



# City of Lyons

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## **MINUTES LYONS CITY COUNCIL/PLANNING COMMISSION JOINT MEETING APRIL 24, 2012**

### **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, Administrative Assistant Tami Owen and Assistant City Manager Audrey McNerney. Also present were Planning Commissioners Steve Baldwin and Darren Cross.

### **Guests**

Ken Cartwright, Michelle M. Keirse-Coulibaly, James A. Silbernagel, Maurita A. Silbernagel, George L. Geddes, Mark Orr, Theresa Donohue, Bud Leseman, Gary Alkire, Julie Morgan, Dick Voltin, Shannon Stinnett, Bill Downer, Judy Downer and Kathy Keeney. Attendees whose names were illegible on the sign in sheet may be misspelled or not included.

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.

**Ken Cartwright – Videographer for SCTC.** Cartwright thanked Mitchell and Council for inviting him to videotape Council meetings. He explained that he subcontracts with SCTC who provides this service free of charge. The purpose of SCTC in providing this service is to enable members of the community who can't attend council meetings to be aware of what is happening with Council and the City. Cartwright videotapes Council meetings for Stayton, Sublimity, Aumsville (and now Lyons) which are posted on the SCTC website so that any person who has an internet connection can watch the meetings. He suggested that notices of the meeting should include a reference to the website on which the videos are posted so that citizens of Lyons can be made aware that a video of the meeting is available. Cartwright also informed Council that copies of videotaped meetings are available. To request a copy contact Mike Reding of SCTC.

**Shannon Stinnett – Mehama Ball Park Request.** Mrs. Stinnett was not present. It was noted that there was baseball practice tonight and that she might come to the meeting later.

**Michelle Keirse-Coulibaly – Planning Commission Application.** Morgan introduced Michelle Keirse-Coulibaly, who had submitted an application for Planning Commission, and stated that since she was unsure whether her ultimate residency would be within the Lyons city limits her application was being put on hold for the present time.

**Lyons Planning Commission – Drawing for Terms.** Morgan stated that two members of the Planning Commission were present and would draw for their terms. Steve Baldwin drew Position No. 1 for a one (1) year term which will expire on December 31, 2012 and Darren Cross drew Position No. 2 for a two (2) year term which, because this is an existing term, will also expire December 31, 2012.

### **PUBLIC COMMENTS TO COUNCIL**

Morgan stated that because there was a very lengthy agenda public comments would be limited to three (3) minutes. He also stated that if there were a number of people who wanted to discuss the same issue a spokesperson should be appointed. He asked if any person or persons would like to address Council at this time. There were no requests to address Council. Morgan stated that there would be another opportunity later in the meeting to address Council should someone desire to do so.

### **CONSENT AGENDA**

Burroughs made a motion to accept the Consent Agenda which consisted of:

Minutes – March 6, 2012 City Council Meeting

Bills Paid – February thru April 2012

Resolution #457 – GASB 54

Resolution #458 – Establishment of Fees

Resolution #459 – Transfer of Funds – Library

Resolution #460 – Transfer of Funds - Cemetery

Lucas seconded the motion. Voice vote. Motion carries unanimously.

### **DISCUSSION ITEMS**

**City Council/Planning Commission April 12<sup>th</sup> Goal Setting Workshop-Update.** Mitchell summarized the notes prepared setting forth the issues discussed at the workshop. She noted that some of the most pertinent points were still on the whiteboard in the meeting room. Copy of the referenced notes are available at City Hall upon request. It was the consensus that the next Goal Setting Workshop to further discuss these issues should be held after budget season. Morgan commented that he felt that the workshop was very productive and that he appreciated everybody's input. Morgan said he felt that by focusing on certain issues rather than being reactionary as a city government we can be sure that the priorities set forth match what we want to be as a community.

**City Council/Planning Commission Training Workshop.** The City Council/ Planning Commission training workshop has been scheduled for May 3, 2012 from 5 P.M. to 8 P.M. Conner commented that he would not be able to attend because he will be out of town on that date.

