

**CITY OF JOHN DAY
CITY COUNCIL MINUTES
JOHN DAY, OREGON**

January 22, 2013 GOAL SETTING WORKSHOP

COUNCILORS PRESENT:

Ron Lundbom, Mayor
Steve Schuette, Council President
Don Caldwell, Councilor
Donn Willey, Councilor
Doug Gochnour, Councilor

COUNCILORS ABSENT

Gene Officer, Councilor

STAFF PRESENT:

Peggy Gray, City Manager
Dave Holland, Public Works Director
Valerie Luttrell, Dispatch Manager
Ron Smith, Fire Chief

GUESTS PRESENT:

Sally Bartlett, Grant County Economic Development
Stan Foster, PARC Resources
Phil Gray, KJDY
Dean Elliott, John Day Rural Fire Protection District
Jim Spell, John Day
Jerry Daake, John Day Rural Fire Protection District

OPEN AND NOTE ATTENDANCE

The John Day City Council Goal Setting work session opened at 6:00 p.m. Mayor Lundbom noted that all Councilors were present with the exception of Councilor Gene Officer who was absent and excused.

Agenda Item No. 1 – COUNCIL GOAL SETTING WORK SESSION

Mayor Lundbom opened the meeting at 6:00 p.m. Mayor Lundbom reviewed the Council goals from last year as follows (goals are in no particular order):

- New Fire Station
- Charolais Heights intersection realignment
- Downtown Beautification Improvements
- Industrial Park Marketing

Mayor Lundbom presented a list of some of the major projects the City has been working on and/or completed from last year as follows:

- The Citizens Fire Advisory Committee has been working with PARC Resources for fundraising and capital campaign advisory services for the construction of a new fire station. The latest meeting with PARC was held on December 13, 2012.
- Transportation Enhancement (TE) Program – ODOT has completed the survey work on the US26/Main Street & S. Canyon Blvd. Sidewalk/Beautification Project. The Preliminary Design Approval (DAP) has been moved forward a couple of months; it was scheduled for completion on January 17, 2013. However, due to several ODOT projects already in the works; ODOT asked if they could move our project up a couple of months. Sean Maloney stated the project will still be on schedule to go out for bid in 2014.
- The City received a Special City Allotment (SCA) grant in the amount of \$50,000. This grant is to backup any out of pocket expense that we may not foresee in the planning and construction phases of our US26/Main Street & S. Canyon Blvd., Sidewalk/Beautification Project.
- DEQ approved the City's John Day Water Quality Goals and Planning Document - Total Maximum Daily Load (TMDL) and Management Plan on August 12, 2012. The City must report annually to DEQ about the status of the interim goals and measures contained in the Plan. The City's first annual report is due on August 16, 2013.
- City Attorney Jeremy Green and City Manager have been working on the final draft of a new employee handbook for the past year. The project was placed on hold due to other priorities; however, we are getting back on track and hope to complete the first draft in the next few weeks.
- Industrial Park –Negotiations with Enviro Board for the purchase of lot 28 of the Grant County Airport Industrial Park continue. The City followed ORS 221.725 Sale of city real property; publication of notice; public hearing. However, ORS 221.727 states a city council may adopt, after public notice and hearing, a procedure for the sale of individual parcels of a class of city-owned real properties. The city may thereafter sell any parcel under that adopted procedure in lieu of the procedure under ORS 221.725. City Attorney Jeremy Green recommends the City Council consider adopting a procedure for the sale of individual parcels at the industrial park. This would streamline the procedure for prospective buyers making the purchase process less cumbersome.
- The City applied for an ODOT Enhance Project – US Highway 395 Sidewalk/Bicycle and Improvement Project. On November 13, 2012, the Council authorized Mayor Lundbom to sign the grant application for the above project. This project will create 3,500 lineal feet of wider travel lanes (max. of 13 ½') of vehicle traffic; 6' sidewalks with 6" curbs for pedestrians; increase bike lanes for bicyclists to 7 ½'; increase parking lanes to 8' and provide bus shelters for school children and clients of the Grant County Transportation District (People Mover) on US Highway 395 from SW 2nd Ave., south to MP 0.84 (Grant Union Junior-Senior High School). The total cost of the project is \$1,004, 701.
- **City of John Day and Canyon City Flood Map Project** - Representatives from John Day, Canyon City and Grant County met with the Army Corps of Engineers on July 12, 2012 to discuss the purpose of the Flood Map Project. Our flood plain maps date back to 1982; since 1982 the John Day River and Canyon Creek have seen many channel changes and there has been some "diking" done during floods along these areas. The maps are difficult to read and are not

accurate. The Army Corps of Engineers received \$200,000 to begin the process of gathering data. This spring they hired surveyors to shoot the evaluations. The Army Corps of Engineers gathers the data and give the information to the cities to do with it what they want. They can submit the information to FEMA and request new Floodplain maps or the community can adopt their own maps. If the city chooses to give the information to FEMA, FEMA would conduct public hearings; the community would be responsible for the application fee. The Army Corps of Engineers flew the project area and shot the same cross sections that are on the existing FEMA maps for comparison purposes. The Army Corps of Engineers' fiscal year begins 10-1-12; this year they will be doing the data collection; engineering next year. They hope to have the maps done before September 30, 2013.

