

**John Day City Council
May 12, 2015
7:00 p.m.
Council Chambers
AGENDA**

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF APRIL 14, 2015 REGULAR CITY COUNCIL MEETING**
3. **APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.**

ACTION ITEMS:

4. **ENTER INTO EXECUTIVE SESSION UNDER ORS 192.660 (2) (e) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS.**
5. **DISCUSS FOR ADOPTION RESOLUTION NO. 15-738-03, A RESOLUTION RENUMBERING RESOLUTION NO. 15-732-02, WHICH RESOLUTION ESTABLISHED FEES FOR MEDICAL MARIJUANA FACILITIES (DISPENSARIES), TO RESOLUTION NO. 15-737-02.**
 - Attachment:
 - Resolution No. 15-738-03
6. **REVIEW FINDINGS OF NUISANCE VIOLATIONS ON REAL PROPERTY LOCATED AT 604 NW BRIDGE STREET, JOHN DAY, OR; DECLARING THAT A NUISANCE EXISTS IN ACCORDANCE WITH TITLE 8, CHAPTER 2, SECTION 5-4: DECLARATION OF NUISANCE, GENERAL NUISANCE AS PER THE JOHN DAY CITY CODE.**
 - Attachments:
 - Chapter 2, Nuisances
 - Letters/electronic messages/calls for service to James & Christina Goodwin
 - Photos of property
 - May 6, 2015 letter to Mr. James Goodwin
7. **DISCUSS RECOMMENDATION FROM THE PUBLIC SAFETY COMMITTEE REGARDING DRAFT NUISANCE ORDINANCE.**
 - Attachments:
 - Draft Nuisance Ordinance
 - Current Nuisance Ordinance
8. **DISCUSS DONATION TO THE LEAGUE OF OREGON CITIES FOUNDATION.**

Attachment:

- April, 2015 letter from Phillip Houk, President of the LOC Foundation Board

OTHER BUSINESS:

9. OTHER BUSINESS AND UPCOMING MEETINGS

Attachment:

- LOC Bulletin

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TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 8, 2015

SUBJECT: Enter into Executive Session under ORS 192.660 (2) (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

BACKGROUND:

The City of John Day will now meet in executive session. The executive session is held pursuant to ORS 192.660(2) (e) for this session, to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

Council President Steve Schuette will now ask for a motion from the Council to move into executive session under ORS 192.660(2) (e).

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 8, 2015

SUBJECT: Discuss for Adoption Resolution No. 15-738-03, a resolution renumbering Resolution No. 15-732-02, which Resolution established fees for medical marijuana facilities (dispensaries), to Resolution No. 15-737-02.

Attachment:

- Resolution No. 15-738-03

BACKGROUND:

At the April 28, 2015 council meeting the City Council adopted Resolution No. 15-732-02, a resolution establishing fees for medical marijuana facilities. Due to a typographical error, Resolution 15-732-02 was numbered incorrectly; Resolution 15-732-02 should have been numbered 15-737-02.

Resolution No. 15-738-03 identifies the numbering error and keeps our resolution numbering system in sequence.

RECOMMENDATION:

The John Day City Council adopts Resolution No. 15-738-03.

Suggested motion:

I move to adopt Resolution No. 15-738-03.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 8, 2015

SUBJECT: Review Findings of Nuisance Violations on real property located at 604 NW Bridge Street, John Day, OR; declaring that a Nuisance exists in accordance with Title 8, Chapter 2, Section 5-4: Declaration of Nuisance, General Nuisance as per the John Day City Code.

Attachments:

- Chapter 2, Nuisances
- Letters/electronic messages/calls for service to James & Christina Goodwin
- Photos of property
- May 6, 2015 letter to Mr. James Goodwin

BACKGROUND:

General Code Enforcement Actions

The City of John Day attempts to gain compliance through letters, phone calls, and site visits. Abatement takes more staff time and therefore costs the City and its citizens more money than if compliance is achieved through the other processes. The money that is expended on abatement will most likely not be repaid within a few months or even a few years of the abatement summary bill issued at the end of the process. Therefore, abatement is always a last resort for the City.

Code Compliance Steps Taken for this Property

Since the spring of 2003, the City of John Day has received nuisance complaints regarding the property at 604 NW Bridge Street in John Day owned by Mr. James Goodwin. The nuisances include significant amounts of dead yard debris, weeds, and other noxious vegetation growing and accumulating on the property. In addition two inoperable vehicles are located at the property and a dead/decaying tree is a hazard and a danger to the neighbors and the public.

The following list describes the chronological events regarding this property:

May 30, 2003 letter to James & Christina Goodwin – Violation of Title 8, Chapter 2, Section 4-4: Weeds and Noxious Growth; Violation of Title 8, Chapter 2, Section 4-5A: Scattering of Rubbish;

March 1, 2006 letter to James & Christina Goodwin – Violation of Title 8, Chapter 2, Section 4-5A: Scattering of Rubbish;

April 27, 2006 letter to James & Christina Goodwin - Violation of Title 8, Chapter 2, Section 4-5A: Scattering of Rubbish;

May 30, 2007 letter to James & Christina Goodwin – Violation of Title 8, Chapter 2, Section 3B; Violation of Title 8, Chapter 2, Section 4-4;

June 23, 2011 letter to James & Christina Goodwin - Violation of Title 8, Chapter 2, Section 4-4; August 27, 2013 email from James Goodwin; stating he would check into the issue regarding the fire hazard;

October 17, 2013, unattended fire under some trees in drainage at 604 NW Bridge Street, John Day Fire Department responded;