**City Council/Planning Commission Activities Report.** There were no reports.

**Emergency Operations Plan – Update.** Mitchell stated that she had prepared a brief overview of the plan, a copy of which has been provided to Council. The overview sets forth the origin of the plan and explains that the project had begun in January, 2012 with 8 months allotted for the completion of the plan. The Project Managers are Ecology& Environment, Inc. The funding has been provided by a grant from the State of Oregon Office of Emergency Management. The goal is the development of a standardized Emergency Operations Plan which complies with national requirements. The tentative finalization of the plan has been scheduled for September 2012. The plan will be functional and will be available online through the State of Oregon Office of Emergency Management. Mitchell asked that each Council and Planning Commission member perform a cursory review of the document and let her know if, in their opinion, there were any significant missing components to the plan. She requested that comments be delivered via a marked up draft copy prior to the next Council meeting so that they can be forwarded to the Project Manager for inclusion in the final draft. When the Plan has been finalized the Council can act upon adoption.

**City Wide Clean-up Volunteer Participation.** This year's clean up will take place this year on Saturday, May 19<sup>th</sup> from 9 A.M. to 3 P.M. Mitchell said that she usually has students who volunteer their time as a part of their community service obligation. She asked if any of the Planning Commissioners or Councilors would be willing to volunteer to assist in this project. She said that she would like to block out the time in 2 or 3 hour increments and asked who would be available so that she could schedule accordingly. Morgan, Lucas, Conner, Burroughs, Baldwin and Cross said they would be happy to volunteer a few hours. Donohue said that he would be happy to volunteer dependent upon his work schedule.

**TMDL Plan Update.** Mitchell stated that she had submitted the City's annual plan to Nancy Gramlich of DEQ (Department of Environmental Quality) but had not heard back from her to date. She explained that this Plan was approved by the Environmental Protection Agency and issued as an order by the DEQ in September of 2006. Mitchell stated that if Council or Planning Commission had any questions with regard to this Plan she had provided a Memorandum giving the background and an overview of the TMDL Plan. At the request of Mayor Morgan Mitchell read the memorandum aloud for the benefit of those in the audience. A copy of this Memorandum is available at City Hall upon request.

**Installation of Phone in City Shop.** Mitchell stated that she had recently contacted a representative at Stayton Telephone to determine the feasibility of installing a telephone in the City Shop on 13<sup>th</sup> Street. Because 13<sup>th</sup> Street from Dogwood North is owned by Linn County Mitchell contacted a representative from the Linn County Road Department who stated that they did not want the road cut. This would necessitate pushing the necessary utility accommodations under 13<sup>th</sup> Street. Initially the cost quoted for the installation was approximately \$2,500 but a representative of Stayton Telephone contacted Mitchell the next day stating that as a benefit of the mutual agreement between the telephone company and the City they would perform the service at no charge to the City. There was discussion regarding whether to purchase radios for use by the public works personnel when out in the field and it was the consensus of Council that, because of the cost of radio equipment, it was less costly to continue to pay the \$15 monthly stipend for the use of their personal cell phones.

**Employee Reviews and COLA Decision.** Morgan stated that all employees' reviews had been finalized and that for the most part the reviews went very well. Morgan said that it was necessary to determine whether to give COLA (Cost of Living Adjustment) salary increases to City employees this year. He noted that no COLA increases were given last year. Burroughs commented that the country was still in a recession and he didn't feel COLA increases should be given at this time. Donohue concurred and commented that there would be a significant PERS increase in June of 2013 which should be taken into consideration. Conner asked if it was possible to go lower than the 3.6% as determined by the SSA. Morgan said that the buying power of the employees has decreased by at least that much over last year but the City did not necessarily have to utilize that percentage should Council decide to grant COLA increases. Morgan said that because there had been no COLA adjustment last year he would be in favor of some sort of adjustment this year and agreed however that PERS was a significant issue. Lucas asked that staff research what the local (Salem area) COLA would be and prepare a cost analysis of what PERS is going to cost and when that increase is going to take place before any decision is made on this matter. Mitchell pointed out that PERS is not applicable to non-benefited employees and suggested that perhaps the benefited employees could forgo a COLA increase because of the PERS increase. There was discussion as to the fact that there more data was required to make a decision. Mitchell stated that she would include sufficient funds in the budget to cover the 3.6% increase as if it were approved. If it is not approved then it would not be utilized. She pointed out that she needs to get the budget numbers together and for budget purposes she needed to include an accommodation for whatever the Council might decide. Mitchell clarified that just because funds are budgeted doesn't mean they have to be spent.

