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LYONS CITY COUNCIL MEETING

May 28, 2013

OPEN MEETING 6:30 P.M.

Mayor Burroughs called the Lyons City Council Meeting to order at 6:30 P.M. Present were Councilors Gary Alkire, Troy Donohue and Mark Orr. City Manager Mary Mitchell and Assistant City Manager Audrey McNerney attended as staff.

GUESTS. Barbara Orr, Mike Rolow, Jesse O'Dell, J. D. Burns, Dick Voltin, Tami Owen, Ed Owen, Brenda Harris and Steven Baldwin.

Burroughs 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.

COUNCIL APPLICANTS – INTERVIEW.

Burroughs asked applicant for City Council appointment J. D. Burns if there was anything he wanted to tell Council about himself. Burns responded that he was known to Council. Burroughs asked Council if they had any questions for Burns. There were no questions.

Burroughs then asked applicant for City Council appointment Jesse O'Dell to introduce himself. Council referred to his application. Burroughs asked Council if they had any questions for O'Dell. There were no questions.

There was discussion as to whether or not the Council would take a vote to appoint a new Council member at this time since neither of the applicants had had an opportunity to review the materials for the meeting. Donohue suggested that the new council member should be sworn in before the budget meeting so that he would have time to review the budget documentation prior to the Budget Committee Meeting. After discussion it was the consensus of Council to proceed to a vote at this time. Ballots were distributed; Councilors completed their ballots and passed them to Mitchell. Mitchell read the ballots and it was determined that there was a unanimous vote to appoint Jesse O'Dell to the City Council.

O'Dell was sworn in as a Councilor and took his seat at the Council table. He was provided with a copy of the materials for the meeting and a copy of the Budget Documents Book.

COMMISSIONERSHIP & LIAISON ASSIGNMENTS.

Burroughs stated that the updated Commissionership & Liaison Assignments were as follows:

Building Improvements Commissioner

Dan Burroughs

| | |
|---|---------------------------|
| Cemetery Commissioner | Jesse O'Dell |
| Community Activities & Programs Liaison | Michelle Keirse-Coulibaly |
| Library Commissioner | Gary Alkire |
| Lyons Mehama Water District Liaison | Gary Alkire |
| Lyons Rural Fire District Liaison | Mark Orr |
| North Santiam School District Liaison | Steve Baldwin |
| North Santiam Watershed Liaison | Kimberly Keirse |
| Parks and Recreation Commissioner | Troy Donohue |
| Police & Ordinance Enforcement Commissioner | Troy Donohue |
| Safety Commissioner | Gary Alkire |
| Transportation Commissioner | Dan Burroughs |

CONSENT AGENDA (Decision by Motion).

Orr asked what the cost of the Library Cleanup was and what budget that cost had been charged to. Mitchell stated that the only cost was for banker boxes to contain materials. He asked if Mitchell's time spent on this project was charged to the Library's budget. Mitchell responded that her time on this project was allocated to her time as City Manager out of the General Fund. Orr then commented that he had heard that "it was pretty bad" (the Library downstairs and Brenda's office) and he wanted to know how it got that way. Harris explained the problems with storage, documents that needed to be archived, summer reading materials and the fact that they were behind on cataloging. Orr asked that Council be made aware of any workplace accidents that occur on the date they occur or the next business day. He was upset that he had not been made aware of an incident which had occurred during the Library cleanup. Burroughs pointed out that the incident had been discussed at a Council meeting, however, Orr stated that he had heard about it "on the street" prior to the meeting.

Donohue asked what the City's reimbursement rate was for mileage. Mitchell advised that it was 50¢ per mile.

Alkire made a motion to accept the Consent Agenda, which contained:

- ❖ Minutes – April 15, 2013 Workshop
- ❖ Minutes – April 23, 2013 City Council Meeting
- ❖ Bills Paid May, 2013 as Applicable

O'Dell seconded the motion. Voice vote. Motion carries.

DISCUSSION ITEMS.

Resolution #477- State Revenue Sharing. Mitchell explained the purpose of Resolution #477. After discussion Orr made a motion to adopt Resolution #477. Donohue seconded the motion. Voice vote. Motion carries.

Resolution #478 – Pepper Spray. Mitchell explained that the genesis of Resolution #478 was the Librarian’s had request for authorization to carry pepper spray. Because of the nature of the use of pepper spray there were significant legalities and insurance questions that needed to be researched and considered when determining whether or not this authorization was something that the City wanted to do. Mitchell said that this resolution sets forth the usage criteria, the usage procedures, the effects of pepper spray and staff response, and reporting procedures. She referred to the response from Dave Nelson, who is a member of City County Insurance Services (CCIS), regarding his recommendations. Mitchell referred to the forms attached as follows:

1. Employee Authorization Request to Carry Pepper Spray/Training Completion; and
2. Pepper Spray Deployment Incident Report.

Mitchell stated we have the approval to proceed but they (the Insurance Company) do not endorse it.

Mitchell went on to state that this would be in effect only if a person is on City owned property or participating in a City sanctioned event (operating as an employee) as well as employees coming onto City property when coming to work, or leaving City property when leaving work (going to your car).

Harris stated that this issue was raised because in the wintertime it is dark early and when the Library employees leave work and go out to their cars they wanted to be sure they had something for their protection. Mitchell said that for an employee to have permission to carry or use pepper spray on City property the employee must request authorization. All of the employees (with the exception of McNerney who chose not to participate) have been trained by the Linn County Sheriff’s Department on the use of pepper spray.

Orr asked if the people carrying the pepper spray would be able to determine a hostile action as opposed to someone having a seizure. He said that he asked that question because one consideration to take into account would be that not only could it become a liability to the City but could also become a personal liability to whoever used the pepper spray. Another question he raised was if someone who is sprayed with pepper spray falls and gets hurt, who is liable for his injury? Burroughs responded that in that event the City’s insurance would come into play. Orr then said that he didn’t see these issues addressed in the resolution.

Mitchell read the section “Usage Criteria” from the resolution to see if Orr felt that the topic had been adequately addressed. She said that the language is straightforward with regard to imminent physical threat. Mitchell asked Harris if she had ever felt the need to deploy pepper spray. Harris discussed an incident when she felt threatened and reported an incident whereby a library employee in the CCRLS system had been attacked by an

irate patron. Because of this there had been considerable discussion throughout the CCRLS system as to the best manner in which Library employees can protect themselves.

Orr said that the first thing to consider was the safety of the employees and the public. He asked how often Harris worked alone in the Library. She responded that there is usually only one person on duty in the Library. He asked her hypothetically if she could determine whether a person was having a seizure. She said that she was familiar with seizures since her husband had seizures. Harris also stated that the Assistant Librarian was also familiar with these health issues.

Alkire stated that he had attended the class presented by the Linn County Sheriff's Office. He said the written text (of the resolution) is rather vague compared with what the police officer discussed at the training. The class was instructed that the use of pepper spray should be a "last ditch effort." Alkire felt that this was an excellent class and that this issue had been covered extensively. There were a lot of questions raised in the class as to when and how to use the pepper spray.

Orr said that because the language (of the resolution) is as vague as it is he felt that more clarification would be beneficial to the City and to the employees.

Mitchell explained that this resolution was a compilation of numerous pepper spray policies. She asked what specifically should be modified. Orr said that he would like to know what kind of education the employees had to determine whether pepper spray would be effective on someone who had a medical issue or if someone was on drugs. He said that he believed in safety first and said that he would like better clarification of those areas to protect the City and the employee. In the event an employee felt he or she had to use the pepper spray and this situation applied, the employee and the City could be sued.

