

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

May 26, 2015

Adjourned Meeting

COUNCILORS PRESENT:

Ron Lundbom, Mayor
Steve Schuette, Council President
Louis Provencher, Councilor
Donn Willey, Councilor
Lisa Weigum, Councilor

COUNCILORS ABSENT:

Gregg Haberly, Councilor
Paul Smith, 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:

Anna Bass, Oster Professional Group
Richard Franklin, EPA, Oregon Operations, Portland
Mike Pienz, ODEQ
Eric Nuchims, EPA/START
Brooks Stanfield, EPA/Seattle
Judy Smith, EPA/Portland
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 with the exception of Councilor Paul Smith and Councilor Gregg Haberly who were absent and excused.

Agenda Item No. 2 – Approval of City Council Minutes of May 12, 2015

The minutes of the May 12, 2015 adjourned meeting were included in the agenda packets and were presented for the Council's approval.

Councilor Steve Schuette made a motion to approve the minutes of May 12, 2015 as presented. Councilor Donn Willey seconded the motion, the motion passed unanimously.

Agenda Item No. 3 - Appearance of Interested Citizens

Mayor Lundbom welcomed those in attendance and asked everyone to please sign in. Mayor Lundbom welcomed the EPA and ODEQ officials in the room and stated we are scheduled to open a public hearing on the budget at 7 p.m., once the public hearing was open he asked the EPA to give an update on the city's odor issue.

Agenda Item No. 4 – Public Hearing to discuss the budget for Fiscal Year 2015-2016 as approved by the John Day Budget Committee

Mayor Lundbom opened the public hearing to discuss the budget for Fiscal Year 2015-2016 as approved by the John Day Budget Committee at 7:02 p.m. Mayor Lundbom stated he would leave the public hearing open and come back for discussion later in the meeting.

EPA UPDATE:

At this time Mayor Lundbom gave the floor to Brooks Stanfield. Mr. Stanfield informed the Council that he is the Federal On Scene Coordinator for the EPA and is based in Seattle. Mr. Stanfield thanked the community and city staff for their help in this exercise; everyone has been extremely helpful and welcoming.

Mr. Stanfield informed the Council that their team (EPA staff and contract supporters) arrived on Thursday, May 21, 2015. They met with City staff for a briefing and then began their air monitoring and began collecting information. They screened homes on S. Canyon Blvd. and SW Brent Street between 6th and 2nd Street. They learned the fumes people smell in their homes are volatile organic compounds (VOCs); which are compounds that easily enter into the air from a solid or a liquid, common in nail polish remover, household paints and gasoline.

Mr. Stanfield stated their field equipment cannot tell them exactly what the fumes are or the concentration level. During their initial screening data; they established a precautionary screening level of 5,000 parts per billion. They covered all of the occupied homes in the affected area (60 locations); they found 27 homes with readings of VOCs; 13 were above the initial screening level with a few of those levels significantly exceeding the 5,000 level. In one instance they found a house with a potentially explosive atmosphere. Mr. Stanfield stated their measure of safety is extremely conservative; at that time they backed out of the situation and called the fire department and Fire Chief Ron Smith followed up for them. Mr. Stanfield noted that the fire department has loaned them three industrial fans, those fans have lowered the levels in those homes and has made a significant difference. He added that cross ventilation has been extremely successful in lowering the VOC levels in the affected homes.

They do not know the source of the VOCs; they do know that it is moving through groundwater. Nothing has been ruled out. The first concern of the EPA when they arrived was the health and safety of the people in this community, that was their mission and they did not focus on source identification. Now that they have a handle on that they are beginning the process of finding the source. They used the City's vac truck to try to get a groundwater sample; however, it didn't work out because of the dredge tailings. Mr. Stanfield informed the council that they have a mobile laboratory, an emergency response vehicle as well as a few other vehicles already in place. Today they mobilized a push probe drill rig from Seattle and stated it would be here the next night and they will start taking groundwater samples beginning on Thursday. He stated that will help them better to identify the source, he stated it's very complicated and also challenging with the subsurface structure; however, they are hoping the drill rig will give them the groundwater samples that they need in order to find the source.

Mr. Stanfield stated some of the members of the team had been in John Day since last Thursday. He informed the Council that they will be handing off roles. He stated he would be handing off his role to another On Scene Coordinator Mike Boykin the next day. Mr. Stanfield stated the EPA plans to be on scene for a little while longer. DEQ arrived today to support them.

Mayor Lundbom thanked them for their quick response; for their dedication and work over the Memorial Day weekend, he stated that was over and above.

Public Hearing on FY 2015-2016 Budget

Mayor Lundbom noted there were no members of the audience present to comment on the budget. He asked Anna Bass from Oster Professional to explain the changes she proposed to the budget.

Ms. Bass informed the Council that when she was doing the narrative publication for the budget hearing, she discovered an error in a formula. The \$450 transfer from the Dispatch Fund to the Motor Pool Fund, though listed on the document, was not included in the total expenditures formula. The expenditures in the Dispatch Fund are actually \$450 more than the document says. This causes an increase in the transfer from the Police Fund, which causes a decrease in the fire hall line item since it's our balancing item.

Ms. Bass informed the Council that they can approve a budget that is less than what the Budget Committee approved without having to go back to the Budget Committee. She explained the money was there it just wasn't included in the total.

Mayor Lundbom thanked Anna for the information and for catching the error; he left the public hearing open and moved onto the next action item.

