



City of Lyons

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MINUTES LYONS CITY COUNCIL MEETING/HEARING June 28, 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 and Dan Burroughs. Councilor Lon Conner attended the meeting via telephone. 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. Melanie Moore, Willis Owen, Mark Orr, Theresa Donohue, George L. Geddes, Sandi Landers, Michelle Gates, Steve Baldwin, Clastine Ritchie, Leanne Lail, and Brenda Harris.

1. Melanie Moore – Mehama Ball Park. Moore introduced herself to the Council members who she had not met previously and stated that she was attending as a representative of the Mehama Ball Park Board to request a donation from the City to support the Mehama Ball Park. She pointed out the many improvements which have already taken place at the ball park and itemized some of the long list of needed improvements that such donations will fund.

Lucas asked if the City's donation would be utilized for scholarships as mentioned in the letter received from the Board or if it would be spread among the various other contemplated projects. Moore responded that it would not be earmarked for any specific purpose but would be utilized where most needed unless otherwise stipulated.

Morgan stated that the City had been pleased to donate funds for the Ball Park last year and that Council will consider its donation for this year later in the meeting. He commended the Board for their efforts in making the many improvements that have taken place over the past few years.

2. Alain Rech – Computer Maintenance Program- Moved to next Council meeting.

PUBLIC COMMENTS TO COUNCIL. Morgan announced that if anyone would like to comment or address the Council, this was the time to do so.

Willis Owen. Owen stated that he had been a professional fire fighter for 35 years, had degrees in fire science and fire administration and has lived in the community for 30 years. He said that he had been contacted by citizens in the community who knew of his background and asked if he would look into the whether or not the fire hydrants in Lyons were up to standard. He discussed fire hydrant servicing requirements and stated that he had observed that the fire hydrants had not been serviced. Owen then stated that he had gone to a Lyons Mehama Water Board meeting and asked the Water District Superintendent if the hydrants were being serviced. He was assured by Grimes and the Board that they were all in good shape and had been tested. He went on to state that he knew from his visual inspection of the fire hydrants that this was not true and decided to follow up. To add credibility to his efforts he asked Lon Conner to accompany him while he performed an investigation of the fire hydrants. Owen said that he was familiar with how to open fire hydrants and used a hydrant wrench to open several hydrants to see if they had been serviced. He said that he (Owen) was responsible for opening the fire hydrants and that Lon Conner was with him to verify his actions and take pictures. He also said that no more than 5 gallons of water was expelled from the fire hydrants. Owen went on to state that he felt that it was commendable that there were City Councilors who care about the welfare and safety of the citizens of Lyons.

Owen informed Council that there is an operation that goes on throughout the United States called an ISO, (insurance services office) who can be called in at any time or can be retained on a 5 year basis. They check fire hydrants and fire hydrant flows as well as servicing fire equipment with the members of the fire department. Owen talked about the City and rural ratings and stated that if there were to be a large fire at one of the mills, the school, City Hall or any other large building in Lyons the hydrants will be needed. If they don't work or if they are not serviceable there will be a "big problem." The water district does not appear to be doing necessary checks on the hydrants which was shown by the color of the water that came out of them. He stated that the fire hydrants are on the same line as the drinking water. If a line is cut to add to the system, for example to install a new water meter, and 2 grains of sand end up in one cut and 50 grains of sand end up in the next cut it will build up in ports and go into nearby hydrants. If there is a big fire and those hydrants are used by the fire district a disturbance in that main will be caused and the drinking water in the immediate area could contain sediment. The purpose for the service is to maintain the hydrants and to rid the system of contaminants. He went on to say that this needs to be done yearly and that it should be done by the fire district. The fire district uses the fire hydrants, needs to know where they are and they need to be the ones who need to "drill them." Owen said that he felt there was a serious miscommunication between the water district and the fire district that needs to be corrected. The City needs to be prepared in the case of an emergency. He said that he wants the infrastructure of the City to be up to standard or above.

Owen said that he wanted to emphasize the fact the Lon Conner was a by-stander and that if anyone has a problem with the opening of the fire hydrants they should speak to him (Owen).

Morgan asked if there were any questions for Owen. Burroughs responded “no, he must be qualified.”

Orr asked what certifications Owen had that allowed him to open the hydrants. Owen responded “as a resident and being lied to.” Orr asked about the amount of water expelled from the fire hydrants and Owen said that they had filled two coffee cans. Orr then asked if that was how a water sample was to be taken. Owen responded that “it proved a point.” Orr commented on possible liability issues because Conner accompanied Owen when the hydrants were opened. Owen said that he felt that any time any one is trying to do something for the betterment of the community they should not be chastised for it.