Donohue said that what bothered him was that if the pepper spray was used correctly and an innocent bystander gets hit with it that person will likely sue the City and whoever discharged it. He went on to say that safety was a priority and in his opinion cameras will help prove the facts since 90% of the people cannot describe their attacker. Having a camera in both facilities will give photographic proof of who was in the building. He commented that there were times that employees at both City Hall and at the Library work alone. There was discussion regarding the safety of the Public Works employee who works for two hours before anyone else comes on duty and the measures taken to protect him during that time. Donohue said that he wanted all the employees to be safe. If pepper spray is deployed, even in a documented, safe, reasonable use that is justified, he felt that there still could be a lawsuit.

Orr again said that as vague as the resolution is he felt that it needed more clarification and more education. Mitchell asked what kind of additional education Orr felt was necessary. Mitchell stated that there was additional documentation from the class that

wasn't a part of the resolution itself. This documentation sets forth more detail as to what was actually covered in the class. Alkire said that when the Sheriff's Deputy gave the class he went over legal rights and responsibilities. He also said that there is no issue when a police officer uses pepper spray. However, there is also, as Donohue stated, attorneys that have to be dealt with. Mitchell commented that the City's insurance would be involved if this were the case.

Donohue said that if this something that Council chooses to do his recommendation would be to look into what it would cost the City for extra bonding.

Voltin commented that pepper spray wouldn't help the library employees if they were to go into the stacks to pull a book unless they were armed all the time. He said that if Council was concerned about safety there should be two people in the Library at all times.

There was discussion as to whether or not the lighting outside of the Library was adequate. Harris stated that on occasion there were teenagers hanging out in front of the Library and that they sometimes vandalize the bulletin board. Orr commented that adequate lighting in the front of the library was a "cheap deterrent." Harris said that any time a light goes out at the Library and Doug (the Public Works Employee) is called it is taken care of. Orr went on to say that if Harris reports that a light is out and it doesn't get taken care of she should call him and he would see that it gets taken care of. He said that if our employees cannot do what they are supposed to do we need to talk to our employees. Harris again said that when the Public Works employee is called to fix a light he takes care of it. Orr again told Harris to call him and he would find out why our employees wish to do other than what they are supposed to do.

Mitchell stated that the lighting had been inspected by an electrician and that the building was well lit in the front. Harris stated that lighting was not an issue at the present time. Donohue suggested that perhaps better industrial lighting that would last longer and work better for lighting up the outside of the Library should be used. There was additional discussion as to the lighting at the rear of the building and the employee parking area.

Alkire stated that if there was a problem with the lighting he, as Library Commissioner, should be apprised of the situation so that he can be sure it is addressed promptly.

Burroughs asked that Council return to the issue of the resolution regarding the use of pepper spray. Orr stated that it was too vague for him and that he needed more clarification. He said that he wanted an attorney to tell him that the employee is not responsible and that the City is not responsible.

Mitchell said that she had discussed this with both the City Attorney and the insurance agent and the attorney deferred to the insurance agent because the insurance company

would be dealing claims. When asked what the insurance agent's response was, Donohue stated that it is up to the City; they don't normally endorse it but it is the City's decision to make. Orr then stated that "if we want to take on the liability...." Donohue said that was correct.

Alkire asked if at this point was there a motion to either table this issue, let it go until there is more information or drop it entirely. Orr then stated that employee safety and public safety was a number one priority. He went on to say that there may be some other alternate routes to get more information with regard to the pepper spray. Orr said that Council had just had a good example of something lacking, lighting.

There was discussion regarding whether or not to lock the Library Wi-Fi so that it that it cannot be accessed from the parking lot. Harris said that it was difficult to determine whether it is best to leave the access available or to lock it. She said that the Library Board requested that she bring the issue to the City Council so that she will know what she can and cannot do.

Burroughs asked if the issue of the Resolution regarding the use of pepper spray was going to be tabled. Orr said that he would like more information. Burroughs suggested that he motion table the issue. Orr said that he was unsure if he wanted to do that if the other Councilors wanted to vote on the matter.

Donohue suggested, because of the outside vandalism that was taking place at the Library, for a minimal amount of money a camera system could be installed which would catch the teens vandalizing the area and the Sheriff's Office could be given the pictures of the vandals so that they can pursue the case.

O'Dell stated that because he was new to the Council he didn't feel that he could vote on the issue but he felt that he could make a motion to table the issue to the next meeting until more information is provided. Mitchell was asked how long it would take her to get the additional information. Mitchell responded that she was at a loss as to what additional information she could provide. Burroughs said that what Orr wanted to know was how the employee would know if there was an actual threat to them. Alkire said that it was up to Council as to how they wanted to handle this issue and that he was neither for nor against it. However, he went on to say that the trainer from the Sheriff's Office conducted a class that lasted almost 2 hours and he was very explicit. The language in the resolution is vague. A City employee cannot carry the pepper spray unless they have had this class which is an annual class. Alkire said that he had some concern as well until he sat in on this class which described the legal issues and individual liability. Many of the questions that are being raised did come up in the class.

Orr said that if Mitchell can get the information to Council in a timely manner and so that we do not waste any more time tonight each of the Council members can send her an e-

mail with their concerns the issue can be discussed at another meeting. He said that public safety and employee safety are primary and he doesn't want to miss part of the process to get there.

Burroughs asked if the trainer from the Sheriff's Office could come to a meeting and explain the issues to Council. Mitchell said that she could ask. Orr said that if he could look at this (resolution) and say for certain that the City will not be sued for misusing the pepper spray or accidentally spraying someone.... Mitchell said that there is always that danger with anything if there is a gray area. With the climate the way it is people will take advantage of a situation. She went on to say that if Council is more comfortable with setting this resolution aside it can just be set aside. It doesn't have to be adopted.

Orr asked what would happen if it went against us. Mitchell responded that it would be covered by the City's insurance. She asked Orr to e-mail her his specific questions and she will have them addressed.

It was the consensus of Council to set this matter aside at this time.

STAFF REPORTS (AND OR) UPDATES

➤ LIBRARIAN.

- Harris reported that there will be a vacancy on the Library Board since Love Cross had tendered her resignation effective May 20, 2013. The Board will accept applications and make a recommendation to Council for her replacement.
- Harris provided Council with the Library Report for the 18 days that the Library was open. She has noted on the bottom of the report that they were having a lot of issues with the circulation computers
- She referred to the comparison of the holds that were sent and the holds that were received from other libraries. On a quarterly basis Chemeketa computes net lending and if we lend more than we borrow there will be money coming to the City.
- Harris said they tended to have more check-ins than check-outs. There are people who check out books in Salem or Stayton and return them to our Library.
- She noted that the Library had had two visitors from Switzerland who were hiking across the United States.
- She advised Council that there was going to be an intercity event with the Stayton Library, Reading for All, Friends of the Family and others. Mari-Linn School will be bussing students to the Stayton Library and they will be given library cards and shown how to use them. They will also be given information regarding the Summer Reading Program. The Summer

Reading Program will be held at 3 P.M. on Thursdays for 9 weeks. Orr commented that Harris had done an excellent job.

