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LYONS CITY COUNCIL MEETING

August 27, 2013

OPEN MEETING 6:30 P.M.

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

GUESTS. Steven Baldwin, Sharon Goodman, JuliAnn Olson, Bob Johnston, Ron Richter, Lon Conner, Brenda Harris, and Theresa Donohue.

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.

Peer Court - Sharon Goodman. Goodman reported that 6 kids had been referred from Lyons. She said that they were looking for opportunities to send kids to Lyons to help in any way and requested that if anything comes up to let her know and she will have them come up and help. She said that it had been a slow summer, 2 months with no referrals at all but things changed last week and she now has 21. Council thanked her for her report.

Lyons Rural Fire Protection District – Bob Johnston & Willis Owen. Bob Johnston, Chief of the Lyons Rural Fire Protection District stated that were talking to City Council regarding the City assisting them with their siren program. He reported that they had incurred considerable expense with getting the siren installed and it was their understanding that the City would like to be able to use the siren as a warning device in the event of a disaster. Johnston said that they have not completed the project but have already spent approximately \$4,000 and still have to put the wiring in. He said that they were asking for some assistance from the City if possible but that they would continue on with the project regardless. He introduced Assistant Chief Ron Richter who Johnston said could answer Council's questions regarding the siren project. He said that the last quote they had received for the wiring portion and the timer was over \$3,100. He said they were installing the timer because they had received complaints from some citizens and they plan to operate the siren from 7 A.M. to 7 P.M. to achieve a happy medium from everyone in surrounding neighborhood. Richter said they didn't have the funds to install a special tsunami siren so they are using the old siren. He went on to say that any assistance Council could give would be appreciated. Orr asked if a licensed electrician could volunteer to assist with the installation and was advised that they could if they were licensed and bonded. Orr asked if they had broken down the cost of labor and materials because perhaps materials which met code requirements could be donated for the licensed and bonded electrician to work with. He was advised that the conduit was already in and talked about the remaining work to be done. Burroughs asked if there was an override in the event something happened at night. Richter said there would be a panic button or manual override and explained how it will operate. O'Dell asked what the total estimated cost of the project was. Richter said that the balance would depend on the cost of getting the wiring in. They have received a bid of \$3,100 and are trying to find a cheaper avenue to get that portion taken care of. He thought they were looking at \$7,000 to \$8,000 to get it installed and

working the way they wanted it to work. They have reduced the original estimate of \$9,000 -\$10,000 with donations and free labor.

Richter said that they wanted to extend their thanks to Freres Lumber, Seigmund and Phillipi and several other people who have donated their equipment, the concrete for the pole to go back up and the crane to set the siren up. He went on to say that they were looking at one more crane lift to get the cover over top of it. The mills and surrounding contractors have been generous with assistance.

Burroughs thanked Johnston and Richter and told them Council will see what the City can do.

Librarian – Staff Report. Harris presented the Library Flow Chart for 17 days commencing August 22, 2013. She said the chart also indicated the cataloging which had been done for the month. She noted that they had 59.75 hours of volunteer time. She reported that the Summer Reading Program had 66 kids signed up, 48 of whom completed the program with 1,685 hours read. Harris said they had problems with the circulation computer and were down for 2-1/2 days trying to get everything fixed. She went on to say that she had worked on the 2014 Ready-to-Read grant; incident report from April 4, 2013; training for Molly; updating the Procedures Handbook and finishing the Summer Reading Program. She also presented a vacation request setting the forth the days she would be on vacation. Harris said that Molly would be covering for her on the requested days and there should be no problem.

Harris mentioned that they had gone over the DVD list and 34 DVDs were either not returned or were damaged over the past year. She advised Council that they had set a limit on how many DVDs could be checked out per household.

Orr commended Harris on her report.

CONSENT AGENDA (Decision by Motion).

Burroughs asked if anyone had any questions with regard to the Minutes. Orr stated that he had referred in the video that Mayor Burroughs was aware of the new date of the fire district meeting and that he wasn't. He would like the minutes to reflect that. Mayor Burroughs said that could be done.

