

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

September 13, 2016

Adjourned Meeting

COUNCILORS PRESENT:

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

COUNCILORS ABSENT:

STAFF PRESENT:

Nicholas Green, City Manager
Valerie Luttrell, Emergency Communications Center Supervisor

GUESTS PRESENT:

Howard Gieger, John Day
Traci Unterwegner, John Day
Tim Unterwegner, John Day
Debbie Bloom, Canyon City
Brian Hubbard, John Day
Ali Lenz, John Day
Elaine Mezzo, John Day
Sharon Smith, John Day

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.

Agenda Item No. 2 – Approval of City Council Minutes of August 23, 2016

The minutes of the August 23, 2016 were included in the agenda packets and were presented for the Council's approval. Councilor Provencher requested the minutes be amended to state that the parking restrictions currently exist on Dayton Street north of Main Street.

Councilor Schuette moved to adopt the minutes as amended. Councilor Provencher seconded and the motion passed unanimously.

Agenda Item No. 3 – Appearance of Interested Citizens

Mayor Lundbom welcomed the general public and asked if there is anything they would like to add to tonight's agenda.

Agenda Item No. 4 – OLCC Liquor License Application

Mrs. Ali Lenz applied for liquor license on behalf of "The Ugly Truth Bar and Grill," which is a change in license from "The Dirty Shame." The applicants explained this is a change in ownership, the name will change, the menu will change and the site will be remodeled. City Manager Green reported Chief Gray has reviewed the application and has no concerns.

There being no concerns from the council, Councilor Willey motioned to authorize Mayor Lundbom to sign the OLCC liquor license application. Councilor Smith seconded and the motion passed unanimously.

Agenda Item No. 5 – Discussion of Dog Complaint Data and Enforcement Options

City Manager Green reported to the Council the data on dog complaints that has been observed by his staff. Mrs. Luttrell and Chief Gray both felt like the number of complaints had gotten worse recently. City Manager Green provided the Council with the total number of incidents for the year, broken down by incident type, and the totals for the prior year. He stated that the issue that was the most concerning for him was the number of bites on other animals and people, and concerns he has heard from residents that said they have had to alter their walking behavior, carrying pepper spray and changing their routes because of known issues with dogs that run free. He recited the City's current procedures for enforcing the ORS, which have not seemed to be effective at reducing the number of incidents. He then discussed three options presented to the Council in their packet: 1) to continue to monitor the situation (status quo); 2) to educate residents about the existing laws and increase enforcement; and 3) to create our own City Ordinance for animal control. City Manager Green presented a sample ordinance from Prairie City included in the packet and discussed the manner in which the licensing program there has been implemented.

Councilor Provencher asked how many of these complaints were from the same owners. Mrs. Luttrell stated that there are some who are repeat offenders. Mayor Lundbom asked for Councilor Weigum's thoughts. She stated that from her perspective the biggest issue is enforcement. She thought that an ordinance was a really good idea, but that she would like to see our law enforcement officers enforcing the ordinance. She stated that it is unlikely from the 10 years she's been doing rescue work that the loose animals are strays; in most cases they belong to people who are just irresponsible with their pets. Councilor Schuette concurred. Mayor Lundbom asked if a citizen could make a citizen's complaint to the City and if we could address it locally. City Manager Green stated he would need to inquire with the city attorney how a local ordinance would be enforced, whether in a municipal court or through the Justice of the Peace for Grant County. Discussion on enforcement ensued.

Councilor Weigum said she felt stronger enforcement is needed, and that on her way to the meeting tonight she picked up a stray coming down the highway. Councilor Schuette said he feels it is also an issue of enforcing the laws already on the books. Councilor Weigum said she would like to see stronger penalties. Council then discussed at length the merits of stronger enforcement, a state vs. local ordinance, and the value of having a licensing requirement in conjunction with enforcement.

Mr. Tim Unterwegner shared six incidences with aggressive and off leash dogs that occurred while walking his dog – three with one dog and three with another – and after the last incident he decided to

carry a baseball bat and pepper spray. He provided a letter to the City discussing these incidents. Other audience members shared their experiences encountering loose dogs. Mrs. Bloom from Canyon City shared her experience with her dog being attacked resulting in an \$800 veterinarian bill and stated she herself has been bitten. She said her dog minds her better when it is off leash, but she has also begun carrying pepper spray. She gave her opinion that most of the dogs who attack are Pit Bulls and that it wouldn't matter whether the other dog were on a leash or not.

Councilor Smith discussed the resources needed to enforce the laws, and how much time our police officers have to commit to this issue. Mayor Lundbom said he thought the best approach would be increasing education, making residents aware of the issue and communicating the consequences. Mr. Gieger stated his opinion that the biggest challenge is lack of funding to create an animal control program and consistent enforcement with sufficient funding will be necessary for an ordinance to be meaningful. He also felt education would have the most significant impact given the City's resource constraints. Councilor Haberly concurred stating we have ordinances already that we aren't enforcing, so another ordinance we don't enforce won't help.