➤ **CITY MANAGER.**

- **Newsletter** - Mitchell reported that the third newsletter had been distributed and referred to a copy attached to her report.
- **Permit to Store Water** - With regard to obtaining water rights to Freres Ponds Mitchell advised that the City's application has made it through the initial review. The next step is a 30 day public comment period which should be completed at this time. Mitchell sent an e-mail to the Water Rights caseworker asking for status but she has not yet received a response.
- **US Department of Education – Office of Civil Rights** – With regard to the ADA compliance of the Satellite Library Mitchell referred to the report received, a copy of which is available upon request. She stated that we are continuing to work towards getting everything completed so that we can open the Satellite Library. There are a number of issues such as librarian access, library cards and computer programs which have been forwarded to Harris for her response.

Orr asked how much the costs would be to move forward with what is left to be done. Mitchell responded that to the best of her knowledge there is nothing in the current requirements that is going to require additional funding. With regard to restroom signage the City was required to purchase a Braille sign but since their guidelines can't be met we are re-negotiating the issue. When asked why OCR wanted to know the height of the threshold (to the front entrance at the City Hall building) Mitchell responded that she assumed that because this was the designated ADA entrance there are requirements that needed to be met. She said that she didn't know where they were going with that issue but if they want us to completely redo the entrance and the concrete, there could be a substantive cost involved. At this time all they are asking for is the measurement of the height of the threshold.

- **Sidewalk Repairs** – With regard to the sidewalk repairs Mitchell referred to the correspondence that had gone between herself and various representatives of ODOT. She informed Council that they (ODOT) have tentatively agreed to provide funding of up to \$100,000 for the sidewalks but they don't have the time right now to manage the project. What we need to do at this point is to have our engineer provide us with a cost estimate of the project setting forth where it begins, where it ends, and the scope of the project. Mitchell has spoken with our City Engineer and he has scheduled a meeting with Kendall Weeks of ODOT to find out more of what the requirements are. She has not heard back from him yet. She

said that she did not yet know what the cost of the engineer's estimate would be but said that she assumed that it would be approximately \$500 or less. Orr asked if engineering costs are included in the \$100,000. Donohue responded that they are not. Mitchell stated, however, that what the engineer had said was that he would do only the basic necessary work and push back any associated engineering costs until after the funding was approved. He would then bill us after that point. The engineer said that he would put together a brief estimate of the cost for putting the proposal together. Mitchell asked Council for their permission to have him move forward with a cost estimate to obtain the funding. She said that there would be a cost and said that Council may want to put a cap on the amount. Donohue asked what the City would have to do to supply a project manager. Mitchell stated that when she talked to ODOT the project management work that needed to be done was the development of a scope of work, development of an Intergovernmental Agreement (which Mitchell has copies of from previous grants that can be drawn from), development of a cost estimate, determine the project site requesting point A to point B (beginning to end) and determine if any additional right of way is needed. Mitchell said that no additional right of way would be needed. She also said that she didn't think it would take too many hours of the engineer's time for him to put this together. Donohue and Orr both said that it seemed worthwhile to spend a little bit of money to get funding of \$100,000 to improve the City's infrastructure. ODOT will fund the project they just need the preliminary groundwork done and they will take care of it after the preliminaries are finalized. Orr asked how much money was in the Street Fund. Mitchell said that we had the money in the Street Fund to pay the \$500. Orr said that he was sure that wouldn't be the total cost. Mitchell said that she didn't anticipate that it would be very much; this is just for the preliminary groundwork. Orr said that he was talking about the big picture. Mitchell responded that for the big picture this project would have to go out for bid. Orr said he didn't think that anyone bidding is going to be into doing the supervision. Mitchell said that they have done so in the past. Donohue said that his company did it all the time.

Donohue made a motion to move forward with talking to our engineer and getting him to put together a cost estimate and to move forward to try to take advantage of the \$100,000 in ODOT funding. Orr seconded the motion. Mitchell said that she would like to have a cap on the engineer's cost since she couldn't be positive that it would be only \$500. Donohue suggested a \$1,000 cap. The motion was amended to include a cap of \$1,000 for the cost of the engineer to provide the City with a cost estimate for the project. Voice vote. Motion carries.

- **Grant Writing.** Mitchell referred to the correspondence between her and Mia Mohr regarding Mohr doing some grant writing for the City. Mitchell asked Council to look at what her suggestions were as to what projects the City might be interested in for grant writing. She asked if there were specific areas of interest that Council would like to pursue. Donohue referred to the response from Mohr which stated “Cemetery funding is available through OPRD Historic Cemeteries Grant...” He said that might be a great one for return. Mitchell agreed and stated that the cemetery needed some additional work done. O’Dell said that he had never been to the cemetery. Mitchell said that she would be happy to go over with him the different things that are being worked on right now with regard to the cemetery. Mitchell said that she would “forge ahead” on that one. She asked if there were any other suggestions or if the list she had compiled was satisfactory.
- **Water Rights.** Donohue said that he realized that the City can’t do anything until we get our water hold permit but if there might be some sort of grant to help us do what we need to do with the ponds. Mitchell said that she would do all she could do to make that (the permit) happen but they want to see all of the preliminary groundwork prior to funding. She said that as soon as she could she would be happy to do whatever could be done. Orr asked if there were any “Clean Water” grants available. Mitchell said that on the grants that she has looked at for doing any more projects at the ponds the City needs to have water rights before we can get any more funding. They will not fund unless we have the authority to proceed with the work. Orr said that this might be an option down the road.
- **Workshop Decisions.** Mitchell said that she would defer discussion on this issue because there is a request to speak with Council unless Council would like to acknowledge that guest presentation at this time. Burroughs said that he would and asked Steve Baldwin if had something he wanted to discuss with Council in this regard. Baldwin said that he didn’t want to complain but he had made an observation when he was reading the Workshop Minutes. It was his understanding that workshops were to gain information not to make motions. He went on to say that at the last workshop Council had made three motions and while Council can do that it just looks better if they don’t. He said that he felt that Council should make a policy to save motions for the meetings when the camera is present and when citizens were able to observe them. Donohue said that he would like to apologize since he had made two of the motions due to lack of knowledge. He said that it was not his objective to “try to pull a fast one” on the community. Baldwin said that he understood that the intentions were good but it looked bad for Council.

- **Fuzzy Readerboard Complaint.** Voltin had made a complaint at the last meeting regarding the readerboard being “fuzzy.” Mitchell had checked and found that the reason that it might be more difficult to read the board at times is that when there are more words in a post the letters will be written in a finer font on the board.
- **City Wide Cleanup.** Mitchell said that the City had finished with another Citywide Cleanup and she wanted to thank Burroughs and Alkire for all their help. She stated that they had both worked diligently all day and were the only two volunteers there besides herself. Orr said that he had a legitimate reason for not being there and had called Burroughs to let him know. Mitchell said that the City had made \$244 to offset disposal charges and had a total of 169 trips made by citizens through the site that day. There had been more trips this year and fewer volunteers than we have ever had in the past.
- **ASSISTANT CITY MANAGER.**
 - **Water Sampling – Freres Park.** McNerney advised Council that she had contacted Oregon State University inquiring as to whether there was an internship program where a student or students could be utilized to collect and test water samples to establish a base line for pollutants in the pond water or whether they could recommend a student who might be interested in assisting us with this project. McNerney said that she had also asked if they could recommend or refer us to a company or person who be contacted to assist us in this regard. She said that she had not yet had a response to her e-mail and would send a follow-up tomorrow.
 - **Public Access OJIN Access.** McNerney advised Council that we now have an account established to allow us to access OJIN on the Oregon Courts website which will allow us to do background checks free of charge when necessary.
 - **Replacement Windows at Library.** McNerney said that a report had been filed with the Linn County Sheriff’s Office regarding the two windows at the Library which had bb shot holes in them. She reported that she had requested estimates for the replacement of the two window panes only as well as an estimate to replace all of the windows including the frames, etc. She said that she has received only one estimate so far and will present all of the estimates at the next Council meeting for Council’s review and decision. Orr asked when the windows were shot out. Alkire stated that there was one window on the northwest corner of the furnace room which has been there for a while which may not have been noticed previously. He said the other one was on the east side which was recent. Orr said that was something else he had not heard about. McNerney said that she had contacted the Sheriff’s Office on May 9, 2013 and made a report.

