



CITY OF LYONS

PHONE: (503)859-2167
FAX: (503)859-5167
www.cityoflyons.org

449 5TH STREET
LYONS, OREGON 97358
cityoflyons@wavecable.com

CITY COUNCIL MEETING MINUTES

November 26, 2019

Council Present: Mayor Lloyd Valentine, Councilor Jessica Ritchie, Councilor Mark Orr, Councilor Mike Wagner

Council Absent: Councilor Troy Donohue

Employees Present: Micki Valentine – City Recorder, Richard Berkey – Public Works

Public Present: Carson Kuenzi – Pacific Sanitation, Jeff Peters, Lt. Michelle Duncan – Linn County Sheriff, David Kinney – Planning Consultant

Opened w/pledge: @ 6:30 pm by Mayor Lloyd Valentine

Additions to Agenda/Conflict of Interest/Ex-Parte/Bias: None declared

Presentations: None

Consent Agenda: The report provided is bills paid October 23rd, 2019 – November 26th, 2019 and the minutes are from October 22nd, 2019. *Mike motions to accept the consent agenda which includes the minutes and bills paid – Mark seconds – motion carried with all in favor – none opposed.*

Public Comment: None

Liaison Report: Lt. Michelle Duncan reviews the Sheriff's Report with Council. She says the Sheriff is okay with an increase in contract hours. New contracts are being negotiated. Discussion about having designated patrols and Michelle explains about how traffic control hours and focus patrols work. Mike asks if the City didn't have a contract – how many hours the City would get. Michelle explains the City's contract provides more service specifically for the City. Mark asks about the hours in October and says the traffic on 5th St. is out of control. Michelle says that Lyons gets more hours than shown on the report. Council thanks her and she leaves the meeting.

Correspondence: The League of Oregon Cities (LOC) Municipal Fundamentals Training – upcoming training dates are included in case any Council members would like to attend. A letter received from Portland State University for the Preliminary 2019 Population Estimate is 1200.

Public Hearing:

Mayor Lloyd introduces himself and Council. He announces this is a public hearing to consider Land Use File #2019-04, a proposal from Jeff Peters to amend the Lyons Comprehensive Plan Map to add 1.5 acres to the Lyons Urban Growth Boundary. If the UGB expansion is approved,

the applicant proposes to rezone the property to Single Family Residential (SFR) zone and annex the parcel to the City. The property is located in the 1700 block of Main Street in Lyons. He opens the hearing at 7:00 pm and reads the hearing agenda and the detailed statement with information required under ORS 197.763(5), is printed and available on the counter.

Objections: Lloyd asks for any objections from the audience – none declared.

Declarations of Conflict of Interest, Bias, and Ex Parte Contact: Lloyd asks for any – Council says none. Lloyd reads Council is ready for the applicant to present the proposal.

Staff Summary Report: Dave Kinney, City Planning Consultant, introduces himself and Jeff Peters, the applicant for the proposal. Dave says this is a request to add 1.5 acres to the City limits so the Peters can develop the parcel. It is a complicated land use decision since parcel is outside the City limits and the Urban Growth Boundary (UGB). If Council decides to approve the UGB amendment to modify the boundary and designate the additional 1.5 acres for residential land use; that recommendation then goes to Linn Co. and the Linn Co. Planning Commission has to consider it and make a recommendation to the Board of Commissioners. If the Board of Commissioners approves it then it comes back to the City and City has to take action to approve the rezoning of the property to SFR and annex the parcel into the City. He says the Planning Commission held a public hearing on Nov. 14th and continued it to Nov. 19th, 2019. The reason it was continued was due to a request for information from the Fair Housing Council of Oregon to see if it actually created additional housing and no discriminatory action taking place with this proposal. A full copy of the staff report was sent and an opportunity to comment – no additional written testimony was submitted to the City for this public hearing.