After discussion Alkire made a motion to accept the Consent Agenda as follows:

- Minutes – July 23, 2013 City Council Meeting as amended pursuant to Orr's Request.
- Bills Paid – August – 2013 as Applicable.

Donohue seconded the motion. Voice vote. Burroughs voted Aye. O'Dell voted Aye. Donohue voted Aye. Alkire voted Aye. Orr abstained. Motion carries.

REPORTS & DISCUSSION

Commissioner, Liaison and Non-Council Commissioner Reports.

- Alkire – Library, Lyons-Mehama Water District, Safety
 - **Library Windows (Pane & Screen).**

- The Library windows with broken panes were replaced.
- The tower screen was installed and the bee's nest in the bell was removed.
- The wood for the runways in the attic (for future work) was obtained. Alkire thanked Freres Lumber (Ted Freres) for their donation of the material.
- Alkire distributed pictures of samples of designs and patterns of window screening for Council's review and comment. He noted that these were not bids, but were examples of the various types of screening available. Alkire discussed the attributes of the various examples. He referred Council to the page which sets forth a website which Council can access if they have any questions. Alkire said that once he has an idea of what Council would like he can get together with Russ at Freres to get an estimate of cost.
- **Safety Check.** Alkire reported that he had done a safety check at the Library and Harris is redoing some of the fire exit route because of modifications made to comply with ADA requirements.
- **OCR Update.** Alkire said that he had made inquiry with regard to redoing the bathrooms upstairs by making them into one unisex bathroom which would be ADA compliant. He said that he had a rough draft on CAD but needs Council's thoughts on the design because it involves moving things around in the Library. Donohue stated that he thought that if the City installs the ADA compliant bathroom the whole Library would have to be ADA compliant. Alkire responded that if the bathroom is done where proposed the lift chair would no longer be compliant. He said that a bathroom could still be put there. He went on to say that he asked the question to determine whether it could be done and the e-mail received from OCR was their reply. Donohue asked what the cost would be to accomplish this because there would be major alterations such as moving the plumbing etc. which would have to be done. Alkire said that this was why he wanted Council's input. Mitchell stated that there was approximately \$3,300 available from a fund raising effort which has been put into General Fund specifically earmarked to do projects at the Library. There was discussion regarding whether or not this alteration was necessary since we have the satellite library at City Hall. Donohue commented that according to the OCR report the satellite was not compliant. Mitchell explained that all that needed to be done was to change a couple of signs and some other minor alterations. Alkire then said that one of the reasons for the bathrooms was to expand the use of the space in the Library.
- Donohue asked what the Library Budget was. He said the window covers would not be cheap. Alkire responded that they would be about \$50 per window for stamped but he did not yet know the cost of installation.
- **Library Windows – Screen.** O'Dell said that one picture showed the current grating which he assumed would be much cheaper. Alkire said that he would check on that but that he wanted Council's thoughts on alternatives. He said that he was also looking at what would look good for the Library. O'Dell commented that many of the buildings that he visits have this style which is functional. Alkire said that this was an option. All of the suggestions were an option and that he wanted Council's ideas.