- **Wind Damage-Trees at Freres Park.** McNerney said that the City had recently received a report that, because of heavy winds a large tree (which was situated on City property to the south of Freres Park) split in half. Half of the tree fell into the backyard of the property located at 1111 11th Court. Our insurance agent advised that this was an unforeseen wind event that blew the half of the tree over. Since this tree was not deemed to be a dead or danger tree from an arborist, the City had no reason to take action to remove the tree and the property owner was advised to make a claim on his homeowner's policy. However, in the process of investigating the property owner's claim, the property owner informed us, and Doug Miller confirmed the fact, that there are two large trees in the same area that are covered in ivy, rotten, and in danger of falling. In the event that were to happen, in case of property damage since we are on notice that these trees are either dead or danger trees, a property owner might make a claim against the City. McNerney asked how Council would like to proceed with regard to having the trees removed. The City could need to hire someone to fall the trees. There was discussion as to the condition of the trees. Orr asked if this was in Freres Park and backed up to a house. McNerney advised that the south end of the Freres Park property backed up to property on 11th Court. Burroughs suggested that Steve Winn of Saw Tree Service be contacted to determine the cost of removing the trees. Donohue suggested getting two quotes. He said that if the contractors know that we are requesting bids from more than one company this should result in our getting a better price for the project.
- **Mari-Linn Elementary School – Upgrades.** McNerney reported that in reviewing the scope of work planned in connection with the upgrade of Mari-Linn Elementary School in Lyons it was determined that the alterations planned to the school building did not require a Conditional Use Hearing before the Planning Commission. However, because of the drainage issues in connection with planned improvements to the parking lot we required that our City Engineer have an opportunity to review the scope of the work in that area to be sure that all City standards are followed. We issued a Driveway Approach Permit in connection with the planned parking lot improvements. The City Engineer reviewed plans provided by the Architect and determined that they had made adequate arrangements for drainage and that they would have to construct a driveway approach only in the event they moved forward with the site plan bid alternate which contemplates asphalt paving as opposed to gravel on the parking lot. A Planning Commission meeting was scheduled for May 23rd so the architect could give Planning Commission a review of the work being performed. Unfortunately, at 5:30 P.M. on the 23rd we were advised that one of the Planning Commissioners was unable to attend the meeting. Without that Planning Commissioner we did not have a quorum

and we were unable to move forward with the meeting. The Architect said that he would make himself available for a Planning Commission meeting as soon as we were able to schedule one. Should Council wish to have him attend a City Council meeting McNerney said that he would make himself available.

COMMISSIONER, LIAISON AND NON-COUNCIL COMMISSIONER REPORTS

ALKIRE – LIBRARY, LYONS-MEHAMA WATER DISTRICT.

- **Library Windows.** Alkire stated that one of Orr's comments was that he had not heard about it. Alkire suggested that if Mr. Orr returned his calls he might have heard about it. Alkire said that there were times that he could not get on e-mail.
- **Library Cleanup.** Alkire said that he wanted to get the Library cleanup done by May 17th since May 18th was the Citywide Cleanup Day. He reported that he, Mayor Burroughs, Mitchell and Harris were there. He said that there was a reason for Mitchell's presence since she had worked in the Library previously. He said that Harris liked to keep things. He felt that he needed someone from both sides of the fence to determine whether it was time for certain articles to be discarded. This started after the safety inspection by our Insurance Agent. They cleaned and organized the downstairs and the first day Miller (Public Works) removed 5 pickup loads of discarded material. They totally emptied the downstairs office and furnace rooms because he wanted to get the power panel area marked in yellow to keep it clear and to identify that nothing is to be stored in that room other than several specific items. In the old office area everything was removed. Library material was separated from Friends of the Library material and a portion of the old office was dedicated to the Friends of the Library for books and signs. The furnace area to the east wall was dedicated to maintenance (Miller's area). This needs to be kept clear in the event it was necessary to do any work on the sump pump, water heater and/or the furnace. He went on to say what he would like, with Council's approval, to establish a semi-annual inspection by staff, himself and another Council member. He said that he didn't have all the answers but someone else's eyes might see something that his don't. Another reason for the semi-annual inspection is that if something is kept for more than 6 months there needs to be a reason. With regard to safety guidelines for the downstairs storage Alkire said that he would like to see all of the books put in the bank storage boxes. The reasons for this is that they are of a uniform size, are strong, you can't overload them and they stack better. He is also setting up inspection schedules for batteries, smoke detectors, water alarm and fire extinguishers. He went on to say that all books, including the Friends of the Library's books, are going to be stored in the office, no more than 4 boxes

high and 7 boxes long, which gives easy access and avoids injury to someone picking up a box that is unwieldy or too heavy. Donohue asked what the cost of the boxes was. Mitchell said that she would have to look at the invoice. Alkire said that we have a good inventory of boxes at this time. Donohue commented that the cost of the boxes would have to come out of the Library budget and the more items that are purchased the more the affect it has on the Library Budget which will then have to be supplemented. Alkire responded that the Library budget is in good shape. He said that as far as the Friends of the Library are concerned they will take care of their portion. With regard to the boxes, they will rotate as books are cataloged. Empty boxes will be stored and reused. There was discussion with regard to the number of boxes purchased, their cost and the current need to purchase more.

- **Inspections.** Orr asked if Alkire had established a change date for batteries. Alkire responded that it is scheduled for no later than the 15th of January each year. Donohue suggested the batteries be changed every 6 months and Alkire said that the batteries could be changed at the time of the semi-annual inspection which could be done on a weekend if that was more convenient for the Councilors. Both Orr and Donohue said that their work schedules included week-ends but they would like to participate if their work schedules allow. Alkire said that he is flexible with the timing of the inspections. Orr asked what would be done in the event the library isn't maintained within the guidelines Alkire has in place. What if this person continues to not follow the rules? Alkire said that Council makes that decision, not the supervisor. McNerney stated that the fire extinguishers are inspected annually by the company that provides them. In addition Miller checks them monthly to be sure they are working order which is marked on the fire extinguisher tag. Orr said that the question he is asking is if someone said they didn't want to follow the rules, we give them a written warning...somehow there has to be some kind of disciplinary action for someone who doesn't want to follow the rules. Burroughs said that there will be consequences.
- **Unisex Bathroom.** With regard to the modifications for a unisex bathroom Alkire said that he has the plans on "cad" but until we get some reply from OCR with specific criteria he has tabled the matter.
- **Insulation.** Alkire went on to discuss the ceiling insulation removal which is old and saturated with fly larvae. He said the flies are dead but there are others growing and there is a continual battle with the fly infestation. He said the insulation needs to be removed, the area sprayed and new insulation blown in. He also said the bell tower needs to be screened. There was discussion regarding finding a company to accomplish the blowing in of new insulation. Donohue recommended Travis Orr from Mehama who has the necessary equipment. Orr said that he would like to make a comment at this point. This bell tower issue seems to have been a problem for the past two years and we are finally going to address the problem. "Kudos" to Alkire on this. Maybe

from now on instead of putting a band aid on an issue we can fix it. Burrough commented that without a screen on the bell tower the flies keep coming and going. Alkire said that the opening from the ceiling into the bell tower is very small and difficult to enter. Orr asked how tall the bell tower was and Burroughs said that he could get a fork lift up to it. Alkire said that if anyone has any questions with regard to the matters discussed to please write them down and e-mail or otherwise provide them to him.

