

John Day City Council
September 13, 2016
7:00 PM
Fire Station, 316 S. Canyon Blvd
AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIUL MINUTES OF AUGUST 23, 2016.**
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. **OLCC LIQUOR LICENSE APPLICATION**
Attachment(s)
 - Application for ‘The Ugly Truth Bar & Grill, Inc.’
5. **DISCUSSION OF DOG COMPLAINT DATA AND ENFORCEMENT OPTIONS**
Attachment(s)
 - Memo on Dog Complaint Data and Enforcement Options
 - Dog as a Public Nuisance Warning
 - Blue Mountain Eagle Article
 - Sample Ordinance from Prairie City
6. **PUBLIC CONTRACTING ORDINANCE RESOLUTION**
Attachment(s)
 - Ordinance 16-169-02

OTHER BUSINESS

7. **OTHER BUSINESS AND UPCOMING MEETINGS**
 - City Personnel – staffing update
 - Parking restrictions update
 - Flood map update
 - Save Outdoor Schools campaign update
 - City Hall Week – Friday, Sep 16th, 9:30 AM – Baker City, OR
 - Money Management, A Planned Approach to Rate Setting – Tuesday, Sep 20th – Grant County Regional Airport
 - SEACT Meeting – Monday, Sep 26th, 10:00 AM – Harney County Courthouse

Attachment(s)

 - LOC bulletins

ADJOURN



CITY OF JOHN DAY

MEMORANDUM

TO: JOHN DAY CITY COUNCIL
FROM: NICHOLAS GREEN, CITY MANAGER
SUBJECT: DOG COMPLAINT DATA AND ENFORCEMENT OPTIONS
DATE: SEPTEMBER 13, 2016
CC:

EXECUTIVE SUMMARY

This memo provides background on the dog complaint data the City has received in 2016, current enforcement practices, and options for additional enforcement measures.

DOG COMPLAINT DATA

The Emergency Communications Center (ECC) has logged 118 animal complaints county-wide from January 1st to August 8th, 2016. Of these, 58 complaints (49%) were for John Day and Prairie City. Nine were for dogs biting people and seven were dogs biting other animals. The remainder were nuisance complaints of dogs at large, barking, etc. This equates to an average of 15 complaints per month. In 2015, the ECC logged 185 complaints county-wide, also averaging 15 per month. Of these, 102 (55%) were for John Day and Prairie City.

The John Day Police Department has issued 8 citations this year for dog nuisance violations in the John Day and Prairie City patrol areas. The average time for an officer to respond to each call for service is approximately one (1) hour. A breakdown of these incidents for calendar year 2016 is shown in *Figure 1* and *Table 1* below.

