



City of Lyons

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MINUTES LYONS CITY COUNCIL MEETING February 22, 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, Lon Conner and Dan Burroughs. City Staff in attendance were City Manager Mary Mitchell, Assistant City Manager Audrey McNerney, and Public Works employee J.D. Burns.

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. Jean Newham, Linda Conner, Madlyn Boyd, Mark Orr, Steve Baldwin, Clastine Ritchie, Marc Hughes, Darren Cross, Doug Doornink, Randy Cranston, Sandi Landers, Kathryn Keeney, Amy Shield, Rose Dyer, George L. Geddes, and Undersheriff Bruce Riley, Sgt. Flint LeBard and Lt. Jeff Cone, of the Linn County Sheriff's Office.

1. HABITAT FOR HUMANITY. Randy Cranston introduced himself and Doug Doornink as volunteers for Habitat for Humanity. He commented that Doug Doornink was paid staff for a minimal amount of work and volunteer for a substantial amount of work. Cranston said that he served as Faith Committee Relations Chair which allows him to speak to churches, small women's and men's groups, bible studies and such. Because of his background in real estate he is also the Real Estate Acquisitions Chair. He went on to state that they represented the SLAMS area of Habitat for Humanity (Habitat) which is an affiliate of the Salem Association. SLAMS stands for Stayton, Lyons, Aumsville, Mill City and Sublimity which has been in existence for approximately 10 years. They have built six homes, five in Stayton, one in Aumsville and they are currently building one in Mill City. They would like to build in Lyons, Mehama and Sublimity and then start over again. They hold open houses in churches and community centers. In order for a family to qualify for the program they must have an address in the SLAMS area, go through an interview process to make sure that they are employed, pay their bills on time and have an acceptable credit score. When selected, they have a process which teaches them to be good homeowners since most of them come from rental situation where they have never had to provide

maintenance on a home and property.

Prior to **starting** on their home they have to work 200 hours on someone else's home. Prior to **moving into** their home they have to have a total of 500 volunteer hours; the first 200 in someone else's home and 300 on their own home. When they move into the home it is appraised by an independent appraiser and fully paid for. They assume a debt, free of interest, which is paid back to Habitat to continue their mission to build homes elsewhere. He said that Habitat is a Christian tithing organization. For every home built in the United States a portion of the income goes toward building a home in a third world country. The family is required to stay in the house for 10 years before they are entitled to any equity which may accrue. An effort is made to keep the family in the community in which they presently reside.

When the family is eligible comes they are advised of the location of the available property and, if they decline the property, it goes to the next family in line. It usually takes about a year to a year and a half before a family is given the keys to their new home. Doornik said that they solicit donations of time, money and products and that some of the donors are extremely generous. He told of several donors who had generously given their time and effort to build houses in Stayton. He said that they would like to build in the Lyons area, are currently looking for property. The group would appreciate Council's support and comments. Cranston said that it was his job to find properties and donors and Doorninck's job to organize the project. Morgan asked what the main obstacles, if any, were encountered in our area. Cranston said that they had not encountered any insurmountable obstacles and that he felt that the whole Santiam Canyon area was blessed with a big heart. Morgan told them that he appreciated their interest in our area. Cranston said that Clastine Ritchie and Rose Dyer are leaders in the Habitat committees and they will be looking for volunteers in the area. He left information regarding the Mill City build and said that they would be starting on April 9th and would be working every Sunday.