- **Library Volunteer.** With regard to Rosemary Voltin's request, Alkire said that the issue had been discussed with the City Attorney and the City's insurance carrier and this is not a typical action or request. This is for a volunteer who is a past employee, to work 3 hours per week on Mondays when the Library is closed to the public. Alkire said that this volunteer is trustworthy and knows the how to perform the tasks she would be performing. The one issue to be concerned with is her safety. Specific guidelines such as her calling upon arrival and calling upon departure. The reason for her volunteer services is that there are a number of books to be cataloged and she is familiar with this process. Alkire discussed the reasons that the Library is behind in cataloging. She can come in on a Monday and not be disturbed. This will save time for the Library staff. Orr asked what time of day she would be doing this. Alkire responded that it would be in the afternoon. Orr asked how much time it would take her to do all of the cataloging. He said that there are two issues that are holding us up. They are the word "volunteer" and the fact that she would be working alone. If this is a critical part of making sure the Library is up to speed why does she have to be a volunteer? If it is not going to take a lot of time why can't she be a part time employee? If this is something that has to be done why can't we have another part time employee for 3 hours a day? Orr said that he didn't think this would "kill the City." He said that if you eliminate the word "volunteer" and if you eliminate the working alone there would be a solution. Donohue said that he felt that her calling when she arrives, having a staff member call her half way through her shift to be sure she is all right, and her calling again when she leaves takes care of the problem of her working alone. It would be no different than if she were to volunteer during normal hours and the Librarian had to run an errand and she was there by herself. This arrangement would not be available for all volunteers. This is an exception based upon her history. Alkire said that he wanted Council's thoughts on how we could take care of her and benefit the Library. Donohue said that every paid employee that we have works alone. He went on to say that he personally does not have an issue with what Alkire is proposing. There was no issue with her having a key to the Library since she had one when she worked at the Library as an employee. She can lock the door behind her when she arrives and lock it when she leaves. Alkire said again, this would be an exception to the rule with this particular volunteer. This will be done at her convenience and will assist the

Library in an area in which they are behind. Alkire made a motion to allow Rosemary Voltin to work 3 hours on Mondays at the Library; to have access to the Library with a key and to advise staff when she arrives at and leaves the Library. Donohue seconded the motion. Voice vote. Motion carries.

- **City Shop.** Alkire said the last issue was organizing the City shop for safety purposes. He said that he had set the same time frame for the City shop as at the Library to coincide with the City Wide Cleanup. He said that he had requested Mitchell to identify what materials the County had left at the shop. He also said that he and Burroughs had cleaned up all the old lumber and other material on the outside of the shop. He said this took care of some minor issues the insurance company wanted to be addressed. The tool inventory was already completed and the authorization of operator of equipment is being taken care of. Safety issues at this time are completed. What Alkire is proposing at the City shop is a semi-annual inspection by staff and Council (someone other than himself and Mitchell). He said that his schedule is flexible and he will accommodate other Councilor's schedules in this regard. He would like Miller to be present when the inspection takes place so that he can answer any questions which may arise. Alkire is preparing a preventative maintenance checklist of shop tools and equipment. He said that he had donated some bench stock trays and miscellaneous hardware for the shop. With regard to repairs and modifications Alkire said that a shop bench was needed. He asked for volunteers to help build the bench. He said that he would like to paint the trim on the building this summer. He also said that he would like to have a gravel enclosure. There was discussion regarding utilizing the bridge abutments located at the shop for a gravel enclosure and Donohue suggested using ecology blocks which are fairly inexpensive. He said that if we had 9 of them they could put 20 yards of material in there. Donohue said they were concrete blocks 3' x 3' which can be stacked. There was discussion as to where ecology blocks could be purchased.

BALDWIN – NORTH SANTIAM SCHOOL DISTRICT.

- **Improvements.** Baldwin reported that it had originally been planned to upgrade the boiler system but when it was inspected they found that it was in worse shape than they had anticipated so they are putting this off for a year until they can figure out how much it is going to cost them to do it. He mentioned the issue of the parking lot by the bus barn which is full of pot holes and advised that at the last Board meeting \$28,000 was appropriated to asphalt that portion. That was not originally part of the bond funding. The cost of the base for the parking lot is included in the bond. The cost for repaving the remainder of the parking lot is coming out of the \$22,000,000 bond.

- **Mehama School.** Baldwin advised Council that the Mehama school building which is located in the City's urban growth boundary has been owned by the School District for years and they have been trying to determine what to do with it. Troy Gulstrom, the Pastor of the Mehama Church, together with a group of people from Mehama have proposed to the School District putting a group together to contract to take over the building and turn it into a community center. They would like to implement an after school program, meals for seniors, life skill classes, community dinners, concerts, plays, peer counseling and a resource center. They would also run the Joseph's Storehouse out of that building. The School District is entering into a contract to work together with them as a community project. The School District would retain ownership of the building. Donohue asked if the school had been classified as an historical building. Baldwin didn't know. Orr said that a problem with that school was that it contained asbestos and lead and that was why no one would buy it. Baldwin said that he had heard rumors of a problem with the septic system. Baldwin said that it sounded like a viable project. Donohue said that it sounded like a worthwhile project and it would be nice if they could make that happen.

BURROUGHS – BUILDING IMPROVEMENTS.

- Burroughs had nothing to report at this time.

Bridge Rails – Orr Coordinating – Donohue Redoing the Drawing.

- Orr said that he had been working with Donohue and Burroughs in connection with the construction of the bridge rails. The plans have been delivered and the time frame for completion is about two weeks. Donohue said that as soon as the rails are done he can drop them off and have the cables installed. When this is done he can pick them up and they can be paid for by City credit card. There was discussion with regard to size of the cables and how they are going to be secured. The price was under \$300. He said that as soon as the pieces were done he would drop them off.

Street Repair Inventory/Weight Limits & Signage. – Burroughs.

- Burroughs commented that they (the signs) should be removed. There was discussion regarding the issue and after discussion it was suggested that we handle this issue on a case by case basis. Donohue suggested that a hearing be placed on next month's agenda to modify the weight restrictions on certain streets. Mitchell requested that this be postponed until the July meeting. Donohue said that this could be put on the July agenda as an action item.

Councilor Email Establishment – Donohue.

- Donohue stated that he did not wish to establish an e-mail account because he had concerns about e-mails being circulated and creating an illegal quorum. He said that he had no problem with staff contacting him by telephone as necessary.

Catch Basin Installation – Orr.

- Orr stated that since this was a City project and he was not an engineer he had concern that his background was insufficient to adequately determine the necessary action to be taken. He said that he knew what he thought would work but he felt that it needed an engineer's input. He also commented that it should not be called a catch basin but should be referred to as a "clean out". Donohue said that it might be a good project, together with the sidewalk project, for the City Engineer. He also suggested that it might be appropriate for Orr or Mitchell to meet with the City Engineer on site to explain their thought process on this issue.

Public Forum – Burroughs.

