

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

August 26, 2014

Adjourned Meeting

COUNCILORS PRESENT:

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

COUNCILORS ABSENT:

STAFF PRESENT:

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

GUESTS PRESENT:

Barbara Officer, John Day
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 August 12, 2014

The minutes of the August 12, 2014 adjourned meeting were included in the agenda packets and were presented for the Council's approval.

Councilor Don Caldwell made a motion that the minutes of August 12, 2014 be approved as presented; Councilor Paul Smith 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 stated he had two additional items that he would like to add to the agenda. The first item was an ODOT Project Letter of Understanding for the 2015-2018 STIP Enhance Project; the next was a letter of resignation

from Councilor Gene Officer. Mayor Lundbom added the items as Agenda Item No. 7 and Agenda Item No. 8 respectively.

Agenda Item No. 4 – Discuss for Adoption Resolution No. 14-727-13, a Resolution to Declare Accounts Uncollectible and Take off the Books as Receivable

City Manager Gray stated Resolution No. 14-727-13 is a resolution to declare accounts uncollectible and take them off the books as a receivable and turns them over to the collection agency. These are accounts that were renters before the adoption of our updated Water Regulations Ordinance.

Councilor Donn Willey moved to adopt Resolution No. 14-727-13; Councilor Gene Officer seconded the motion. The motion passed unanimously.

Agenda Item No. 5 – Discuss Changing the Time of the September 9, 2014 Regular City Council Meeting to 6 p.m. in Order to Hold a Public Hearing on the CM/GC Procurement Process for the Construction of a New Fire Station

City Manager Gray informed the Council that the Construction Management/General Contractor (CM/GC) procurement process is an alternative contracting method, one that the City of John Day has not used previously; this procurement process requires an exemption from the requirement that public improvement contracts be based on competitive bids. In order to exempt a contract from competitive bidding, the City's local contract review board (i.e., the city council) must approve/adopt findings that awarding the contract under the exemption will likely result in substantial cost savings and other substantial benefits to the City.

City Attorney Jeremy Green's associate Paul Taylor of Bryant, Lovlien and Jarvis recommends that since the City has never done a CM/GC Contract, as an alternative to the above method (finding substantial cost savings and other substantial benefits to the City); the Council may make a finding identifying this as a pilot project to determine whether the alternative contracting method actually results in substantial cost savings. Please note that a post-project evaluation of alternative contracting methods is required under ORS 279C.355 already. The post-project evaluation required under the new law requires a particular focus on the actual project costs as compared with original project estimates. The City will need to have a project estimate in place for this later comparison.

Before approving the findings, the City must hold a public hearing at which time interested person may appear and comment on the proposed exemption. Notice of the hearing must be published in the Daily Journal of Commerce at least 14 days prior to the hearing. At the time that the notice is published, the findings in support of the exemption must be available for public review.

In summary, in order to exempt this project, the City will need to complete the following:

1. Prepare findings for submission to the Council.
2. Draft the notice for Daily Journal of Commerce.
3. Publish the notice at least 14 days prior to the meeting at which the public hearing will be held. We will also publish notice in the Blue Mountain Eagle and KJDY. City Manager Gray informed the council that the notice was published on Monday in the Daily Journal of Commerce; it is also scheduled to run in this week's Blue Mountain Eagle as well as on radio station KJDY.

4. Hold the public hearing, take any public comments on the proposed findings/exemption, and answer any questions the councilors may have. The Rural Fire District has been invited to attend the public hearing as well. The Council will need to approve the findings and exempt the contract.

City Manager Gray stated she would like to have City Attorney Jeremy Green on the phone during the public hearing; however, Jeremy has a conflict with the City of Madras City Council meeting which also begins at 7 p.m. Jeremy suggested holding the public hearing on September 9th beginning at 6 p.m. as he would be able to attend by speaker phone from the City of Madras.

It was the consensus of the John Day City Council to begin the September 9, 2014, John Day City Council meeting beginning at 6 p.m. with the public hearing as our first action item.

Agenda Item No. 6 – Discuss Filling the Vacant City Council Seat(s)

City Manager Gray informed the Council that as of today there were three people running for the three open city council positions for the November 4, 2014 general election. She stated Councilor Paul Smith has filed for his position; Gregg Haberly and Lisa Weigum have filed for the other two positions. She also informed the City Council that Mayor Lundbom has filed for his position.

