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## **MINUTES LYONS CITY COUNCIL MEETING**

**July 25, 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, Dan Burroughs and Lon Conner. City Staff in attendance were City Manager Mary Mitchell and Assistant City Manager Audrey McNerney.

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.** Mark Orr, Ron Adams, George Geddes, Theresa Donohue, Kelli Lulay, Denny Hoop, Willis Owen, Marc Hughes, Sandi Landers.

**1. Alain Rech – Computer Maintenance Program-** Moved to next Council meeting.

**PUBLIC COMMENTS TO COUNCIL.** Morgan announced that if anyone would like to comment or address the Council, this was the time to do so.

Mark Orr requested that it be on the record that he is starting a recall petition on certain councilors for “unethical practices.” He said that he had forwarded information to the Secretary of State and asked whether any of the City employees had received a pay raise this past year. He was advised that it was possible that the two Public Works Employees had received raises during the past year. (Upon checking records it was determined that Burns had received a raise in October, 2010 and Miller in January, 2011.No other City employees had received raises since January 1, 2011.)

Morgan asked if there were any other guests who would like to come before Council. There were none.

### **CONSENT AGENDA.**

Burroughs made a motion to accept the Consent Agenda which included:

2. Minutes June 28, 2011 City Council Meeting/Hearing
3. Bills to Pay July 2011

Lucas seconded the motion. Voice vote. Motion carries.

#### **DISCUSSION ITEMS.**

#### **4. City Council Commissioners – Update of Activities.**

Burroughs reported that the State had fixed the sinkhole on Highway 226. He also stated that he had requested bids to repair the cracks in the road on 3<sup>rd</sup> Street.

Lucas reported that about 20 yards of ¾" minus rock had been placed at the Fox Valley Cemetery along Lyons-Mill City Drive.

Donohue asked if the letter dated July 21<sup>st</sup> from attorney Steve Tabor was in reference to his plan to turn the bathroom at the Library into a unisex bathroom which would be handicapped accessible. Mitchell stated that the letter was in reference to request for information regarding ADA compliance that had been made a few months ago and that Tabor had recently been reminded that the City had not yet received his response. Donohue then said that he would continue to try to come up with a plan for a unisex bathroom which would also be accessible to persons who are handicapped.

**5. Mayor Morgan – Arbor City Tree USA.** Morgan stated that it had been brought to his attention that the Arbor Foundation has a designation of “Tree City USA” that can be applied to a city if they meet certain criteria. Since the City has recently planted a number of trees throughout town, the City of Lyons has met most of the criteria. He went on to state that there are about 55 cities throughout Oregon which have that designation and that the City would be proceeding to take certain steps to qualify Lyons for that designation. What is done this year gets recognized next year so the City wouldn’t be considered until next year, but Morgan said that he felt it would be nice to have some recognition for what the City has accomplished in this regard.

**6. Complaint – 289 9<sup>th</sup> Street.** McNerney explained that this property is in foreclosure and is more or less abandoned with boarded windows and hip high grass. She said that she had contacted the owner of record and had been advised that the property had been turned over to the bank. McNerney had intended to request Council’s permission to have the violation abated, however, since she now has the current owner’s name she will contact the bank (current owner) and request that the violation be abated. The issue has been calendared for two week’s time to give the bank, which is located in South Carolina, sufficient time to respond.

#### **PUBLIC COMMENTS – LIMITED TO DISCUSSION & ACTION ITEMS.**

Orr referred to page 9, second paragraph of the Minutes of June 28, 2011 which states "Morgan then said that Orr had stated openly that his interest in Water District issues and what happened with Conner and the hydrants is a revenge factor." Orr asked when he had made that statement.

Morgan responded that the comment had been made in the Council Chamber and that it was something that they (Morgan and Orr) had talked about many times.

Orr said that he thought he had said that he took a personal interest in....

Morgan said that Orr had specifically stated that this was his motivation.

Orr asked who wrote the Minutes. McNerney stated that she listened to the recording and drafted the minutes. Orr asked to listen to the tape and was advised that once the minutes were prepared the recording was erased.

Morgan said that it is reflected in the Minutes. Burroughs said that Orr was asking when he had made this statement. Morgan responded that it had been a few months ago.

Orr asked why, if he had said that a few months ago, was it just now being brought up.

Morgan said that in his comments, (reflected in the June 28<sup>th</sup> Minutes) he (Morgan) was commenting on the fact that he felt that what he (Orr) was bringing before Council was motivated .... (Orr interrupted Morgan)

Orr said that revenge was not the word.

Morgan then said that the comments in these Minutes (June 28, 2011) were what he (Morgan) said at the last Council meeting. Morgan went on to say that what he said at the last Council meeting was that he (Morgan) felt that what Orr was bringing before Council were things that were of lower priority than what Orr was trying to hide. What the revenge factor was was referring to Orr's motivation.

Orr said that he believed there was a "revenge factor" from Morgan because he (Orr) called Morgan and stated that he (Orr) was going to recall Councilmen for "ethical choices." Orr said that he told Morgan that he was going to the Secretary of State and the Attorney General. Orr went on to say that it was his belief that this was the revenge factor from the comments he (Orr) made. Orr then said that he wanted his comments reflected accurately in the Minutes of this meeting.

Morgan then asked Orr how he (Morgan) was taking revenge. Orr did not respond and Morgan again asked how he was taking revenge.

Orr said that whatever Morgan was saying he didn't say it. Orr also stated that he had phone records of him and Morgan talking for hours on cell phones. Orr said that revenge was never a word he used.

Morgan said that he (Orr) had said it in Council Chambers. Morgan then said that this was not the time or place to argue this point.

Orr said that he wanted it removed from the Minutes.

Morgan said it would not be removed from the Minutes.

Orr said that it was his belief that Morgan was seeking revenge on him because of what Orr had told Morgan about Mr. Conner's position as a Councilman and his employment.

Morgan told Orr that, as he had told him a number of times, he (Orr) has a right to his opinion.

Orr said that he was going to check with an attorney to see if Morgan can use words like this. He said he did not make that comment.

Morgan told him to "go right ahead."

Orr said "you don't have it on tape so this is just hearsay at this point."

Morgan said that all of the City's Minutes are on line.

Orr said that "you can write anything that you want."

Morgan said that was why Council takes the time to go through the Consent Agenda and approve the Minutes.

Orr said "just for the Minutes I want to state that Mr. Morgan is seeking revenge on me because I made a comment that I am going to start a recall; that I have seeked the State Attorney General and that I have seeked the Secretary of State."

Morgan asked Orr what he had told him when he (Orr) had made those comments.

Orr said "that is all I have to say. Please put that in the Minutes."

Morgan said that, for the record, he has told Orr that he has to right to do that and to go ahead. He has the right give anything to the Secretary of State or do any kind of recall that he wants to do. Morgan went on to state that he had told this to Orr on many occasions and there is no sort of revenge factor here whatsoever.

**ACTION ITEMS. - None**

**Council Availability for August 23<sup>rd</sup> Meeting.** Morgan said that he would be out of town on that date and would return on the 27<sup>th</sup>. There was discussion regarding rescheduling the meeting and it was the consensus of Council to move the August Council meeting to August 30, 2011.

There being no further business to come before Council Lucas made a motion to adjourn the meeting. Burroughs seconded the motion. Voice vote. The meeting adjourned at 6:15 pm.

Audrey McNerney  
Assistant City Manager