2. UNDERSHERIFF BRUCE RILEY- LINN COUNTY SHERIFF'S OFFICE. Riley stated that Sheriff Mueller was unable to attend tonight's meeting and that he was attending in his place. He informed Council that he was the Undersheriff and had been with the Linn County Sheriff's Office for about 23 years. He said that he wanted to talk about public safety for the City of Lyons. Because the people of Lyons voted against the funding for enhanced law enforcement services for Lyons those services will expire at the end of June, 2011. He said that he was here to discuss this fact with the City, to answer any questions that might come up and to let the City know what the Sheriff's office might be able to do for the City in the future in the event the voters decide to "up" the services at a later date. He also said that he could discuss some options with Council in the event Council thinking about going out for another levy before this one expires. Riley said that he wanted to let the City know that their services will not stop just because the City does not have enhanced services. The Sheriff's office will still respond to 911 calls, but the difference will be in the proactive role. Over the past several years with the contract in place Lyons has experienced proactive patrols. He said that the Sheriff's office will answer every call in the order of priority so response time may be longer. In the event Council has any questions or if they decide to put a levy for enhanced services to a vote of the citizenry he and the Sheriff would offer their services to help educate the community on those enhanced services.

PUBLIC COMMENTS. Morgan announced that if there was something that a member of the public would like to discuss with Council, this was the time to do so.

Mark Orr identified himself as having been a resident of the City for 47 years. He stated that he had distributed a letter to Council and to several people in the audience. He said that he had a problem “with the situation at the Library.” He went on to say that the American Disabilities Act is a “Federal deal” and that there are disabled veterans and disabled people who want to use the library and can’t. He said that there was mention in last month’s Meeting Minutes that there was a safety issue where the kids have to walk out into the street. He asked how long that had been going on. He said that he needed Council to tell the citizens of Lyons why chairs, shrubs and a reader board were more important than children. He went on to say that the Library situation was an embarrassment to the town. He said that if he had his way everyone who voted for the purchase of the library should “terminate their office.”

Orr said that some people had a “witch hunt” on the Water Board and they want to recall the board members. Orr said that he was going to do the same thing to the City and asked that the Council members remove themselves from the Council “on behalf of public safety for the City.” He went on to state that as a citizen he had that right. He said that he had invited two of his disabled friends to come to the Library and he wants Council to facilitate them. “I want to see the embarrassed look on your face when the guys that served out d*** country can’t get into the freakin’ building. I hope that you feel good about that. I am embarrassed.” He again referred to the reference in last month’s Minutes that “when it rains the kids have to go out in the street.” He went on to say “you said that you had asked the engineer to look at it but he didn’t want to do it. Fire his ***. He works for us we do not work for him.”

Orr then asked whether any Council member who voted on that Library had anything to say about the ADA. Morgan responded that Council is here to hear what he had to say. Orr went on to state that he had done a lot of ADA work for the light rail in Portland. He said that he knew an attorney in Portland who is in a wheelchair and all he does is prosecute public entities who do not abide by ADA. He asked if the City feels safe that he will not come to Lyons to “hammer us.” He asked if anyone in the audience had a concern with that. Morgan advised him that he needed to address the Council at this time not the audience. Orr then asked “Mr. Burroughs do you feel good about our ADA issue at the library and the issue where the kids have to walk in the water in the street.” Burroughs responded “No. I don’t think we’re ADA approved.” He then said “Mr. Conner, you told me Saturday that we were compliant. Are you still good with that answer?” Conner responded “Mr. Orr, this is your time to speak.” He then addressed Morgan and asked if he was “OK with the way we are today?” Morgan responded “Again, this is your time to speak. I will address, after you are done, some of your concerns.” Orr then went on to say that the City spent some foolish money on a reader board; that he would like to see a 10 minute parking zone put “out there” so he can read the reader board; and that by putting in the new trees by the bridge the City had just created someone else’s’ job cleaning them up. He said that he had been in the City for 47 years and “we never had no City employees.” He said that when he went to the Library today to take pictures of “all of the elevated areas that a wheelchair would have to get into” he thought he saw a City employee shelving books. He said that if you look at ADA for libraries there are a lot of different issues such as aisles, desks, and accessibility. He then said that if anyone would like to get nasty or vindictive the Fire Marshall would probably want to hammer the City on several issues. It was his opinion that “not a whole lot of good thought was put into that library.” He said that he had done his homework before he came to the Council meeting and made a lot of calls to people who had lived in this town for a long time and they are not happy. He then said that he would like Council to read his letter (which he had presented

to Council just prior to the start of the meeting) and that he had copies which he was going to give to all the people in town and "like what is happening to the Water Board is going to happen to City Council." He said that Donohue was excused because he had just been elected and had nothing to do with any of this.

