

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

**May 12, 2015**

**Adjourned Meeting**

**COUNCILORS PRESENT:**

Steve Schuette, Council President  
Paul Smith, Councilor  
Louis Provencher, Councilor  
Donn Willey, Councilor  
Lisa Weigum, Councilor

**COUNCILORS ABSENT:**

Ron Lundbom, Mayor  
Gregg Haberly, Councilor

**STAFF PRESENT:**

Peggy Gray, City Manager  
Lance Woodcock, Public Works Director  
Valerie Luttrell, Dispatch Manager  
Richard Gray, Police Chief  
Ron Smith, Fire Chief

**GUESTS PRESENT:**

None

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

The John Day City Council meeting opened at 7:00 p.m. Council President Steve Schuette noted that all Councilors were present with the exception of Mayor Ron Lundbom and Councilor Gregg Haberly who were absent and excused.

**Agenda Item No. 2 – Approval of City Council Minutes of April 28, 2015**

The minutes of the April 28, 2015 adjourned meeting were included in the agenda packets and were presented for the Council's approval.

**Councilor Donn Willey made a motion to approve the minutes of April 28, 2015 as presented. Councilor Paul Smith seconded the motion, the motion passed unanimously.**

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

Council Steve Schuette 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 – 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**

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

**Councilor Donn Willey made a motion to move into executive session under ORS 192.660(2) (e). Councilor Paul Smith seconded the motion, the motion passed unanimously and the council moved into executive session at 7:02 p.m.**

Those attending the executive session included Councilors Schuette, Willey, Provencher, Smith, and Weigum, City Manager Gray, Police Chief Richard Gray, Fire Chief Ron Smith, Dispatch Manager Valerie Luttrell and Public Works Director Lance Woodcock. Brett Moore of Anderson Perry & Associates attended the executive session via telephone.

**Councilor Donn Willey made a motion to move out of executive session; Councilor Louis Provencher seconded the motion, the motion passed unanimously. The John Day City Council moved out of executive session at 7:20 p.m.**

**Agenda Item No. 5 – Discuss for Adoption Resolution No. 15-738-03, a Resolution Renumbering Resolution No. 15-732-02, which Established Fees for Medical Marijuana Facilities (Dispensaries), to Resolution No. 15-737-02**

City Manager Gray explained 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.

**Councilor Donn Willey moved to adopt Resolution No. 15-738-03. Councilor Louis Provencher seconded the motion, the motion passed unanimously.**

**Agenda Item No. 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**

Included in the council packets was a staff report stating the findings of nuisance violations at 604 NW Bridge Street, John Day, OR. City Manager Gray reviewed the staff report with the City Council stating the City has sent letters to the owners of the property, James Goodwin Sr. beginning in 2003.

The nuisances include significant amounts of dead yard debris, weeds, and other noxious vegetation grown and accumulating on the property. In addition two inoperable vehicles are located at the property and a dead (or decaying) tree is a hazard and a danger to the neighbors and the public.

The staff report included letters and emails sent to the property owners since 2003 and current photos of the property. City Manager Gray stated 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.

City Manager Gray stated if the Council declared the conditions located at the property a nuisance, the 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 or trim the dangerous 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.

City Manager Gray recommended the Council 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 the City Manager to proceed with the abatement process to remove nuisances occurring on the property located at 604 NW Bridge Street, John Day, OR 97845 as per John Day City Code 8-2-5-4.

Fire Chief Ron Smith confirmed the fire hazard located at the property. Councilor Steve Schuette asked if the tree was dead or dying. It was the consensus of the Council that the City should hire a contractor that knows about trees in order to make a determination on whether to trim the tree or cut the tree down.

**Councilor Donn Willey moved 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; Councilor Donn Willey also moved 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. Councilor Lisa Weigum seconded the motion, the motion passed unanimously.**

**Agenda Item No. 7 – Discuss Recommendation from the Public Safety Committee Regarding Draft Nuisance Ordinance**

City Manager Gray stated at the 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. prior to the May 12, 2015 council meeting to review the draft nuisance ordinance, compare it to the old ordinance and bring back a recommendation to the City Council.

After discussion with the City Council it was the consensus of the Council to make the following revisions to the draft nuisance ordinance:

1. Delete Section 20. Windows and Doors. *Council felt the items that affect the city in this category are already addressed in Section 17.*
2. Delete Section 21. Glazing. *Council did not feel this section was necessary.*
3. Section 10 (c) regarding the open storage of materials directly associated with the primary activity of a business, provided the business is a permitted.....and the materials are enclosed by a sight obscuring fence ..... *City has several businesses that have lawn and garden supplies outside especially during the summer months without a sight obscuring fence or even a fence for that matter. Examples are Ace Hardware, Thriftway Store, True Value Hardware, Len's Drugs etc. Council worries that this is too restrictive for our small town; same issue with Section 11 (f).*
4. Dry Vegetation definition: Council recommends taking out the months and suggests the following wording: "Dry Vegetation" means dry vegetation, including, without limitation, grass, weeds, and shrubs when it is determined to be a fire hazard."

It was also the consensus of the City Council to add the following sections (or a version of) of our current Nuisance Ordinance into the new Nuisance Ordinance as follows:

1. Section 8-2-4-3: Snow and Ice Removal: *This is always an issue during the winter months. Council would like to see something to this effect in the new ordinance.*
2. Section 8-2-4-6: Trees: *Council would like to expand the language for trees in the new ordinance.*
3. Section 8-2-5-2: Unnecessary Noise: *Another issue within our town that we have used frequently. This section obviously needs updating; however, this section of our code is used a lot and needs to be included in the new ordinance.*

City Manager Gray stated she will inform City Attorney Jeremy Green of the recommended revisions and bring a revised nuisance ordinance back for review by the City Council.

**Agenda Item No. 8 – Discuss Donation to the League of Oregon Cities Foundation**

Included in the 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.

City Manager Gray stated John Day’s population is 1745, which equates 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. City Manager Gray suggested donating \$100 from City’s general fund administration training line item to the LOC Foundation. City Manager Gray informed the Council there are several training webinars on the LOC and CIS websites that are great tools for the Council. If enough councilors view the training webinars, the City could receive bonus incentives on our liability insurance premiums through CIS. She encouraged the Councilors to visit the websites.

**Councilor Donn Willey moved to donate \$100 from the general fund administration training line item to the LOC Foundation. Councilor Paul Smith seconded the motion, the motion passed unanimously.**

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

1. LOC Bulletins were given to the City Council.
2. Councilor Paul Smith stated he would not be able to attend the May 26, 2015 council meeting.
3. Police Chief Richard Gray, Fire Chief Ron Smith and Public Works Director Lance Woodcock updated the City Council regarding the odor problem at the Grant County Soil and Water Conservation District. The problem appears to be spreading to the neighbors and a consulting firm was hired by the SWCD; it appears to be a solvent; however, the source of the problem is yet to be determined. The City was scheduled to meet with the consulting firm the next day to determine the next steps.
4. The April, 2015 Statement of Revenue and Expenditure Budget to Actual Reports were given to the John Day City Council.

**Adjourn**

**There being no further business before the Council, Councilor Donn Willey made a motion to adjourn the meeting. Councilor Lisa Weigum seconded the motion and the motion passed unanimously. The meeting was adjourned at 8:12 p.m.**

Respectfully Submitted:

Peggy Gray  
City Manager

ACCEPTED BY THE CITY COUNCIL, MAY 26, 2015

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Mayor Ron Lundbom