City Manager Green stated one advantage of the licensing component is that it requires dog owners to verify the dogs have had their Rabie's vaccination. Discussion ensued about the question of liability if a person were to defend themselves or their dogs against off-leash aggressive animals. City Manager Green said he would need to do additional research on enforcement and annual control costs, and that his primary intent was to make the data available to the Council for their review. Councilor Schuette said he feels all we need is for the City to enforce the laws that already exist, and that we need to do an education program first while strengthening enforcement. Discussion ensued about the adequacy of the City's current enforcement procedures, methods to fund greater enforcement, and the challenge of addressing nuisance issues that aren't reported because residents do not want to report on their neighbors.

City Manager Green said he provided evaluation criteria for the Council to consider in determining whether a new ordinance adds value. They are: increased efficiency, reduced cost, and improved quality of life. He stated he is back and forth on whether it will increase efficiency, but a licensing program will certainly make enforcement easier; a new ordinance will increase cost, but it may also increase quality of life if it is effective at reducing nuisance incidents. He said he is willing to pursue greater education and enforcement or an ordinance as the Council sees fit.

Councilor Weigum said she would like to see greater enforcement but would also like to see a sample ordinance for the City. Councilor Provencher stated for the record he is not in favor of a new ordinance at this point in time and that we have state ordinances we need to enforce.

City Manager Green said he will work with the city attorney to get a draft ordinance and will see if he can determine the financial cost of enforcing an ordinance if we were to do it. He will also mention this issue in the City Newsletter.

Agenda Item No. 6 – Public Contracting Ordinance Resolution

City Manager Green presented the proposed language for 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."

Councilor Schuette moved to have Mayor Lundbom read Ordinance 16-169-02 by title only. Councilor Willey seconded and the motion passed unanimously. Mayor Lundbom then read the ordinance by title only.

Councilor Willey moved to adopt ordinance 16-169-02. Councilor Weigum seconded and the motion passed unanimously.

Agenda Item No. 8 – Other Business and Upcoming Meetings

The following topics were discussed under other business:

- Mayor Lundbom mentioned the ‘Color Run’ for Heart of Grant County scheduled for September 24th. This is an annual event that has been held for the past four years at the Industrial Park. Council concurred to allow the event to proceed without a formal motion.
- City Manager Green announced that Monte Legg has been promoted to Public Works Director effective September 2nd. He also provided an update on the interview process for the new receptionist (Secretary/Cashier position), and that he has moved Julie Larson to the Senior Account Clerk position.
- City Manager Green provided an update on the parking issue on Dayton Street and that the street is looking much better. Councilor Schuette noted that there is much less congestion. Councilor Willey said we should monitor in case it comes back, but he does not want to be hard on Mr. Hamsher and that he really appreciates his business. Councilor Haberly agreed.
- City Manager Green provided an update on the floodplain revision request to FEMA and that the County and Canyon City have signed their letters. He said he spoke with Paul Sclafani from the Army Corps of Engineers and that he said the form can be submitted before or after the public meetings. Council discussed the impacts of the new floodplain maps and whether to proceed in authorizing the Mayor to sign. **Councilor Schuette moved to authorize Mayor Lundbom to sign the floodplain map request, Councilor Haberly seconded and the motion passed unanimously.**
- City Manager Green discussed the need for local recycling points and the discussion he had with Clark’s disposal about the reasons they terminated the program, which they said was due to illegal dumping. He said he proposed to Nancy Clark to place a couple of local collection points monitored by the City, and she said she would need to discuss it with Farrell. He also stated there is a DEQ grant open until October 31st that could be used to fund local collection. Councilor Smith said the local collection program was very popular, but he understands why Clark’s pulled them. Mayor Lundbom said he spoke with Farrell and that he said there are 40-50 businesses and restaurants that have cardboard dumpsters, that the local collection program became too costly for them and would only work for cities of 10,000 or greater, that people have been better at bringing their recyclables up to the transfer station, and that he may be willing to entertain cardboard in town but nothing else. City Manager Green said there are two sites on city-owned property that the city could monitor with cameras and license plate readers if funded through the grant: one is right next to City Hall in our parking lot, and the other is the gated area of the wastewater treatment plant. Council discussed the merits of both locations and agreed it is worth pursuing if it is grant funded.
- City Manager Green provided an update to the City Council on the outdoor schools campaign and his discussion with Superintendent Curt Shelley. Council agreed not to move to support the campaign and to decline future requests for legislative endorsement.
- City Manager Green provided an update on the City’s eclipse planning and stated that only one campsite and no RV sites have been reserved.

Adjourn

There being no further business before the Council, Councilor Willey moved to adjourn the session. Councilor Schuette seconded and the motion passed unanimously. The session was adjourned at 8:41 p.m.

Respectfully Submitted:

Nicholas Green

City Manager

ACCEPTED BY THE CITY COUNCIL, SEPTEMBER 27TH, 2016

Mayor Ron Lundbom