

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

January 12, 2016

Adjourned Meeting

COUNCILORS PRESENT:

Ron Lundbom, Mayor
Steve Schuette, Council President
Paul Smith, Councilor
Gregg Haberly, Councilor
Lisa Weigum, Councilor

COUNCILORS ABSENT:

Louis Provencher, Councilor
Donn Willey, Councilor

STAFF PRESENT:

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

GUESTS PRESENT:

Sean Hart, Blue Mountain Eagle

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 Councilors Louis Provencher and Donn Willey, who were absent and excused.

Agenda Item No. 2 – Approval of City Council Minutes of December 8, 2015

The minutes of the December 8, 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 December 8, 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 – Discuss the Reappointment of Ron Hasher to the John Day Budget Committee

City Manager Gray informed the Council that Ron Hasher’s term on the Budget Committee expires the first council meeting in January 2016 and Ron has agreed to another 3-year term. City Manager Gray reminded the Council that we still have one vacancy on the Budget Committee due to the resignation of Mark Witty that was not filled. We advertised the position in the local newspaper and radio and did not receive any applications. City Manager Gray stated she would contact some people directly to see if they were interested. Councilor Lisa Weigum stated it is really important for the upcoming generation to get involved and she is trying to coax some into it.

Councilor Steve Schuette moved to reappoint Ron Hasher to a three-year term on the John Day Budget Committee, term to expire January, 2019. Councilor Paul Smith seconded the motion, the motion passed unanimously.

Agenda Item No. 5 – Discuss the Reappointment of Tom Wilson to the John Day Planning Commission

City Manager Gray stated Tom Wilson’s term on the Planning Commission expires the first council meeting in January 2016. Tom Wilson has agreed to serve for another four-year term to expire January 2020.

City Manager Gray reminded the council that we still have two vacancies on the John Day Planning Commission as two commissioners resigned due to the SEI filing requirements by the State of Oregon.

Councilor Steve Schuette moved to reappoint Tom Wilson to another four-year term to the John Day Planning Commission, term to expire January 2020. Councilor Gregg Haberly seconded the motion, the motion passed unanimously.

Agenda Item No. 6 – Discuss and Appoint a Budget Officer

City Manager Gray stated Oregon Budget Law requires taxing districts to appoint a budget officer each year. The John Day City Charter states the city manager shall prepare and transmit to the council an annual city budget. It has been the City’s past practice to appoint the city manager as budget officer.

Councilor Paul Smith moved to appoint City Manager Gray as budget officer for fiscal year 2016-2017. Councilor Steve Schuette seconded the motion, the motion passed unanimously.

Agenda Item No. 7 – Discuss setting a date for a Council goal setting Work Session

City Manager Gray informed the Council that it has been a year since their last goal setting session and it is time to schedule another work session. A list of the previous year’s goals was included in the council packets along with the status of those goals.

Mayor Lundbom suggested setting a date in February as it seems the council agendas are a little lighter that time of the year and thought that including it in a regular council agenda worked well last year. City Manager Gray stated Grant County Economic Development Coordinator Sally Bartlett is available on

February 23, 2016 and stated it would be good to have her at the goal setting session and suggested holding the work session on the February 23rd council meeting.

It was the consensus of the City Council to place the goal setting work session on the February 23, 2016 council agenda.

Agenda Item No. 8 – Discuss for Signature Professional Services Agreement with Siegel Planning Services, LLC

City Manager Gray informed the City Council that since 2006 we have used Siegel Planning Services, LLC as the City’s Contract City Planner for land use planning services. Our current agreement with Siegel Planning expired December 31, 2015. The only changes proposed are an increase in Stacey Goldstein’s bill rate to reflect cost of living adjustment and a reduction in the mileage rate per the current federal schedule. The execution date is January 12, 2016 with the effective date post-dated at January 1, 2016.