- New Water Regulations Ordinance – Last year the Council discussed updating the City's water leak policy. It was the consensus of the City Council to have City Attorney Jeremy Green update the City's Water Regulations Ordinance regarding the City's water leak policy and giving the city authority to place liens on properties for uncollectible utility bills. City Attorney Jeremy Green is in the process of developing the ordinance.
- ATV Ordinance – City Attorney Jeremy Green and his associate Melissa Cobb met with CIS Legal Counsel Mark Rauch on January 18, 2013 to discuss if CIS would defend and indemnify a city against a related claim if the City passed an ordinance permitting the operation of ATV's on city streets. Below is the response written by Mr. Rauch:

First, to answer your specific question as directly as I can... **if a city in our liability program passed an ordinance permitting the operation of ATV's on city streets, would CIS defend and indemnify that city against a related claim?** As discussed, it's hard to predict what type of claim that would be and the ultimate answer, as on any claim, would depend on the specific allegations made. Ultimately coverage hinges on the terms and conditions of the coverage agreement applied to the specific facts and allegations of a claim are complaint. But if a tort or civil rights claim were to be asserted, e.g., that an ATV-related accident and injury was somehow a result of negligence on the city's part in passing the ordinance or that passing the ordinance had somehow violated a constitutionally protected right resulting in damages, I see nothing that would interfere with coverage for such a claim. If it was clear from statutory language, or case law interpreting the statutes, that a city is precluded by law from passing or enforcing such an ordinance, then it is possible that Exclusion Z would apply. That excludes liability arising out of "*The willful violation of any federal, state, or local statute, ordinance, or regulation by the governing body of the named member, or agent of the named member acting within the authority and consent of the named member.*" But as it stands we are not aware of any statute or law precluding the city from passing such an ordinance.

Mayor Lundbom stated the fire station should be the number one goal for the coming year. Councilors Steve Schuette and Doug Gochnour agreed. Mayor Lundbom stated the Charolais Intersection is important also and asked for Councilor Donn Willey's thoughts. Councilor Willey stated he zeroed in on two things, the new fire station and getting Enviro Board in here. Those are the two huge things before us and couldn't think beyond that; however, the downtown project is rolling along. He didn't think it fit the list like the fire station and Enviro Board. Councilor Willey stated he would put the fire station as number one and Enviro Board appears to be moving forward.

Councilor Schuette stated his list is #1) new fire station; #2) finalize the Enviro Board contract; #3) TE grant for downtown; #4) NW Bridge Street alignment (Charolais Heights); #5) keep building the industrial park.

Councilors Don Caldwell and Doug Gochmour stated their lists were the same as Councilor's Schuette's.

Mayor Lundbom stated he was informed by the City Manager today that the City is getting very close to an agreement with Enviro Board and expect to sign the Purchase and Sale Agreement within the next two days. Discussion regarding the next step and working with OTEC on getting the three phase power to lot 28 continued. The Council was informed that the City had a meeting scheduled for the next day with Jim Horan of OTEC.

Mayor Lundbom asked Grant County Economic Development Coordinator Sally Bartlett for her input. Ms. Bartlett agreed and stated it's really important; last year you had marketing the industrial park as one of your goals and we have certainly done that this year. Ms. Bartlett stated we just had a new article come out in Air Improvement and with Outdoor Group taking over Winner's Choice. She stated Outdoor Group is a huge company and that will give us a lot of exposure. She thought we are doing all the right things. Ms. Bartlett brought some copies of the Percolator with her and stated the Percolator was picked up by the State Marketing Group (went out nationwide) and she has had several calls from industrial land brokers within the last few weeks. She stated Mike Slinkard is ready to apply for the enterprise zone for HEC so that he can take that tax abatement. Ms. Bartlett stated Mr. Slinkard's plans right now are not to build a new building for HEC but to modify the existing Motion Targets building. Ms. Bartlett stated a good friend of hers is the editor of Governing Magazine and is talking about giving us some coverage in that magazine which doesn't cost us anything.

