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LYONS CITY COUNCIL MEETING

July 23, 2013

OPEN MEETING 6:35 P.M.

Mayor Burroughs called the Lyons City Council Meeting to order at 6:35 P.M. Present were Councilors Gary Alkire, Troy Donohue and Mark Orr. Councilor Jesse O'Dell was excused. Assistant City Manager Audrey McNerney attended as staff. City Manager Mary Mitchell was excused.

GUESTS. Brenda Harris, Brian Barker of the Linn County Sheriff's Office, Barbara Orr, Steve Baldwin and Lon Conner.

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.

Linn County Sheriff's Department Monthly Report.

Barker reported that there had been minor vandalism calls and some petty theft in the John Neal park. Other than that there been no major issues. He also said that the Neighborhood Watch was helpful. Having nothing further to report Barker left the meeting.

CONSENT AGENDA (Decision by Motion).

Orr said that he had some questions for clarification. He asked who prepared the Minutes. McNerney responded that she did. He then asked why the May minutes had been delayed. McNerney explained that there had been a Budget Committee Meeting on June 4, 2013 as well as the May 28, 2013 City Council Meeting. Because she had a heavy workload during that time she didn't have enough time to prepare both sets of minutes. She had made a judgment decision, which was concurred with by Burroughs that, because the Budget Hearing was to take place at the June 25th City Council Meeting, it was more important to complete the June 4th Budget Committee Minutes and present the May 28th City Council Meeting minutes at the next City Council meeting. There was discussion as to whether or not there was a requirement that minutes of a prior meeting be presented at the next meeting. Burroughs commented that Roberts Rules of Order calls for minutes to be presented in a timely manner but does not set forth a specific time. Donohue commented that it was a requirement in the City Charter. McNerney stated that in the 13 years she had been preparing Council Meeting minutes there were only two times that the minutes from a previous meeting had not been presented at the next meeting.

Orr then stated that his e-mails make the agenda almost every month. He asked if he was the only Councilor asking questions. McNerney said that his e-mails usually ask questions that require a response. If there is an e-mail regarding an issue that Council is going to be discussing at the next

meeting copies of that e-mail will be included in the Council books. Alkire stated that he has asked that he be kept up to date regarding anything within his purview and that he receives e-mails regarding those issues. He said that he does not respond to the e-mails and that he contacts staff by telephone or stops by City Hall. He offered to provide Orr with copies of the e-mails he has in his possession. Orr said that because his schedule conflicts with staff's hours he has to call on his way to work. He said that he was wondering about this issue because it makes him look like the bad guy because he is asking questions which take up Council or staff's time to answer. Orr said that he sometimes feels that this is a way to discredit him because he asks questions.

Donohue asked if staff was saving every e-mail from and to the City of Lyons. Burroughs said that they are all on the computer. Donohue expressed concern about what would happen if the computers crashed. Burroughs said the computers had back up that was kept off site. Orr asked how long those records were kept and whether we could go back 3 years for example. McNerney said that she couldn't answer that question; that it would be a question for Mitchell to answer. Burroughs said that he would check with Mitchell as to how far back e-mails go. Orr said that the League of Oregon Cities has said that e-mails interacting with Council members were to be kept as a permanent record.

Burroughs then asked if anyone had any questions regarding the minutes and the bills paid report on the Consent Agenda. There being none, Alkire made a motion to accept the Consent Agenda which is comprised of:

- ❖ Minutes – May 28, 2013 City Council Meeting
- ❖ Minutes – June 25, 2013 City Council Meeting/Hearing
- ❖ Bills Paid – July, 2013 as applicable.

Donohue seconded the motion. Voice vote. Motion carries.

DISCUSSION ITEMS.

Staff Report(s) and/or Updates.

➤ Librarian.

- Harris presented the Library Statistical Information report for the 16 days since her last report. This report also included information regarding the Summer Reading Program and the number of hours of volunteer time (60 hours). She also provided a list of sponsors for the Summer Reading Program.
- She stated that Molly (Assistant Librarian) was more confident; able to make more decisions on her own and that she (Harris) was seeing progress.
- Orr commended Harris for an outstanding job. He said that she was well prepared. People are volunteering and positive steps are being made in getting people involved. He expressed his appreciation for what she does in connection with the Library. Harris responded that she "does it for the kids." Burroughs advised Harris that Ron Adams had commented to him on the good job Harris was doing.
- Alkire asked whether sponsors were being advised of our appreciation. Harris said that appreciation was expressed when the donor request letter was sent out; a list of sponsors is submitted to the newspaper and that there is a request on the

Library's website that patrons thank those sponsors when they have an opportunity to do so.