- Alkire said that the arrangements to hold the forum at Mari-Linn School had been completed. Donohue said he was working on some flyers and would hopefully have them done by the end of the week. He said that he would personally call, as Citizen Donohue not Councilor Donohue, and see about placing some small ads in the paper to notify citizens of the open forum to get their thoughts and opinions on requesting a law enforcement levy.

Parks and Pathways.

- Donohue reported that he had received a call from Mitchell about a large hole in the pathway between Freres Park and John Neal Park. He said that he had inspected it and said that he believed the cave-in was due to an extensive nutria tunnel. Mayor Burroughs, who was already doing work in the area, filled in the hole with his backhoe using approximately 40 yards of material. Donohue went on to say that while this problem had been taken care of there was still a significant nutria problem in the area.

Fires.

- Donohue reported that some kids had built a fire at the end of the trail by the small bridge which he had them extinguish. He said that since he lives near the trails he is able to "keep an eye on things."

Fishing and Vandalism.

- Donohue said that this time of the year there are a lot of people fishing the ponds. He said that at this time there has been no vandalism but he felt that we need to request the Sheriff's Department, in the event they see someone fishing at night, to request that they leave. He said that he had no problem with people fishing but felt that it needs to be monitored. He cited the damage done last year when people in a jeep were 4 wheeling and got stuck.

Cemetery Archway & Headstone Repair – Orr.

- Orr asked Voltin if he would be willing to volunteer to help the City with the archway. Voltin said that he would fix it and gave his opinion as to what could be done to correct the problem. Donohue said that something could be included in next year's budget to deal with this issue. Orr asked if we had to have permission from the owners to repair the headstones. Donohue said that

it probably wasn't necessary since the City is responsible for upkeep and maintenance.

Boulder Placement in Freres Park – Orr & Burroughs.

- Burroughs stated that now that we are done with the City Wide Clean Up he will get two loads of boulders next week and place them.



Audit Agreement.

Mitchell stated that every year an audit is prepared by the auditor. For the past several years it has been Steve Tuchscherer's office. She informed Council that last year she had negotiated a reduced level audit which saved about \$3,000. The cost has gone up \$200 from last year but it is the same scope of audit. She referred to the Engagement Agreement for Audit Services and the Contract for Audit Services for 2012-2013 submitted by Tuchscherer which needs to be approved annually by Council. Orr stated that he had one concern. In all fairness to everyone that we sign a contract with, earlier this year we had asked for an insurance comparison. He said that he would like to see if we could "throw it out to local auditors" to see what they could do for us. Mitchell said that the City requires a municipal audit and not everyone performs that type of audit. Orr said that we could target the firms that do this type of audit. Mitchell responded that it has been about three or four years since we went out with a Request for Proposals (RFP). Orr asked if 10 days was enough time to contact auditors. Mitchell asked "then you are not talking about publishing in the Daily Journal of Commerce, you are just talking about the type of auditor?" She stated that we have a list of auditors. Orr said that it seemed odd that for whatever reason we asked for a comparison to an insurance company that we have been dealing with for many years. Mitchell advised that this is a common practice with service firms such as engineering firms. Orr said this would be the exception if we didn't do it to these guys. Mitchell responded that we had just done this a couple of years ago. This will be the third audit they have done for us. Orr said that he was very unimpressed with this guy (Tuchscherer) when we sat here for an hour and a half waiting for him to show up without a phone call. He said that he was pretty sure that everyone had a cell phone; that he knew he was travelling I-5; and that he knew cell phones worked on I-5. If it was a question of professionalism on that night, he failed. Orr said that it was his opinion that it was a bad idea to put "all our eggs in one basket with a guy that can't even make a courtesy call. Mitchell explained the circumstances of last year. Tuchscherer had cancer and was going through significant treatment so the other employees in his office had to step up and do all of the work without his assistance. We were aware of the extenuating circumstances so it is not just that he just opted not to call or it fell through the cracks. There were circumstances that were out of the ordinary. Orr recalled the night that Council waited for Tuchscherer and they were thinking that we might have to schedule this for another meeting. Orr said that it was his personal opinion that he would like to keep money in the local economy and this guy is travelling from Roseburg. Mitchell said that there is no one immediately local who does this type of

audit. The last auditor we had before this one was coming out of Corvallis. Orr said is there no one from Stayton or Albany. Mitchell said that we certainly could find someone. She went on to say that Boldt, Carlisle & Smith has done it before, but we also received other proposals and their proposals cost from two to three times as much. If you want to spend more money... Orr said that he didn't want to spend more money. He asked if we are losing out on anything if we ask for some proposals. Mitchell said if that is Council's pleasure we certainly could. Orr said that Roseburg just seems it is a little out of the way. Mitchell said it is up to Council to decide.

Donohue said that he had two comments or questions. He said that he understood the circumstances last year but it was pretty late getting to us. Mitchell said that it was very late. Donohue asked if there was any way to put a bottom time line in his contract. Mitchell responded "absolutely." She said that as a general rule previously she would have all of the materials off to the auditor by late July or the first part of August and the presentation would be made to Council either in September or, at the very outside, October. This is the latest it has ever been. Donohue then said his next question was whether he had in the contract that in order for us to no longer use him we must give him a 90 day notice. The problem is that from the time we accept the contract to the July 1st deadline is physically impossible. Mitchell said that we are not bound to a contract right now. The contract expires so we have that option since this is a year to year contract. Donohue said that we would have to, in February, decide to switch to a different auditor. Mitchell said that since the contract has not yet been signed anything in it is negotiable. Donohue said he was fine with the contract but that he personally would like to see a timeline for the deadline within which Tuchscherer is to complete his audit and we get our books. After discussion regarding timelines Mitchell suggested that we let them know that we would like the proposal to be made to Council no later than the October meeting. Donohue said that he would be fine with that.

Mitchell then said she would like to know Council's pleasure with regard to interviewing for an alternative auditor. Orr said that as a Council spending taxpayer's dollars can we take a week or two to look for a different auditor locally, that can be competitive or do we just go with this guy again, that under certain circumstances, failed us last year. He said that he was talking about these people's (gesturing the audience) money. Alkire commented that this is not just a normal accountant; this is specifically a municipal accountant. Orr said that he knew, between Salem, Stayton, Albany there must be others. Alkire asked if the League of Oregon Cities had a list. Mitchell responded that we have a list because we recently went through this. Donohue said that he knew Stayton uses this auditor. McNerney stated that she had been in contact with Tuchscherer's office and had been scanning documentation to send to them ahead of time. Donohue also said that in his opinion as a Councilman, beside the lateness of the auditor at our meeting, our audit was done very, very well. It was understandable. Donohue went on to say that he would like to make a recommendation that we use him this year and next year we can look into seeing if anyone can be competitive with him. Orr asked why we had been sending

documents before we had a contract with them. McNerney explained that each year they request documents early. They assumed that they would be doing the audit and were trying to gather information so they could start the process as soon as possible. Alkire said that he agreed with Donohue to keep him this year and if Council desires to do research throughout this calendar year for a possible replacement that would be the best way to proceed. Donohue said part of his reasoning, to clarify for Council, was that we are getting ready to prepare our budget and that is going to take a lot of time. The quality of work that he provided last year was good. He said that he knew that Tuchscherer does audits for other local cities. That even with the increase this year Donohue said he still felt that the price was fair but that he would still like to have noted that next year, if Council so chooses we can look into other alternatives.

Orr said that he wanted to go on record that he didn't get to see the quality of the work; he only got to see the bad side of it. His determination was that if he did that kind of work for someone he wouldn't expect them to come to me with open arms and say "guess what, you're back again." That is what he based his opinion on; the lateness of the report.