City Manager Gray reminded the Council that there is still one council position open that was vacated by Doug Gochnour with the term ending in December 2016. City Manager Gray suggested the Council consider appointing a person for that vacant seat. She stated she would also like to start giving council packets to Gregg Haberly and Lisa Weigum and invite them to come to the City Council meetings in order for them to be up to speed by January 2015.

After discussion it was decided that Councilor Paul Smith would approach some citizens to see if they might be interested in being appointed to the vacant council seat.

Agenda Item No. 7 – ODOT Project Letter of Understanding – 2015-2018 STIP Enhance Project

City Manager Gray presented a Project Letter of Understanding – 2015-2018 STIP Enhance Project for US395: Sidewalks Improvements Project from ODOT. This project will construct sidewalks, bicycles and parking lanes and provide transit shelters along US395 (S. Canyon Boulevard) from SW 6th Ave. to Grant Union High School (MP0.84). City Manager Gray explained the original project submitted was from 2nd Ave. to the Junior-Senior High School; however, the project was reduced by ODOT due to lack of grant funds with ODOT only awarding sidewalk improvements from 6th Ave. to the Junior-Senior High School. The City felt that it was more important to install sidewalks from 6th to the Junior-Senior High School since there currently are no sidewalks existing in that section.

City Manager Gray explained that this project is on the STIP preliminary award list, the project will not be “officially” awarded funding until final approval by the OTC. City Manager Gray stated the intent of the letter is to document each parties understanding of the project detail and the timeline for moving forward. She informed the Council that this letter is not a legal agreement, just a commitment from the City that upon final approval by the OTC, the City will accept the STIP Enhance Award for this project and secure the 10.27% match for the project. The Enhance STIP funding amount is \$753,705; City’s match \$86,265.00.

Councilor Donn Willey asked where the match for the project would come from. City Manager Gray stated the Street Fund. Public Works Director Dave Holland explained upon final award, if we don't have the match we can decline the offer and ODOT will just award the next project on the list. However, Dave explained that if we apply and receive an additional Enhance grant for sidewalks from 2nd Ave. to 6 Ave. filling the gap; we will have sidewalks all the way from intersection to the Junior-Senior High School. It was discussed to set aside funds each year to fund the match.

City Manager Gray recommended that the John Day City Council allow Mayor Lundbom to sign the Project Letter of Understanding for the 2015-2018 STIP Enhance Project accepting the STIP Enhance Award for this project.

Councilor Steve Schuette moved to allow Mayor Lundbom to sign the Project Letter of Understanding for the 2015-2018 STIP Enhance Project accepting the STIP Enhance Award for this Project. Councilor Paul Smith seconded the motion, the motion passed unanimously.

Agenda Item No. 8 – Accept the Resignation of Councilor Gene Officer

Mayor Lundbom read a letter of resignation from Councilor Gene Officer. Councilor Officer stated he is moving to Prairie City and, as such, can no longer serve on the John Day City Council effective August 27, 2014. Mayor Lundbom reluctantly accepted Gene Officer's resignation and presented him with a plaque thanking him for his 15 years of service on the John Day City Council.

Agenda Item No. 6– Other Business and Upcoming Meetings

1. LOC Bulletins were given to the City Council.
2. Mayor Lundbom reminded the Council that there will be a going away potluck for Officer Daniel Pelayo Wednesday night, 6 p.m. at the 7th Street Complex.
3. City Manager Gray reminded the City Council of City Hall Day on September 10, 2014 at the Grant County Regional Airport beginning at 1 p.m.
4. City Manager Gray informed the Council that she will be going on vacation from September 11 through the 26th. The council will discuss canceling the September 23, 2014 council meeting at the September 9, 2014 council meeting.
5. Police Chief Richard Gray informed the City Council that he has promoted Officer Damon Rand to Sergeant effective September 1, 2014. Chief Gray informed the Council that we are advertising to fill Officer Pelayo's vacant position.

Adjourn

There being no further business before the Council, Councilor Gene Officer made a motion to adjourn the meeting. Councilor Donn Willey seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:35 p.m.

Respectfully Submitted:

Peggy Gray
City Manager

ACCEPTED BY THE CITY COUNCIL, SEPTEMBER 9, 2014.

Mayor Ron Lundbom