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MINUTES – SPECIAL MEETING CITY OF LYONS CITY COUNCIL May 12, 2010

OPEN MEETING 4:00 PM

The special meeting of the Lyons City Council was called to order by Mayor Mike Lucas. Present were City Councilors Lon Conner and Dan Burroughs. Councilors Jeff Branch and Doug Morgan were unable to attend. City Staff in attendance were City Manager Mary Mitchell, Assistant City Manager Audrey McNerney and Public Works Supervisor J. D. Burns.

Mayor Lucas asked that all stand for the Pledge of Allegiance. He then inquired as to whether there were any declarations of conflict of interest or ex-parte contact regarding the agenda item. There being none, the meeting continued.

Lucas stated that the only item on the agenda was to discuss the fact that there was not sufficient personnel time allotted to accomplish the work necessary to provide adequate maintenance of City properties. He stated that historically the City had contracted with a landscaping company to take care of the grounds keeping at City Hall, the City Park, the Cemetery and Freres Park. In addition Mike Rolow, who was Mayor at the time, and Ed Jones, who was Parks Commissioner, volunteered their time and effort along with various hourly workers who were hired on a part time basis to perform necessary tasks. When Randy Kinzer was hired part time to provide Public Works and Maintenance services, the contract with the landscaper was terminated and the City acquired the necessary equipment to maintain the grounds at the various locations. Kinzer performed all grounds keeping and building maintenance duties. Kinzer's flexibility allowed him to work more than the hours authorized for a part time position (24 hours per week up to 100 hours per month). Kinzer "banked" those additional hours and utilized them if he needed or wanted paid time off. Prior to Kinzer's resignation he and Mitchell had been developing a list setting forth the duties and responsibilities of the position, the season in which they were required, and the number of hours per week or month necessary to accomplish the tasks set forth. This was to determine whether or not the time required to accomplish the necessary tasks warranted a full time position.

After Kinzer resigned, J.D. (Burns) was hired to work three (3) days per week. We have found that three days per week (approximately 24 hours per week) is not sufficient time to perform the necessary tasks. Lucas stated that Mitchell had prepared a Cost Analysis of Maintenance Employee Options setting forth the total hours, hourly wage, payroll taxes, PERS, and benefit costs annually for 1 part time position; 2 part time positions, or 1 full time position. The Cost Analysis was distributed to Council for their review. Lucas also distributed the Public Properties Maintenance work schedule and a letter from Burns setting forth a time line on the necessary work to be done which states that while he greatly enjoys and appreciates the job, he does not have sufficient time within which to perform the necessary tasks and projects.

Lucas then referred to a Memo (which was distributed) from Mitchell which states, among other things:

- "We are falling behind with projects and are inundated with seasonal grounds keeping.
- We previously hired hourly workers on an as needed basis to assist with labor. We have been advised against this practice by our insurance provider...

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- Prior to hiring a Public Works and Maintenance person, City Councilors and Planning Commissioners have spent many hours performing necessary duties that ranged from faucet repair, bench installation, building maintenance, etc... These duties are no longer performed by elected or appointed officials.
- In my opinion, one person working part time is incapable of keeping up with the workload and backlog of projects.
- We would have been aware sooner of the need for additional hours if Randy hadn't been flexible in working as many hours as he was needed each week. When Randy worked extended hours, the hours were banked and used at a later date."

Lucas stated that taking into consideration the fact that the City has increased its responsibility by performing more duties, the nature of the job (including some of the requirements such as taking care of the catch basins in addition to what was done before) and taking away the extra hours expended by Kinzer and by Councilors, the tasks necessitated by the position cannot be done in a 24 hour work week.

Council reviewed the documentation and after considerable discussion regarding the pros and cons of making the position of Public Works and Maintenance full time vs. hiring a second person part time, it was determined that the most cost effective plan would be to hire a second person on a part time basis. Burroughs made a motion to hire a second person on a part time basis at the current rate of pay. Conner seconded the motion. Voice vote. Motion carries.

After additional discussion Conner made a motion for Council to re-evaluate Burns' performance at the end of his 90 day probationary period; to maintain his current hourly rate until the end of his probationary period; at the end of his probationary period Council to determine whether Burns' position should be that of a lead and to determine whether to grant a pay increase and if so to determine the amount of that increase. Burroughs seconded the motion. Voice vote. Motion carries.

It was the consensus of Council to have Lucas and Mitchell to go through the list of applicants who had previously applied for this position and to offer the job to the best qualified person.

Conner stated that he would be out of town on May 25th and would not be able to attend the City Council/Budget Committee meeting. Lucas stated that he could join the meeting via speakerphone if he so desired.

There being no further business to come before Council, Conner made a motion to adjourn the meeting. Burroughs seconded the motion. Voice vote. The meeting adjourned at 5:15 PM.

Audrey McNerney
Assistant City Manager