Orr said that he was going to run for City Council but that he wanted the "middle chair" and that he had enough family to vote himself in. He said that he asked a few people who have been residents of the City for 50 years to run with him so that "3 of us could run." Morgan then asked him if he was campaigning now or if he had anything further to say to Council at this time. Morgan told him that he had a period of time within which to address the Council but if he is campaigning then this is not the time and asked him to sit down. Orr asked the audience if they would like to hear more. Morgan responded that it was not up to them but to him (Morgan) since he was "in the middle chair as you said." He asked Orr if there was anything else that he wanted to address to Council, if not then to please take his seat at this time.

Morgan said that he had not yet had an opportunity to read Orr's letter but promised to do so. Morgan stated that it was not a requirement to bring the Library up to ADA standards at this time. He went on to state that It has been the desire of Council to keep the Library open while the City is working toward bringing the Library up to current ADA standards. The City just spent approximately \$6,000 to put in a brand new chair lift for those that are in wheel chairs so that they can use it rather than the ramp. The City has been advised that they are not required to install the chair lift. It is being done because the City has concerns about those who need access to our Library. Morgan reiterated that it is the City's desire to keep the Library open during this time. If the City determines that this is not possible, one of the options is that the City may have to close the Library which is not the City's desire. The City's desire is to work toward improving access to our Library as we are able. Morgan went on to state that with regard to the street flooding issue raised by Mr. Orr, at the last City Council meeting, if you read the Minutes, you will note that the City approved the hiring of an engineering firm to design a Drainage System Plan in order to work on drainage issues within the City. By doing this, the City can apply for grant funding in order to work on these drainage issues. These are issues that Council is addressing at this time.

The trees and shrubs were donated to the City. It was a beautification process. In addressing just a few of the issues brought up by Orr Morgan commented that the City is working diligently toward addressing issues that need to be addressed. Morgan said that he appreciated Orr's concerns and will continue working toward resolving them. Orr then said that the flooding issue causing the kids to walk in the street has been going on for some time. Morgan responded that this was correct, it has been going on for some time and that is why we are addressing it. The drainage can't be fixed without the engineering being done. This is a \$15,000 project. Mitchell stated that the City attempts to get grant funding whenever possible. She has attempted since approximately 2001 to get grant funding to resolve the flooding issue. This is a lengthy process. The City is aware of the drainage issues and the fact that when the water is standing the kids have to walk out into the road. Mitchell said that she has documentation showing the many attempts made to obtain grant funding for this issue rather than utilizing taxpayer money. It has become apparent that taxpayer funds need to be used for this project because there is no grant funding available to address this particular issue. This project was brought up at the last meeting in order to address the problem. Council approved the expenditure and had a meeting last week which included approximately 15 representatives working together to provide information as possible to assist the

engineering firm putting this plan together. Mitchell went on to state that this issue has been addressed and that Council has been proactive in this regard.

Morgan said that Council appreciated what Orr had to say and that Council will read his letter and respond. Morgan also commented that his door is always open if Orr would like to discuss anything directly with him. Orr said that it was his opinion that it did no good to ask Council for anything. He said that he is going to put it in writing and he will have one for Council every month until he gets into Morgan's chair.

CONSENT AGENDA.

3. Lucas made a motion to accept the Consent Agenda which includes the Minutes of the February 1, 2011 City Council meeting and the February 2011 Bills to Pay Report. Donohue seconded the motion. Voice vote. Motion carries.

UNFINISHED BUSINESS.