- **City Manager.** Burroughs asked McNerney to present Mitchell's Staff report since Mitchell had been excused from the meeting due to illness. McNerney read Mitchell's Staff Report, a copy of which is available upon request.
 - **US Department of Education – Office of Civil Rights.** We have responded to the DOE's written review and are awaiting their response.
 - **Sidewalk Repairs.** Mitchell has met onsite with the City Engineer and he is in the process of drafting a project spreadsheet for submittal to ODOT.
 - **Library Lighting and Safety; Exterior.** Mitchell's report referred to a discussion at the last City Council Meeting with regard to employee parking at the Library and the issue of lighting outside of the Library. The report stated that if the employees were to park in the area in question which is owned by the City, the employee could head their car north when parking; their driver's door would open toward the street thereby providing good lighting, maximum visibility and minimal walking distance. There was a request for Council's suggestions for parking and lighting. Orr asked if the area was well lit. Harris said that there was no problem so long as the lights come on. Orr asked Harris if, as employee, she would feel comfortable with what was proposed. Harris said that she would.
 - **Reports.** Mitchell's report stated that following considerable discussion regarding the financial reports provided to Council she had contacted both Scio and Mill City's Managers and requested copies of the financial reports they provide. The question posed to Council was whether it is the desire of Council that Mitchell provide similar reports rather than what she currently provides. McNerney referred to the reports which were attached and stated that they appeared to be check registers. Orr asked if what they submitted was the correct way. McNerney responded that it was neither correct nor incorrect. It was the way *they* do it. She commented that the reports provided to Council were much more detailed. Orr said that he had, on many occasions, asked for a line item at the end of the Budget which sets for the payroll information for each employee. He commented that he had been told that he had been given this information many times but he didn't agree. He wanted to be able to see what each employee makes each year without flipping pages and having to go to different funds. McNerney responded that this would have to be a separate report because the Budget document is prepared according to law and must segregate the information into different funds. Orr asked if Council could make a decision as to whether we wanted to move forward in that direction. Burroughs said that he thought everyone understood the document and asked if anyone was having trouble determining what each person makes. Donohue said that what Orr was asking for was instead of having to go through back and forth there would just be one line item which would set forth what each employee makes and what their benefits were. Burroughs said this couldn't be done until the Budget is prepared for 2014-2015. McNerney said that the way the Budget is prepared there is no provision for such a completely separate line item. It would have to be a separate report. Orr said that he understood that but what he was asking for right now was if Council could decide whether to move forward to simplify it. He said it would

be easier if he could just grab a page and see what employees make each year. McNerney said that this would be similar to the report she had provided to Orr at his request (which set forth each employee's wages and benefits for the fiscal year 2012-2013). Orr said what he is proposing is whether Council can discuss this and make this an option which can be voted on. Burroughs said that this has been discussed many times but asked if Council wanted to go to this extreme. Orr said he didn't think it was an extreme. Burroughs said the information is in the Budget document. After discussion between Burroughs and Orr as to the necessity of this, Burroughs said the issue will be researched and will be an agenda item for next month.

- **Window Screens.** Mitchell reported that she had contacted Kyle Freres to ask if they might be of assistance in making security screens/grates for the downstairs windows at the Library. He advised that they had a millwright's shop and would be happy to help us in any way he could. Miller took window measurements and gave Mitchell his suggestions for the screen specs. Applicable portions of her correspondence to Freres are set forth in the report. The report went on to say that a statement was made at the last Council meeting that Councilors would go on site and be ready to make recommendations. She asked what Councilor's pleasure was in this regard.
- Alkire stated that he and Miller had checked all of windows and discussed whether they actually wanted to put a protective barrier against the wood frame and the existing windows or into the concrete. He recommended that it be put on the wood frame on the outside of the window itself which would blend in and protect the glass, particularly some of the low lying windows on the north side because they are on the ground level. He said that he had not received any comments from any other Councilor. Burroughs asked if they (the grates) would be a hazard in the event of a fire. Alkire said that these were ground level windows and some of them are on the east side and have an abutment around them. There are two exits, the stairs and the outside door. Orr asked if there was a plan in place where a drill was practiced at least once a year so that the employees would know how to exit the building and where to go in case of fire. McNerney advised him that there was a plan in place. Burroughs asked if there was any further discussion on this matter. McNerney stated that she had contacted Lindemann regarding the installation of new window panes in the two damaged windows. Lindeman advised her that the \$40 estimate was for 4 panes of glass, 2 in each damaged window. She asked if Council would like to move forward with having those windows replaced. Alkire made a motion to replace the two broken window panes at the Library. Orr seconded the motion. Voice vote. Motion carries. Alkire requested that Council make a motion to authorize him to pursue the research in connection with the window screens and present the costs to Council. Orr said that he would like to thank Alkire for pursuing this issue and stepping forward to volunteer. He made a motion to authorize Alkire to pursue the research in connection with window screens and present the costs and designs to Council for their approval. Donohue seconded the motion. Voice vote. Motion carries.

