

**John Day City Council  
September 22, 2015  
7:00 PM  
Council Chambers  
AGENDA**

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF AUGUST 25, 2015.**
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. **REVIEW AND SIGN IGA IN SUPPORT OF A COMMUNITY DEVELOPMENT BLOCK GRANT SPONSORING THE 2015 UNION COUNTY REGIONAL HOUSING REHABILITATION PROJECT.**  
Attachments:
  - August 28, 2015 Letter from Community Connection of Northeast Oregon, Inc.
  - Intergovernmental Agreement
5. **REVIEW FOR ADOPTION ORDINANCE NO. 15-166-04, AN ORDINANCE TO PROTECT, PRESERVE, AND PROMOTE THE HEALTH, SAFETY, WELFARE, PEACE AND QUIET OF THE CITIZENS OF JOHN DAY THROUGH THE REDUCTION, CONTROL, AND/OR PREVENTION OF LOUD AND RAUCOUS NOISE AND/OR ANY NOISE THAT UNREASONABLY DISTURBS, INJURES, AND/OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE, AND/OR SAFETY, AND/OR THAT CAUSES PUBLIC INCONVENIENCE, ANNOYANCE, AND/OR ALARM TO REASONABLE PERSON OF ORDINARY SENSITIVITY; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.**  
Attachments:
  - Ordinance No. 15-166-04
  - Title 8, Chapter 2, Section 5: Nuisances affecting Public Peace of the previous Nuisance Ordinance
6. **REVIEW FOR ADOPTION ORDINANCE NO. 15-167-05, AN ORDINANCE AMENDING, REPLACING, AND SUPERSEDING TITLE 7, CHAPTER 2, SECTION 11 OF THE JOHN DAY CITY CODE, WHICH CODE SECTION ESTABLISHES REGULATIONS FOR THE MAINTENANCE OF SIDEWALKS; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.**  
Attachments:
  - Ordinance No. 15-167-05
  - Title 7, Chapter 2, Section 11: Responsibility and Liability for Maintenance of Sidewalks
  - Title 8, Chapter 2, Section 4-3: Snow and Ice Removal (original nuisance ordinance)

**OTHER BUSINESS:**

**7. OTHER BUSINESS AND UPCOMING MEETINGS**

Attachments:

- LOC Bulletins
- Assignments of the September 11, 2015 BAER meeting
- Quarterly Staff Report

**ADJOURN**

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** September 18, 2015

**SUBJECT:** Review and sign IGA in Support of a Community Development Block Grant Sponsoring the 2015 Union County Regional Housing Rehabilitation Project.

Attachments:

- August 28, 2015 Letter from Community Connection of Northeast Oregon, Inc.
- Intergovernmental Agreement

**BACKGROUND:**

Union County is applying for a Community Development Block Grant from the Oregon Business Development Department. Community Connection of Northeast Oregon, Inc. will be the non-profit agency operating the project. The proposed project is a housing rehabilitation grant in the amount of \$400,000. Community Connection of NE Oregon would like to make these funds available across the four-county region of Union, Baker, Wallowa and Grant counties. For homeowners within the City of John Day to be eligible to receive these funds, Oregon Business Development Department requires a signature from the City of John Day on the attached IGA.

The purpose of the Community Development Block Grant is to manage a housing rehabilitation revolving loan fund to provide assistance to low income homeowners to repair their homes.

The Agreement is intended to show each participating jurisdiction (city or county) where the proposed funds may be used. The agreement basically says, everyone that has signed this agreement understands that Union County is the lead applicant and we all agree that should it be possible for some of the funds to be used within our city or unincorporated areas of the county for housing rehabilitation projects, we don't have any issue with that.

**RECOMMENDATION:**

The John Day City Council allows Mayor Lundbom to sign the IGA in support of a Community Development Block Grant sponsoring the 2015 Union County Regional Housing Rehabilitation Project.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** September 18, 2015

**SUBJECT:** Review for Adoption Ordinance No. 15-166-04, an Ordinance to protect, preserve, and promote the health, safety, welfare, peace and quiet of the citizens of John Day through the reduction, control, and/or prevention of loud and raucous noise and/or any noise that unreasonably disturbs, injures, and/or endangers the comfort, repose, health, peace, and/or safety, and/or that causes public inconvenience, annoyance, and/or alarm to reasonable person of ordinary sensitivity; providing penalties; and declaring an emergency.

Attachments:

- Ordinance No. 15-166-04
- Title 8, Chapter 2, Section 5: Nuisances affecting Public Peace of the previous Nuisance Ordinance

**BACKGROUND:**

On June 9, 2015 the John Day City Council adopted Ordinance No. 15-165-03, the ordinance amended and restated Title 8, Chapter 2 of the John Day City Code commonly known and referred to as the John Day Nuisance Ordinance. If you remember when we adopted the updated Nuisance Ordinance, we did not address the noise section. City Attorney Jeremy Green recommended the John Day City Council adopt a separate ordinance for noise issues that provide the City with the tools to quickly and effectively respond to noise disturbances.