**Water District Rate Increase.** Morgan stated that at the last City Council meeting a citizen had commented that the City was responsible for the increase in the water rates and that a letter had been sent to Mr. Geddes asking why, since he was present at the meeting, he had not made comment with regard to that issue. Mr. Geddes enumerated several reasons as to why he felt that the City had caused the Water District to incur attorney's fees and that, while this was not the whole reason for the increase, it was his opinion that this was a determining factor and for that reason the City had responsibility for the rate increase. Morgan denied that the City had any responsibility for the water rates increasing and there was discussion as to what effect the attorney's fees incurred by the Water District could have had on the increase and whether or not those increases were appropriate or justified. Geddes stated that if an inquiry is directed to the Water District Board rather than to him personally it would probably be responded to.

**Water Rights – Ponds at Freres Park.** Morgan referred to the e-mail correspondence from Jim Schuette, the City Engineer and discussed how the beaver dams controlled the flow of water at the ponds and the fact that because the beaver dams were washed out the water level was now very low. This could raise some issues this summer. He said that Schuette and representatives of the Department of Fish & Wildlife had inspected the area to determine how the water flow could be restructured. Schuette said in his e-mail that the City would need to get water rights to these ponds. After discussion Mitchell asked Council for direction as to whether or not she should budget for the expenses which will be incurred in connection with obtaining a permit to store water in the ponds which could be in excess of \$2,000. Mitchell stated that she felt it was

important to move forward quickly on this issue since it is only during the latter part of the summer when any activity is allowed within the waterways. It was the consensus of Council to authorize Mitchell to move forward with this project.

**Resolution #461 – Public Records Request Form & Procedures.** Mitchell referred to the Public Records Request Form with the Procedures printed on the reverse side of the form and Resolution #461 Part 2 – A Resolution Establishing Fees Associated with Public Records Requests. Morgan asked if there were any questions or concerns regarding this resolution. Mitchell explained that charges would be determined depending upon who did the research and that it would be done by someone at the lowest salary level possible. Morgan stated that since there were no questions or comments adoption of this resolution would be moved to Action Items.

**Resolution #462 – Resolution for Establishing Council Rules.** Burroughs expressed concern with Section 6.4. Mitchell read Section 6.4 aloud. She explained that a workshop for Councilor training had been scheduled with Jennie Mesmer of the League of Oregon Cities who had requested a copy of our Council Rules which is what prompted bringing the document to Council for review. This is a behavioral document which sets forth how the public, the council and staff is expected to conduct themselves at public meetings. Mitchell informed Council that this document was a compilation of rules from several different cities of comparable size. Council concurred that they would like to have more time to further review the document. Mitchell stated that she had forwarded this resolution to Jennie Mesmer and the City Attorney for their review both of whom who had approved it. Mitchell went on to state that since Mesmer is conducting the training workshop on May 3<sup>rd</sup> review of this document can be part of the discussion at the workshop. Council concurred.

