

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

November 8, 2016

Adjourned Meeting

COUNCILORS PRESENT:

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

COUNCILORS ABSENT:

STAFF PRESENT:

Nicholas Green, City Manager
Valerie Luttrell, Emergency Communications Center Supervisor
Richard Gray, Chief of Police
Monte Legg, Public Works Director
Janine Weaver, Secretary/Cashier

GUESTS PRESENT:

Kathy Stinnett, Justice of the Peace

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 October 25, 2016

The minutes of the October 25, 2016, City Council meeting were included in the agenda packets and were presented for the Council's approval.

Councilor Willey moved to adopt the minutes. Councilor Haberly seconded and the motion passed unanimously.

Agenda Item No. 3 – Appearance of Interested Citizens

Agenda Item No. 4 – Discuss terms for 5-year sewer agreement with Canyon City

City Manager Green has looked for a contract structure that looks at historical costs and future cost while still structuring the contract to situate us competitively for future financing. Due to the difficulty in estimating future operating costs, City Manager Green looked at competitive rates for future financing

and equivalent rates between John Day and Canyon City. He proposed a \$2 monthly rate increase per year for Canyon City and \$1 monthly rate increase for John Day with a target for both cities to achieve a \$49 monthly rate by 2021. USDA Rural Development believes that at a \$49 monthly rate we will be competitive for 40-year low interest loans as well as more traditional financing options. In addition, Green stated these terms will allow us to set aside \$500,000 dollars for the future treatment plant's facility and equipment fund. Currently the fund has \$323,000. While this would be a more aggressive contribution to the existing fund, it will also allow us to increase our operating revenue if necessary.

Councilor Provencher stated his concern that Canyon City does not have a future treatment plant reserve fund and may need to increase monthly rates by more than the \$2 to build their own fund. City Manager Green clarified that it is their council's decision on raising rates. All the city of John Day can do is make suggestions and explain the need for rate parity. Canyon City reviewed the contract and submitted the back payments and current payments suggested in the contract and told City Manager Green Canyon City is good with the contract and ready to move on. The contract sets Canyon City's starting rate at \$10,000 more than in the past. City Manager Green clarified that 24% of Canyon City's rates go into our future treatment plant fund so the City of John Day is holding Canyon City's funding in our Fund 5.

Mayor Lundbom stated it appears we are getting the amount we were hoping to get plus the escalation being more than hoped. City Manager Green believes the contract will grow the Fund 5 balance to \$500,000 giving us really good credit, really good ability to pay, and a large down payment. This should result in financial institutions competing for our business.

Councilor Smith stated he likes the plan's rate parity and the proactive stance the contract brings to competitive financing. Mayor Lundbom wondered if everything goes as we plan, is Canyon City entitled to 24% of the reclaimed water the future facility would produce. City Manager Green clarified that the investment Canyon City is making into the treatment of the water involves capital improvements for treatment as well as the actual treatment, and this is a separate negotiation from the reuse of reclaimed water. City Manager Green stated that if we end up having the land application option only, we will be at a higher rate than needed. He stated his hope is that we will not need to raise rates above \$49 per month. After \$49 we would look at other revenue options. City Manager Green clarified that even though the rates would not be at \$49 until 2021, being able to show financiers in 2019 that rates will be to the \$49 mark will be enough to secure competitive loans, especially since the funding would be phased in during construction. Once the feasibility study has been completed, the viability of the proposed rate structure will become clearer.

City Manager Green clarified that the 5-year rate increase would be a fixed rate. If the operating costs are lower than expected, more of the revenue will be put into Fund 5 and vice-a-versa. Councilor Provencher clarified that with the fixed dollar amount increase, the percentage contribution will go down slightly each year. Councilor Provencher stated his concern that John Day assumes more risk than Canyon City. City Manager Green clarified that while John Day assumes more risk, the City also has better predictability.

The Council unanimously concurred to the contract terms pending approval by Canyon City.

Agenda Item No. 5 – Appointment to Planning Commission – Neale Ledgerwood

The current Planning Commission suggested Mr. Ledgerwood should be appointed to the commission in part due to the amount of time he has spent in the community. Mr. Ledgerwood agreed to apply and submitted his application for review. The city council agreed Mr. Ledgerwood would be an asset to the commission.