Morgan told Orr that Council was taking testimony and that Owen was addressing Council. He then asked if Council had anything further to discuss with Owen. Lucas asked Owen why, in his opinion, the fire district is not inspecting the fire hydrants. Owen read from a letter from Mayor Morgan to Mary Mitchell which stated that in October, 2010 Morgan had attended a Fire District meeting and had asked the following three questions:

- Question - How long has it been since the fire hydrants had produced an acceptable level of water?
- Answer –For more years than the Fire Chief can remember.
- Question - What did he (the Fire Chief) do to let the Water District know about the fire hydrants?
- Answer – The Fire District Chief spoke to Water District Superintendant Bill Grimes and attended a Water District meeting to address the issue. He was told that there was not enough money in the budget for the problem to be fixed.
- Question – How did the fire hydrant situation hinder your job?
- Answer – They have to take additional equipment to certain areas. They also said that there are areas on 7th Street that have no hydrants. The Fire Chief also said that they are not able to conduct hydrant testing or flushing even though they have the equipment to do both because when it was done previously if something would break or go wrong with the hydrants the Water District Superintendant would get very upset and this caused friction between the districts. The decision was made to discontinue testing and flushing.

Owen then went on to state that of the fire hydrants that were opened, three of them would require a man of his size to open them because of the difficulty he experienced in opening them. He said that if a fire district volunteer didn't have the strength to open a hydrant quickly it could cause a long delay in controlling a fire. He said that this is a critical situation; the hydrants need to work 100%.

Orr asked Owen whether he and Mr. Conner had asked someone from the Fire District to assist. Owen responded that he did not go to the Fire District because he had already been told by them that they did not participate in the program due to friction with the Water District.

Morgan stated that this was an issue that has caused him concern for some time and that he had initially tried to be a mediator between the two districts. So far as the City is concerned the hydrants need to be maintained and in working order. Morgan said that he had noted from the minutes of the last Water

District meeting that they are trying to make some movement in this area which is encouraging and commended the Water District for their efforts.

Morgan then stated that this is a much greater issue than some of the issues that have recently come before Council. There are national standards which state that the flushing, maintenance and flow of hydrants needs to be checked at least on a yearly basis. Lyons is one of the only communities in the area that does not currently perform those services. Owen said that there is no problem on the Mehama side of the river because the Stayton Fire District makes sure that those hydrants are serviced.

Burroughs asked if it was mainly over "hurt feelings" because the Fire District had a disagreement with Grimes. Morgan said that it appears so. Burroughs commented "someone ought to man up and do their job." Mitchell commented that the fire hydrants are owned by the Water District not the Fire District.

Mark Orr. Orr said that he had submitted questions to Council which he said required a simple yes or no answer. Orr was provided with a Memorandum from Mary Mitchell, City Manager, in response to the questions posed by Mr. Orr. He said that he didn't want any explanations, just a simple yes or no. Morgan said that time had been taken to answer every one of his questions, both those submitted on June 27th and those submitted on May 24th. Even though many of the questions posed in the documentation submitted on May 24th were issues that had been previously addressed they have been re-addressed in the Memorandum so that Orr would have them in writing. Full answers have been given to each and every question brought to Council.

Orr said that all he wanted was a simple yes or no. Morgan said that to go through the entire Memo would take too much time and if Orr would take the time to read it he would find answers to all of his questions. Orr said "I don't need this. I don't see a yes or no." Mitchell read the first response set forth in the Memo which stated "Lon Conner did not have special privileges nor was he acting on behalf of the City Council or in any official capacity when this event occurred." Orr said that he probably couldn't understand the Memo. Mitchell offered to explain it to him. Orr said that he wanted her to answer yes or no. Mitchell said yes or no answers are not necessarily succinct; that sometimes it takes an explanation. Orr then referred to Question No. 3 of his June 27th request which asked whether the taking of unmetered water from the water district was a crime. (stealing) He said this can be a yes or no. Morgan referred him to the response. Orr then asked if this was the image the City wants to project to the public. Orr asked if anyone was at the Water District Board meeting when Conner discussed this issue. There was discussion as to what was reflected in the Water District Board meeting minutes.

Morgan told Orr that he (Orr) had asked a number of questions and City time has been repeatedly utilized to respond to his questions. These questions (issues) are not new; they have been discussed many times and have been responded to many times both verbally and in writing. The City wanted to put this in Memorandum form for him. Orr said "I want it put into the record that this was not what I asked for and I will distribute the Memorandum to several people to see if what I wrote here equals to that."