Mitchell said that as she understood it, the only changes to the contract would be the stipulation that the audit would be presented by the October meeting. Burroughs asked if Tuchscherer would be coming to that meeting. Orr said that it would be good to be able to ask questions. Mitchell said that she will ask them to include in the agreement that they are to present the audit in person.

Donohue made a motion to use Steve Tuchscherer, CPA to do the City's audit for 2012-2013. Alkire seconded the motion. Voice vote. Donohue voted aye, Alkire voted aye, Burroughs voted aye. Orr voted nay. O'Dell did not vote. Motion carries.

O'Dell asked if you could, rather than not voting, abstain from voting. Mitchell said that you could and referred to the Council rules which state that if at all possible a vote would be taken and answered by every member of Council unless there was a specific reason such as a conflict of interest. McNerney said that in the documentation provided to O'Dell this evening there was a copy of the Council rules. Mitchell said that since he had not had an opportunity to review the documentation he had a valid reason for not voting.

Orr Information Requests & Review.

Orr said that the reason the e-mails were sent is that there is a budget meeting coming up. He said that he needed some facts to base how he determines a budget. He said that he didn't think any of the questions were out of line. Some of the things he has asked for was that he would like to see a time sheet of each employee; he said that he didn't know who has control over who works what hours. He asked if copies of the e-mails had been made available to the public so they would know what we were talking about. Mitchell responded that they were not. He asked if we had talked about making some of this

material available to the audience so they know what is going on. Burroughs responded that we had copies of the agenda available but that we never provided copies of all material. Orr asked if this would be privileged information that they couldn't see. Burroughs responded that the material was not privileged. McNerney commented that we have a notice on the entry desk that copies of the Minutes and other information are available upon request. Orr asked if we could change that and just have this stuff available, whatever isn't privileged, so that if someone walks in off the street he can follow the meeting. Burroughs said that would waste a lot of time, money and resources. Mitchell commented that that would be costly. Orr then said "never mind, I guess they don't need to be involved in what we are talking about." There was a discussion about having copies of all of the information contained in the Council books prepared for distribution to the public at each meeting. Orr said that the people should have a right to know how we are spending their money. Is there something we are trying to hide? Burroughs said that was why he had staff put that notice on the entry desk. Orr said that he would like the information that is in the Council Books be available to the public so they understand what the meeting is about. Instead of hitting 5 on the copy machine hit 10. McNerney commented that putting these books together is a labor and time intensive project. She said that she would be happy to do whatever Council wishes but Council should be aware that to copy all of this material and put it together in a book format like this...Orr said that it wouldn't have to be in a book format. Just the way our copy machine works, just push copy and it comes out in a certain order. Just throw a paper clip on it. When asked how many copies he would want Orr said "lets do 5." Instead of 5 copies make 10. Is it too much to ask? McNerney said that it would be time consuming.

Orr said that we are getting ready to talk about a \$200,000 budget and there is a lot of stuff in here that should be public information. Mitchell responded that it was. McNerney said that we have extra Budget books available for anyone in the public who wants the information. We make extra budget books so that the information is available if someone asks for it. Orr asked if that would be out at the Budget Meeting. McNerney said it would. Orr asked if the questions he asked could be put in the Budget books. McNerney responded that the Budget books had already been distributed to Council. Mitchell said that we don't have extra books prepared; we have extra copies of materials. Orr said that he didn't care if it was in a book; just throw it where the public can see.

Orr went on to state that one of the questions he asked is who determines how many hours someone works. He asked Burroughs if he knew how many hours the City staff puts in. Burroughs responded that he did not. He said that he knows at the end of the month. Orr then said "who's in control of that." Mitchell said she found the papers she was looking for earlier and stated that at the beginning of Mayor Burroughs' term he set forth the proposed Mayor's baseline. In that baseline, number 4 states "All employees are to keep daily work logs. The Mayor will review these logs and payroll." Under number 7 "Requested all employee's job descriptions, pay and benefits. Provide Mayor a

copy of Employee Handbook.” Mitchell said in answer to Orr’s question “who knows” the Mayor knows. Burroughs said “at the end of the month. That is when I get the time sheets for the month.” Orr asked if he and all of Council could get those and whether or not they were privileged. Burroughs said they were not privileged and everybody could get them. Mitchell then stated that if they were changing procedures it really needs to be a Council vote or consensus. It is not typically handled that one Councilor dictates that Staff will change the way a procedure is done; it is a Council decision, not a one Councilor directive. Orr said that he was just asking a question if they could do it. Burroughs said that Orr could come in at any time and get that information. Orr said that his hours don’t work with City Hall’s hours. Burroughs said that any of the Councilors can come in at any time and get that information.

Orr said that he would like to put this to a vote to see if Council wants this stuff. He said that he wanted to see time sheets; he would like to see how many hours people are getting; he would like to see who is getting what hours; who is making out payroll. There are a lot of things he would like to know; that he should know and that he doesn’t know. Mitchell responded that she provides that information in his book every single month, broken down. He said that he didn’t want that; he wants to see time sheets. It’s just like earlier in the evening he asked how her (Mitchell’s) time was billed to go clean the library up. Mitchell said that she had answered his question. Orr said “it was billed to the General Fund?” Mitchell said yes. He said that was what he wanted to know; he should be able to look at a time card and tell. Mitchell said that he wouldn’t be able to tell just by looking at a time card. Staff time is broken down by percentages. A percentage is taken from multiple funds. She said we have gone over this many times. Burroughs said that what he is trying to get is how many hours Mitchell works and how many hours McNerney works each month. Mitchell responded that it is on our time sheets every month. Burroughs agreed that this is what he reviews each month.

Orr then said let’s take this one step farther. He asked who is taking care of those hours and who is writing payroll for all those hours. Mitchell said that she prepares payroll. He said “so you are doing your own payroll?” Mitchell said she was, along with everyone else’s. She went on to state that if he would like it could be sent out for payroll service. Orr said he was just asking because this is stuff he doesn’t know. Mitchell said that she would be happy to give up that task. Orr said that as a Councilman he deserves to know this information. Mitchell again said that he gets the reports each month. Orr said that he hadn’t seen a report that says she does her own payroll. He said that he hadn’t seen that report. Mitchell asked if he would like to entertain a motion to have the payroll sent out each month to a professional company. Orr asked if that is what she would like to do. Mitchell said if that would set his mind at ease it would certainly lighten her workload. Orr said that it would be Council’s decision.

Mitchell said if there is an issue as far as whether an employee preparing documents can be trusted, absolutely, send it (payroll) out. Orr said he hadn’t said anything about trust;

that Mitchell had raised the word “trust”. He only said he would like to know who does what. Mitchell said that it was very apparent. Orr then said “that is your take on it.” Baldwin spoke up and said that that was his take on it also, just sitting and watching. Orr said that he asks these questions because he wants to know what is going on within the City. He said that he didn’t find out about broken windows; he didn’t find out about Mitchell inhaling rat poison at the library and that an ambulance had been called; he doesn’t find out about these things. Mitchell said there was no ambulance. He said that is what happens when you hear it off the street. Burroughs said that this had been discussed at the last City Council meeting. Orr said that he must have forgotten.

Mitchell asked the Mayor if she could be excused. Burroughs said that she could.

Orr then asked, so what did we decide; do we want to put this information where everyone can get it? Burroughs said that he couldn’t see the necessity to having all the material copied. If someone wants certain material they can ask for it. It is posted at the entry desk.