We use Siegel Planning Services, LLC on an “as-needed” basis. Most of the land use applications are processed in house. However, for more complicated applications and for land use questions that I can’t answer; I use Siegel Planning Services as my resource. For fiscal year 2015, our expenditures totaled \$668.75. These expenditures were for the fire station site design review application and medical marijuana related issues.

Councilor Paul Smith moved to allow Mayor Lundbom to sign the Professional Services Agreement with Siegel Planning Services. Councilor Lisa Weigum seconded the motion, the motion passed unanimously.

Agenda Item No. 9 – Discuss request from Grant Union High School Grad Night 2016

A letter from the Parents of Grant Union 2016 asking for the City Council’s continued support of the annual “Grad Night Party” was included in the council packets. City Manager Gray stated in the past the John Day City Council has donated \$100 towards this event by utilizing our community promotions line in the general fund. As of December 31, 2015, the community promotions line item has \$1,000 left in the budget.

Councilor Paul Smith stated we’ve been contributing to this event for years and felt that it is a good one. Mayor Lundbom stated everyone in this room has been involved in this event in some way.

Councilor Gregg Haberly moved to donate \$100 to Grant Union High School Grad Night 2016. Councilor Lisa Haberly seconded the motion, the motion passed unanimously.

Agenda Item No. 10 – Discuss for Adoption Amendments to the Second Amended and Restated Employee Handbook of the City of John Day effective January 1, 2016

City Manager Gray informed Council the 2015 Oregon State Legislature adopted Senate Bill 454 requiring Oregon employers to provide employees sick leave. The City currently offers more sick leave than what the new law requires; however, the new law requires the other paid employees under the City’s

control to start receiving it. This necessitates the City to amend the City’s employee handbook. In addition to the new sick leave legislation, City Manager Gray stated they have also added a few other revisions that the City’s insurance company (CIS) suggested we add the next time that we updated the City’s handbook.

Included in the Council packets was the first draft copy of the Second Amended and Restated Employee Handbook. For the Council’s convenience in reviewing, City Attorney Jeremy Green provided a redlined version. The major revisions were described to the Council as follows:

1. Page 4; Section 3 c. Complaint Procedure – CIS recommended we make our complaint procedure for harassment victims more clear when the alleged harasser or discriminator was the Department Head. City Attorney Jeremy Green added language dictating the procedure in this section of the handbook indicating that the employee can go to the City Manager if the alleged harasser or discriminator is a Department Head. The same language is also included on Page 6; Section 7 b. Grievance/Complaint Resolution Steps and Process, Step 2 – City Manager.
2. Page 9; adds sick leave language as required under applicable law. City Attorney Jeremy Green and I also discussed including language that gives the non-represented regular part-time employee the same benefits as the represented regular part-time employee. This language would allow regular part-time employees to be compensated at a rate of one-half (1/2) the regular compensation (i.e. holiday, sick and vacation pay).
3. Page 10; Section 10 c. Pay Period and Payday; Paychecks - CIS recommended we add a policy that instructs employees to review their paycheck for any errors each pay period and to bring them to someone’s attention as soon as they are discovered. City Attorney Jeremy Green added CIS’s suggested language.
4. Page 14; Section 11 f. Smoking – CIS stated they heard from a few CIS members that some employees believe that vape pens or e-cigarettes really don’t count as “smoking.” CIS suggested we consider adding those items to our smoking policy.
5. Page 22-23; Section 13. Substance Abuse – CIS stated our Substance Abuse Policy could be more strict when it comes to marijuana, recreational or medical. For example, the City could choose to not accommodate medical marijuana in the workplace, and specifically exclude medical marijuana from its definition of “prescription medication.” The list of prohibited conduct could include a situation where the employee shows up for work with a detectable amount of any drug in his/her system. The current policy’s reference to “illegal drugs” could be interpreted by employees to mean that marijuana (because it is legal under Oregon law) is acceptable. Lastly, CIS suggested we add language that prohibits employees from bringing marijuana paraphernalia to work. City Attorney Jeremy Green and I believe the proposed revisions address the issues identified by CIS and more than adequately protects the City.
6. Page 28; Section 15 d. Sick Leave – City Attorney Jeremy Green has added language that satisfies the requirements of SB 454 bringing our employee handbook into compliance. However, we discussed that we should also define that a part-time employee that works less than 40 hours per week will receive one-half (1/2) the regular sick leave compensation. Regular full-time employees receive 8 hours per month of sick leave; part-time employees will receive 4 hours per month; which are greater sick leave benefits than required under SB 454.