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- Orr asked Alkire when he could get a price from Freres so that we have a price comparison. Alkire asked if he could be given until the end of the week to contact Russ at Freres to get a price estimate.
 - **OCR Update.** Orr then asked why the chair lift would not be compliant if the bathroom is changed. Alkire responded “because the door would be on the landing.” He went on to say that if the building becomes ADA compliant and the downstairs can be used people would have access to the bathroom without having to go into the Library. He emphasized “again, this is an option.” Orr said that he was concerned that we have a chair that was fairly expensive to install and if we make an alteration it becomes non-compliant. Alkire said that this was one way to add more space. He said that he was not for or against this but was only giving the information to Council. O’Dell asked how much square footage this would add. Alkire said that it would add 120 square feet. O’Dell said that it was his thought that if we are going to have an ADA compliant satellite library, 120 square feet was not a lot of functional space. Alkire said that he brought this issue up because that was what the letter referred to because he had asked the question. Orr asked if there would be storage available at the satellite library. Alkire informed him that there would be a computer and some books available. If the handicapped individual needs something it will be provided. Alkire asked Council to think about this because he needs their guidance as to what he should be concentrating on.
 - **City Shop.** Alkire said with regard to the City Shop he would like to extend his thanks to Dan, Lucky and Doug who moved all the concrete blocks (with the assistance of Freres’ 980 CAT) to put in bunkers behind the shop. All the gravel behind the shop was moved by Burroughs into the bunkers. All that has to be done is to clean some moss off of the bunkers and get some signs moved further to the West. As a safety issue Alkire said that he also went over the first aid and fire evacuation procedures with Doug.
 - **Security Cameras - Library.** He commented that he would be unable to install the security cameras at the Library for a while but he has earmarked the areas where they will be placed.
 - **Danger Trees.** Donohue said that it didn’t look as though any of the limbs from the danger trees had been chipped and he was under the impression that Winn was going to chip them. Burroughs said that the limbs that were left were going to be placed on the brush pile. Burroughs also said that he had pushed all the brush left over from the City Wide Cleanup onto the brush pile. Donohue commented that he had seen people dumping brush there. Mitchell said that she had ordered “No Dumping” signs a month ago.
 - Baldwin – North Santiam School District.
 - Baldwin stated that at the last school district meeting he separated himself from his position of liaison and spoke as a citizen of the district. He advised them of the confusion that had been going on over the school district budget with this Council. He said that he apologized to the school board and told them he was sorry if he had told Council anything that was inappropriate. He advised them of the comments he made at a City Council meeting and they said “what are you apologizing for – you have done

nothing wrong.” One of the Board members commented that if there was concern about the budget that he would contact Mark Orr personally and talk to him about his concerns. Baldwin asked Orr if he had been contacted in this regard. Orr stated that his concerns were stated in an e-mail and he had no further concerns. The Board told Baldwin that they appreciated Baldwin’s apology and Baldwin told Council that he had let go of the issue.

- He then said that he had taken a tour of Mari-Linn and that it’s “amazing” what they have done. He described some of the improvements made. Donohue asked if the school had a new roof and Baldwin said that they had done part of the roof and there was discussion regarding the new windows and the fact they are planning to install fuel efficient blinds. He said the parking lot looks good and they have done a good job. Burroughs asked about a new furnace and Baldwin said that the furnace had been put off until next summer. He encouraged Council to go to the school and look around at the improvements.
- Burroughs – Building Improvements & Transportation.
 - **Security Cameras – City Hall.** Burroughs said they were working on locations and have pretty much determined where they should go outside. He said that it will be necessary to get up into the attic to put the wiring in and our “wiring expert” has just had surgery so we are holding up on that right now. Orr asked if cameras were slated for inside the building. Burroughs responded that they were and commented that it had been discussed that cameras would be directed at all 3 doors and cover the shelter out front, the bathroom and the park. He also said that they wanted to cover the front office and perhaps one in the meeting room. There was discussion as to the camera’s placement in the meeting room. O’Dell asked how many cameras there were and Burroughs responded that there were 8 cameras per building. Orr cautioned that a camera outside would be an easy target for vandals. So that we are not constantly replacing them he felt that Council should think about how accessible they would be if someone decided to do some vandalism. Burroughs said that he had been thinking about how they could put some kind of cover on them so that they would not be able to knock them out. Orr said in his work experience they had the cameras on the inside so that if someone enters the building they are captured on camera. Burroughs said that they wanted cameras outside to cover those areas. Orr asked what kind of warranty we had on the cameras so far as their being outside in the weather. Burroughs said there was a warranty on the cameras and that they would be under the eaves and not in direct sunlight. O’Dell said that one advantage that he could see in having them both inside and outside was that if a vandal showed up in a vehicle there would be a picture of the vehicle and if they walk you can see what direction they are taking. He said that on the inside is where you have to see them either attacking an employee or vandalism of the building. Burroughs said that was why they were considering locations for the front office to make sure the staff was protected. Orr asked when Burroughs anticipated having the plan together for the cameras. Burroughs said as soon as Alkire is in good enough shape. Orr asked if Alkire needed assistance and that if he was available he would be happy to help. He also asked that when the plans are available that Council

have an opportunity to look at them. O'Dell asked when Council would have a plan for action on the installation of the cameras and raised the question of whether it was necessary to hire someone to do this. Burroughs said that as soon as Alkire was able the installation would be taken care of. Alkire commented that he was waiting for the weather to cool off because it was very hot in the areas where he would have to work.