Councilor Haberly moved to appoint Mr. Neale Ledgerwood to the John Day Planning Commission for a four-year term beginning on January 10th, 2017. Councilor Willey seconded and the motion passed unanimously.

Agenda Item No. 6 – Discuss Request from Timber Truckers Light Parade Committee

City Manager Green explained the Timber Truckers Light Parade Committee request and that the City has a \$1000 Community Promotions line item, which is where the donation has come from in the past. Councilor Smith asked for a list of donation requests received by the City to clarify where the Community Promotions line item is spent each year. This would allow the city to decide where to distribute the money and perhaps rotate yearly where the money goes.

The Council unanimously concurred to authorize City Manager Green to donate \$100 to the Timber Truckers Light Parade.

Agenda Item No. 7–Other Business and Upcoming Meetings

- City Manager Green created a one page summary of the dog ordinance draft for the Council's review. The ordinance includes mandatory licensing, mandatory vaccination, prohibits dogs running at large, requires removal of dog waste, defines dog as a nuisance, establishes impound and release procedures, defines euthanizing criteria, allows for an appeals process, defines classifications for dangerous and potentially dangerous dogs, and authorizes penalties for ordinance violations.

Justice of the Peace Stinnett explained that the ordinance parallels the existing ORS but includes licensing not present in the ORS. The ordinance gives more authority to City law enforcement to make determinations on classifying dogs. City Manager Green said the discretion was given to the Chief of Police to city for violations of the city ordinance and removes the requirement for a citizen to testify against a neighbor's dog. Councilor Weigum supports a dog licensing requirement to encourage citizens to be more responsible pet owners or pay fines. There is no expectation for Chief Gray to go door to door to enforce the licensing to dogs confined to their yard. Councilor Haberly noted good pet owners will already have their pets vaccinated.

Councilor Weigum pointed out dogs are attacking pedestrians on the sidewalk to protect their house and are running the streets causing vehicle accidents. She does not agree with the entire ordinance as presented but believes in the need for licensing. Councilor Haberly fears there may be push back from members in the community for creating one more law and one more tax and would like to know how the ordinance will change citizen behavior. Councilor Weigum pointed out that when the dog is not at fault but a citizen is, the dog and owner would not be responsible. Councilor Weigum expects the ordinance would allow for enforcement when a dog is breaking the law rather than expecting all citizens to rush to City Hall to pay fees. It will encourage people to be responsible.

Councilor Weigum does not see any pet owner allowing their dog to be taken and sees the issue that there is nowhere to impound a dog and it is unclear where payment would come from. She said she is not comfortable with the language about dangerous dogs and who is qualified to make behavioral analysis of a dog. Justice of the Peace Stinnett pointed out the ORS does have statutes for the behavioral side already, but the ordinance gives the City more control and empowers officers to make decisions. The ORS is a criminal procedure where the city ordinance would be a civil procedure. Under criminal procedures, the ORS is a violation and will not show on your criminal record.

Justice of the Peace Stinett provided a 15 month history, beginning July 1st, 2015, of Grant County dog ORS violations. Any cases listed with no fine are diversions for first time offenders where the dog and owner are given a set time for no further citations. She stated most dog cases turn into huge neighborhood civil matters, and people have as strong of feelings about their dogs as their children. Under current IGA, if someone is cited under the ORS and a fine is paid, the city does not receive any portion of the fines. Only \$99.50 of each fine would have gone to the city if enforced under municipal code rather than ORS. Through the criminal procedures, restitution hearings also occur. Some of the restitution requirements are quite significant. There would be the ability to cite under the ORS if there is a municipal code but Justice Stinnett urged consistency. Chief Gray clarified the City is currently enforcing under the ORS.