City Manager Gray informed the Council that according to the Agreement between the City of John Day, Oregon and the Grant County Police Officers Association, the City need to furnish these revisions to the Association and to affected employees seven (7) days prior to their implementation. If the association takes objection to the amended policies, she may need to bring the handbook back to the council for further discussion.

Councilor Steve Schuette moved to approve the second amended and restated employee handbook subject to any revisions the city manager or legal counsel deem necessary or appropriate. Councilor Gregg Haberly seconded the motion, the motion passed unanimously.

Agenda Item No. 11 – Other Business and Upcoming Meetings

1. LOC Bulletins were included in the Council packets.
2. The December 2015 financial reports were presented to the City Council.
3. LOC Small Cities Meeting, January 21, 2016 hosted by the City of Prairie City at the Strawberry Grange from 11 a.m. to 1:30 p.m.. Councilor Louis Provencher and City Manager Gray are attending.
4. There will be a joint meeting of the North East Area Commission on Transportation (NEACT) and the South East Area Commission on Transportation (SEACT) on January 25, 2016 at the Grant County Regional Airport beginning at 9 a.m. There will be 14 2018-2021 Enhance Project Presentations, with the City's being the last two presentations of the day. This meeting is to develop the 150% list; from there the list will be cut to the 100% list. The projects can be viewed online at <http://www.oregon.gov/ODOT/HWY/REGION5/Pages/18-21-Enhance-STIP-Applications.aspx>.
5. Mayor Lundbom presented a temporary easement for signature from Ferguson Surveying & Engineering. This is part of the Canyon Creek Channel Rehabilitation Project; this easement pertains to the property located at the city park (13S31E23CC Tax Lot 3000) for construction, maintenance and removal of a temporary 1.2' berm (41 cubic yards). It was the consensus of the Council to allow Mayor Lundbom to sign the easement.
6. Mayor Lundbom presented an ODOT Speed Zone Investigation #7888 on John Day Hwy (US 26) in City of John Day for approval by the John Day City Council. Subsequent to Oregon House Bill 3402 that increases maximum speed limits on certain highways in Eastern Oregon, ODOT has been investigating the need to add transition speed limits from the new higher 65 MPH speed limit on the John Day Hwy #5 from 0.88 mile east of SE Gunther Road (MP 163.50) to 1.07 mile east of SE Gunther Road (MP 163.69) in the City of John Day. Given that the recommended change in speed limits is within the city limits, ODOT needed approval of the City of John Day to change the speed limit. Mayor Lundbom explained ODOT wants to reduce the speed from 65 MPH to 50 MPH from Mullin's corner to the 35 MPH as you come into the city limits. It was the consensus of the John Day City Council to approve Request ID #7888.
7. Mayor Lundbom presented a letter from City Manager Gray informing the City Council that she is retiring on July 1, 2016. The Council discussed how to replace the position and the needed to get the recruitment process started as soon as possible.

Adjourn

There being no further business before the Council, Councilor Steve Schuette made a motion to adjourn the meeting. Councilor Gregg Haberly seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:40 p.m.

Respectfully Submitted:

Peggy Gray
City Manager

ACCEPTED BY THE CITY COUNCIL, JANUARY 26, 2016

Mayor Ron Lundbom