

Lyons Library Board Meeting
March 14, 2011 Minutes
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Chair Amy Shield opened the meeting at 7:00pm. Board Members present were Judy Wells, Lillian Halseth-Taylor and Love Cross. Also attending were City Councilor Lon Conner and Cindy McMahan.

Chair Shield asked everyone to stand for the Pledge of Allegiance.

Additions to the Agenda: Chair Shield added Library Move Clarification.

Approval of the February 15, 2011 Minutes: Correction to the minutes is “to remove Lillian Halseth as being in attendance.” Member Cross motioned to approve the minutes as corrected, Member Wells seconded. Motion approved.

Library Updates: Reports: All the reports were available to review except for the Donations & Volunteer Report. Librarian Harris reported there was a change in how donations are handled. A receipt will be given at the time of the donation, therefore eliminating the need to send out tax donation letters at the end of the year.

PYM Update: Librarian Harris learned at the recent meeting that all public libraries with less than 10, 000 population, will have performer *Rich Glauber* (music) provided free for their summer reading programs. This is made possible by the Oregon College Savings Plan.

Story Time Report: Harris stated attendance varies from 1 – 8 children, with 6 being the average. One of the volunteers had to step down so Librarian Harris is filling in until a replacement can be found.

Old Business:

Chair Lift: Librarian Harris noted the chairlift is installed, staff has received operating instructions, and it has already been used.

Vacant Board Position: Chair Shield stated the City needs the recommendation redone, now that there is a vacant position. Madlyn Boyd has officially resigned but has not returned the Board handbook. Member Cross motioned to appoint Cindy McMahan to the vacant position, seconded by Member Wells. The term will end June 30, 2011, so the Board will have to submit another recommendation to renew the term for 4 more years in June. Each member received information that pertains to Public Library Trustees & Library Board Members. A master handbook for Board Members will be assembled which will have information on Public Meeting Laws and Oregon State Revised Statutes pertaining to public libraries. Harris referred the Board to City ORD. 241.5 “to establish the Library Board” which states terms and unexcused absences. The Chair had not been stating for the record if absences are excused or not. All Members will need to come in to sign the recommendation before the City Council meeting March 22, 2011. There was

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discussion on what is an unexcused absence: not notifying anyone. What type of notice prior to meetings is required? Harris stated the Agenda & minutes are sent the Thursday before via email. She also stated the CCRLS gmail account has had some issues when a group email was sent. Several libraries did not receive the email and she was not notified that one or more did not go through. Several other member libraries also have had this happen. Members felt if everyone agreed at the end of the meeting, that they would be at the next Board meeting, there was no need to give a reminder. If a member is not present then Librarian Harris will contact them to see about availability.

Family Delinquent Policy: Members reviewed the draft Harris typed with the changes from the last Board meeting. Member Wells motioned to approve the *Family Delinquent Policy*, Member Halseth-Taylor seconded. Motion approved. All Board Members will need to sign it before the City Council meeting March 22, 2011.

Landscaping: City Councilor Conner gave an update on the landscaping. Councilor Conner stated as of last week, the City has come to an agreement with Mr. Kimery with a “hold harmless clause”. The City purchased 35 6’ tall arborvitaes that will be planted within the next few days. He explained how all this came about stating that both properties were at one time together: the church and the parsonage. When the properties were separated, the one south of the church/library lot had an easement for their drain field on the library lot. If the drain field is actually 2 ½ feet deep, the arborvitaes will be planted from the water main west to the corner. Test holes will be done, and if not, they will form an arc. They will be planted enough apart where property owners to the south and west will still have visibility, due to persons congregating in the past. 3 trees will be planted in back of the library and 2 flowering crabapples will be north of the building between the building and parking lot. Harris will contact Linda McGeath for planting of drought-tolerant plants. Member Cross asked if there were plans to have programs outside in the future. Harris and Conner both replied, “yes, this is the plan”.

New Business: Unattended Children Policy: The Board reviewed the policy from Newberg Public Library. Member Cross noted ORS 163.545, referred to in their policy where the first section pertains to abandonment, does not apply to the library. Also, the ratio changes as the children get older. Member Cross thought the policy would be needed for the summer reading program. If parents drop off their children, especially those under 10 years of age, and something happens to them (bee sting, etc), does the library have the right to contact emergency services? What are the liability issues? She felt an emergency contact form is needed. Emergency contact information has never been used for the summer reading program. Discussion followed. It was the consensus that a policy stating “we discourage parents from dropping off their children, especially if under 10 years of age”, with “a no liability clause” for parents to sign was needed. More research needs to be done and possibly run it by the City Attorney. Shield read “children

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left on the premises without a caregiver will be placed in the custody of the police department” from Newberg’s policy. A form for parents to fill out with emergency contact information will be required when signing their kids up for the summer reading program. This can be placed on the library website as well. City Councilor Conner felt a policy with general information is better than no policy.

Appointment of Chair Pro-Tem: Chair Shield explained that in the event she was unable to attend the meeting, the Chair Pro-Tem would set in her place and conduct the meeting. Harris also noted the Chair and Chair Pro-Tem should be elected every July. The Board did not meet at all last summer so this was not done. Member Wells motioned to appoint Member Cross as Chair Pro-Tem, Member Halseth-Taylor seconded. Motion approved.

