



CITY OF LYONS

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449 5TH STREET
LYONS, OREGON 97358

CITY COUNCIL MEETING MINUTES

November 24, 2015

Present: Mayor Troy Donohue, Pro Tem Jessica Ritchie, Councilors: Mark Orr, Lloyd Valentine, Mike Wagner, Public Works Richard Berkey, City Recorder Micki Valentine, & Attorney Steve Tabor (Brenda Harris)

Public Present: Donna & Ed Butchino, Ryan & Heather Underwood, Larry Williams, Darlene Franklin, Stan Franklin, Larry & Pam Brown, Aaron & Gaye Gibby, Arlene Branch, Aaron J, Leigh House, Cherie House, Nell House, Steven Baldwin Barbara Orr, Ken Cartwright – Videographer,

Opened w/pledge @ 6:30pm by Mayor Troy Donohue

Conflict of Interest/Ex-parte/Bias: Mike declares conflict of interest to Business License as he is a business owner.

Troy reminds public members that there is a three minute time limit for public comments

Consent Agenda

Mike motioned to accept the consent agenda which includes the minutes & bills – Lloyd second – motion carried with all in favor.

Liaison Report

- Sergeant Greg Klein provided a written monthly report.
- Steve Baldwin, Schools liaison, not present.

Unfinished Business

Business License Ordinance B8-14

Public Comment – Ryan Underwood of Capitol Growers provides comment on the two ordinances concerning business licensing and banning of marijuana facilities. His concern is that it will be detrimental to their business and employees. Business was approved by majority of voters of the state. He asks to have the Federal requirement be removed to allow them to continue their business operations. Donna Butchino, property owner of Ryan's business, comments on the ordinances. She points out the lost revenue, lost business opportunity, voter approval. She feels that we're rushing into this decision. Ed Butchino comments that he invested in Lyons due to up & growing community and proximity to Salem. Hasty decisions and restrictions are not best approach – give the will of the voters & OLCC opportunity to properly implement the regulations. City should do everything it can to grow and prosper.

- Troy reads, by title, Ordinance B8-14 An Ordinance Requiring Businesses within the Corporate Limits of the City of Lyons to be Licensed; Defining License Application Procedures; Providing Penalties for Violations; and Declaring an Emergency. Mike asks about Exclusive Licensed Businesses. Troy responds that no additional regulations would be imposed other than the \$10 fee. They would still need to meet current ordinances, land use laws, city, state, and federal regulations. Mark comments in response to public comments, best interest of taxpayers. His decision is based on comments he has received from the community. All have been against allowing this type of business in the city. He was not aware of the business, community members were not aware and that is the issue. Troy also comments that the business started up without checking with the city concerning zoning ordinances or request of planning commission for business or living quarters on the premises. *Jessica motions to adopt – Lloyd seconds – motion carried with all in favor except Mike who abstained.*
- Troy reads, by title, Ordinance B8-15 An Ordinance of the City of Lyons Declaring a Ban on Medical Marijuana Processing Sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and/or Recreational Marijuana Retailers; Referring ordinance; and Declaring an Emergency. Mike asks for confirmation that this will be in the Presidential election next November – Troy confirms that it will. Attorney Steve Tabor explains the timing. *Mark motions to adopt the ordinance – Jessica seconds – motion carried with all in favor.*
- Troy reads Resolution #512 A Resolution Establishing Certain Fees and Repealing Resolution #436. The business license fee was added. Mike believes the public records search fee needs to be increased. *(Brenda submits her report to council then leaves the meeting.) Mike motions to Adopt Resolution #512 – Mark seconds motion – carried with all in favor. Mark motions to amend Resolution #512 to increase the public records search fee to \$30 an hour – Jessica seconds – motion carried with all in favor.*
- Troy reads Resolution #513 Amending the Employee Handbook. No changes to PERS qualifications. *Mike motions to approve – Jessica seconds – motion carried with all in favor.*
- Troy would like to table charter review and see if anything that needs to be changed can be done with an ordinance rather than changing the charter. This would save the city some money. Removal of councilor due to conduct or misappropriation of duty was the issue brought to Troy's attention by a couple citizens. *Mark motions to table – Lloyd seconds – motion carried with all in favor.*
- Energy Trust quote reviewed. Ballasts and lamps to be replaced. *Mark motions to approve – Mike second – motion carried with all in favor.*

New Business

- Christmas Gift to employees – *Mark motions to approve – Mike seconds – motion carried with all in favor.*
- Lyons Fire District requests donation of \$500 to the toy drive. *Jessica motions to approve – Lloyd seconds – motion carries with all in favor.*

Staff Report

- Public Works – purchased smoke/carbon monoxide detector for the shop, slide is completed, basins have been cleaned, waiting on spraying quote break-down.

- Cemetery – two plot ownership transfers and sold one plot today, the flags were put out for Veteran’s Day. Richard has gone through the flags to remove the damaged ones. We will keep the flags at the shop so that public works can put them out. Volunteers are welcome to participate.
- Library – worked on lighting, water dispenser has been moved to library
- Office – worked on the employee handbook, business license and ban ordinances, followed up on Apple Lp complaint, reviewed public contracting rules in regards to requirements for quotes versus bids – haven’t been reviewed since 2005, the audit is completed and going in the mail tomorrow, and the holiday lighting contest is underway with one registered so far. Working on TMDL - updated matrix and sent to DEQ, there will be a meeting in Detroit in the near future. Working on water survey which is due for the pond – need to do measuring. Safety Meetings – the stairway has been chained off with a no entry sign attached.
- Training – attended Municipal Budgeting hosted by League of OR Cities.
- Starting to work on next budget and will ask for council’s direction for short term planning and long term goals.
- Beavers are taking trees. Troy recommends contacting Fish & Wildlife. Mike asks how the catch basins did through the recent rain. Richard said they recommended cedar sock around catch basins and dig down around the culvert areas. Riprap needs to be placed out about three or four feet. Another idea is to place netting beneath the grate to catch and remove debris. Backhoe contacts list should be available in office. Contact Linn County about ditch line. Complaint about Apple Loop. Crime report shows one. Stan Franklin reports that they have had gas stolen three times on Apple Loop. A question about 5th St & Main St drains – state and county roads, not city.

Library Report

Part-time person is working the same hours that the previous employee was. Brenda is asking for more hours for training. Clarification about library vacation days were last month not upcoming.

Commissioners Report

- Building & Planning - Mike asks about the land use planning application. It was submitted in case council would allow their business to continue. The ordinance passed so the application will not move forward. Reimburse their fee.
- Library – nothing further to report
- Police – Mark received an anonymous call concerning a Neighborhood Watch volunteer watching out for the school children making sure they get home safely.
- Safety & Cemetery – nothing further to report
- Transportation & Parks – Catch basins being taken care of and water issue at the park is being worked on.

Councilor Requests/Future Agenda Requests/Announcements

- Mark requests filters for the catch basins, recommends adding clean-outs or catch basins on Apple Loop.
- Next meeting is December 22

Adjourned 7:45 pm

Transcribed by Micki Valentine, City Recorder 