

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

April 22, 2014

Adjourned Meeting

COUNCILORS PRESENT:

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

COUNCILORS ABSENT:

Gene Officer, Councilor

STAFF PRESENT:

Peggy Gray, City Manager
Richard Gray, Police Chief
David Holland, Public Works Director

GUESTS PRESENT:

Marsha Delaney, Canyon City
Gary Delaney, Canyon City

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 with the exception of Councilor Gene Officer who was absent and excused.

Agenda Item No. 2 – Approval of City Council Minutes of March 25, 2014

The minutes of the March 25, 2014 adjourned meeting were included in the agenda packets and presented for the Council's approval.

Councilor Doug Gochnour made a motion that the minutes of March 25, 2014 be approved as presented; Councilor Don Caldwell 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. There were none presented.

Agenda Item No. 4 – Introduction of Gary Delaney, Candidate for Grant County Commissioner

Mayor Lundbom introduced Gary Delaney. Mr. Delaney stated for the last 19 years he has been serving as the Grant County Extension Agent and primarily worked with the rural communities. He stated he hasn't had much involvement with the cities and felt he had a weakness in that area as far as knowing how cities operate and what their needs are. Mr. Delaney has been going around to other city council meetings within the county seeking information to help him should he become a county commissioner.

Mr. Delaney asked the council about the funding from the Secure Rural School (SRS) funds. He stated he knew how important the money is to the schools and what they need it for. He would like to hear from the council if the city received any of these funds and if so, are they important to the city; he also asked if the money is appropriated where it should be.

Mayor Lundbom explained that the County Road Master Sue Horn and her Road Advisory Committee had come up with several different options on how to share the SRS funds with the cities and schools. They presented these options to the County Budget Committee and the cities were informed that the County approved sharing the SRS funds, the schools would receive 15% of the funds, the County and the cities shares will be based on road miles and population.

City Manager Gray explained the City of John Day is scheduled to receive approximately \$240,000 this next fiscal year from the SRS funds. The only other revenue source for the city's street fund is the state gas tax which runs about \$80,000 per year. The SRS funds are huge for the City of John Day as well as for all of the other small cities within Grant County. The SRS funds can be used only for street projects and the revenue goes into our Street Fund.

Mayor Lundbom stated what was so good was that everyone agreed and we didn't have to go beg for the money from the County as in the past years.

Councilor Paul Smith stated the County budget was approved on Monday so those disbursements will happen. He believes there has been a cultural shift, we're all thinking that we're one community; we all need to work together and we need to take care of our infrastructure, county, city and schools. He sees a new way of thinking and thinks it's positive.

Mayor Lundbom asked Mr. Delaney if he would have been in support of sharing the SRS dollars if he had been sitting on the Court. Mr. Delaney responded yes, he would have been in support of it.

Public Works Director Dave Holland confirmed that without the SRS funds we really don't have any money for city streets. The money received from the state for gas tax doesn't pay to do anything because most of our expenses are for labor. The change of the County Court has been really pleasant. Councilor Doug Gochnour echoed Dave's comments. He firmly believed the intent was for those dollars to be passed onto everyone.

Mr. Delaney next question was "Where do you see the Commissioner or the County Court fitting in with you." Mayor Lundbom responded by stating he would like to see us continue to work together (with all the cities within Grant County, not just us).

He stated when he was a County Agent; he tried to service the entire County. He has the impression that the County Court is pretty local. He stated he heard comments that the County Court doesn't care about us. Mr. Delaney stated that bothers him and feels the County Court should interact with all of the communities and all of the city councils in one way or another at least on a semi-regular basis.

Mayor Lundbom thought Commissioner Labhart's idea of having the County Court meet in other parts of the County was a good idea. He thought having court meetings in Monument, Prairie City or even Granite, that would make them feel more included. Mr. Delaney agreed and thanked the Council for their time and ideas.

Agenda Item No. 5 – Presentation of Employee Recognition Certificates

This agenda item was tabled until next month. Mayor Lundbom informed the Council that he will be coming back from a district golf meet and probably won't make the next regular council meeting scheduled on May 13th.