Orr said that he agreed with Council in that he is "all for safe hydrants." What he disagreed with was that someone acting as a council member spent his money as a taxpayer for a "foolish water test." He also said that he didn't know if the water had been tampered with.

Lucas said that the definition of tampering was set forth in the Memorandum which has been made available to all persons present at the meeting. He suggested that Orr read the Memorandum. There was further discussion as to whether Orr's questions had been answered. Morgan re-read the response to Question No. 1 and asked Orr if the answer to that question was unclear. Orr said that all he wanted was a yes or no answer. He said that he found it difficult to work with Council because he had asked simple questions and all he wanted were yes or no answers. Morgan said that he was sorry that Orr felt that way and that again, his questions had been answered.

Morgan asked if there were any other guests who would like to come before Council. There were none.

CONSENT AGENDA.

3 - 12. Lucas made a motion to accept the Consent Agenda which included:

- Resolution #443 Budgeted Funds Transfer
- Resolution #444 Budgeted Funds Transfer
- Resolution #445 Budgeted Funds Transfer
- Resolution #446 Budgeted Funds Transfer
- Minutes – May 24, 2011 City Council Meeting/Hearing
- Minutes – May 26, 2011 City Council Special Meeting
- Minutes – May 26, 2011 City Council Executive Session Meeting
- Minutes – May 31, 2011 City Council and Budget Committee Meeting/Hearing
- Minutes – June 15, 2011 City Council/Planning Commission Meeting/Hearing
- Bills to Pay – June, 2011

Burroughs seconded the motion. Voice vote. Motion carries.

DISCUSSION ITEMS.

13. City Council Commissioners – Update of Activities. Lucas reported on the I Serve project which took place on Saturday, June 25, 2011. He stated that the City had received “short notice” that a number of church volunteers would like to come to Lyons to perform whatever community services the City deemed necessary or appropriate. Mayor Morgan had met with a representative of the Foothills Church and had come up with several ideas as to what the volunteers could accomplish including spreading bark in the Freres Park area and service work at the Fox Valley Cemetery. Volunteers arrived on June 25th and the City provided tools, paint, cleaning materials and \$1500 worth of bark. Since the cost of the bark and other items purchased exceeded the \$1,000 limit Lucas contacted Mayor Morgan and Councilors Donohue and Conner who approved the purchase. He also attempted to contact Councilor Burroughs but Burroughs didn't return Councilor Lucas' telephone call.

Lucas said that the volunteers were broken up into teams and approximately 20 people worked at Freres Park spreading bark, and cleaning and painting BBQs and picnic tables. There were 6 volunteers who cleaned headstones and pulled weeds at the Cemetery.

They worked until lunch time and some of the volunteers continued to work into the afternoon at the Cemetery. They accomplished a phenomenal amount of work and did an exceptional job. Lucas recommended that the City send a letter of appreciation for the work done; encourage them to continue that type of volunteering and hopefully the City will be the beneficiary of their providing this type of volunteer labor next year.

Donohue asked if there was any plan to continue the improvements down to the area where the swing set is located. Morgan said that when he met initially with the representative of the I Serve Project the idea was to start up front first and go as far back as they could with the time and materials that they had. Our maintenance personnel certainly could continue on to the north but he was unsure as to where this project was on the priority list. Donohue commented that all that was done was the section in front of Mitchell's house. Lucas said that they had run out of time, energy and volunteers. He said that there were other picnic tables around back that didn't get painted and the reason was there weren't enough volunteers to have them scrubbed down and painted. The volunteers were concentrating on spreading the bark and working on the street frontage of the property. They kept going until the bark supply ran out. The work was concentrated mainly on the areas which get the most use, because of the location of the restroom and access to the water. Lucas commented that the City was fortunate to get this much accomplished.

Donohue said that he understood what had happened but wanted to know if there was any plan to continue spreading bark down to the rest of the park area. Ritchie said that the area around the playground also needed to be built up because there was nothing there to cushion a fall. Burroughs said that he didn't think that bark should be utilized in that area; that sand and gravel or fir chips would be preferable.

Lucas said that the improvement of that area had begun with the planting of the trees and that the City needed to continue, as money and priorities allow, to work to do the rest of the park. Donohue said that was correct but that the rest of the park cannot be forgotten. Lucas said that if there had been twice as many people and twice as much bark it would all have been accomplished.

Mitchell said that because the comment had been made by Donohue that the area in front of her house had received particular attention she wanted it made clear that the bark spanned the area beginning past the bridge (on 13th Street) and continued on until they ran out of bark. Mitchell also stated that she had not taken any part in the planning or process of this project.