- **Sidewalk Project.** Burroughs said that we do have a grant for this. Donohue had a question with regard to the engineer's document. He asked "if the City is repairing or replacing our sidewalks, where are we putting 160 tons of asphalt?" He also said the report show the cost of the asphalt but nothing about putting the asphalt down. Orr asked why, if we have concrete sidewalks, we need so much asphalt. Burroughs said that would be a question to ask the engineer. Burroughs said that asphalt would be needed for driveways. There was discussion regarding the figures provided by the engineer. Donohue asked if it would be more cost effective to go with a monolithic curb and sidewalk as one. Mitchell pointed out that ODOT would be doing the work. What ODOT wanted was a point A to point B estimate. She said that she had received an e-mail from the people who will be putting the project together but that one of them was on vacation and they couldn't discuss it further until he got back from his vacation on September 9th. Mitchell said she would check with the engineer regarding the amount of asphalt.
- **Financial Reports.** Burroughs asked if there were any questions regarding the financial reports. Orr said "nothing new- just the same thing I've asked." Burroughs responded that the information regarding wages had been provided several different ways. He went on to say that if Orr had read the book the information is there. Orr asked if it was in the way he had requested. McNerney referred him to the financial reports provided with their material. Orr asked if it was broken out per employee and Burroughs said that it was. Orr said that what he was looking for was any way that we could have one line – employee a,b,c – total for the month. Mitchell referred him to the appropriate financial report which contained the requested information. Orr said that this would work. Burroughs then said we can now close this subject. He thanked Mitchell for preparing the requested information.
- **Employee Incident Report.** Mitchell referred to the Incident Reports submitted by Harris and Mitchell regarding the rat poison incident at the Library on April 4, 2013, copies of which are available upon request. Orr said that all of his questions had been answered. Burroughs said that this issue can now be closed.
- Donohue – Parks & Recreation.
 - **Acknowledgement of Volunteers and Donations.** Donohue suggested that the donations of Freres Lumber Company who has donated materials for City projects, Ralph Heuberger who had donated bark dust for the flower area by the City Shop and the Library volunteers should be acknowledged on the reader board. Burroughs noted that if we receive donations of bark dust there are bunkers available for storage. Conner stated that the City should also thank Theresa Donohue for her efforts in beautifying that area.