Applicant Summary: Jeff Peters provides testimony giving explanation to what he wants to do. He would like to put a house on it. Jessica asks if it is a separate tax lot and Dave says not at this point. She asks if it is costing the City additional funds and Dave says that Jeff has paid an application fee and he is trying to limit his hours to keep costs within that fee. Dave doesn't expect it to cost more than anticipated. Mark asks if the driveway is a City maintained driveway or private – Dave says it is private drive and Jeff has deeded access. Mark asks if Jeff and other owner would be doing their own maintenance on driveway – Jeff anticipates doing their own road maintenance. Mark asks what he intends to do with property – Jeff's goal is to build a house for his family. Mike says it is well written.

Audience in Favor: Dave asks audience if there is any comment – no people testified in favor.

Audience Opposed: Dave asks if there is any audience opposed to the proposal – no people testified in opposition.

Council Questions: No further questions.

Dave contacted the Linn Co. Senior Planner, Alyssa Boles, she has looked through the staff report and had no changes. Vacant parcels available estimated in 1987 is the same projection as Portland State University anticipated for the year 2040. There is a need for additional vacant residential land, so Jeff's application fits into that comp. plan. Dave says the Planning

Commission recommends Council to approve this application and there is a series of 4 motions to be made individually and voted on separately. The hearing is closed at 7:15 pm.

Motion #1) *Mike motions to adopt the staff report for File 2019-04, that includes the exhibits, findings of fact, conclusions and Planning Consultant recommendations and direct the City staff to prepare an Ordinance to amend the Lyons Comprehensive Plan Map to adjust the Lyons Urban Growth Boundary as shown on Table 1 of the staff report and findings document dated November 18, 2019. The UGB adjustment will add 1.5 acres to the Lyons UGB. – Mark seconds – motion carried with all 4 in favor – none opposed.*

Motion #2) *Mike motions to direct the City staff to prepare an ordinance to amend the Lyons Comprehensive Plan Map to designate the 1.5 acres added to the Lyons UGB as “Residential” on the Lyons Comprehensive Plan Map, as listed on Table 1. – Mark seconds – motion carried with all 4 in favor – none opposed.*

Adopt Ordinance) *Lloyd asks for motion to adopt Ordinance No. P10-66-2019 – An Ordinance adjusting the Lyons Urban Growth Boundary and amending the Lyons Comprehensive Plan Map – Mike motions – Mark seconds – motion carried with all 4 in favor – none opposed.*

Motion #3) *Mike motions to forward the City’s Ordinance of approval to Linn County with a recommendation that Linn County concur with the City’s decision and take appropriate action to modify the Lyons UGB, amend the Linn County Comprehensive Plan and Linn County Zoning for the affected parcels. – Mark seconds – motion carried with all 4 in favor – none opposed.*

Motion #4) *Mike motions that if Linn County concurs with the City decision and modifies the Lyons UGB, to direct the City staff to prepare an ordinance to annex 1.5 acres as listed in Table 1 and concurrently rezone the property annexed to the City as Single Family Residential (SFR). – Mark seconds – motion carried with all 4 in favor – none opposed.*

Dave explains the next steps that Jeff will need to follow. Jeff will need to file application with Linn County for their hearing process. He will also need to have a surveyor prepare the legal description for the annexation and a map to be adopted by city council. Notice of Decision and copy of signed ordinance will be sent to Jeff. Dave and Jeff thank Council and leave the meeting.

Unfinished Business (Mayor moved this agenda up.)

- Pacific Sanitation – Carson Kuenzi is here to address the contamination fees and the recycling container complaints. Carson said the question is if we got rid of the blue carts and what would the cost difference be - not easy to come up with that number. He asks if the issue is the contamination fees. Jessica confirms. Cost covers print and distribute the notices and office staff time to educate the customers. If customer calls they will waive the fee. Carson explains that the rate is based off the garbage cart not the blue carts. No rate for recycling cart because of market fluctuations. The driver leaves a note on the cart, pinched in the lid, when they find something that shouldn’t be in there. If blue carts are taken away then the customer will pay for its disposal in the garbage can. Carson gets a phone call when there is a fee on the bill, which gives him the opportunity to educate. Jessica suggests if they could just leave the cart (without emptying it) when something is

found rather than assessing the fee. Carson says drivers are supposed to leave the cart if they see something when they lift the lid. Recommendation to mail the notice to violators. Jessica asks about the newspaper box and he will look into it but it cannot have garbage in it. He says employees aren't compensated for finding contaminated materials. Council would like to reeducate multiple time offenders and Carson agrees. He leaves the meeting.