Donohue commented that the bathroom at the library has been an issue for some time. He suggested that it would not be too costly to make the bathroom handicapped accessible. He said that he would like to come up with a plan to do this and get bids from contractors to see what it would cost. He said that he felt that it was a worthwhile project. Morgan said that both he and Burroughs had looked at that possibility previously. Donohue said that the bathroom would be unisex and that a portion of the center wall could

be removed so that it would be wide enough for a wheelchair to get in and out; the sink would be on one wall and the toilet would be on the other.

Donohue said that he would come up with a plan and provide the necessary information to enable Mitchell to obtain bids from contractors to accomplish this project.

14. Librarian Harris – Copy Machine Request and Library Board Position Renewal. Harris reported that the Library copy machine is 9 years old and breaks down frequently. She has been recently informed that the maintenance contract does not cover a machine that old. Because of that fact it was recommended that she look into the purchase of a new copy machine. Ultrex provided some information on new copy machine which Mitchell recommended be taken to the Library Board. Harris said that the Library Board recommended the purchase of a Copystar FS2026MFP for \$1700 from Ultrex. Ultrex is the company from whom the last copy machine was purchased and they have maintenance contracts available. Harris said that there was money available in the Budget under Capital Outlay. There was discussion regarding the capabilities and features of the copy machine. Morgan asked whether leasing rather than purchasing had been considered. Harris said that this machine could be leased for \$60 per month. Some of the more expensive models can be purchased at the end of the lease period. The cost of a maintenance contract was also discussed and Harris stated that the maintenance contract for this particular model would be \$250 per year. Morgan asked whether any other bids had been considered. Harris responded that she did research on other copiers but Ultrex was much cheaper than what she had found on line. She also commented that Ultrex's customer service was very satisfactory.

After discussion Morgan stated that the purchase of this copier for the Library would be an Action Item to be dealt with later in the meeting.

Harris then stated that Library Board Member Cynthia McMahan's term was scheduled to expire at the end of June and the Library Board had recommended the renewal of her Library Board position, effective July 1, 2011. This will be a four year term to end June 30, 2015.

Mehama Ball Park Donation. Morgan asked if Council would like to discuss and possibly take action on the request from Melanie Moore of the Mehama Ball Park Board to support the Mehama Ball Park. Burroughs said that he felt that Council should support the ball park because it is good activity for local children. Donohue declared a conflict of interest with this issue since Melanie Moore is his sister. Lucas said that he was ready to make a motion. Morgan said that he would not be opposed to the City's donating the sum of \$500 to the Mehama Ball Park and that this would now become an Action Item.

PUBLIC COMMENTS – LIMITED TO DISCUSSION & ACTION ITEMS.

Orr said that after listening to Owen's background and certifications he was disappointed by his actions. Orr also said that as a taxpayer in Lyons he is disappointed in Mr. Conner's actions. He said that as a citizen of Lyons he will contact the State Attorney General. He said he felt their conduct (Owen and Conner) was unprofessional and that he had the right as a citizen to report their actions. Orr said that it was his memory that Conner had said that he had done these things (open fire hydrants).

Orr then said that he had been in touch with the Statesman Journal and asked Council's permission to forward the Memorandum in response to his questions to them. Morgan said that the Memorandum was a public record. Mitchell stated that this document reflected her opinion, based on facts and documentation, as Lyons City Manager. Morgan stated that the Memorandum also reflected his position. Orr said that he had asked four questions of City Council and asked if those were the answers of the City Council. Mitchell responded that there is a disclaimer on the Memorandum which states: *"Following is my (Mitchell's) response to these questions. Please note that these responses are based on facts and documentation and are not provided nor should they be construed to be provided as the opinion(s) of Council."* Orr then asked all Councilors if they were aware of his questions. Burroughs said "not till I got here." Donohue said that he was aware of them when he picked up his Council book. Lucas and Conner both said they were aware of the questions. Orr then said "just for the record Burroughs and Donohue were excluded from the questions." Mitchell and Morgan both said that was untrue. Burroughs said he wasn't excluded. Mitchell explained that the questions were received yesterday and she then prepared the responses. She advised that Council members had received a phone call earlier today to advise them of material that needed their review prior to the Council Meeting and requested that they come in early to do so. Mitchell stated that every Council member had the documentation in advance of the Council meeting and had been given the opportunity for its review.

