

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

**October 22, 2013**

**Adjourned Meeting**

**COUNCILORS PRESENT:**

Ron Lundbom, Mayor  
Steve Schuette, Council President  
Gene Officer, Councilor  
Don Caldwell, Councilor  
Donn Willey, Councilor  
Paul Smith, Councilor  
Doug Gochnour, Councilor

**COUNCILORS ABSENT:**

**STAFF PRESENT:**

Peggy Gray, City Manager  
David Holland, Public Works Director  
Valerie Luttrell, Dispatch Manager

**GUESTS PRESENT:**

Sean Maloney, ODOT  
Phil Gray, KJDY

**Agenda Item No. 1 – Open and Note Attendance**

The John Day City Council meeting opened at 7:00 p.m. Mayor Ron Lundbom noted that all Councilors were present.

**Agenda Item No. 2 – Approval of City Council Minutes of October 8, 2013**

The minutes of the October 8, 2013 adjourned meeting were included in the agenda packets and presented for the Council's approval. **Councilor Don Caldwell made a motion that the minutes of October 8, 2013 be approved as presented; Councilor Steve Schuette seconded the motion. The motion passed unanimously.**

**Agenda Item No. 3 - Appearance of Interested Citizens**

Mayor Ron Lundbom welcomed those in attendance and asked everyone to please sign in. He asked if there were any additional items that anyone would like to add to the agenda. Mayor Lundbom requested a motion to add the Timber Truckers Parade donation request to the agenda. **Councilor Doug Gochnour**

**moved to add the Timber Truckers Parade donation request to the agenda. Councilor Don Caldwell seconded the motion. The motion passed unanimously.**

**Agenda Item No. 4 – Discuss for Signature Intergovernmental Agreement for Right of Way Services Agreement No. 29647; US26 Main St. and Canyon Blvd. Sidewalks (Key #17884)**

City Manager Gray introduced ODOT Project Manager Sean Maloney. Sean stated the background information in the agenda explained the agreement very well. Sean stated that tentatively the City agreed to have ODOT certify the right of way, acquire the right of way, and do the descriptions for the City's US26 Main St. and Canyon Blvd. Sidewalk project. This agreement just formalizes that tentative agreement.

Sean stated this is essentially a contract between the City and ODOT stating that ODOT will procure and certify all of the right of way on this project for the City of John Day for an amount not to exceed \$99,900 unless agreed upon. City Manager informed the Council that the \$99,900 is included in the TE grant; the \$99,900 will not come out of the City's budget.

Sean stated there are 22 files and he has maps that show all of the right of ways that need to be acquired for the project. Sean stated we have three types of easements as follows:

1. A temporary easement for construction – this easement expires when the project is over. This easement allows the contractor to step on the property.
2. A slope easement, for the back of the sidewalk for any maintenance needs of the slope.
3. Permanent easement for highway purposes, this essentially is a take. We have 5 locations for this type of easement. 2 of the files are on SE 1<sup>st</sup>; currently there are no sidewalks and no right of way to place sidewalks. Also on the corner at the light by DQ and on the property with the Welcome to John Day sign, we will be widening the handicap access where the signals are.

Once the right of way is acquired and certified; ODOT turns the easements over to the City. ODOT right of way goes from curb to curb. Anything ODOT buys will be in the City's name.

Councilor Paul Smith asked if any of the easements will cause an adverse impact of any of the property owners in this project. Sean stated slope easements are pretty minor. Councilor Smith asked if he expected any issues with the property owners, Sean responded no, these easements will actually be a benefit to the property owner.

Sean explained the eminent domain process. The process is designed to be fair; each property owner will be compensated. Each property is appraised by an independent appraiser for the value of that improvement to make sure the property owner is taken care of. If we didn't have the power of eminent domain we could have a property owner say he/she wants \$100,000 for that piece of property and I want you to redesign around this – they could essentially hold the project ransom. Sean further explained what our legislature has done is to say that we require this resolution to exercise the power of eminent domain to be signed by the City Council because it is important to us for you to have the project. They make sure that everyone is committed to the project.

Mayor Lundbom stated it makes sense and asked for a motion. **Councilor Steve Schuette moved to allow Mayor Lundbom to sign ODOT Agreement No. 29647. Councilor Don Caldwell seconded the motion. The motion passed with six councilors voting yes, one councilor abstaining from the vote.**

**Agenda Item No. 5 – Discuss for adoption Resolution No. 13-711-15, Resolution Exercising the Power of Eminent domain Exhibit D Right of Way Services**

City Manager Gray stated this is the resolution that Sean Maloney explained in the previous action item to exercise the power of eminent domain. The 22 files are attached to this resolution.

Councilor Steve Schuette recommended the Council take the time to look at the map showing the 22 easements.

Sean Maloney went through all 22 files; locating each easement on the map for the City Councilors. Once the process was completed; Mayor Lundbom thanked Sean for the information, asked if anyone had more questions. There being none he called for a motion to adopt Resolution No. 13-711-15.

