

**John Day City Council**  
**February 14, 2017**  
**7:00 PM**  
**Fire Station, 316 S. Canyon Blvd**  
**AGENDA**

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF JANUARY 24, 2017.**
3. **APPEARANCE OF INTERESTED CITIZENS** – At this time the Mayor will welcome the general public and ask if there is anything they would like to add to tonight's agenda.

**ACTION ITEMS**

4. **REPORT ON CITY MANAGER TRIP TO SALEM**
5. **ANNUAL PUBLIC SAFETY REPORT (DRAFTS)**  
Attachments:
  - Draft Annual Public Safety Report
  - Draft Public Safety Briefing
6. **A RESOLUTION OF THE JOHN DAY CITY COUNCIL RECOMMENDING RESTORING RECREATIONAL IMMUNITY**  
Attachment:
  - Resolution 17-766-02
7. **PUBLIC HEARING FOR SALE OF OLD JOHN DAY FIRE STATION**  
Attachment:
  - Public Notice and Affidavit

**OTHER BUSINESS**

8. **OTHER BUSINESS AND UPCOMING MEETINGS**
  - February 23<sup>rd</sup> – GIS overview from Anderson Perry
  - February 28<sup>th</sup> – Public safety-focused city council meeting
  - March 30<sup>th</sup> – Elected Essentials Training (8-4:15) followed by Regional Meeting open to all officials (4:30 – 6:30)
  - LOC Bulletins are included in packets

**ADJOURN**

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** February 14, 2017  
**SUBJECT:** Agenda Item #4: Report on City Manager Trip to Salem

**BACKGROUND**

City Manager Green met with Representative Bentz, Senator Ferrioli and the League of Oregon Cities legislative staff in Salem on February 8<sup>th</sup> and 9<sup>th</sup>. Topics of discussion included 9-1-1 funding, broadband investments, the transportation package and recreational immunity.

City Manager Green will report on these conversations to the council and on the path forward for funding.

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** February 14, 2017  
**SUBJECT:** Agenda Item #5: Annual Public Safety Report (Drafts)

**BACKGROUND**

The public safety report presentation has been postponed to the February 28<sup>th</sup> city council meeting. A draft of the reports has been provided to the council members in advance of that meeting and will be posted to the city website no later than February 24<sup>th</sup>.

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** February 14, 2017  
**SUBJECT:** Agenda Item #6: A Resolution of the John Day City Council Recommending Restoring Recreational Immunity  
Attachment(s):

- Resolution 17-766-02

**BACKGROUND**

The League has asked each city to pass a resolution recommending the restoration of recreational immunity for all public employees. A draft of the resolution is enclosed.

In Johnson v. Gibson, the Oregon Supreme Court held that when the Legislature passed the Public Use of Lands Act, it intended to immunize only the landowner. As a result, this ruling effectively undermines a landowner's recreational immunity from tort liability under the Act.

Because public employers are statutorily required to represent and indemnify their employees, cities and other public jurisdictions allowing free recreation on their lands may now be held liable for accidents that occur on their facilities by virtue of their legal obligation to indemnify their staff.

**RECOMMENDATION**

After review and discussion, council should move to adopt Resolution 17-766-02, A Resolution of the John Day City Council Recommending Restoring Recreational Immunity Rights.

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** January 24, 2017  
**SUBJECT:** Agenda Item #7: Public Hearing for Sale of Old John Day Fire Station  
Attachment(s)

- Notice and Affidavit of Publication

## **BACKGROUND**

ORS 271.310(1) provides that any city may sell real property no longer needed for public use, or whenever the public interest may be furthered.

If the property is not needed for public use, and the city has not already adopted a procedure for selling surplus real property as provided for under ORS 221.727, then the city must follow the process set out in ORS 221.725. ORS 221.725 outlines the notice and hearing requirements for a city to sell real property.

ORS 221.725(1) requires the city council to publish notice of the proposed sale in a newspaper of general circulation in the city. The notice must be published at least once during the week prior to the public hearing. The notice must contain: (a) time and place of the hearing; (b) a description of the property or interests to be sold; (c) the proposed uses for the property; and (d) the reasons why the city council considers it necessary or convenient to sell the property.

No less than five days after publication of the notice described above, the city council must hold a public hearing at the time and place stated in the notice. The hearing may be held at any regular or special meeting of the city council as a part of its regular agenda. The public hearing must be held prior to the sale. At the hearing, the city council must disclose the general terms of the proposed sale, including any appraisal or other evidence of market value. Any resident of the city must be given an opportunity to present oral or written testimony.

## **DISCUSSION**

The Council has met the obligations required by ORS 221.725. A notice was published in the Blue Mountain Eagle on Wednesday, February 8, 2017 (enclosed).

The Council's reason for selling the fire station, as described in the affidavit, is that the building is no longer needed for public use, including as a fire station.

Council approved the acceptance of a competitively solicited offer (through sealed bids) from Larry A. Maplesden, who intends to use it for Hutch's printing and as a historical landmark.

## **RECOMMENDATION**

Mayor Lundbom should request feedback from the audience. If no public comment is given, move to approve the Purchase and Sale Agreement that will be provided on Tuesday.

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** February 14, 2017  
**SUBJECT:** Agenda Item #8: Other Business

Attachment(s)

- LOC Bulletins

**UPCOMING MEETINGS**

1. February 23<sup>rd</sup>, 11 AM. GIS overview from Anderson Perry. Anderson Perry will present an overview of their GIS capabilities and asset management approach to city staff.
2. February 28<sup>th</sup>. Public safety focused city council meeting.
3. March 30<sup>th</sup> – Elected Essentials Training (Ontario) followed by Region 8 Small Cities Meeting from 4:30-6:30 PM.