4. **NHMP UPDATE.** Mitchell stated that we been working on the Natural Hazards Mitigation Plan for the past two years. This is a plan for the mitigation of any natural disasters which might befall the City whether it is fires, windstorms, floods, etc. Council approved the tentative final draft approximately 2 months ago. This draft was reviewed; copies were marked up with comments and changes that needed to be made. It has gone through the Planning Commission process heard at a public meeting and has now been sent back to Mark Swenson of the Community Service Center which is a division of the University of Oregon for finalization. He is in the process of compiling all of the comments. There is a two week public notification period which will begin tomorrow. The Plan will be on the City's Website and the notices will be posted at 3 public places, the Library, City Hall Bulletin Board and the Reader Board and at the Post Office. The public will have 2 weeks to submit comments for inclusion in the plan. At the end of the 2 week period the Plan and the comments will go to FEMA for their preliminary approval. FEMA has a 45 day review period. We can anticipate final adoption in about a month and a half. This document will be an addendum to the Linn County NHMP. Mitchell has scheduled a hearing for final adoption via resolution on May 3, 2011. All of these steps are in compliance with FEMA's strict regulations governing the adoption of this document.

NEW BUSINESS.

5. **Distribution of City Council & Planning Commission Position Descriptions.** Morgan noted that since this is not a joint meeting, Planning Commission members are not present. However, they will be receiving their position descriptions at a later date. Mitchell stated that copies of position descriptions had been distributed to each Council member. She distributed the original position descriptions and requested that they be signed, dated and returned to her acknowledging that each Council person knows what their Commissionership is and what the duties of that Commissionership entail.

6. **Library Board Member Appointment Discussion.** Morgan stated that at the last City Council Meeting two individuals were appointed to the Library Board. It has come to light that there was one

position open and that the position Cynthia McMahan was to fill in the future was not yet an available position. There was nothing in writing indicating that the position was going to be vacated. He quoted from LMC 2.15.040 which states: "At the expiration of any member's term, the council shall appoint a new member or may reappoint a member for a four year term." The procedure which was followed here, appointing someone to a position that was not yet vacated, was not the appropriate procedure. Morgan said that he felt that this put Council in a bad light since Council, acting upon the Library Board's written recommendation, had not followed proper procedure. Lucas asked if Council was still trying to determine the sequence of events. Morgan said that the individual who was on the Library Board submitted a letter to the City stating that she had not requested to be removed from the Board. When she found that there was a recommendation to appoint someone to take her place she was upset and resigned immediately. Morgan said that he had discussed the matter with some of the people who were involved but the facts remain that there was nothing in writing to indicate that this position was open or was going to be open and the position was filled anyway. Madlyn Boyd stated that this was not the first time this had happened. She said that Jean Newham, former Library Board Chair had told Brenda that she wanted to continue on the Board and it was conveniently forgotten. Newham explained what had happened at that time and went on to state that this was not the first time Brenda had taken matters into her own hands to control things. Lucas asked if Brenda was present tonight. Newham said that Brenda was not here but that she (Brenda) knew what was going to be addressed. Lucas commented that it was difficult to make a decision without Brenda being present.

Boyd said that she had not made her final decision as to whether or not she was going to continue to serve on the Library Board but that she was leaning toward not doing so. She said that Brenda had asked her several months ago whether she was going to continue and Boyd had indicated to Brenda that she probably would not. She said that at that time she had not made a final decision but because of family health issues she had since decided not to renew her term and intended to give her resignation in a timely manner. However, when she read the Library Board Minutes and found that the Library Board had replaced her when she had not yet resigned she became very upset. Donohue asked whose responsibility it was to notify City Council how many Board positions are coming open on the Library Board. He was informed that it was the Librarian's responsibility. Lucas asked what Boyd saw as a solution. Boyd said that communication was the key. The Board members need to know when their terms are expiring and whether they want to continue to serve on the Board.