Orr then asked if he could get the time sheets. He said that he would like to know how many hours people are working. He said “how am I supposed to approve a budget without knowing that stuff.” Burroughs said that staff would give him that information. Orr said “It’s a week before budget time and I am going to get this stuff.” He said that he has a problem spending two hundred and some thousand dollars of the citizens’ money here without knowing what’s going on. Alkire asked if he was talking gross payroll for everybody. He said that he is talking about everything that is spent. McNerney told Orr that that information is in a report that he receives every month. Every penny that comes in and every penny that goes out. Burroughs said that Orr is still talking hours. Orr asked McNerney how many hours she works a week. She responded that she works 24 hours per week. Orr then asked if she ever exceeds that. McNerney said that if there is something that comes up that needs my time. Orr said that is what I need to know. McNerney said that it doesn’t happen often. Orr said that he couldn’t do a budget if he didn’t know about that stuff. McNerney stated that if Orr would read the Budget Message that Mitchell has prepared it shows that she budgets a certain number of dollars for salary. There is a cushion in that figure. It doesn’t necessarily mean that that person or that position will use all of those budgeted hours. McNerney said that she didn’t believe that we had ever used the entire amount that is budgeted. She went on to say that if Orr could take a few minutes and read the Budget Message which is in the Budget Book provided to him last week... Orr said that he didn’t read the Budget book because the Budget Meeting had been cancelled. Burroughs said that it tells about their hours. McNerney said that the Budget Message does set forth the hours. Mayor Burroughs has copies of the employee contracts which set forth the number of hours each of us works. We keep our time record daily and prepare a time sheet monthly which is turned into Mitchell for preparation of the payroll. Before any of the checks are signed Mayor Burroughs reviews those time sheets.

Orr said that he is just asking, give him the information. Burroughs asked if he wanted weekly time sheets. Orr said that he would like to know what they are doing weekly. He said that he would like it weekly. McNerney asked if he wanted the number of hours e-mailed to him weekly.

Baldwin asked if he could make an observation. He said that he had been on the Budget Committee for several years and has also been on the School District Budget Committee for two years. Last Thursday we approved a 55 million dollar school district budget that was not as detailed as this 200 thousand dollar budget is. This budget is so detailed and so transparent that they can't hide anything.

Orr said "who is saying anything about hiding. I said give me the information." Burroughs said it is all in there. Baldwin said that the way you are talking gives the appearance that you are accusing people of hiding stuff.

O'Dell said that he is new to this stuff but he kind of understands what Orr is asking about such as the hours. Because if you have to do the math work on the budget how do you know how much to budget because she does go over in case of an emergency. McNerney responded that this is something that Mitchell has been doing for years and it was her belief that what Mitchell does is that she takes an average of the years past and determines from what has been used in the past as to how much to budget for. There is always a reserve so that in the event there is an emergency or if for some reason an employee has to work in excess of the number of hours that they are contracted for there is a sufficient amount of money in the budget to allow for it. It doesn't have to be spent it just because it is budgeted. This information is set forth in the Budget and in the Budget message.

Orr said that all night he has been asking for more information. He was asked to approve a pepper spray ordinance. He asked for additional information and got a little bit of slack on that. He said that it seems that anytime he asked for a little bit of additional information it's a problem. He asked if they want someone to sit up there and be the "good old boy" and pass everything through they have the wrong guy. He said that he works for the people of Lyons; he doesn't work for anybody else. He said that he wanted to get this on camera. He works for the citizens of Lyons. He is not one of the good old boys who passes whatever through. He said that he is going to know a little bit about it before he passes it. There was discussion regarding the fact that he had asked for additional information on the pepper spray.... At this point Mr. Cartwright who runs the camera taping the meeting informed Council that there was only about 4 more minutes left on the medium. Burroughs asked Orr if he had anything more on this subject. Orr said that he was done with it.

Alkire said that he understood some of Orr's questions, but that Mr. Baldwin had made a comment that is irrefutable. This book and the information given Council is extremely detailed. He said that Mr. Orr should take a vacation day, make an appointment with Mitchell and take all of his questions and let her show him how the books are done. Orr said "I ask questions." Alkire said that if he understood (the books) then when people ask him a question he would be better able to answer them. He said that it took him some time to understand them. Orr then said that he tries to ask questions and its Donohue said "it's all right here." Alkire said that almost every cent is indicated; there is no guessing. Orr said that he would use one example. He had asked that the yearly salary of each employee of the City be written on that budget. He was told "it's in there." Orr then said that he would like one line item so that he can see what "A" makes. He doesn't want to go to the various funds. He said that he wants to know what their total package is at the end of the year. Alkire said that he was sure it was there. Orr said "no, you have to go to multiple places to figure it out." McNerney said that Orr had recently asked for a breakdown for all City positions which was provided to him. Orr said that he wants it to say "line item 265 position A makes...Position B makes ..." Baldwin said you can't do that on this type of budget. Orr said that he wants know what their total ... "simple hereon line 254 put position A makes \$50,000 for salary, \$10,000 for PERS, \$8,000 for ..." McNerney said that she had broken it down for him (on the Memo dated May 20, 2013 which is in the Councilor's books). Orr said that he wanted it in the budget.

PUBLIC COMMENTS. Burroughs asked for public comments. Voltin asked what the status was of the video cameras which Council had talked about several meetings past. Burroughs said that this had been discussed earlier tonight. We have to put some cameras outside for the employee's protection at the Library and at City Hall as Donohue had stated. Voltin commented that if you get the lighting fixed and video cameras out there you have some protection. There was discussion as to the cost of the units. Orr said that he had received an e-mail from Mitchell. He had asked to put the cameras as an action item at an upcoming Council meeting and the response he received was that this item was under Councilor Alkire's purview and his recommendation was to table this issue until a future point of time. Alkire said that he did that because he did not get an answer (from Council). He had spent the time to get information and the types of units available. There are exterior cameras and there are interior cameras. He went on to say that he could not get a decision on how many cameras were totally needed so he did not go further since the prices change each month. Orr said that he wanted to go on the record as saying that his company has used them for the last 5 years and they have used them both inside and outside and have had no problems. Alkire said that Orr was missing the point. There are cameras that are used outside; there are cameras used for the interior and not used outside. Orr said the same cameras work ..., O'Dell said that he has an outdoor system at his office and he didn't have to buy extra, he just used the outdoor cameras inside too. Alkire then said that his question to Council is how many do you

want. He said that he had asked to table the matter until someone gives him some answers.

Donohue made a motion to make the issue of installing cameras at the Lyons Library and at City Hall an action item for the next City Council. O'Dell seconded the motion. Voice vote. Motion carries.

Orr said that he had e-mailed Mitchell a question with regard to tabling an issue because he did not know and said that he felt sure that was taken as a negative question. Burroughs said that he did not think so. Barbara Orr made a comment with regard to Mitchell's leaving in the middle of a meeting. Burroughs responded that she was upset. Orr said that unfortunately it is budget time and we are talking about spending the citizens' money. There should be some very important questions asked. He said "that if you can't handle the pressure to get some questions answered maybe you're not fit for that position. ...If I would have done that to my boss, sayonara."

Donohue said that as Parks Commissioner he would like to have the animal ordinance modified to include requiring people to pick up after their animals. He was informed that this was already included in the ordinance and there was discussion regarding the difficulty in enforcing the ordinance. Donohue said that he could identify the offenders. McNerney said that if the offenders could be identified the City could send out a violation letter.

There being no further business to come before Council, the meeting adjourned at 10:05 P.M.

Audrey McNerney, Assistant City Manager