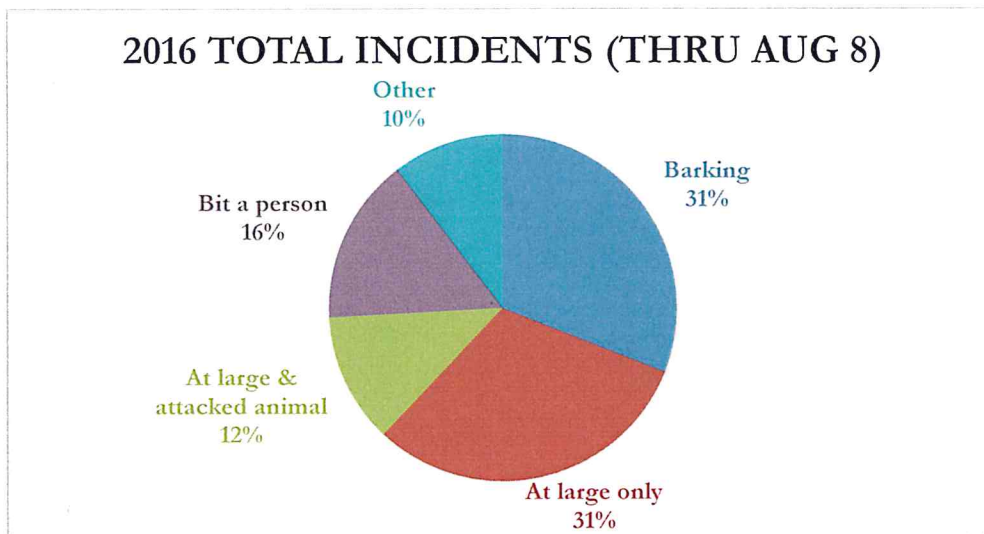


Figure 1. Breakdown of Dog Incidents for 2016

SUBJECT: CITY RECORD KEEPING, RETENTION, AND DESTRUCTION POLICIES

Table 1. Data on Dog Incidents Reported to the Emergency Communications Center

Incident Type (2016)	John Day	Prairie City	Total
Barking	9	9	18
At large only	12	6	18
At large & attacked animal	6	1	7
Bit a person	6	3	9
Other	4	2	6
Total	37	21	58
Citations issued	3	5	8

STATE & LOCAL ORDINANCES

ORS 433.340 to 433.385 and 609.040 to 609.110 contain the state laws related to dog control. These ordinances apply in every county except as otherwise provided by county charter or ordinance. ORS 433 requires disease control for animals, and ORS 609.030 and 609.040 to 609.110 prescribes rules for animal control.

These rules do not limit the powers of cities and counties to adopt ordinances and regulations relating to the control of dogs, and a county dog licensing and control program shall not apply within the limits of a city that has its own dog licensing and control program.

- ORS 609.030 authorizes establishment of a dog control district
- ORS 609.040, .050, .070, .080 – repealed
- ORS 609.060 requires jurisdictions to provide 60 days public notice before new dog ordinances may take effect
- ORS 609.090 allows law enforcement officers to cite dog keepers, impound a dog, or both, if the dog is found running at large (609.060), is a public nuisance (609.095), or if the dog is a dangerous dog (609.098).
- ORS 609.095 defines a dog as a public nuisance if it:
 - (a) Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;
 - (b) Damages or destroys property of persons other than the keeper of the dog;
 - (c) Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;
 - (d) Trespasses on private property of persons other than the keeper of the dog;

SUBJECT: CITY RECORD KEEPING, RETENTION, AND DESTRUCTION POLICIES

- (e) Disturbs any person by frequent or prolonged noises;
 - (f) Is a female in heat and running at large; or
 - (g) Is a potentially dangerous dog, but is not a dangerous dog as defined in ORS 609.098.
- ORS 609.100 mandates that a jurisdiction having a dog control program require every person keeping a dog to procure a license for the dog. A license fee shall not be less than \$25 for each dog, except that the fee shall not be less than \$3 for each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented. The jurisdiction is required to supply the licensee, without charge, with a suitable identification tag, which shall be fastened by the licensee to a collar and kept on the dog at all times when not in the immediate possession of the licensee.
 - All funds derived under ORS 433.340 to 433.385 and 609.040 to 609.110 shall be turned over to the county treasurer (or city recorder), who shall keep them in a fund to be known as the Dog License Fund, to be expended as provided for by law. At the end of a fiscal year any amount of money in the fund determined by the governing body to be in excess of the requirements of the Dog License Fund may be placed in the general fund of the jurisdiction.

The City currently enforces these ordinances through verbal and written warnings (see 'Dog as a Public Nuisance' letter, Exhibit 1) and through citations.

OPTIONS FOR CITY COUNCIL

The current approach has not been effective at reducing the number of dog as public nuisance violations. The Council has several options it may consider:

- 1) **Status quo.** The City Manager can continue to monitor this issue and provide an update to the Council at the end of the calendar year.
- 2) **Public education.** The City can post the state ordinances on its website and provide information in the quarterly city newsletter on dog nuisance violations. The Blue Mountain Eagle article on 9/7/2016 (Exhibit 2) will also help create awareness of this issue.
- 3) **City Ordinance.** The City can evaluate adopting its own dog control ordinance. This would require dog owners to license their pets annually and would impose stricter fines for various nuisance violations. The revenue from these programs would be placed in a dedicated Dog License Fund and used to enforce the ordinance. A sample ordinance from Prairie City is attached (Exhibit 3).

EVALUATION CRITERIA

New ordinances should accomplish at least one of the following objectives in order to add value to the City: 1) Increase efficiency; 2) Reduce cost; 3) Improve quality of life.

