things that have been added on over the years which are more time consuming. Lucas said that what he would like to see enumerated is the time and energy spent on tasks today compared to a base line about 4 or 5 years ago so that Council will know what they need to evaluate. Burroughs commented that he would volunteer to supervise the two public works employees. He felt that Mitchell did not have sufficient time to go out in the field to see what they were doing. Mitchell responded that they have a weekly staff meeting with the two employees to go over what was being done. Lucas said that was something that could be looked at. Burroughs said that he felt that Mitchell was not familiar with some of the things that need to be done or what it takes to do them. He said that was not a criticism but only a comment. Morgan said that the additional employee might free up some of Mitchell's time. Mitchell said that she had begun to have weekly staff meetings about 3 or 4 weeks ago with the public works employees and that she had a list of what needed to be done and what she wanted them to do. They meet each week to review the status of each item is. She said this seems to be working well. Harris asked if she should also do such a time study. Morgan said that she should and that this was also part of the process.

**Additional Public Comments – Limited to Agenda & Discussion Items.** Orr referred to the update of Resolution #215 which he felt had been directed to him and stated that the City would rather deal with him than OSHA. He said that he had been asked to walk through the Library building to look for lead and asbestos. Orr said that he declined because it presents a conflict of interest with his employment. Conner asked whether he could do this as a private citizen since all of the Councilors volunteer their time and do not get paid for what they do. He asked if Orr had a contract with his employee which states that he cannot do volunteer work within the community. Orr said that he tried to do the Council a favor by pointing out some things that he felt were violations. He said "charge me \$20 an hour – I am not going to help you. If Oregon OSHA comes in here see what that is going to cost you....Add another employee – anyone who votes for that has a one-way ticket off the City Council."

Geddes said that he was confused by the term "monitoring" (as it refers to the Water District) and asked Morgan to explain it to him. Morgan said that the City is in a "monitoring mode" because there are a number of issues that had come to Council's attention such as the Drinking Water Survey which enumerated a number of deficiencies which have been recurring items for a number of years going

back to 1988. Council was concerned because the deficiencies hadn't been taken care of. Monitoring mode means that the City wants to be sure that the Water District is taking care of curing these recurring deficiencies and that they (the Water District) were doing it in a timely fashion. Morgan went on to state that the Water District said, at their meeting, that they were going to take care of the deficiencies and the City wants to be sure they are going to do so. Geddes asked who would be in charge of the monitoring. Morgan said that while he was the City's liaison to the Water District he was able to help in that regard and that the City has a new liaison, Darren Cross, who will be in that position. Morgan also said that the City has requested copies of public records which is also part of the monitoring process. Geddes asked who has the authority to do that. Morgan responded that anyone can make a request for public records or information. Geddes asked if City Council had the authority to do that. Morgan said that there was no reason that they could not.

Sandi Landers said that Orr could not legally show the City what OSHA problems the City may have. She went on to state that when you are working for a company and they train you, you are only supposed to do those things for that company when you are on the job. Morgan said that, just to be clear, the City was not asking for anything official. Landers said that it didn't matter; you are not supposed to involve yourself.

Landers also commented that last year a few days after the City sprayed along the property line of her property strips of grass were killed. She said that she had no knowledge of what was going on, what kind of spray had been used and she has concern about these issues. She wanted to know how she will know that that will not be done again. Mitchell responded that that the issue regarding Landers' property was included in the contract for spraying. She said that the only complaint she had had was for the Landers' property and that the contractor had contracted Landers and explained to her what had been used. Mitchell said that she had made a notation on the contract to be sure that that portion of City right of way would not be sprayed again. She said that Landers' property was right along the right of way and the contractor had been instructed to spray City rights of way all through the City. Landers said that the reason for her concern was that something that does such a mass kill for a long period of time is going into the watershed and the health issues that it could cause. There was a comment from the audience that property owners should be notified when spraying is going to take place. Mitchell said that notice could be posted on the reader board. Mitchell said that the City does not spray any private property, only the City's right of way. The contractor is licensed and certified by the state and has to pass stringent requirements as to the chemicals he uses, how he uses them, and where he uses them; that is how he keeps his certification. He has sufficient insurance to cover any liability which may be incurred. She asked for suggestions as to what more the City could do. The comment from an audience member was that each property owner should be notified by mail that spraying was going to be done and on what dates and if a property owner has anything that needed to be protected they should be advised to cover it. Conner stated that the Contractor is licensed by the State of Oregon, not the City of Lyons or the County of Linn. He said that he felt that any chemical the contractor is spraying has been approved by the State of Oregon. He suggested that she take her issue up with the State if she has a concern regarding the chemicals used. Mitchell says that the contractor provides the chemicals that are sprayed. There was a question as to what constituted the City's right of way. Mitchell suggested that any person who has such a question can contact City Hall to find out how the street right of way is determined. Mitchell also said that the contractor does not spray when it is windy.

**13. Council Availability for April 26th Meeting.** Morgan asked if any of the Councilors had a conflict with that date that would prevent a meeting being held on April 26th. Councilors Conner, Lucas and Donohue indicated that they would be available. Burroughs said that he wasn't sure but that he thought that he would be available.

There being no further business to come before Council Conner made a motion to adjourn the meeting. Burroughs seconded the motion. Voice vote. The meeting adjourned at 8:30 pm.

Audrey McNeerney  
Assistant City Manager