Shield stated that there were three Board members present at the meeting in question; the Board members liked both of the applicants and said that they would elect one person now and put the other on standby if a position becomes available. Not necessarily Madlyn's position but *a* position. Lucas commented that Boyd appeared to be upset about the process and not that she will not serving on the Board. Boyd affirmed that thought. Lucas then stated that the process needs to be taken care of with better communication between the Library and the City Council who makes the decision. Boyd agreed. Lucas then stated that unfortunately Brenda is not present to provide her side of the situation. There was discussion as to the best manner in which to improve the process so that this situation will not recur. Mitchell said that there is a process in place and this shouldn't have happened.

Morgan said that when he received Boyd's letter he looked into the situation and was uncomfortable with the fact the Council had made the appointment based upon a written recommendation made by the

Library Board without further investigation. Council is supposed to be ratifying members of the Board based upon Board recommendations. He said that Council will look into whether there is a better process. Morgan thanked Newham and Boyd for their input in connection with this matter.

Conner commented that, in light of what has happened, the Council should look into the purpose of the Library Board, what the role of the City Council is in the process and whether or not Council needs to become more involved on a regular basis. Morgan referred to the City's Ordinance setting forth the duties and powers of the Library Board and suggested that it might be a good time to review this. Shield asked for a copy of the Ordinance. Mitchell stated that she would put this issue on the next month's agenda for further consideration.

Lucas commented that there is nothing that is done by Council that any citizen cannot have access to. Sometimes the information needs to be staffed and prepared but whether it be the Minutes or any process that needs to be reviewed or defined this is an open public forum and if one does not find resolution at a Council meeting they are free to talk to any one of the Council members personally. Because of the amount of information that Council has to deal with it is difficult for any one Councilor to keep track of everything; that is why the City has the Commissioner process. Whatever Council does, it is for the citizenry and it is in writing. However, it does take time to take care of difficult questions, to process them and lay them out with answers that are reasonable.

7. Appointment of Budget Officer. Mitchell stated that there is a requirement in the guidelines that a budget officer has to be appointed before the budget process actually begins. Lucas said that for clarification for those who are not familiar with the budget process, the budget officer is a single person, that person is in charge of the budget preparation process, and it can be a council member or an ad hoc member from the community. Mitchell said that she did not know if it could be a member of the community but that she would check the rules. Lucas asked who had been the budget officer for previous 3 years. Mitchell responded that it had been her. Lucas asked Mitchell to review the budget committee's responsibilities working under the budget officer. Mitchell responded that the budget committee is comprised of 5 voting members of the citizenry, who live within the parameters of the city limits of Lyons, and an equal number of elected City Council members. The 5 members of the community are selected from those who submit applications to the City; they are interviewed and appointed by the City Council as the citizenry portion of the committee.

Mitchell stated that she prepares the Budget Message, which reviews line by line and category by category, everything that is changed or that is new from the year before. It explains all of the expenditures and the revenues. It is typically a 10 page document. She went on to state that there shouldn't be many questions during the hearing process because she tries to address any questions which may arise in the document. The Budget Committee has an opportunity to review the Budget Message and the Budget Document that goes with it. They have the opportunity to ask any questions prior to the hearing process and during the hearing process. They can put in requests and make modifications as they deem appropriate. There are two hearings, one when the budget is adopted by the budget committee and the formal adoption when the budget is adopted by City Council and submitted to the Assessor's office. Mitchell said that the City has a full Budget Committee including new members who were appointed by City Council at the last meeting.

Lucas made a motion to appoint Mary Mitchell as Budget Officer for the fiscal year 2011-2012. Conner seconded the motion. Voice vote. Motion carries.

8. Request to Modify Bill Paying Procedure. Morgan said that in reviewing procedures as the new Mayor, there were a few things that he found were different than some of his previous experience with different entities. One of those things was how the City pays bills. In his experience a financial statement setting forth what has transpired the month before is reviewed and approved. In Lyons the bills are approved before they are paid. It seems that would be more efficient to pay the bills when they are received and review what has transpired at the next meeting. Mitchell stated that the bills are paid once per month following Council's authorization. She said that the difficulty with that procedure is that bills come in at different times of the month. It would be more convenient and practical to pay the bills as they come in. All deposits and expenditures are logged in Quickbooks and provided to Council in report form.

