

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

July 23, 2019

COUCILORS PRESENT:

Ron Lundbom, Mayor
Steve Schuette, Councilor
Gregg Haberly, Councilor
David Holland, Councilor
Paul Smith, Councilor

COUNCILORS ABSENT:

Brandon Smith, Council President
Shannon Adair, Councilor

STAFF PRESENT:

Nicholas Green, City Manager
Monte Legg, Public Works Director
Aaron Lieuallen, Senior Project Manager

Chantal DesJardin, Secretary
Mike Durr, Police Chief
Ron Smith, Fire Chief

GUESTS PRESENT:

Rick Hanners, Blue Mountain Eagle
Logan Bagett, Elkhorn Media Group
Tyler Sheedy
Krista Qual
Kenly Boss, John Day

Chris Labhart
Elliot Sky
Hannah Hinman
Sherrie Rininger

Agenda Item No. 1—Open and Note Attendance

Mayor Lundbom called the meeting to order at 6:00 pm, noting everyone was present except Councilor Brandon Smith and Councilor Adair who were absent and excused.

Agenda Item No. 2—Approval of Prior City Council Minutes

Councilor Holland moved to approve the June 25th, 2019 minutes as presented. The motion was seconded by Councilor Haberly and passed unanimously.

Councilor Schuette moved to approve the July 9th, 2019 council minutes as presented. The motion was seconded by Councilor Holland and passed unanimously.

Agenda Item No. 4—Consent Agenda

Councilor Holland moved to approve the consent agenda as presented. The motion was seconded by Councilor Schuette and passed unanimously.

Agenda Item No. 5—Executive Session

Councilor Schuette moved to enter executive session pursuant to ORS 192.660(2)(e) at 6:10 p.m. The motion was seconded by Councilor Holland and passed unanimously.

Mayor Lundbom read the notice included in the agenda memo.

Councilor Haberly moved to leave executive session at 6:16 p.m. The motion was seconded by Councilor Schuette and passed unanimously.

Councilor Schuette moved to enter executive session pursuant to ORS 192.660(2)(e) at 6:17 p.m. The motion was seconded by Councilor Haberly and passed unanimously.

Mayor Lundbom read the notice included in the agenda memo.

Councilor Holland moved to leave executive session at 6:28 p.m. The motion was seconded by Councilor Schuette and passed unanimously.

Agenda Item No. 6—Executive Session

Councilor Holland moved to enter executive session pursuant to ORS 192.660(2)(i) at 6:28 p.m. The motion was seconded by Councilor Schuette and passed unanimously.

Mayor Lundbom read the notice included in the agenda memo.

Councilor Schuette moved to leave executive session at 6:50 p.m. The motion was seconded by Councilor Holland and passed unanimously.

Council recessed for a short break.

Agenda Item No. 7—Weaver Building Bids

Mayor Lundbom called the city council meeting back into session at 7:00 PM and welcomed the audience. Mayor Lundbom added additional action items for the proposed Weaver Building sale, Resolution 19-820-21, and the City Manager Evaluation.

There was no further comment on the Weaver Building sale.

Councilor Schuette moved to accept the Tyler Sheedy construction bid with the understanding that the City Manager and City Attorney would work out finer details of the agreement. The motion was seconded by Councilor Holland and passed unanimously.

Agenda Item No. 8—Resolution 19-820-21, A Resolution of City of John Day Approving the Transfer of Certain Real Property Located in City

No further comments.

Councilor Schuette moved to stay with the original proposal with the landowners. The motion was seconded by Councilor Holland. Mayor Lundbom clarified Green would bring the resolution back for approval at the next council meeting. The motion passed unanimously.

Agenda Item No. 9—City Manager Evaluation

Mayor Lundbom reviewed their evaluation of the City Manager noting there were areas for improvement but he scored 2.6 out of 3. Councilor Holland stated he thought it made sense to move Green into Range 11 and recommended, based on the overall outstanding performance, Step 6 more accurately reflects the work that was put out. Mayor Lundbom explained the ranges progression and wage differences between the two steps.

Councilor Schuette moved to place Green into Range 11, Step 6 – a salary of 84,048 per year. The motion was seconded by Councilor Holland and passed unanimously.

It was noted that the auditor recommended amendment to his contract, documenting compensation for grant administration, would be brought back at a later time.