City Manager Gray stated the council received a copy of Ms. Bartlett's Strategic Report: Highlights of 2012. Ms. Bartlett left a copy of Air Improvement magazine for the City Council.

Mayor Lundbom asked the Council if they thought the downtown improvements project should be listed as #3. Ms. Bartlett informed the Council that she is working with Joe Hitz of Sisul Engineering on a reader map for the day park by McDonald's. The map will be located on the kiosk showing "you are here" and will show all the businesses from the veterinary clinic to Oregon State Police Department and from Benchmark Surveying on Canyon Blvd. to the Oxbow in Canyon City. It will also show the industrial park, the airport and Malheur Lumber. The map is being paid for by the County's Economic Development's advertising dollars. Cost is estimated to be approximately \$2,000. Mayor Lundbom stated the day park will be re-graveled this spring and he has seen a lot of activity there. This map project ties in with the downtown improvements and the Council thought downtown beautification should be kept on the list.

Mayor Lundbom asked for comments regarding the Charolais Heights/NW Bridge Street intersection. It was the consensus of the Council that it needed to be done. Mayor Lundbom asked if we had estimates on the cost of this project. Public Works Director Holland stated it depends on if we can get help from the County. The excavation work, base rock was going to be done by the County and the City was going to be responsible for the paving. He stated if we could get back into some kind of an agreement with the County, the City would probably be looking at somewhere around \$50,000 just to pave it. The engineering has been done, some survey work and setting elevations will still need to be done. Public Works Director stated it will be at least a 4-way stop, and reminded the Council that what stopped the original project was that the Oregon State Forestry just wouldn't deal with us. Since then they have relocated and deeded the needed ROW for the project over to the City. Public Works Director Holland stated if we could secure a Small Cities Allotment (SCA) grant for the project and somehow renew the agreement with the County to do the project, we could get it completed. However, we just received the SCA grant for the downtown improvements project (\$50,000) and that grant is only available every two years. It was noted if the SCA grant is not needed for the downtown improvements project, potentially with ODOT's permission, it could be redirected to use for the realignment of the intersection. Public Works Director reminded the Council that we just put in for another grant for sidewalks going south from

2nd Avenue to the Grant Union Junior-Senior High School. The Council would have to decide which project they would like to use the SCA grant on if the City should receive the Enhance grant (if it is not needed as backup for the TE grant).

Councilor Gochnour asked if we needed to update the water/sewer master plans. City Manager wasn't sure when they were due to be updated; however, she would check and get back with the Council. Public Works Director Holland stated the City received grant funds to get those master plans developed.

Mayor Lundbom asked if there was anything else the Council needed to discuss; Councilor Willey asked the audience if they had anything they felt should be added to the goal list. Dean Elliott, a member of the Rural Fire Protection District and the Advisory Committee for the new fire station, stated the fire station has to be a priority. The Rural District boundaries were discussed as well as participation with Canyon City as a partner. City Manager Gray reminded the Council that the City did a feasibility study that determined it was not feasible at this time to consolidate Canyon City, the Rural and John Day fire districts.

At this time Mayor Lundbom confirmed with the City Council their top five goals for 2013 as follows:

1. Continue working on the new fire station
2. Finalize the Enviro Board Contract
3. US26/Main/395 S. Canyon Blvd Street Sidewalk Beautification Project; Enhance Project sidewalks from Catholic Church to Grant Union Junior-Senior High School
4. Charolais Heights/NW Bridge Street Intersection Realignment
5. Continue to market the industrial park

City Manager Gray informed the Council that CIS has a Risk Management Plan for the City of John Day and one of the objectives is for Public Officials to review the city charter and council rules as well as making sure the city councilors are keeping up with elected officials training which includes public meeting law, ethics and elected officials liability. She presented the CIS Risk Management Plan to the City Council and highlighted a website for elected officials to view CIS Legal Counsel Kirk Mylander's Governing 101 online training video as well as an on-line Elected Officials Ethics Training video. City Manager Gray encouraged the city councilors to view the videos. Mayor Lundbom suggested reviewing the city charter and council rules as a future agenda item.

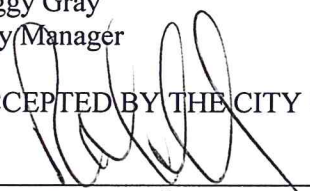
ADJOURN

There being no further business before the Council, Council President Steve Schuette made a motion to adjourn the work session. Councilor Donn Willey seconded the motion; the motion passed unanimously. The meeting was adjourned at 6:40 p.m.

Respectfully submitted:

Peggy Gray
City Manager

ACCEPTED BY THE CITY COUNCIL, February 12, 2013



Mayor Ron Lundbom