What Morgan suggested is that we pay the bills as they come in and have a report cut at the end of every month prior to the following Council meeting which shows the activity for the past month. Morgan said that with the present system we see the bills in the approval process but don't see that they have actually been paid. Mitchell said that at the present time Councilors receive numerous reports and this procedure would result in one comprehensive report that would show everything. Lucas asked what would happen if there is a question on one of the bills that has been paid. Mitchell said that from prior experience she knows the type of bills that might be questioned and if there is a possibility that a bill would be questioned, it would not be paid until it was brought before Council for approval.

Lucas said that we had just had a good report from the Auditor and that it might be a good idea to check with the Auditor to get their opinion regarding this proposed change of procedure. He said that he would be more comfortable if the City got the Auditor's input regarding this matter.

After discussion Mitchell stated that she would prefer to pay the bills in a timely manner as they come in. Burroughs asked how much could be spent without Council approval. Mitchell said that she had ongoing bills that are quite substantial so it is difficult to have a set amount. A majority of Contract payments would have come before Council previously and are pre-approved. Burroughs said that Steve Winn was paid but questioned whether he had completed the job. Mitchell responded that the only thing that Winn had not completed was finishing up by the roadway because the ground was too wet. Winn has done 99% of the project and will finish it as soon as the soil conditions allow. Morgan said that a limit on the amount spent without prior Council approval could be a part of policy. He also said that he felt that we would have a better review of the billing procedure if the bills were paid as they are received. There was discussion regarding payment on contracts, and Mitchell suggested that Donohue might have some suggestions regarding contract language which would be helpful. She also commented that the situation with Winn, with whom the City has had a long relationship, was unusual in that the weather interfered with the completion of the work.

There was additional discussion regarding payment of utilities as opposed to contractual payments. Morgan stated that under the proposed procedure Mitchell would have the authority to pay the bills as they come in, but if there is something of an unusual nature or an unusually large amount those would be

held back for Council approval.

It was the consensus of Council that the proposed process be approved by the Auditor. Mitchell stated that she would have a report on this matter for the next Council meeting.

Additional Public Comments – Limited to Agenda & Discussion Items. Orr asked whether there was any reason that the questions posed in his letter could not be answered within 30 days. Morgan responded that he had not yet read Orr's letter but promised that he would read the letter and get back to him with that information. Orr said that he wanted that promise in written form. Orr said that he had faith that the Council would do this because they are looking out for the best interests of the citizens of the City. Morgan responded that he appreciated Orr's comment and that it is in fact the Council's intent to look out for the best interests of the citizens of the City. Orr then said that he had written in his letter that "if any elected official does not comply with these questions I have asked, I ask that you terminate your seat." Morgan said that he will address the letter after he has read it and he will do so in writing.

Orr then said that he found it rather interesting that the City's Agenda noted that City Hall is accessible to persons with disabilities. Mitchell said that is correct. Orr then stated "guys don't shut the Library down if we made a stupid choice without investigating before. Don't shut the Library down. We need the Library. Just make it safe for everybody. It should have been thought through before a dollar was spent on that building."

Morgan said that he didn't want to shut the Library down. He said that his comment addresses the fact that if there are significant issues that cannot be overcome in a timely fashion for everyone involved then if that is our only option then that is what we are going to have to do. He said that he didn't want to do that but you (Orr) bring to Council some issues about bringing standards up at the Library on which we have spent a lot of time and a lot of money. If that is not acceptable to people then maybe it will have to be shut down, because, as you said, all people need to have access to the Library. Morgan went on to say that the City will continue to work on this matter but if that is what has to happen, that is what will happen. Orr said that all he is doing is making the City aware of some guidelines. Morgan responded "believe me; we are well aware of the guidelines."

