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MINUTES LYONS CITY COUNCIL MEETING **January 5, 2011**

OPEN MEETING 4:00 P.M.

The Lyons City Council Meeting was called to order by retiring Mayor Mike Lucas. Present were incoming/existing City Councilors Doug Morgan, Dan Burroughs, Troy Donohue and Lon Conner. City Staff in attendance was City Manager Mary Mitchell.

Mayor Lucas 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.

Mitchell swore in Mayor Morgan and Councilors Lucas, Donohue and Conner. All members were seated at the Council table.

Councilor Lucas stated that he had received a call from Toby Elmer, whose son was required to perform community service hours. Lucas previously attended mediation meetings with the two youth responsible for specific acts of vandalism within the community, their parents and a juvenile counselor/mediator. It was agreed upon that the involved youth would each perform 32 hours of community service at the time and for the project specified during the meeting and that each would pay an agreed upon fine.

Elmer's son was unable to perform the work as agreed upon due to a physical injury. Elmer asked if he could pay the original amount of the fine and have the community service hours waived in light of the circumstances. Council unanimously agreed that they would prefer that the youth perform community service but that under the circumstances payment of the full fine amount of \$500.00 was the most practical solution. The caveat attached to this decision was that the payment was to be made by Elmer's son and not by his parents. Council agreement unanimous; Lucas will contact Elmer to discuss arrangements.

Reprimand - Councilor Burroughs. Mayor Morgan deferred to former Mayor Lucas to explain and review the situation under discussion. Bullet points of discussion follow:

- Special Council meeting scheduled for December 31st, 4pm. All Council concurred and agreed to be in attendance.
- Office closed December 31st due to holiday; Burroughs left message on office voicemail at 2:30pm that he was unable to attend.
- Other Councilors were unaware of message due to closure; all came to attend meeting.
- Meeting convened in Executive Session to review Councilor Burroughs' actions.
- Minutes taken by Mayor Lucas; recorded and placed in Executive Session file.

- Lucas led discussion re: previous meetings held between Lucas and Burroughs over public contracting rules and decisions.
 - Lucas reiterated previous discussions with Burroughs re: behavior, contracting rules, prior contracts, Burroughs' requests for out of cycle payments and hanging up on Lucas, reader board decision and associated public misinformation.
 - Lucas stated that Burroughs' behavior needed to be dealt with on two different levels: a) as a contractor and b.) as a City Councilor.
 - Lucas read Mitchell's written account of Burroughs' December 30, 2010 conduct in City Hall which was corroborated by McNerney and had been relayed to Lucas and Morgan the day of the incident. Burroughs concurred that the account was accurate.
 - Burroughs stated that he felt he wasn't getting any work from the City and that all work was being given to other contractors. Lucas stated that there hadn't been any recent work awarded except what Burroughs had been given an opportunity to bid on.
 - Burroughs was asked if he felt he had been discriminated against as a contractor in the last bidding process. Burroughs stated "no, I blew it, it's no one's fault but my own."
 - Lucas stated that he had no personal issue with Burroughs and that all Councilors were entitled to their opinions and that the opinions of all Councilors were valued.
 - Burroughs stated that he felt he was being retaliated against for voting against the installation of the reader board. Lucas stated that he had no expectations of Council agreeing in every vote and that "there is no place for rubber stamping in City government. The decisions are made democratically with a majority vote in all cases."
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- The second issue at hand was Burroughs' behavior in the office and that his demeanor and language were unacceptable. Lucas stated that "this type of language will not be tolerated and is especially unacceptable by anyone on City Council". Lucas stated "you are a City Councilor and you lost your temper before Mitchell had a chance to respond to your inquiry." Burroughs stated "I have a temper and I left before it got out of control."
 - Lucas reiterated again that "as decided upon by the City Council during the meeting held on December 31st, this type of behavior will not be tolerated and if it happens again the Council will have to take further actions."
 - Burroughs stated that he took responsibility for his actions and that he was out of line. Burroughs also made an apology to Mitchell which was accepted. He explained that things are hard and he's just not making any money. Council agreed that times are hard for many people right now.
 - Lucas stated that "Mitchell performs the duties requested of her by Council and that a City Councilor should not put staff into this type of a position. Staff has been instructed that, if anyone comes into the office and has a complaint, especially if that person is inflammatory, they are to be given a complaint form which will be staffed and addressed. Difficult persons will be dealt with by the Mayor and not by staff. If we, as City Councilors become a part of our employee's job stress – we need to talk it out as a Council."

Reminder of upcoming meetings and availability. There being no further business to come before Council, Morgan made a motion to adjourn. Lucas seconded the motion. Voice vote. Meeting adjourned at 4:30 PM.

Mary Mitchell, City Manager