In addition to Ordinance No. 15-166-04, I have attached the sections of the City's previous Nuisances Affecting Public Peace of the John Day City Code to assist you in your review. The new ordinance gives more defined definitions (8-4-2) and general prohibitions (8-4-3). It also lists exemptions (8-4-5) and establishes a permit system in cases of emergency or other public necessity (8-4-6).

Section 8-4-7: Enforcement gives the city manager or the police chief the primary responsibility for the enforcement of the noise regulations and does not prevent them from obtaining voluntary compliance by way of warning, notice, or education.

**RECOMMENDATION:**

Recommended motions:

First Motion: "I move to have Mayor Lundbom read Ordinance No. 15-166-04 by title only."

Second Motion: "I move to adopt Ordinance No. 15-166-04."

**TO:** John Day City Council  
**FROM:** Peggy Gray, City Manager  
**DATE:** September 18, 2015  
**SUBJECT:** Review for Adoption Ordinance No. 15-167-05, an Ordinance amending, replacing, and superseding Title 7, Chapter 2, Section 11 of the John Day City Code, which code section establishes regulations for the maintenance of sidewalks; providing penalties; and declaring an emergency.

Attachments:

- Ordinance No. 15-167-05
- Title 7, Chapter 2, Section 11: Responsibility and Liability for Maintenance of Sidewalks
- Title 8, Chapter 2, Section 4-3: Snow and Ice Removal (original nuisance ordinance)

**BACKGROUND:**

This is basically the same scenario as with the Noise Ordinance; snow and ice removal was included in our original nuisance ordinance (included in your council packets) but not in Ordinance No. 15-163-03 (amended Nuisance Ordinance June 2015); City Attorney Jeremy Green noted that snow and ice removal should be included in our Sidewalk Maintenance Ordinance as this issue is time sensitive and needs to be responded to quickly.

To assist you with your review; I have attached the section of our previous Nuisance Ordinance that pertained to snow and ice removal. As you can see it was very vague and restrictive; no person in charge of property may permit snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.

Ordinance No. 15-167-05 amends Title 7, Chapter 2, Section 11 of the John Day City Code (included in your council packet); the proposed amendment includes snow and ice removal (Section B. 2) stating that removal will occur within the first six hours of daylight in commercial areas and within one day in all other areas upon any accumulation. I also like that it states “removed snow and ice will not be placed on the street or anywhere else where it could block runoff water or impede traffic as this has been a problem in past winter months.

Ordinance No. 15-167-05 clearly defines owners liability for sidewalk injuries (Section C) and Section D. 2 states the City can immediately remove snow and ice upon the Owner’s failure to comply with this Section. This allows the City to act quickly and not have to go through the abatement procedure under the City’s Nuisance Ordinance thus ensuring the health, safety, and general welfare of the general public.

**RECOMMENDATION:**

Recommended motions:

First Motion: “I move to have Mayor Lundbom read Ordinance No. 15-167-05 by title only.”

Second Motion: “I move to adopt Ordinance No. 15-167-05.”

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** September 18, 2015

**SUBJECT:** Other Business and Upcoming Meetings

Attachments:

- LOC Bulletins
- Assignments of the September 11, 2015 BAER meeting
- Quarterly Staff Report

**OTHER BUSINESS:**

1. The August 28, 2015 and September 4, 2015 and September 11, 2015 LOC Bulletins are included in your council packets.
2. Increased flood potential is a commonly expected result of wildfires, but considerable uncertainty exists in quantifying that increase, for this reason Mayor Lundbom, Fire Chief Ron Smith, Public Works Director Lance Woodcock and I attended the Burnt Area Emergency Response (BAER) Team, Canyon Creek Complex Post-Fire Watershed and Infrastructure Working Group meeting on September 11, 2015. The BAER Team is the assessment team that will issue a report (study) that goes to the forest regional Washington office. After that they will assign an Implementation Team.

The BAER Team has developed two maps, one called a Soil Burn Severity Map and a Pour Point Watersheds and Soil Burn Severity Map. I will have both maps available at Tuesday's Council meeting. These maps were developed by satellite imagery and boots on the ground to determine the affect the heat has on the ground (low, medium, high). It was noted that there was 10% high burn severity from the fire. Pre and post flow data; lidar readings, rain/storm gauges, emergency notification (NOAA taking the lead) were all discussed; they want to make sure that everyone knows their risk. For your information I have included the "Assignments of the September 11, 2015 BAER Meeting" in your council packets.

The USFS is scheduling a public meeting on Monday, September 21, 2015 at 5:30 p.m.; however, as of the time of this agenda a location has not yet been determined. Please listen to the radio for further details. The purpose of the meeting is for the BAER Team to present their findings to the public.

3. My quarterly staff report is attached for your information and review.

**UPCOMING MEETINGS:**

September 21, 2015	5:30 p.m. Canyon City Community Center	Burnt Area Emergency Response (BAER) Team Public Meeting
September 24 – 26, 2015	Bend, OR	League of Oregon Cities Conference Mayor and City Manager attending

September 28, 2015	10 am – 2 p.m. Burns	SEACT meeting
September 29, 2015	8:30 a.m. Outpost	GEODC Breakfast Mayor and City Manager attending
October 13, 2015	7:00 p.m. Council Chambers	Regular City Council Meeting