- **Assistant City Manager.** McNerney reported that she had followed up on getting an intern to assist with the water sampling at Freres Park and advised that Danielle Jarkowsky of Oregon State University had forwarded our request to the Internship Coordinator in the OSU Environmental Sciences Degree Program since she felt that the position would be better suited for one of his students. McNerney has not yet had a response from the Coordinator.

Commissioner, Liaison and Non-Council Commissioner Reports.

- **Alkire – Library, Lyons-Mehama Water District, Safety.**
 - Library Bell Tower. Alkire stated that Council had previously discussed installing screens in the Library bell tower. He informed Council that he and Miller had gone into the attic to see what the accessibility was to install the screens from the inside. He said that he could, with certain safety precautions, install the screens. He told Council that was the only place the flies are coming in is the bell tower.
 - Dangerous Trees. Alkire referred this issue to Burroughs who reported that he had spoken with Steve Winn and it was their intention to remove the tree on Thursday utilizing Burroughs' backhoe.
- **Baldwin – North Santiam School District.** Baldwin reported that he had been unable to go to the School Board Meeting this month due to other obligations, however, he said that he had inquired about the hole in the ground at Mari-Linn School and had been advised that it was for drainage from the new parking lot.
- **Burroughs – Building Improvements, Transportation.**
 - Security Cameras. Burroughs announced that the security cameras had been received and that Alkire was planning to install cameras at the Library. After the cameras are installed at the Library they will install cameras at City Hall. Orr asked if they had discussed how the cameras were to be placed. Burroughs explained his plan to install the cameras and Orr asked if there would be cameras inside. Burroughs said that it was the intention to place cameras facing each entry door. Orr asked if the video (taken by the cameras) was going to be recorded. Burroughs said that it would record to a DVD which will be locked and he would have access to the keys. Orr said that how this is going to work should be decided tonight. Burroughs said that camera placement had not been decided as yet. Burroughs requested that a placement plan for the installation of cameras at City Hall be made be an agenda item at the next meeting for discussion.
 - Abutment Placement. Burroughs stated that he needed to talk to Ted Freres regarding placing the abutments for gravel and bark at the City Shop.
- **Donohue – Parks & Recreation, Linn County Sheriff.**
 - Freres Park. Donohue said that he had to contact Westech regarding the handrails for the concrete bridge. He said that Mitchell had called him with regard to Alkire's dealing with the danger tree in the park which is being felled by Winn and Burroughs on Thursday. He said that the main concern was that the area be clean when they are done. He said that he had suggested that the City install a "No Dumping" sign by the brush

pile because it is a community dump site. This is supposed to be specifically for City debris.

- Forum. Donohue said that regretfully he had to resign from his position as Police Commissioner. Due to family issues he does not have the time to do what is needed.
- Resolution #483 and 484. Burroughs said that there had been discussion about adopting these resolutions (which deal with placing a law enforcement levy on the November ballot) and holding a public forum on it before the vote in November. Donohue said that the community would be as shocked as he was if they were aware of the police report that shows that there were 14 burglaries in the vicinity in a 6 month period. Baldwin mentioned the concerns he had expressed at the last City Council meeting with regard to why he had not supported the previous levy request and said that he wanted to be sure that when a contract is entered into there is appropriate language covering the services being rendered for the money being paid. Burroughs assured him that it would be. Orr asked for clarification as to how this levy request could be promoted. Donohue advised him that as an individual he can lobby all he wanted to. However, City employees cannot be involved during company time. Donohue made a motion to adopt Resolution #483–Ballot Title and Resolution #484–A Resolution to Place a Law Enforcement Levy for Fiscal Years 2014-2015 through 2017-2018 on the November 2013 General Election Ballot. Orr seconded the motion. Voice vote. Motion carries.
- **O’Dell – Cemetery.** Since O’Dell was not present there was no Cemetery report.
- **Orr – Lyons Rural Fire Protection District.** Orr stated that he had informed Burroughs that he would not be able to make the scheduled Fire District Meeting but the meeting was rescheduled. He said that he was also unable to make the rescheduled meeting because he had not been made aware of the new date. He contacted the Fire Chief who told Orr that Burroughs and Alkire had been present at the meeting and there had been discussion regarding the use of a siren in the case of an emergency. Orr talked about a recent emergency in the City when a portion of the City was evacuated. He said this would have been a perfect situation in which to use a siren. Orr said that it was his opinion that what the Fire District is proposing was a good idea. Burroughs said that the Fire District had received complaints from a few people that didn’t want a siren going off all the time. Orr stated that there will always be some opposition but if people really understand when this is going to be used.... Burroughs said that they intended to use it for Fire District issues but the City would only use it in the case of an emergency. Orr said that it was his understanding that the siren was not operable at this time. Burroughs responded that it has not yet been wired and installed. Orr said that the Fire Chief had requested that Burroughs be the point of contact. He also said that he has a copy of the Fire Board Minutes if any of the Councilors wanted a copy.
- **Burroughs & Alkire – Fire District Siren request and Meeting Review.** Alkire stated that there had been a memo sent out regarding access to the gates