- **Water Testing – Freres Park.** At Donohue’s request McNerney presented a report regarding the City’s inquiry to OSU Environment Sciences Degree Program to have a student do testing for pollutants, etc. at the ponds. The report, a copy of which is available upon request, set forth the requirements for such student testing. Donohue said that he didn’t think the City would want to get involved with meeting those requirements. He suggested that since the State Parks have a water testing requirement for all wells we might be able to take our own samples and have them test them for whatever we wish to have them tested for. Donohue said that he would research this issue.
- McNerney also reported that we had been contacted by the Department of Fish & Wildlife who requested permission to check the Freres Park Ponds for its fish population (number, species and size). Donohue gave the necessary permission and they set live fish traps on August 15th and August 16th. Their representative advised that the last time this had been done was in 2008. Donohue requested that we contact their representative to obtain a copy of their report on this testing and also the report for 2008.
- **Bridge Rails.** Donohue stated that Doug Miller had picked up the bridge rails and all that was needed was a plan to get them installed. They are steel posts with galvanized cable running through them. Mary asked what was needed from Staff in order to finalize this project. Donohue said that if Miller had time to mount them it would not be difficult to do so. It would require a roto hammer and what they call red head sink bits and it would just be a matter of clamping them and drilling the holes. The holes would need to be drilled for bolts sized at 3/8^{ths}.
- **Water Testing/Water Permitting.** O’Dell said that he does a lot of well testing in the area and they use Water Lab in Salem who can test for a huge variety of pollutants. This might be a possibility. Donohue said that we are trying to keep costs to a minimum and that would be nice in the future with our fish studies and water studies. Once we get our permit for holding the water in the ponds we need to approach Fish & Wildlife to see if there are any grants for stocking fish. The ponds are heavily fished year round. A long term objective would be to see if there are some grant monies available or an organization available to help us every other year to put a couple of hundred fish in the pond. He suggested contacting Oregon Fish & Wildlife to determine what basic standards are and what level of contamination is too high for fish to survive. O’Dell said that he noticed algae growing in the ponds and asked if we had any plans to remove the algae. Donohue said that we did not have any plans at this time but there is a pond additive to help keep the algae to a minimum. Now that we are getting closer to obtaining our permit we can start looking at other avenues for what we can do. Our first priority is to come up with a type of water levy to keep the water from draining out of the ponds because the water levels are dropping rapidly. It’s a work in progress.
- O’Dell – Cemetery.
 - **Property Purchase Discussion.** O’Dell stated that Mitchell had received an e-mail regarding the property next to the cemetery. The dimensions are 40’ x 140’ and one of the requirements is that the seller would like to have a fence erected to provide a

distinction between his property and cemetery property. O'Dell then said that he would like the seller to give us a price so we can enter into some kind of negotiation for the purchase of the property to see if we want to proceed with it. A rough estimate of the amount that could be raised from the sale of cemetery lots on this property is \$170,000 to \$180,000 with two thirds of that going to perpetual care. Burroughs said that he would contact the seller.

- **Headstone Repair.** O'Dell stated that a number of the headstones at the cemetery are badly in need of repair. Some are tipping, falling over and could be potentially dangerous. By using pry bars and 2x4s to adjust everything we could cause severe damage to some of those headstones. He referred to the pictures of monument jacks in Council's materials and said there were three options. He recommended the Monument Jack 41Extra because it was covered with a warranty. He said this was a tool that will be put to good use and would pay for itself over time. Orr said that it appeared that Councilman O'Dell had done quite bit of research on this issue and said that he felt we should move forward. O'Dell said that he would like to thank Mitchell because she did the research on this project. There was discussion as to whether a cheater bar was necessary. Orr then said he would like to compliment Mitchell since she had done the research work done on this project. After discussion Donohue made a motion to purchase Monument Jack 41Extra and hold off on the purchase of the 5' cheater bar. Orr seconded the motion. Voice vote. Motion carries.
- **Entry Sign Repair.** O'Dell referred to the pictures of entryway signs into cemeteries. He said that the entryway sign to the cemetery needs to be fixed which he thought could be accomplished by using the entryway sign or parts of it. He said that he felt that the sign needed to be moved back and we could make a cement structure the height of the front end of a truck so that if a truck comes around the corner and hits it, it would hit the cement structure and not the sign. He said that he had discussed the height of the abutments with Mitchell. He said that he felt that the height of the sign needed to be raised and that it needed to be moved back in and have some sort of a support structure so that if it is run into the brick would be what is run into and not the sign itself. Burroughs suggested using 6" pipe to raise it. O'Dell said that what Council needs to decide is what is needed under the sign to raise it. Burroughs cautioned that it would be necessary to call for a locate because there are telephone cables running nearby. Donohue asked if O'Dell could work up a rough cost of his recommendations. Orr discussed the possibility of pouring concrete columns and suggested contacting Mason Supply for a list of options available. O'Dell said that he would look into this and get back to Council at the next meeting.
- Orr – Lyons Fire District. Orr stated that he did not make the last Fire District meeting. He has had a very busy schedule at work over the last three months. He said that he had contacted Burroughs from Newport prior to the last meeting and advised him that he was unable to make it to Lyons from Newport in time for the meeting. In addition, Orr stated that he had been experiencing some medical issues recently. He went on to say that even though it is important to him, with his additional work schedule and the health issues he has been dealing with he would like to step down, until further notice, from his position as liaison to the Fire District.