Agenda Item No. 6 – Discuss for Adoption Ordinance No. 14-161-02, an Ordinance of the City of John Day, Oregon Declaring a Moratorium on Medical Marijuana Facilities, and Declaring an Emergency

City Manager Gray gave a background on the previous discussion the City Council had regarding placing a one-year moratorium on medical marijuana facilities within the city limits of John Day at their last city council meeting. City Manager Gray stated cities and counties have the authority to place a one-year moratorium on medical marijuana facilities under SB 1531 passed by the Oregon Legislature in March of 2014. She stated this ordinance must be adopted by May 1, 2014 and the moratorium can be for no longer than one-year.

Included in the council packets was a Staff Report – Ordinance No. 14-161-02 regarding the Moratorium on Medical Marijuana Facilities prepared by City Attorney Jeremy Green. City Manager Gray asked if everyone had a chance to review the staff report and asked if there were any questions.

Councilor Steve Schuette made a motion to read Ordinance No. 14-161-02 by title only, Councilor Donn Willey seconded the motion.

At this time Police Chief Gray asked if he could report on the conference he attended with Officer Damon Rand on this issue. Speakers for the conference were from Colorado, Washington, Florida, Arizona; there were district attorneys; city councilors, attorneys etc and they were all against the medical marijuana facilities. City Manager Gray stated she forwarded all the power points and information received from the conference to each city councilor prior to the city council meeting.

Chief Gray stated they are seeing more cartels moving into their states; break-ins, robberies, it's turning their states upside down. Councilor Paul Smith thanked Chief Gray for attending the conference and for passing on the information to the councilors. He said he reviewed it and couldn't believe the impact it has placed on law enforcement. He stated he could see Oregon following the State of Washington and wouldn't be surprised if Oregon votes to allow the legalization of marijuana at the November election.

Chief Gray stated currently the laws are a mess in regards to marijuana, they can grow so many plants but we can't go in and check them. They can tell us yes they have a card (or no, they don't have a card), they can tell us that their house is on the registry but they don't have to give any information about who lives there; he said it's all about the money. Chief Gray explained how many the cartels work and who can grow plants etc. Chief Gray explained the THC levels of marijuana are of much higher than it was 30 years ago. They are making marijuana brownies, cookies, candies etc., Councilor Doug Gochnour noted that in the Oregonian about 104 Oregon cities have passed an ordinance adopting the one-year moratorium.

Councilor Smith stated this ordinance will give the council one year to make decisions on where to allow these facilities and whether to place further restrictions on them. City Manager Gray stated she and Mayor Lundbom attended the LOC Small Cities meeting in Mt. Vernon. LOC Legal Counsel Sean O'Day was present and addressed this issue. He believes that cities can place a permanent ban on these facilities under their Home Rule Authority. This moratorium gives the City Council time, one year until May 1, 2015 to decide on how they want to regulate these facilities under the current or future law.

Councilor Donn Willey stated that is stated under Section 11 of the ordinance. He agreed that the passage of this ordinance is necessary for the immediate preservation of the peace, health, and safety of the City's citizens.

Mayor Lundbom asked about the money earned from these facilities, the states have been earning millions of dollars. Councilor Paul Smith responded by stating that in the information the Council received from the conference, it was costing cities more for law enforcement than what was being earned from these medical marijuana facilities. Councilor Smith stated he would rather have more time for planning because it's coming. Councilor Steve Schuette stated it's already here, everybody's hands are tied and we can't do anything about it.

There being no further discussion Mayor Lundbom stated the Council had a motion on the floor to read Ordinance No. 14-161-02 by title only and asked the Council for a vote. The motion passed unanimously to read Ordinance No. 14-161-02 by title only.

Mayor Lundbom read Ordinance No. 14-161-02 by title only as follows:

Ordinance No. 14-161-02, an Ordinance of the City of John Day declaring a moratorium on medical marijuana facilities; and declaring an emergency.

Councilor Steve Schuette moved to adopt Ordinance No. 14-161-02. Councilor Donn Willey seconded the motion. The motion was passed and adopted by the City Council by a vote of 6 for and 0 against.

Agenda Item No. 7 – Discuss for Adoption Resolution No. 14-719-05, a Resolution Adopting John Day's Representation in the Updates to the Northeast Oregon Regional Natural Hazards Mitigation Plan

City Manager Gray gave a background explaining how the Natural Hazard Mitigation Plan was developed (2008) and updated (2014) through a regional partnership funded by the Federal Emergency Management Agency's Pre-Disaster Mitigation Competitive Grant Program. The Northeast Oregon Regional grant was awarded to support the development of a multi-jurisdictional (Baker, Grant, Union, Wallowa Counties) natural hazard mitigation plans for the region. The region's planning process utilized a four-phased planning process, plan templates and plan development support provided by the Oregon Natural Hazards Workgroup at the University of Oregon.