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: August 23, 2016

SUBJECT: Agenda Item #6: Discuss for Adoption Ordinance No. 16-169-02, An Ordinance Repealing and Superseding Title 1, Chapter 13 of the John Day City Code in its Entirety, Which Title 1, Chapter 13 Concerns Public Contracting Rules and Procedures in the City of John Day; and Declaring an Emergency.

Attachments:

- Ordinance No. 16-169-02 (signature copy)

Background

The Council discussed and reviewed the proposed language for Ordinance No. 16-169-02 during the August 9th Council Meeting. City Manager Green addressed follow up questions to the ordinance at the August 23rd Council Meeting.

Recommendation

Ordinance No. 16-169-02 was posted as per Chapter VII of the John Day City Charter. I recommend the John Day City Council adopt Ordinance No. 16-169-02.

Recommendation Motions:

First Motion: "I move to have Mayor Lundbom read Ordinance No. 16-169-02 by title only."

Second Motion: "I move to adopt Ordinance No. 16-169-02."

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: August 23, 2016
SUBJECT: Agenda Item #7: Other Business and Upcoming Meetings
Attachments:

- LOC Bulletins

OTHER BUSINESS

1. Parking Restrictions Update

City Manager Green spoke with George Hamsher of T&H Automotive on 8/25/16. George stated he has had a much higher workload than usual and that he's going to do better about keeping the cars off the streets. He asked us to give him a week or two to get some of his vehicles out of his shop and that he'll let his employees know not to park there as well. The parking situation appears to have been alleviated.

2. Flood Map Update

Paul Sclafani from the Army Corps of Engineers stated that the Letter of Map Request and Letter of Revision forms must be signed before we can submit the package to FEMA, but public hearings can happen any time before or after the forms are submitted. There is an extended revision process for the floodplain map updates that allows for public input and adjustments after FEMA accepts the requests.

Canyon City Council and Grant County Commissioners have signed their forms and are waiting for John Day's signatures. We can defer signing until after public hearings are scheduled (no date has been selected), but it is not required per Mr. Sclafani.

3. Recycling Collection Centers

City Manager Green spoke with Nancy Clark of Clark's Disposal to discuss the status of recycling collection points in John Day. She stated that due to individuals using the collection bins as a local dumpster the program had to be discontinued. City Manager Green would like to apply for a grant to allow for a local collection and disbursement point that would include audio-visual equipment and license plate readers (LPRs). The City would assume responsibility for code enforcement / violations and citing individuals who engage in illegal dumping activities. Clark's would retain responsibility for collection, transfer and disposal of the recyclable materials. Deadline for grant submission is October 31st, 2016.

DEQ Grant Information

The Oregon Department of Environmental Quality (DEQ) is accepting applications for grant funds that support the state's 2050 Vision for Materials Management. \$1.2 million in grant funding will be available to projects that target prevention and recovery of solid waste, as well as local solid and household hazardous waste planning. The grants will be made available through the Oregon DEQ's Materials Management program. In last year's grant round, the program awarded close to \$600,000 to 15 projects.

Applications will be accepted through Oct. 31, 2016, with grants awarded by the end of this December. More information can be found at www.deq.state.or.us/lq/sw/grants.

What costs are eligible for funding?

- Administrative costs, such as travel, office expenses, overhead
- Salaries and benefits for project personnel and payments to consultants or contractors
- Publications and other printed materials
- Machinery, vehicles, equipment, signs, containers and project-related supplies

Is there a limit on the amount that can be requested?

There is no imposed limit on the amount you may request. Historically, the average amount amongst all grant categories offered in this program has been approximately \$25,000, ranging from \$1,500 to \$148,550. Up to \$1,200,000 may be awarded in this 2016 grant round for all materials management grants (including planning grants). In some cases, DEQ may offer an award for less than the amount requested.

Are matching funds required?

No. However, local support like cash matches will factor into the evaluation of the proposal, thus if you have matching funds, it may be advantageous to include them in your response to the appropriate questions below.

UPCOMING MEETINGS

1. 9/16/16 – City Hall Week – Baker City, 9:30 AM
2. 9/20/16 – Money Management, A Planned Approach to Rate Setting (RCAC Seminar) – Grant County Regional Airport, Time TBD
3. 9/26/16 – SEACT Meeting – Harney County Courthouse, 10 AM.