Agenda Item No. 10—Resolution No. 19-811-12-Revision 1, A Resolution to Revise the Section 3 Plan to Comply with 24 CFR, Part 135, of the United States Department of Housing and Urban Development Section 3

City Manager noted the amendment to the Section 3 plan was proposed, because the original ordinance was designed for much bigger cities. He discussed the information included in the agenda memo specifying reasoning and due diligence for proposing the changes. The revisions will still provide for the intention of the ordinance while removing some of the penalties and additional oversight.

Councilor Paul Smith moved to approve Resolution No. 19-811-12-Revision 1, A Resolution to Revise the Section 3 Plan to Comply with 24 CFR, Part 135, of the United States Department of Housing and Urban Development Section 3. The motion was seconded Councilor Schuette and passed unanimously.

Agenda Item No. 11— Canton Street Improvement Project

City Manager Green reviewed the information included in the agenda memo, noting the city had budgeted \$25,000 based on estimated market rates. He explained they could award the bid or wait and bundle with the Charolais Heights intersection in the hope of saving costs. Green also noted there is still construction, development, and improvements with heavy equipment that would cause wear and tear. Councilor Haberly expressed concerns that the hot mix should be 4 inches instead of 3 inches that were engineered due to the anticipated traffic. Public Works Director Legg explained some of the reasoning and components of the engineering that made them confident in three inches. There was discussion about asphalt and long-term planning. Green stated he felt the bid was an accurate reflection of the market cost, due to the small nature of the project and travel. Director Legg noted that ODOT is likely to do a significant project in early spring that could give an opportunity with Tidewater so they may not have to wait for the intersection project. Councilors noted there was not a rush on getting the paving done and it would be prudent to wait in order to save money and be able to use local contractors.

There was a consensus to table the discussion and wait to make a decision.

Agenda Item No. 12—City Council Vacancy/Appointment

City Manager Green explained there were two applicants with applications included in the packet and opened it up for councilors to ask questions. Mayor Lundbom asked the applicants if they had anything to add that wasn't included on their applications. Elliot Sky explained that he moved here for a job because him and his partner were excited for what John Day is and what it can become. He has appreciated coming to the council meetings-seeing the process and getting to know all the city councilmen. He waited until now to apply, so he was sure to put in the due diligence for being an effective council member if appointed. Chris Labhart explained he is a commercial and residential property in the city, very happy to be involved and has lived here most of his life. He has been involved in projects working with people throughout the county and state, giving some examples. He stated there is a movement underway in the county and the city that is changing things to look forward and he really appreciates having a code enforcement officer for the city. He would like to be involved in the work to clean up the city. Mayor Lundbom thanked them for applying and Labhart for his continued involvement in the council and county court.

Councilor Holland asked applicants what other commitments may affect their ability to attend council meetings and function on the council, he noted in Mr. Labhart's previous council service there had been other commitments. Chris Labhart noted he is now retired, no longer involved in those programs and able to attend meetings. Elliot Sky noted he works a traditional nine to five job and would only miss council meetings for occasional vacations, he does not foresee any upcoming obligations and has been attending meetings regularly that demonstrates an ability to commit.

Councilors explained they were looking for representation from a younger demographic and have tried to diversify the demographic and age of the council with their recent appointments. Councilor Paul Smith also noted that change is good and new blood helps stimulate a lot.

Councilor Schuette moved to appoint Elliot Sky to fill the vacancy in position 6. The motion was seconded by Councilor Holland and passed unanimously.

Mayor Lundbom thanked Mr. Labhart for his continued interest in the community and helping out in ways that aren't always appreciated, then swore Elliot Sky into the city council. Mayor Lundbom noted that Mr. Sky has been to about ninety percent of the council meetings, recognized that the council is making informed decisions and served on an advisory committee.

Agenda Item No. 13—FY19 SDC Report

Mayor Lundbom noted the SDC report had been included in their packet and would be added to the agenda. City Manager Green noted the SDC changes are reported annually; there had been some interest earned on the balance and one additional charge during the fiscal year for a sewer connection at Malheur Lumber for their office. Green anticipates more SDCs to report in the coming fiscal year, to begin receiving payment from the property tax increase in October.