December 12, 2013 email from Police Chief Richard Gray to James Goodwin regarding a vehicles being parked on the property by persons other than the property owner; vehicles were eventually removed by the owner;

June 4, 2014 letter to James & Christina Goodwin - Violation of Title 8, Chapter 2, Section 4-4;

July 30, 2014 letter to James & Christina Goodwin - Violation of Title 8, Chapter 2, Section 4-4;

October 25, 2014, 209 NW 5th Street, (home of Ellen Carlson) limb fell on roof from tree located at 604 NW Bridge Street; caused damage to neighbors home. Homeowners were out of town, but notified of the damage;

April 7, 2015, Police Chief Gray called James Goodwin's father Ralph Goodwin informed him the house had a broken window; father stated James is looking at selling the property;

Photos taken of property located at 604 NW Bridge Street, John Day on Wednesday, April 29, 2015 by Public Works Director Lance Woodcock.

The John Day City Code 8-2-6-1: Abatement Notice states: Upon determination by the Council that a nuisance as defined in this or any other ordinance of the City exists, the Council shall forthwith cause a notice to be posted on the premises with the nuisance exists directing the owner or person in charge of the property to abate such nuisance.

As documented in the history of this property compliance has never been achieved. After several letters, Mr. Goodwin did make a little effort to get the property into compliance; however, he failed to succeed. Through multiple notices, site visits, a fire and a limb causing damage to his neighbor's house and patio roof, compliance has never been achieved. The City believes that the only way to gain compliance is to remedy the violations ourselves, because history has proven that Mr. Goodwin has been unable to achieve compliance.

Concurrence

The City Manager, Chief of Police and the Public Works Director of John Day concur with the abatement.

Fiscal Impacts

If declared a nuisance, costs of abatement would depend on what work is done. We would have to determine if a contractor would need to be hired to remove the dying tree, without obtaining a bid from a contractor, costs are hard to determine. The weed and debris abatement can be done by our Public Works Department. We would also have to tow two vehicles. Staff is confident

that we have enough funds in the “legal fees” line item to cover most if not all the cost of this project.

Workload Impacts

If declared a nuisance, work load would include the removal of the dead or dying tree(s); towing of two vehicles; removal of overgrown and/or invasive species and debris; and junk.

If no nuisance is declared and if violations continue, City employees will be burdened with the time spent on ongoing violations related to the property.

RECOMMENDATION:

Declare the conditions of the subject property a nuisance, impose a penalty as per section 8-2-7 of the John Day City Code and authorize City Manager Gray to proceed with the abatement process to remove nuisances occurring on the property located at 604 NW Bridge Street, John Day, OR 97845, Assessor’s Map 133123CA, Tax Lot 2300 as per John Day City Code 8-2-5-4: Declaration of Nuisance, General Nuisance.

Suggested motion:

I move to declare the conditions of the subject property located at 604 NW Bridge Street, John Day, OR a nuisance, and authorize City Manager Gray to impose a penalty as per section 8-2-7 of the John Day City Code; I also move to authorize City Manager Gray to proceed with the abatement process as per John Day City Code 8-2-6; and, if necessary, allow City Manager Gray the authority to solicit and sign all contracts necessary to hire a contractor to get the work completed.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 8, 2015

SUBJECT: Discuss Recommendation from the Public Safety Committee regarding draft Nuisance Ordinance.

Attachments:

- Draft Nuisance Ordinance
- Current Nuisance Ordinance

BACKGROUND:

At our April 28, 2015 council meeting, it was the consensus of the City Council to have the Public Safety Committee meet at 6:00 p.m. before the May 12, 2015 council meeting to review the draft ordinance, compare it to the old ordinance and bring back a recommendation to the City Council.

The Public Safety Committee is scheduled to meet prior to the May 12th council meeting and plan to be prepared with suggested revisions by the time of the council meeting.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 8, 2015

SUBJECT: Discuss Donation to the League of Oregon Cities Foundation.
Attachment:

- April, 2015 letter from Phillip Houk, President of the LOC Foundation Board

BACKGROUND:

Included in your council packet is a letter from Phillip Houk, President of the LOC Foundation Board. Mr. Houck, writing on behalf of the LOC Foundation, is seeking support of Oregon cities to continue to fund efforts such as conference and training scholarships that assist the League in its efforts to be the go-to place for and about cities as a dynamic resource hub for advocacy education and best practices.

They are asking that cities consider a donation in order to provide information and education to city officials across the state of Oregon. Their suggesting that we consider a donation in an amount equal to five cents per capita, or any other amount your city can afford.

RECOMMENDATION:

John Day's population is 1745, which would equate to \$87.30 at the five cents per capita request. City staff has applied for and received several scholarships from the LOC Foundation for trainings and conferences.

The League of Oregon Cities is a great resource for city staff, as well as for the elected officials. I suggest donating \$100 from City's general fund administration training line item to the LOC Foundation.

Suggested motion:

I move to donate \$100 from the general fund administration training line item to the LOC Foundation.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: May 8, 2015
SUBJECT: Other Business and Upcoming Meetings
Attachment:
• LOC Bulletin

OTHER BUSINESS:

1. The May 1, 2015 LOC Bulletin is included in your council packets.

UPCOMING MEETINGS:

May 25, 2015	Memorial Day Holiday	City Hall Closed
May 26, 2015	7:00 p.m. Council Chambers	Regular council meeting – Public Hearing on FY 2015-2016 Budget
May 28, 2015	6:00 p.m. Council Chambers	John Day Planning Commission Public Hearing on Site Design Review for new fire station