Councilor Weigum pointed out that the dog who attacked her dog attacked another dog two weeks later and mothered the dog who killed the child in Baker. If the City had an ordinance pushing the fines for licensing, spaying/neutering, and vaccinations, perhaps the dog would have been taken care of by the owner sooner and avoided these occurrences. City Manager Green pointed out that under the city ordinance the diversion processes are described and are not financial. They include warning signs, enclosures, and identification. He noted that the ORS is the policy currently being enforced but it has not changed the pattern of activity. Councilor Weigum clarified that she does not support euthanizing.

Councilor Provencher believes a lot of the problem is lack of enforcement and does not like adding more laws. He also worries that the licensing fee, even if only \$3, could be a significant burden on some citizens. Councilor Haberly does not believe the fines will change the behavior because if a citizen does not have the money to pay the fine, they won't. Councilor Weigum believes that citizens faced with the loss of their dog due to fines are more likely to try to actually fix the problem, which increases prevention. She agreed an ordinance will not stop all the current situations but believes it will help minimize them.

Councilor Schuette stated that the only real changes he sees in the ordinance is the licensing fees. The officers classifying dogs is already done under ORS which has more strength as a criminal statute and allows for issuing warrants for non-compliance. He does not see the benefit of an ordinance. Councilor Smith sees the ordinance as costing the City money in time and enforcement and believes the ORS can be enforced more effectively. Mayor Lundbom and Councilor Weigum believe that the City needs to do something to encourage cultural change. Chief Gray pointed out Prairie City has a dog ordinance and still has the same amount of incidents.

Councilor Willey wants to know how to provide as safe as possible environment for our citizens? Councilor Provencher suggested figuring out how to be more aggressive with the ORS enforcement while making a cultural change. He said he is not against a licensing requirement but worries about the amount of clerical, managerial, and officer time it would require. Mayor Lundbom suggested pushing public awareness through the newspaper and newsletters explaining the problem and that there is still potential for an ordinance. Councilor Weigum pointed out that there is more child education happening through health fairs than before.

City Manager Green explained that with dog licensing, it would be easier for citizens to contact owners when dogs are running and return them home. If just enforcing licensing was implemented it could be at the \$3 cost of the license and would be something the ORS does not currently provide and could be enforced through the existing IGA. Councilor Provencher said he worries about dog safety with the potential for hanging dog tags to get caught and wonders if dogs with lost tags would be cited. Councilor Weigum said she sees missing licenses as part of the appeals process, and pointed out that non-profits have trap and release programs for stray cats.

City Manager Green suggested using Community Welfare money to sponsor spay and neuter clinics and to donate to local non-profits as a part of an education program. The Council agreed to push education, public awareness, and increase enforcement of existing ORS.

- City Manager Green recapped the working group with the Governor’s Regional Solutions Team. Scott Fairley, Program Director of the Regional Solutions Team, brought his team to John Day to hear more information about the City’s plans. After the tour of the city, Mr. Fairley stated he would like to help support us. Ms. Tawni Bean, Infrastructure Finance Authority (IFA) Lead, stated their intent to award the City of John Day the Technical Assistance Grant of \$20,000. The IFA is also looking into helping fund a broadband infrastructure for John Day as a pilot project that other communities of similar size could follow.
- City Manager Green updated the Council on the EPA Rural Advantage Grant (Cool & Connected Application). There is a two page application with letters of support from Senator Ferrioli and the Regional Solutions Team. With the great story we have to tell, City Manager Green sees the City as having a good chance to receive the grant. Awardees of the grant will not be announced until early 2017. The Cool and Connected grant is for both being digitally connected and physically connecting people together. Both aspects are taken into account.
- Green reported that the public works energy efficiency audit started today and Public Works Director Legg believes there will be good benefits through lighting and electricity audit. There will be more information when we actually receive the numbers.

Upcoming Meetings

11/16/16 – John Day Website Working Group – Training with Aha Consulting. Intent is to go live with the new website on January 1st, 2017.

Adjourn

There being no further business before the Council, Councilor Willey moved to adjourn the session. Councilor Haberly seconded and the motion passed unanimously. The session was adjourned at 8:31 p.m.

Respectfully Submitted:

Nicholas Green
City Manager

ACCEPTED BY THE CITY COUNCIL DECEMBER 13TH, 2016

Mayor Ron Lundbom