on our evacuation route. He said that this issue was not covered in the meeting, however, Rob Brown had given him and Burroughs a tour of the facility and the subject of the evacuation route came up. If there is a crisis or an emergency the Fire District and the police department are the first notified and in cases such as an evacuation, they have the staff to immediately take care of access to the route rather than trying to contact someone from the City. The access gates are to private property so the owners have to be notified and they have to authorize the possession of a key. At the present time the key is in the possession of the City.

Orr Information Requests & Review. McNerney referred Council to Mitchell's response to Orr's e-mail request. Orr said that Council had made a motion to discuss the issue of a line item on the budget for salaries and benefits of all employees as an agenda item for next month's meeting so there is no necessity to discuss this at this time. Orr then said that when he sends in a request to get something on the agenda he is sometimes advised that he hadn't made the request in sufficient time. He has seen, in the past, that there have been items added to the Agenda because they came in late. He asked if this was a rule for everybody. McNerney advised that after Burroughs became Mayor he had advised staff that he did not want any items added to the agenda at the meeting. Anything that was not on the agenda was to be presented at the next meeting. Burroughs said that the only exception was if there was a question from the audience.

PUBLIC COMMENTS. Baldwin said that being the Budget Committee Chairman this past year he is curious as to whether Orr is requesting that we redo the Budget. Orr said he was not talking about redoing the budget; it has to be a separate piece of paper/form showing what everybody makes. Baldwin asked if he wanted it to be a part of the Budget. Orr and Burroughs both said that what Orr wanted was a line item on the monthly expense report that is the same format as the Budget document. Burroughs said that we can't change the way Mitchell is doing the Budget. Alkire said that we go by municipal accounting laws which are different from business accounting which is why we require a CPA familiar with the budget laws of the State of Oregon. Donohue asked for a copy of the law that says we can't add a line item to our monthly budget statement. Orr said "forget Budget, I used the wrong word." Baldwin asked if the monthly statement is broken down by fund. He was told it was. Baldwin then said "then you can't add a line item; you would have to have a separate report." Orr said that was what had been decided; we would have to have a separate report. Donohue said that it should not be that difficult. McNerney said that the report that is being discussed is patterned after the budget and is broken down into the separate funds. Burroughs said that a totally separate report would work and could be included with the monthly financial reports. Donohue questioned why a line item couldn't be added to the current report. McNerney explained that there was no provision in that report to cover all of the funds in one line item. Donohue asked who generated the report and if Mitchell generated it why can't it be modified. Burroughs said that it would be simpler to generate a different report rather than modifying the existing one. Donohue said that would be fine.

Conner said that after hearing what has been going on, particularly with regard to the Budget and salaries, it seems as though Orr is trying to micromanage a very small piece of the "pie". If that is the case why not have a breakout for every line item that is on the monthly report. He asked why the salaries are so critical to Orr regarding this issue. Conner said that he watched the video of the May Council meeting and it was embarrassing to see the line of questioning that went on. He

felt that it should have been censured. He went on to say that there seemed to be a tremendous amount of innuendo and suggestion that the salary process was not going on as should be and he could not figure out where that would come from. The budget is based on trends and patterns. Looking at a time sheet as Mr. Orr had suggested doesn't give the entire picture. Budgets, in terms of salaries, are about 23% of the budget. It seems that there are other items that could be given more weight and scrutiny to if we truly want to control costs. Conner said that people work x number of hours; you have mandated the number of hours that they can work unless you allow overtime. There will be a number that is pretty close every month. He went on to say that it seemed to create a lot of work and for what end? Orr said that he appreciated Mr. Conner's valuable input and that it would be taken into consideration but this is only a starting point. This has gone on for four months. He said that he is going to start where, in his opinion we need to start and then we will move to the next step. Conner cautioned Mayor Burroughs against creating a hostile work environment. Donohue asked how asking for a line item could be considered a hostile environment. Conner asked if Donohue heard the exchange at the May meeting and whether he thought it was proper. Donohue said that he didn't think there was any innuendo there. It was a straightforward questioning. Conner disagreed. At this point Burroughs said that we are getting off the subject. Orr then said that for clarification this is just a starting point for him.

Council Availability. All Councilors present stated that they would be available for the next Council Meeting on August 27, 2013.

There being no further business to come before Council, the meeting adjourned at 7:40 P.M.

Audrey McNerney
Assistant City Manager