Agenda Item No. 14—Other Business & Upcoming Meetings

City Manager Green discussed some of the issues with code enforcement and roles that are handled. He noted that he has attempted several different approaches to the public nuisance ordinance, the primarily violated ordinance. Green explained there can also be development code, which are usually due to a lack of understanding the requirements. The code enforcement role ensures local development code is followed, local ordinances are being followed and enforced, and the public nuisance situations

are being dealt with. He noted that generally a phone call informing property owners of the violation is sufficient but sometimes there are complicating factors. An example would be tracking down responsible property owners or owners that are incapable of abating the nuisance. He identified several example situations of how they have tried to work around these difficulties in lending a hand to achieve abatement rather than work towards fines that don't result in abatement. He has not experienced people who dug their heels in against compliance and demanded penalty actions. It gets hard, complicated, expensive, and ineffective when the property owner can be located; he reviewed the enforcement difficulties with an abandoned property on 2nd Avenue. The property taxes are being paid, so the county cannot take action but the city believes there may be several code violations based on the exterior condition of the property. Every certified letter has been unanswered and returned and they have been unable to identify an individual who can respond to the city's notice of abatement. The city has the ability to get a warrant to enter a premises for inspection and also abate a property when there has been a non-response, under the code. At this point, around \$2,000 have been spent on legal fees just trying to identify if there is a problem; any abatement actions would be incurred at the expense of the city and resulting liens may or may not be settled whenever the property changes hands. Green noted they are a decision point where they need to decide if the juice is worth the squeeze. It was noted the code violation concern was rot, debris, foliage, and compromised trees. Councilors asked how previous condemnations were handled. Green noted that in those cases, the city was in contact with the property owner and in this instance the property is in that gray area between foreclosure and abandonment. The last action filed with the county was in September 2018, the bank attempting foreclosure; no action has been taken in nearly a year. Properties become the city's concern when they become a public concern. This particularly property has received complaints about being an attractive nuisance but to his knowledge they have not received calls regarding trespassing or vandalism.

Green explained that they hired Savannah Lovell as the code enforcement officer, detailed to Chief Durr and working in the police department. She will be helping the administrative staff as well, so she was hired as a Records Specialist. For code enforcement, she will do visual inspections, following up on public complaints, and helping strategize for addressing abatement.

Green also addressed the work city staff did for community cleanup day. The local boy scout troop volunteered to help with a property that had two dump truckloads full of waste. Public Works Director Legg noted a total of about nine properties utilized the haul away service as part of the cleanup day. Green noted giving residents the opportunity to cleanup is better than pursuing enforcement actions and they should utilize it again. He recommended they buy some time with the Ashmead residence, as there has not been any reports of concern. It was clarified that Timothy Ashmead, who had been a property owner, was now deceased. Green proposed he would keep the council apprised as he feels necessary, otherwise the staff will handle them. Hannah Hinman asked about unlawfully occupation, Green noted that has not been any evidence indicating such. State laws regarding abandonment cannot be applied, because property taxes are current their options are limited.

Green noted at the same time they solicited for the Records Specialist, they also solicited for a new Fire Chief for when Ron Smith retires at the end of the year. Don Gabbard applied, was interviewed, and accepted the City's offer as Fire Chief upon Ron's retirement. He has served as a volunteer for over a dozen years and serving as the deputy chief. There was discussion clarifying that the position will be full time, being split between fire and public works and set to begin around November.

Mayor Lundbom reviewed the upcoming meetings and checked in with staff. City Manager Green elaborated on the code review and TGM timeline. Mayor Lundbom commended staff on their extra

work to meet a grant deadline. Chief Durr gave a debrief of a bomb threat at the bank that shut down the highway. Tyler Sheedy thanked the council for letting them work on the building and stated they are excited to work with the council to make it something they will be proud of. Council asked about when the military help would begin at the greenhouse. Senior Project Manager Lieuallen noted they are looking at September, depending on the paperwork process.

Adjourn

There being no further business before the council, Councilor Holland moved to adjourn the meeting at 7:42p.m. The motion was seconded by Councilor Schuette and passed unanimously.

Respectfully Submitted:

Nicholas Green
City Manager

ACCEPTED BY THE CITY COUNCIL ON AUGUST 27, 2019

A handwritten signature in black ink, appearing to read 'R. Lundborn', is written over a horizontal line.

Ron Lundborn, Mayor