#### **PUBLIC COMMENTS – LIMITED TO DISCUSSION & ACTION ITEMS.**

- Orr questioned whether or not the City had an audio tape of the minutes of the last meeting and said that he would send an e-mail requesting a copy. He expressed his opinion regarding involvement in the Water Board recall. . He asked if the proposed Council rules also governed the behavior of Council members. Morgan explained the purpose of adopting Council rules was to provide a framework within which to conduct business. Orr asked if it would be possible for the public to obtain copies of the proposed rules prior to their adoption and whether they would be available on line. He was advised that they would be available on line after they are adopted at a public meeting. Prior to their adoption a copy of the proposed rules will be available at City Hall.
- Pursuant to a question raised by Orr there was discussion regarding the letter sent to Mr. Geddes with regard to the water rate increase. Orr asked if the City had the tape which reflected his comment regarding the City's responsibility for the water rate increase. He was advised that there was an audio/video recording of that meeting on line and that a copy of the digital recording made by the City had been kept in accordance with the direction of Council to keep the audio recording of a meeting until such time as the minutes of the meeting are approved by Council.
- There was additional comment and discussion regarding the proposed Council rules and conduct both by Council and the public in attendance at a meeting.
- Voltin took issue with the statement at the Goal Setting Workshop that the City is a community in transition from a logging community to a bedroom community and stated that the City is missing opportunities if they fail to consider the loggers and the mill owners when they seek donations and volunteer labor.
- Voltin asked for an explanation of previous COLA increases and the City's vacation policy for benefited employees. Mitchell explained the City's policy.
- Voltin also took issue with regard to ADA requirements and the manner in which the City is addressing compliance issues at the Library. Mitchell responded that the City has never stopped working on improvements at the Library and explained that she had had recent meetings regarding the design of a new ramp. She also explained the time constraints for ADA compliance.
- Voltin raised an issue regarding the City's possible liability in connection with the lack of handrails on bridges in Freres Park and on 13<sup>th</sup> Street. He was advised that the City has liability insurance in place and that the issue of

replacement of the handrails is presently being addressed. Mitchell commented that the guardrails which had previously been placed on those bridges had been torn off by vandals and replaced multiple times. The City is looking at a different design which, hopefully, will prevent them from being destroyed.

- Marc Hughes compared issues regarding the water district's performance with issues being raised about the City's performance and asked what was happening with the beavers at the pond and was advised the City was not trapping the beavers at that location. He also commented on the issue of COLA raises for City employees.
- Orr stated that approximately a year ago the City had OSHA inspect the City properties and make a report regarding any upgrades required. Mitchell said that all of the improvements requested had been completed. Orr said that he had asked for a copy of that report a couple of times and that he had not received it. He asked if the report was still available and whether he could have a copy of it. Morgan told Orr to submit a document request following appropriate procedures and a copy of the report will be made available to him.

**Shannon Stinnett – Mehama Ball Park Request.** Morgan advised that Shannon Stinnett, the treasurer of Mehama Ball Park, had arrived at the meeting and asked her to address Council with her request. Mrs. Stinnett reported on the status of the teams comprised of local children who play softball and baseball, volunteers, sponsors and advertisers involved with the Mehama Ball Park this year. She thanked the City for its previous donation which was utilized toward the purchase of a riding lawnmower and replacing gravel with concrete in the dugouts. She enumerated some of the projects they were contemplating this year with the assistance of donations and requested Council consider another donation of \$500 to the Mehama Ball Park. After discussion Lucas made a motion to donate the sum of \$500 to the Mehama Ball Park. Burroughs seconded the motion. Voice vote. Motion carries.

#### **ACTION ITEMS**

Lucas made a motion to adopt Resolution #461, a Resolution Establishing Fees Associated with Public Records Requests. Conner seconded the motion. Voice vote. Motion carries.

Morgan referred to information provided to Council regarding a personnel matter and urged that Council review this confidential documentation.

#### **COUNCIL AVAILABILITY.**

Morgan asked for Councilor's availability for the Elected & Appointed Officials Training Workshop from 5 pm to 8 pm on May 3, 2012. All Councilors with the exception of Conner stated that they would be available. Conner stated that he would be out of town on that date.

Morgan asked for Councilors' availability for the City Council meeting scheduled for May 22, 2012. All Councilors stated that they would be available.

Morgan asked for Councilors' availability for the Budget Committee Meeting scheduled for May 29, 2012. All Councilors stated that they would be available.

Mitchell stated that she needed direction from Council as to the next step Council would like to take in connection with the above referenced personnel matter. Lucas said that since this was with regard to a personnel matter it should be discussed in Executive Session. Council concurred and an Executive Session of the Council was scheduled for Thursday, April 26, 2012 at 6 pm.

There being no further business to come before Council the meeting adjourned at 7:40 pm.

Audrey McNerney, Assistant City Manager