**Councilor Don Caldwell moved to adopt Resolution No. 13-711-15. Councilor Steve Schuette seconded the motion. The motion passed with six councilors voting yes, one councilor abstaining from the vote.**

**Agenda Item No. 6 – Update from Public Works Director David Holland; NW 3<sup>rd</sup> Street Bridge Structural Deficiency**

Public Works Director David Holland stated the ODOT maintenance person came to look at the bridge on October 9, 2013. He thought the bridge was repairable and was going to request an engineer's drawing on the repair. Since that time, the City received a letter from Richard King of ODOT who is the Local Agency Bridge Inspection Engineer. Mr. King recommended the traffic be shifted over to avoid using the exterior slab until it can be determined if there is any loss of structural capacity due to the reported damage.

Public Works Director Holland stated we have placed a few cones to shift the traffic over until ODOT can come over to determine the structural capacity. In the meantime, George Bornstedt from ODOT Region 5 came to inspect the bridge; he thought it was repairable and he was going to give his information to his load rating people and get back to him with the recommendation for the load rating.

Holland informed the Council that it won't be until next summer before the repairs can be done. Holland stated ODOT's recommendation is to repair rather than replace. Worst case scenario is that we take the guardrail (bridge railing) from where it is now located and pour a new 13" curb; get completely off of that span with the traffic, move the guard rail over put another pedestrian rail in order to keep the sidewalk. Holland stated the worst case scenario would be narrowing the traffic lane by 13".

Mayor Lundbom asked about jacking the bridge up and putting in bridge pads as earlier discussed. Holland stated ODOT doesn't believe that is the problem, they believe the problem is caused by the water getting into the drain hole and getting into the hollow tubes through the concrete. The water freezes and expands the concrete causing the breakage of the concrete. ODOT doesn't believe any of the strands have been compromised as far as breaking; however, there is some corrosion work that needs to be addressed. They will form the areas with structural problems, put in some high strength grout to bring it back up to the best structural capacity they can without actually replacing the span.

That is the plan; we don't know the cost as it is not being discussed at this time. Public Works Director Holland stated his crew will be fixing the drain hole this week.

**Agenda Item No. 7 – Review and accept bid for the removal of Dangerous Building located at 405 SE Hillcrest, John Day**

City Manager Gray stated the city received two bids for the removal of Dangerous building located at 405 SE Hillcrest, John Day as follows:

<u>Name:</u>	<u>Amount:</u>
Byron's Excavating	\$3,996.00
S.A. Moore, LLC Sand & Gravel	\$3,139.00

Mayor Lundbom asked what was the estimated cost of the City to do the work; Public Works Director Dave Holland stated he estimated approximately \$3,800 for his crew to do the work. Holland informed the City Council that Scott Moore is originally out of Redmond, OR but he is doing a lot of work over here, he had a rock crusher set up at Alan Mullins and is the person who crushed the concrete and asphalt for the city a few years ago. He and his wife also own the Elkhorn Motel on South Canyon Blvd.

City Manager Gray recommended the John Day City Council accept the low bid from S.A. Moore, LLC Sand & Gravel.

Mayor Lundbom agreed and stated the least amount we can spend on this project the better. Mayor Lundbom asked for a motion from the Council. Councilor Don Caldwell questioned if there could be asbestos; Public Works Director Holland stated the entire structure is wood and sheet rock, no fiber type boards or old linoleum was present or showing.

**Councilor Gene Officer moved to accept the low bid from S.A. Moore, LLC Sand & Gravel. Councilor Don Caldwell seconded the motion, the motion passed unanimously.**

**Agenda Item No. 8 – Request from the Timber Truckers Light Parade**

Mayor Lundbom informed the Council that the City received a request from Leslie Taylor asking the Council to support the Timber Trucker's Light Parade and wanted to know if the City Council would donate \$100 for a Driver's Drawing prize.

Councilor Doug Gochnour stated the Council has supported this parade in the past and **moved to support the Timber Trucker's Parade with another \$100 for a Driver's Drawing prize. Councilor Donn Willey seconded the motion. The motion passed unanimously.**

**Agenda Item No. 9 – Other Business and Upcoming Meetings**

1. City Manager Gray informed the City Council that the City applied for the Risk Management Incentive Program grant application through City County Insurance (CIS) for a sewer camera in the amount of \$5,702.66.
2. Mayor Lundbom gave an update on the Community Potluck for the firefighters. Lots of positive feedback and the firefighters really appreciated it.
3. The October 10, 2013 minutes of the Fire Advisory Committee were included in the council packets.

**Adjourn**

**There being no further business before the Council, Councilor Don Caldwell made a motion to adjourn the meeting. Councilor Steve Schuette seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:53 p.m.**

Respectfully Submitted:

Peggy Gray  
City Manager

ACCEPTED BY THE CITY COUNCIL, NOVEMBER 12, 2013.

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Mayor Ron Lundbom