Orr told Owen that he was disappointed in him for "messaging with the water system." Owen responded that he was not "messaging with them, I was trying to prove a point." Owen stated that the point was that he was lied to at the Water Board meeting. He went on to state that Orr should not be worried about using 5 gallons of water out of a water hydrant; he should be worried about all of the (Water District) discrepancies. Orr said that he agreed with Owen that the hydrants should be up to date. Owen said that he wasn't talking about the hydrants; he was talking about the financial issues. Orr said that he didn't know anything about that.

Lucas asked if Council was entertaining an argument between Orr and Owen. He told Orr that he was here to address the Council. If he wanted to address the Council he should address the Council. If not he should take a seat.

Orr said that he had tried to address certain members of the Council. Morgan said that for the record his questions had been given to every member of Council. Orr asked if all of the Council was involved in answering the questions. Morgan said that the Memorandum came from him and Mitchell. If the Council members would like to answer those questions there is nothing preventing them from doing so.

Orr then said that when he contacted the Statesman Journal he had been advised that they (Statesman Journal) couldn't get anyone from the City to work with them. He asked if anyone at the Council table would be willing to work with the Statesman Journal. Morgan said he has made it very clear that his door is open to everyone. He also stated that he had personally spoken with each and every newspaper and media outlet in the area to let them know of that fact. If any of them are saying that they have contacted the City and had problems in communication that would be "news to him."

Mitchell asked who Orr had spoken with at the Statesman Journal because she had contacted them and had asked them to cover this issue. Orr said that he talked to the editor. Mitchell said that she had talked to the editor and that she has witnessed Morgan speaking to the editor so this cannot be true.

Morgan then said that Orr had stated openly that his interest in Water District issues and what happened with Conner and the hydrants is a revenge factor. He asked Orr to take a seat and made a statement that from his point of view this is just a ruse to divert attention away from things that he (Morgan) believes are a higher priority within the community. Morgan said that from his point of view, the deficiencies that he found when he looked into what was going on with the Water District surprised him. The fact that they had continued unchecked for so long was another surprise to him. When he found that their financial records were not in order according to their own auditor that was another surprise. In fact the auditor's report says that the Water District has been fined over \$10,000, that they paid minimum payments on credit cards, that they have no credit card policy and that they are paying 27% interest and late fees on credit cards. Morgan said that he could go on and on about the fact that the Water District has no financial controls. He went on to state that from a City point of view Council has to make sure that those who do business within our community are on solid footing. He said that when he sees issues like these it makes him believe that the Water District is not on solid footing. That is why he had requested information, some of which has been provided and some of which has not. Morgan said that because of their history he continues to monitor Water District issues to be sure that things are improving. He said that those are bigger issues than those that are being presented to Council on a regular monthly basis by Orr. Morgan said that his statement was not coming from Council; it was coming from him personally. He said that this is not meant in an attacking manner; he has tried to work with the Water District and the Fire District on the fire hydrant issue. All he has been met with has been a lot of resistance and mistrust. Morgan said that all he wants is for people to work together and get the job done. He said that he felt that the issues that are being discussed before Council are moot points compared to the issues stated here.

Morgan then asked if there was anyone else who wished to address Council. No one came forward.

ACTION ITEMS.

15. Budget Approval. Lucas made a motion to adopt the 2011-2012 Budget for the City of Lyons as approved by the Budget Committee. Burroughs seconded the motion. Voice vote. Motion carries.

16. Resolution #447. Burroughs made a motion to adopt Resolution #447 - Budget Appropriations fiscal year 2011-2012. Donohue seconded. Voice vote. Motion carries.

17. Resolution #448. Burroughs made a motion to adopt Resolution #448 – Election to Receive State Revenues. Conner seconded the motion. Voice vote. Motion carries.

Library Copy Machine. Lucas made a motion to purchase the Copystar FS2026MFP copy machine for the Library for a cost of \$1700 from Ultrex. Donohue seconded the motion. Voice vote. Motion carries.

Mehama Ball Park Donation. Burroughs made a motion to donate the sum of \$500 to the Mehama Ball Park Association. Conner seconded the motion. Voice vote. Donohue abstained due to a conflict of interest. Conner, Lucas and Burroughs vote aye. Motion carries.

Library Board Term Renewal. Donohue made a motion to renew Cindy McMahan's Library Board position effective July 1, 2011 for a four year term to end June 30, 2015. Burroughs seconded the motion. Voice vote. Motion carries.

Harris advised Council that the Summer Reading Program is up and running. She said that 111 people had attended last week's magic show and 104 people attended the program the week before.

There being no further business to come before Council the meeting adjourned at 7:15 pm.

Audrey McNerney
Assistant City Manager