

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

**September 22, 2015**

**Adjourned Meeting**

**COUNCILORS PRESENT:**

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

**COUNCILORS ABSENT:**

Gregg Haberly, Councilor

**STAFF PRESENT:**

Peggy Gray, City Manager  
Lance Woodcock, Public Works Director  
Richard Gray, Police Chief

**GUESTS PRESENT:**

None present

**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 Gregg Haberly who was absent and excused.

**Agenda Item No. 2 – Approval of City Council Minutes of August 25, 2015**

The minutes of the August 25, 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 August 25, 2015 as presented. Councilor Lisa Weigum 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.

**Agenda Item No. 4 – Review and sign IGA in support of a Community Development Block Grant Sponsoring the 215 Union County Regional Housing Rehabilitation Project**

City Manager Gray informed the City Council that 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.

**Councilor Donn Willey moved to allow Mayor Lundbom to sign the IGA in support of a Community Development Block Grant sponsoring the 2015 Union County Regional Housing Rehabilitation Project. Councilor Lisa Weigum seconded the motion, the motion passed unanimously.**

**Agenda Item No. 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.**

City Manager Gray reminded the Council 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. When the City adopted the updated Nuisance Ordinance, noise section was not addressed. 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, City Manager Gray included the sections of the City's previous Nuisances Affecting Public Peace of the John Day City Code to assist the Council's 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.

**Councilor Steve Schuette moved to have Mayor Lundbom read Ordinance No. 15-166-04 by title only. Councilor Donn Willey seconded the motion, the motion passed unanimously.**

**Mayor Lundbom read Ordinance No. 15-166-04 by title only as follows:**

**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.**

**Councilor Donn Willey moved to adopt Ordinance No. 15-166-04. Councilor Paul Smith seconded the motion, the motion passed by a vote of 6 – 0.**

**Agenda Item No. 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.**

City Manager Gray explained this is basically the same scenario as with the Noise Ordinance; snow and ice removal was included in the City’s original nuisance ordinance (included in the 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.

City Manager Gray included the section of the City’s previous Nuisance Ordinance that pertained to snow and ice removal. The original language 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 the council packets); 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. Also 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.

**Councilor Donn Willey moved to have Mayor Lundbom read Ordinance No. 15-167-05 by title only. Councilor Steve Schuette seconded the motion, the motion passed by a vote of 6 – 0.**

**Mayor Lundbom read Ordinance No. 15-167-05 by title only as follows:**

**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.**

**Councilor Donn Willey moved to adopt Ordinance No. 15-167-05. Councilor Steve Schuette seconded the motion, the motion passed by a vote of 6 -0.**

**Agenda Item No. 7 – Other Business and Upcoming Meetings**

1. Mayor Lundbom informed the Council that Representative Cliff Bentz visited with City Manager Gray asking her what he can do for the City of John Day. Her response was the need to increase and make more sustainable funding for highway, road and street maintenance and preservation – increase the state gas tax and the current 9-1-1 tax (\$0.75) was implemented in 1995 and has not been raised since that time – increase the 9-1-1 tax to \$1.25. Representative Bentz's asked if the City Council would support an increase in the state gas tax and the 911 tax. If so, he requested the Council adopt two resolutions that showed the support. After discussion it was the consensus of the John Day City Council to allow City Manager Gray to draft two resolutions in support of raising the state gas tax and the 9-1-1 tax.
2. LOC Bulletins were included in the Council packets. Mayor Lundbom noted that he and City Manager Gray would be attending the Annual LOC Conference in Bend.
3. Mayor Lundbom updated the Council on the Burnt Area Emergency Response (BAER) Team meetings. Staging areas for displaced flooding victims were discussed. It was decided to have Dispatch Manager Valerie Luttrell communicate with Red Cross to see if they have a list of possible sites and report back to the Council.
4. The City Manager's quarterly report was included in the council packets.
5. The August 2015 financial reports were included in the council packets.

**Adjourn**

**There being no further business before the Council, Councilor Donn Willey made a motion to adjourn the meeting. Councilor Steve Schuette seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:50 p.m.**

Respectfully Submitted:

Peggy Gray  
City Manager

ACCEPTED BY THE CITY COUNCIL, OCTOBER 13, 2015

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Mayor Ron Lundbom