Newham asked if Orr could be given a date as to when his issues will be discussed. Mitchell advised Newham that Orr's letter had been delivered to Council immediately before the start of the Council meeting and no one had read it yet. It would be difficult to give a time frame for a response before the letter has even been read. Newham asked if Council could give some kind of a date, like the next Council meeting, when some of these issues will be addressed. Morgan stated that he will have read it and will have responded to Orr in writing and any issues that seem to be appropriate will be discussed at the next Council meeting.

There was additional discussion regarding funding of ADA compliance at the Library. The question of funding the purchase of the Reader Board was raised and after discussion Lucas stated that the reader board was purchased to improve community communications and it has done so.

Orr asked if there was any money in the General Fund for police services. Morgan said that with the

expiration of the police levy the City does not have enough money to absorb the cost. Orr said that the City has to find a way. Morgan said that if there were any other viable options Council is willing to listen to them. The citizens failed to renew the levy when it was placed on the ballot and when tallying the results of the citizen's survey a majority of the responses failed to endorse another levy for police services. Lucas suggested that Orr start a committee on the police levy. Poll the people to see if they want to vote for it in the next election. Lucas said that Council can't do this when the majority of the people have already said they wouldn't vote for it. They voted down the levy; the survey said that they wanted more police coverage but that they would not support a levy for that coverage. If there is a change in that attitude the City would be willing to put it up for a vote again.

Undersheriff Riley stated that through necessity the County had learned to educate the voters and getting the word out as to what the levy provides. He said that the Sheriff's office is willing to sit down with Council and share what they use to educate the voters and give suggestions as to how to "sell the service to the public." He said that the measure failed in Lyons by 76 votes. To turn an election from a no to a yes you would need 38 of those votes. Out of 38, based on two voters per house you need to change 19 households. He said that he felt that it was very doable through an education process. The clerk's office can provide results on who voted in the last 4 elections in Lyons and the City could target those people utilizing flyers or even going door to door. The City has from now until May if the City should chose to do a ballot measure.

Steve Baldwin stated that he had been coming regularly to City Council meetings for over a year. He has been a member of the Budget Committee for the last several years. He said that he had observed many discussions regarding how "the City pays out a lot of money to the Sheriff's office but we don't get any additional services." He said that he voted no on the extension of the levy because he felt that the City was getting nothing for the extra money paid. He said that he would vote yes if the Sheriff's office could show him what the citizens of this community are getting for that extra money.

Riley said that is a challenge to the Council to educate the citizens as to what they are getting for the extra money and that the Sheriff's office would be willing to assist if the City so desires. Newham commented that the Sheriff's office should put in writing what exactly they do so that the citizens can understand why those extra services are needed.

Morgan commented that it appeared that better communication on all issues discussed tonight seems to be the constant theme. Mitchell said that this would be a good opportunity to let people know what they get for those additional levied funds.

Riley presented a print out of a Power Point presentation to Council and stated that what the City gets is enhanced hours spent in Lyons. The City pays for a percentage of *one* deputy's time. Throughout Linn County they have 7 cities and the percentages range from 50% of one Deputy up to 75% of 4 deputies. They always pay for a percentage of a deputy's time because there are times that the deputy leaves the city limits. Riley said that what 75% of one deputy in Lyons equates to is approximately 101 hours of proactive patrols within the city limits during the month. What they have been averaging for the year 2010 is 214 hours. The difference is if there is no additional coverage when they do respond, the response time can be longer than in a contract city.