The City of John Day has fully participated in the FEMA prescribed mitigation planning process to prepare the NHMP, which has established a comprehensive, coordinated planning process to eliminate or minimize the threat that natural hazards pose to people, property and infrastructure. The final updated plan can be found on the web at <http://csc.uoregon.edu/opdr/current/easternoregon/northeast>.

City Manager Gray explained that each organization within the plan is responsible for adopting the Northeast Oregon Natural Hazards Mitigation Plan. The Northeast Oregon Regional NHMP 2014 update

is pre-approved by FEMA pending adoption. She also explained that adoption of the Natural Hazards Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs.

Councilor Steve Schuette moved to adopt Resolution No. 14-719-05. Councilor Don Caldwell seconded the motion. The motion passed unanimously.

Agenda Item No. 8 – Other Business and Upcoming Meetings

1. LOC Bulletins were given to the City Council.
2. Mayor Lundbom informed the City Council that the Chamber of Commerce will host a Candidate's Night at the Canyon City Community Hall on April 23rd at 6:30 p.m. He said he was unable to attend; however, Rural Fire Board Chair Rob Batten and Fire Chief Ron Smith will be attending. City Manager Gray presented a "Frequently Asked Questions and Facts" sheet to the Council. She stated the fact sheet was sent to the Oregon Secretary of State's Office for review to make sure the fact sheet was in compliance with ORS 260.432. It was determined that the fact sheet was in compliance and the document now has a safe harbor. It was the consensus of the City Council to send this fact sheet in the mail along with the April utility bills.
3. City Manager Gray presented an Enhance Pre-Award Letter for the 2015-2018 STIP from ODOT to the City Council. She stated the letter basically states that our US395 Sidewalk Improvements Project (new sidewalks beginning at 6th Ave. south to the Junior-Senior High School) has been included in the 2015-2018 Draft STIP that has been released for public review and comment by the Oregon Transportation Commission. She informed the Council that we should know if our project is included in the Final STIP by this fall. Mayor Lundbom asked Public Works Director Dave Holland why OTEC is moving some poles on South Canyon Blvd. and if that was part of this project. Dave explained it had nothing to do with our project; OTEC was just replacing poles that needed to be updated. Dave explained to the Council that most of the poles that were being moved will be in Phase 2 of this project (from 2nd Ave to 6th Ave.); but he asked OTEC to please move the poles to the back of the ROW so the poles won't need to be moved again when we begin Phase 2 of the US395 Sidewalk Improvements project. Dave also informed the City Council that Blue Mt. TV Cable will be setting temporary poles within the next few weeks for our Downtown Enhancement Project.
4. Police Chief Richard Gray updated the City Council regarding the donation of a 2003 Tahoe from the City of Cornelius. He informed the Council that the Tahoe is in excellent condition, has 87,000 miles on it, and it was free. Police Chief Gray stated the reason Cornelius was getting rid of their equipment was because they have disbanded their police department and are now contracting with their County. Police Chief Gray stated he would paint the Tahoe to match the other police cars and he had the money in the budget. The police department also received three sets of studded snow tires with rims that will fit our patrol cars for free also from the City of Cornelius. Their County does not run studded tires (they use the walnut tires); so they gave the tires to the John Day Police Department. Mayor Lundbom directed the City Manager to write a thank you letter to the City of Cornelius on behalf of the City Council.
5. It was the consensus of the City Council to allow City Manager Gray to cancel the May 13, 2014 council meeting if there are no pressing agenda items for the Council to discuss.

6. Councilor Paul Smith commented on the importance of reading the monthly issues of the Local Focus magazines published by the League of Oregon Cities. He noted that it echoed what Public Works Director Dave Holland has been telling the City Council about water quality issues facing the cities.

Adjourn

There being no further business before the Council, Councilor Steve Schuette made a motion to adjourn the meeting. Councilor Don Caldwell seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:47 p.m.

Respectfully Submitted:

Peggy Gray
City Manager

ACCEPTED BY THE CITY COUNCIL, MAY 27, 2014.

Mayor Ron Lundbom