Library Move Clarification: Councilor Conner shared information on the list of questions filed at City Hall pertaining to the building. Harris went back through Library Board minutes to see if there were any motions by the Board. What she found were discussions in April 7, 2008, March 18, 2009 & April 13, 2009. Of the Board Members, Shield, Boyd and Wells were on the board at that time, and of the current City Councilors, Lucas was the only one. Conner asked if Librarian Harris spoke to the gentleman about his concerns, which pertained to ADA, asbestos, placement of shelving, wheelchair ramp. She said the aisles & computers met ADA, there are 2 steps to the children’s area that do not and has not been an issue, patrons have used the wheelchair ramp, a chairlift was to be installed any day and we have a Homebound program where staff delivers materials to those who are unable to get into the building for medical reasons. She did note the building met code for an existing building as well. She stated 2 Councilors reviewed what was needed to bring the restrooms up to code. The end result would have to bring the whole building brought to code if this was done, which would be a very costly. This took place after the gentleman was in and submitted his questions.

Conner stated “the building met code for an existing building. A *reasonable accommodation* is part of the ADA guidelines. After numerous discussions on what could be done, the Library Board recommended in December 2010 to go with a chairlift and the City agreed. The City did not need to put in a chairlift but felt the lift would *get the best bang for the buck* and it was the right thing to do for the citizens of Lyons.” He stated concerns should be brought to the Librarian where she could explain, and if needed, she could refer them to the City. Member Halseth-Taylor felt legal advice might be needed. She had expressed concerns herself and when she brought it up to the City, she was told the building had been inspected. She mentioned there are watchdogs that look out for just these types of violations and perhaps the gentleman is one. Conner said “legal counsel has pretty much told us what we know.”

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Cross said according to the communication she read, The City Manager said it was the Library Boards decision to move against our decision, and she felt it was a little defensive.

She was a little confused, and felt if the City Manager would have just stated the building was grand-fathered in, and that was a unified decision". Conner said "that's correct. Did the Library Board say we want to move, we don't want to, or did the City say you're out?" Harris found when looking over past Library Board minutes, the first mention of the library move was April 7, 2008 when Mayor Rolow said "once the paperwork is finalized, they can proceed on making plans to move the library". In the March 18, 2009 Library Board minutes, where City Manager Mitchell was in attendance, Mitchell states "The handicap ramp is up to code for an existing building. A buzzer will be placed to *buzz* staff to assist when needed." The May 11, 2009 Library Board minutes mention a soft opening set for May 15, 2009, with a grand opening planned for September 11/12 (this was later moved back to September 19, 2009) but there was never a motion made.

Cross asked if there were any City Council minutes where it was discussed. Conner said those are available to review. He also stated that "everyone wanted the library to move, both library & city, and without saying it's your fault or my fault, we moved early." He stated from what he's read, "it was somewhat of a consensus the move be made. There were some caveats where something was done or not done. If I read it correctly, we'll make the move and we'll address those things later". Chair Shield said she read somewhere where it was grand-fathered in. Halseth-Taylor stated it really wasn't an option, the Board can only make recommendations and the City approves or disapproves. Wells commented there were feelings that it was a "them against us" at that time, mostly from Mayor Rolow with the City supporting him, and the Board felt as though they were under the gun.

Cross mentioned the recent email from City Hall to Librarian Harris stating "The minutes from the May 6, 2009 City Council meeting reflect it was the decision of the Library Board to move the library at this time rather than waiting until the City could afford to make the necessary changes. Please provide us with a copy of any minutes, documentation or other correspondence, e-mail or otherwise, which reflects this decision." Chair Shield stated "when the building was first purchased, Librarian Harris preferred to stay at the current location due to the proximity of the school and the park." Conner recalled he had seen that in the City Council minutes.

Cross asked "What is the bottom line now? The list of questions they are trying to answer through City Hall; the questions that pertain to the Library; the timing of the move; and whose decision it was has come up. What, as Board, do we need to do?" Halseth-Taylor remarked the Library Board has pretty much gone along with whatever the City has asked of us. Wells stated "There was never any directive -you gotta move now- the feeling was

“pressure” to get the shelves moved and everybody was in everybody’s way.” Conner commented “In general, it wasn’t a bad idea to get out while the getting was good,

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whether the building was perfect at the time.” Harris stated we were told the building was grand-fathered in and we accepted that. Conner said there was also something from the church that stated the building was asbestos and lead-free. Chair Shield said there was not a recommendation made to move the Library, but the Board, the City Manager, City Council and the Mayor were all in agreement. Harris stated she noted there wasn’t a motion made, no recommendation from the Board, but it was the general consensus on both sides.

Conner said the Board needed to respond the way they remember it. There isn’t any finger-pointing, it’s because we have to continually address the questions that are coming from this individual. We have already responded to the first set of questions, spending numerous hours. The Board knew some things still needed to be done, the windows for example, but they were told the building was okay for an existing building. Connor stated he didn’t think there was anything wrong with the building.

Harris will draft a memo and email it to them, and then she’ll let them know when to come in for signatures, so it can be submitted to the City.

Availability for the April 11, 2011 Meeting: Everyone agreed they could be there.

With no further business, Chair Shield closed the meeting at 8:15pm. The next meeting is April 11, 2011.

B. Harris