Agenda Item No. 5 – Discuss for Adoption Resolution No. 15-739-04, a Resolution of the City of John Day, Grant County, Oregon, declaring the City's election to receive state revenue

City Manager Gray stated State Revenue Sharing Law, ORS 221.770 requires cities to pass an ordinance or resolution each year stating that they want to receive state revenue sharing money. A copy of this resolution must be filed with the Operations Unit of the Department of Administrative Services prior to July 31, 2015 in order for the City of John Day to receive these funds.

Councilor Donn Willey moved to adopt Resolution No. 15-739-04. Councilor Louis Provencher seconded the motion, the motion passed unanimously.

Agenda Item No. 6 – Discuss for adoption Resolution no. 15-740-05, a resolution extending Workers' Compensation coverage for coverage year 2015-2016 to Volunteers of the City of John Day

City Manager Gray stated this resolution is required annually by City County Insurance Company (CIS) for workers' compensation coverage to provide for the class of volunteer workers listed on the City's Volunteer Roster for the John Day Volunteer Fire Department and the John Day Police Department Reserves. This resolution assumes a monthly wage of \$1,000 to be used for public safety volunteers in case they have a workers' compensation claim.

Councilor Steve Schuette moved to adopt Resolution No. 15-740-05. Councilor Donn Willey seconded the motion, the motion passed unanimously.

Agenda Item No. 7 – Review for Signature Intergovernmental Agreement with Justice Court for judicial services

City Manager Gray explained that Grant County Justice of the Peace Kathy Stinnett is in the process of reviewing the intergovernmental agreements that Justice Court has on file with the cities of Grant County. All of the agreements are very old; the City of John Day's is 26 years old and has never been updated.

Included in the council packets was a basic agreement developed by Ms. Stinnett that was customized to meet the specific needs of each city. County Counsel Ron Yokum reviewed it for conformity and legal standards. City Manager Gray sent a copy of the agreement to City Attorney Jeremy Green for review.

A copy of Jeremy's email was presented to the City Council. City Attorney Jeremy Green completed a preliminary review of the agreement. He stated in general, the agreement is ok. However, he suggested the City consider a few additions/revision concerning the scope of the judicial services, handling/possession of files and record keeping, termination rights, indemnification, and changes in legislation. He stated it seems almost every legislative session the Oregon Legislature makes modifications to the system/rules concerning fines and the allocation of revenue. Mr. Green suggested that at a minimum, the agreement should include language that contemplates such periodic modifications.

City Manager Gray stated she discussed this with Jeremy and informed him that the old agreement worked for the City for the past 26 years without any problems or issues. Jeremy stated he wouldn't lose sleep if the Council wanted to sign the agreement as is tonight and stated he would leave it up to the City Council to make the decision.

Councilor Louis Provencher thought Jeremy comments were good. He had concerns that the City can only terminate the agreement at the end of a fiscal year. City Manager Gray stated Jeremy had concerns with the language "upon good substantial cause" as he said either party should be able to terminate the agreement for any reason.

Police Chief Richard Gray confirmed that we've had a good relationship with Justice Court, and stated that Kathy was just seeking to update the old outdated agreements. He also said that Kathy said she would be reviewing the agreements annually to address the changes in legislation issues.

Councilor Donn Willey agreed that Jeremy's comments were good; but do we need to reinvent the wheel. Mayor Lundbom agreed. Councilor Steve Schuette stated it was fine as presented; Councilor Lisa Weigum stated she was fine with it and Councilor Louis Provencher stated he was fine with it; however, he did have those concerns as previously stated; but said he could live with it.

Councilor Donn Willey moved to allow Mayor Lundbom signed the Intergovernmental Agreement with Justice Court as written. Councilor Steve Schuette seconded the motion, the motion passed unanimously.

At this time Mayor Lundbom noted that no members of the public were present to comment on the budget. Anna Bass asked the council to approve the amendments to the proposed budget in their motion.

City Manager Gray reminded the Council that we do not formally adopt the budget tonight but wait until the end of June so last minute revisions to revenue or expenditure estimates can be incorporated if necessary.

Councilor Provencher noted an error in the minutes of the April 7, 2015 Budget Committee meeting. On the very last page (8) the minutes referred to Ron Hasher as a Councilor; that should have read Budget Committee Chairman. City Manager Gray stated she would make that correction. Councilor Provencher also noted the budget summary noted a 19% increase in employee health insurance premiums and the minutes noted a 17% increase in insurance. It was discussed it should have been a 17% increase, and the 19% was a typo.

Councilor Donn Willey moved to accept the proposed amendments to the budget as presented closing the public hearing on the budget. Councilor Steve Schuette 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. Police Chief Richard Gray stated we would be meeting with Prairie City Council regarding the Law Enforcement Agreement the next night. He informed the Council that Officer Tyler Smith is doing well at the DPSST academy and will be back the end of June to July 5th and he will be put to work when he gets here.
3. Councilor Lisa Weigum was approached by a couple of people in the community about how dirty our streets are. With it being biking season and all of the gravel on the road. Public Works Director Lance Woodcock stated his crew is working on it.
4. City Manager Gray informed the council that the hanging flower baskets are up. Mayor Lundbom stated he had a person questioning the City paying for flowers using the taxpayer's money. City Manager Gray stated we discussed the flowers at the Budget Committee meeting this year and it was the consensus of the Committee to have the City pay for the flowers this year since we just completed our street beautification project.

Adjourn

There being no further business before the Council, Councilor Steve Schuette made a motion to adjourn the meeting. Councilor Donn Willey seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:45 p.m.

Respectfully Submitted:

Peggy Gray
City Manager

ACCEPTED BY THE CITY COUNCIL, JUNE 9, 2015

Mayor Ron Lundbom