New Business

- Chip Seal Main Street / Lyons-Mill City Drive – Linn Co. Road Dept. will be chip sealing in August 2020 and should take 3 days. They will not assist us with 7th Street. We will need to contract it out to a private company.

Unfinished Business Continued

- Flag Pole Update – Micki met with 3 representatives from American Legion Post 159 from Mill City/Gates about the flag pole project. She explained about the grant and needing a veteran partner. They need to get approval from their directors.
- Welcome Sign Update – The permit was submitted to ODOT and the road engineer had some questions/concerns. They are worried about pieces coming apart in the event of a car crash. Waiting to hear back.
- Work. Comp. Confidentiality – Health issues are confidential according to City's attorneys. Ok to report that an incident has occurred – details should not be discussed at a public meeting. Mark would like to know what the policy is for reporting injuries. We are doing what CIS Work. Comp. professionals want us to do.

Library Report

- Brenda is not in attendance to give her report – Council has already read the report. Mike has a comment to not have the report read during the meeting. He would rather hear what we can do to improve, what the goals are, and what problems we need to fix. The quote for the rail is discussed. The bid said they aren't liable for anything that happens with the rail. Council discusses rail and problem of liability. They suggest using a cart or a bag to carry books. Council would like to change policy to have smaller loads of books taken up stairs at one of the safety meetings.

Staff Report

- Public Works – Maintaining the properties.
- Cemetery – One cremains burial and one columbarium niche sold.
- Parks – Working on the picnic tables. Council discusses using plastic boards versus lumber.
- Library – The security gate installation is complete on basement stairs and has a shield over the release button. "Library Parking" signs were installed. Mike asks about tracking how many people use the library. Replacing 4 computers. Mike says if we replace satellite computer to use one of the new public ones at the library.
- Streets – Installed a sidewalk crossing sign at 5th and Dogwood. When weather permits a line will be painted across Dogwood.
- Office – One building permit was applied for and no mechanical/plumbing permits were applied for. The audit is in progress. Had 2 Planning Commission meetings. Lloyd and

Micki attended the small cities meeting in Scio on the 8th and received a covered bridge print for display. The toilet at City Hall was repaired. The 2 computers in the office will need to be replaced since Windows 7 will no longer be supported.

- Complaint List – 3rd Street/Fir Street complaint about leaves not being cleaned up and branches too low – letter sent. The food cart on 5th has moved on. On 18th St. one trailer is gone and the vehicles have been tagged. Jessica would like to ask attorney about charging fines to the property owner.
- Discussion about the transformer blowing at the school.
- Financial Report – Almost halfway through year – everything is on budget. Mike asks about the savings account.
- Holiday lighting contest is underway.
- \$500 to Lyons Fire Dept. for the toy program.
- Christmas bonus for employees is discussed.

Commissioners Report

- Cemetery – None
- Transportation & Parks – None
- Safety & Police – Letter stating to no longer carry 2 arm loads of books up the stairs at the library and it is acknowledged and signed.
- Library – None
- Building Improvements – None

Councilor Requests/Future Agenda Requests/Announcements

- Mike asks about the extra hours for the Sheriff's contract hours and Council discusses putting on agenda.

Next Meeting – The next Council meeting is on December 17, 2019 at 6:30pm. Jessica will be unable to attend. *Mark motions to adjourn the meeting – Mike seconds.*

Adjourned @ 9:25pm

Transcribed by Carol Hendricks, Assistant City Recorder

MV