Burroughs said that Council would figure something out. Burroughs asked Alkire, since he had attended the last Fire District meeting whether he had anything to report. Alkire responded that he did not, other than the fact that Chief Johnston would be attending the Council meeting to ask for the City's support of their siren project. Alkire also said that because the Fire District meetings conflict with the Library Board meetings he would be unable to attend upcoming Fire District meetings.

- Orr Request – New Auditor. Burroughs said that he had spoken with the Auditor yesterday and was advised that the material provided to him by staff was at his request and is required by the state. He said that is not up to staff to send what they want to; it is up to the auditor to request what he needs. Orr said that the intent for requesting a new auditor was based on his concerns expressed a few months ago. He said that he was asking that Council explore the possibility of a new auditor. He asked if the City could place an ad stating that we are looking for a new auditor. Burroughs advised Orr that the City had done that two years ago and cities usually use an auditor for at least 5 years. Orr said that all he was asking was that the City go out with a solicitation for services. Orr stated that in the past we did this with an insurance company and commented “how do you know what you have if you don't compare apples with apples.” Burroughs commented that the auditor had done a good job so far. There was discussion regarding the procedure utilized in soliciting for services. O'Dell noted that the auditor was in Roseburg and asked if there was someone closer to our area that could provide those services. Mitchell said that this auditor came very highly recommended. There are other cities in the Canyon who are using their services and that was one of the criteria upon which their employment was based. They were competitively priced and they had glowing references from these other cities. Mitchell stated that in her opinion, rather than judge on them not being here in a timely manner due to circumstances at the time that it would be appropriate to see what they provide to us this year and if what they provide is provided in a timely manner and based upon a normal year as opposed to one that was out of the ordinary. Donohue asked if we could impose a time frame. Mitchell said that Council had already done that. Burroughs said that he thought the issue should be tabled until Council finds out how they do this year. After discussion Donohue made a motion to table the issue of searching for a new auditor until next year after we get our audit report from them. At that time if it is not satisfactory Council can move forward with looking for another auditor. O'Dell seconded the motion. Voice vote. Motion carries.

Mitchell mentioned to Burroughs that it was necessary to schedule a special meeting. Burroughs requested that Mitchell read his statement regarding that issue. Mitchell read that this is a complaint and an executive session issue and (a) no final disciplinary decisions have been made regarding issues addressed at the August 15, 2013 Executive Session Meeting and (b) in order to consider the additional information that has come in since the meeting and (c) because of the complexity of the issues involved all complaints and investigative requests recently filed will be addressed at an upcoming special meeting. The issues will not be addressed at tonight's meeting. If anyone in the audience would like to receive notification of the special meeting when it is scheduled to please leave their contact information on the signup sheet at the entry desk.

Mitchell went on to say that there is a significant amount of research and telephone calls that need to be accomplished. This was a very complicated meeting and the meeting following was equally complicated.

Burroughs asked Mitchell to give her staff report. Mitchell responded that she would give her report at the special meeting.

Burroughs said the special meeting should be held before the next Council meeting. Mitchell said that she would estimate that two weeks time would be sufficient because she is relying heavily on experts.

McNerney stated that a Planning Commission meeting is scheduled for September 10, 2013 and requested that the special meeting not be scheduled on that date. Mitchell asked if the meeting could be on a different night. She suggested Thursday, September 12, 2013. Donohue said that he would be available on that night. Orr stated that he would have to look at his schedule. O'Dell asked for the time and was advised that the meetings are usually scheduled at 6:30 P.M.

PUBLIC COMMENTS

Baldwin stated that he appreciated the behavior of the Council tonight. He said that he had seen a significant improvement of attitudes and Council's ability to work together. He referred to the interaction between himself and two of the Councilors via e-mail regarding the School District Budget and stated that he felt that this issue was resolved. He informed Council that he had brought the 2013-2014 School District Budget with him if anyone wanted to see it.