Obviously, when you pay for 75% of one deputy he is not in the city at all times. To get 24 hour coverage they would have to have 5 people assigned to the area. Newham asked if they could hire 3 deputies for Lyons so that there would be a certain person here at every shift. Riley explained that over the years the true costs of deputy's services have fallen behind what is charged to the City. He talked about the rise in the cost of fringe benefits and payroll. Over the years they have tried to be conscientious about not raising the cost more than 3% to 4% annually. He referred to the Power Point presentation which set forth "Patrol Deputy Costs" and stated that the average deputy wage averages about \$65-70,000 per year. With salary and fringe benefits the average total wage is about \$103,000 per year. That is only for wages and fringe benefits. The full cost of that deputy including such necessary items as patrol cars, uniforms, computer, boots etc. is \$190,000 per year. Under the full cost method the cost would be \$142,000. 75% of the \$103,000 is \$77,250. The City's contract is \$68,000. Riley stated that the sheriff's office has not kept up with the cost of doing business and as a result all of their contracts are "behind the curve." Under the full cost method Lyons is paying 48% of the sheriff's office costs to provide the current contract service. Ultimately what the sheriff's office wants to do over a period of time is to start to raise these rates. As a result of reviewing the various contracts and the fact that the sheriff's office has not kept up with the cost of doing business, all new contract will be based on the full cost. He said that public safety is paramount. What the City will be missing will be the approximately 200 hours of proactive patrols that have been done during 2010.

Orr said that it is his opinion that crime will go up without the sheriff's office proactive patrols. Donohue stated that the sheriff's office patrols have slowed down the drug activity that used to occur in his neighborhood.

Flint LeBard said that he has been with the sheriff's office for 20 years, 18 years of which was as a resident deputy, mostly in Scio. He is now the north county sergeant. The biggest difference with the contract is that he knows where a number of people present at the meeting reside, he knows whose doing what most of the time. He said that a good example was the recent graffiti problem. While they didn't catch any kids doing the graffiti work but they knew who to go after. They arrested several kids for other things but they knew those were the same kids who were doing the graffiti work. If you didn't have a contract you will not necessarily get a deputy who is familiar with who is who, knows what the streets are and where things happen. He said that the deputies in the area know the community, the people, who does what and when. For example when there is a rash of burglaries it takes time to narrow it down to figure out what is doing what. If the City doesn't have a contract the deputies don't have time to spend in town to figure these things out. He said that the north county deputies work Mill City, Lyons and Scio, they know the areas better and that can make a big difference in how matters are resolved. He said that he doesn't live here but he knows the community because he has worked this area, under contract, for most of his career and that makes a big difference.

Riley then stated that he again wanted to offer the sheriff's office assistance in educating the public as to what services the sheriff's office provides when they are under contract as opposed to when they are not.

Morgan acknowledged that part of the reason the levy did not pass is due to hard economic times for the citizens of Lyons. He thanked Riley and Lebard for their time and presentation.

Morgan asked if there was any further public comment. There being none the meeting continued to the next agenda item.

OTHER.

9. Water District Update. Morgan stated that the City is in a monitoring phase of this issue; making sure that progress is being made. He said that recently there have been events which have occurred such as the anonymous letter which went out last week and various postings on bulletin boards around the City which have been an attempt at drawing the City further into the issue. Some of the information disseminated by those documents is false and misleading. Morgan said that he wanted to make a public comment, as he has previously, that *it is not the City's intent to take over the Water District. This is not something the City has or wants to do. The information that is being spread though the City is incorrect and false.* The position of *the City Council* is that they are in monitoring mode. There were deficiencies that were identified which everyone is aware of. The City is making sure that those deficiencies are being addressed in a timely manner. There are also financial issues that the City is making sure are being addressed in a timely fashion. The City wants to be sure that these practices will not continue unmonitored as they have for many years past. There is a citizens group that has mounted a recall effort of the Water District Board but *the City is in a monitoring mode.* He went on to state that the City may have to release statements to communicate these facts to the citizens of Lyons. It is necessary to make sure that truth is what is being said.

10. Council Availability for March 22nd Meeting. Morgan asked if any of the Councilors had a conflict with that date that would prevent a meeting being held on the 22nd of March. All of the Councilors indicated that they would be available.

There being no further business to come before Council Donohue made a motion to adjourn the meeting. Conner seconded the motion. Voice vote. The meeting adjourned at 7:45pm.

Audrey McNerney
Assistant City Manager