He then said that there was some interaction after the meeting last month that took place that he got caught in the middle of. He said that he had also made some comments. A spectator in the audience made a comment to Baldwin and he made a comment to her. He said that it made him think about his role as a Planning Commissioner and his rights and responsibilities as a citizen. He discussed at length his opinion that when you take the position (of a public official) your private life is no longer private. Baldwin went on to say that he is going to be careful about what he says about Council members behind their backs but he reserves the right to do so. If a Council member does something he doesn't like he has the right to criticize because they have accepted that position just as they have the right to criticize him in his role as a Planning Commissioner and as a liaison. He said that things change when you are behind the table (as a Councilor). You are no longer the private citizen you once were.

Baldwin said that he had to develop a thicker skin and he said that one of the things that happened was that a letter was written and he (Baldwin) was read the letter. He said that some of things in the letter were wrong. He went on to say that everybody has to back up, need to have cooler heads and realize that we have to get along together to get stuff done. He said that was why he was glad tonight to see how Council worked together tonight to get things done.

O'Dell said that at the time he and Baldwin had their e-mail conversations he was not aware, but he has been made aware by Council, that he gave up all his rights as a citizen when he joined the Council. He said that he cannot have an opinion on anything, cannot express an opinion on anything, that he was totally bound as a Councilmember at all times. He said that he was not like Baldwin at the School Board meeting where he could step out of his position and talk. O'Dell said that at that point he would like to apologize to Baldwin for their e-mail conversations because he thought he still had rights as citizen. He said that he found out that he didn't.

Baldwin responded that O'Dell still had rights as citizen he just had to be careful. O'Dell said that if Burroughs was to listen to the recording of their meeting (on August 15th) that was not what he was told. Baldwin and O'Dell went over their e-mail discussions and Baldwin said that he would like to sit down with O'Dell and talk about life in general.

Orr said that he didn't realize that he had no more rights as a citizen and that he could have no views other than what was at the table. He said that he has now been informed that was how he was supposed to react and that that goes for everybody at this table, whether it be staff or the Mayor, or the rest of the Councilmen or whether it be Baldwin as a member of the Budget Committee. Orr went on to say that he didn't know how he could check out as a Councilmember, like Baldwin had checked out at the School Board meeting. He said that he had requested some guidance and counseling from the Mayor and was outreaching because at that time he didn't know everything. He said that this group was held to a higher standard whether it be outside the meeting, at the school basketball game or in the meeting there could be consequences.

Burroughs said that people look at all of them as Council members. Baldwin said that when you are in a position of authority you sacrifice certain personal rights. Orr then said "so that's 100% of the time for everybody."

Alkire said that he wasn't sure that you sacrifice your rights but you are in leadership in our community and you are looked up to much more than a regular citizen. You can express your views but with caution because what you say and how you act can be taken the wrong way and can come back to hurt you. Sometimes you have to bite your tongue because sometimes it is best to keep quiet. He went on to say that we, as Councilors are held at a different level.

Mitchell said that she is working presently with the League of Oregon Cities and a couple of other entities to come back to do additional training so that Council has a thorough understanding of their role, their relationships with staff and each other. She said that what was intended to be a well intentioned remark about being a Councilor and not having your own views was taken further than what was intended. Mitchell said that it was probably a good time to bring in some counseling and guidance and that we all need to have a refresher course.

Orr said that at this time he had some material he would like to distribute. He handed the material to all Councilors and to staff. He said that it could be looked at at a future meeting. Orr said that this was just some stuff that, when he was doing a search of all of his records, he came across.

Mitchell said that she had documentation on this issue and would be happy to address it. Burroughs said “not tonight.” Mitchell said that she didn’t have it handy for tonight but she absolutely had documentation regarding this.

Mitchell stated that the next meeting would be on September 12th and the next regular Council meeting would be on September 24, 2013 at 6:30 P.M.

There being no further business to come before Council, the meeting adjourned at 8:50 P.M.

Audrey McNerney
Assistant City Manager