

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

April 13, 2021

COUNCILORS PRESENT:

Ron Lundbom, Mayor
Paul Smith, Council President
David Holland
Shannon Adair
Heather Rookstool
Gregg Haberly

COUNCILORS ABSENT

Elliot Sky (virtual)

CITY STAFF PRESENT

Nicholas Green, Executive Director
Lindy Berry, Secretary
Michael Durr, Chief of Police
Scott Moore, Police Sergeant

Aaron Lieuallen, Senior Project Manager
(virtual)

**GUESTS PRESENT (VIRTUAL UNLESS INDICATED
AS IN-PERSON)**

Stephanie LeQuieu (in person)
Sherrie Rininger (in person)
Rudy Diaz (in person)
Valerie Maynard (in person)

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Dawn DeGrande
Liz Aleman
+15037047541
+15417909060

Agenda Item No. 1—Open and Note Attendance

Mayor Lundbom called the meeting to order at 7:00 p.m., noting everyone was present with Councilor Sky attending virtually.

Agenda Item No. 2—Approval of Prior Minutes

The minutes from the March 23 2021 meeting were presented for approval. Council President Smith noted influent should be effluent in the minutes.

Councilor Adair moved to approve the March 23, 2021 council minutes as amended. The motion was seconded by Council President Smith and passed unanimously.

The minutes from the March 31 2021 meeting were presented for approval. Council President Smith noted forestry should be corrected to Fourth St in the minutes.

Councilor Holland moved to approve the March 31, 2021 council minutes as amended. The motion was seconded by Councilor Adair and passed unanimously.

Agenda Item No. 3—Appearance of Interested Citizens

Mayor Lundbom invited the guests to share items not on the agenda. *None appeared.*

Agenda Item No. 4—Consent Agenda (7:04 PM)

Mayor Lundbom asked if there were any questions. None *appeared*.

Action Item No. 5—Town Hall Follow-Up Discussion (7:04 PM)

Mayor Lundbom invited City Manager Green to speak. He responded that he would like to open the discussion to the council. Mayor Lundbom invited Council President Smith to share his thoughts. Council President Smith felt that the general impression was people want to keep the police department. Councilor Adair agreed that the community needs to be the ones making the choice. She emphasized what they're asking is if the community wants a police department. She felt that there needed to be a clear explanation and a clear vision of the cost. She shared concerns about recruiting a new Chief with the uncertainty. City Manager Green stated he would plan to recruit for the position and would not extend an offer until it is determined the levy has passed. There will be a decision point in September that there will either be funding to cover 5 years or a transition will need to occur. Councilor Rookstool inquired on the cost. City Manager Green stated he would want to show a proposed estimate for costs over the next 5 years. He also noted he would like to provide a contingency plan should the upcoming bills impacting law enforcement in the legislature pass. Councilor Rookstool reiterated the importance of the community making the choice.

City Manager Green noted that the city has a one-time increase in the general fund from the sale of the Weaver Building. The council must decide if that funding should go into the police department budget or Main Street revitalization. Councilor Adair stated she did not believe the funds should be used towards the police department as it is one-time funding. Several councilors agreed the funds should go towards the Main Street revitalization. The \$100,000 over 5 years would be approximately a \$0.20 increase in the amount of option levy they would be adding

Mayor Lundbom invited Chief Durr to speak. Chief Durr explained that the department has been operating at a deficit for years with worn out equipment that is obsolete or nearing the end of its useful life. He shared that he had contacted the manufacturer of the Tasers that the department would eventually need to replace and the cost was \$1,000 per unit. The departments radios are also nearing the end of their service life and he expressed concerns that the lack of reliable radio service could result in injuries or fatalities. Officers in the department are currently in charge of the purchase of their own firearms. There are possible negative consequences related to this while an office is out in the field. Chief Durr explained that body cameras have become essential to the job. The maintenance and replacement of these cameras will be important to keep in mind.

Chief Durr invited Sergeant Scott Moore to speak. Sergeant Moore noted that the body cameras are incredibly important in their line of work. He noted that the body armor is new as of last year and must be replaced every 5 years. Chief Durr brought up the legislature stating minimum education requirements. He felt that this would be detrimental to the field of law enforcement. Councilor Rookstool asked Chief Durr if he felt that this was feasible to do. City Manager Green stated that they could work together to come up with a 5-year estimate. After creating a cost profile, if the assessor, David Thunell agrees to extend the tax certification deadline, the levy will go on the September ballot. The money could then be received by next fiscal year. If the levy does not pass, they will need a plan B to put into action September 16th.

Sergeant Moore added that it is impossible to run the department with less than 4 people. He brought up the potential of the Union asking for on call time. At this time, officers do not receive on call time.

Chief Durr added to that the idea of qualified immunity and shared that the passage would push a lot of officers out of the profession. He touched on his personal experience and shared that the current perception of being in the profession is not incredibly positive. He said he did not want to paint a picture of doom and gloom, but wanted to be transparent. The council thanked Chief Durr for his time.

Council President Smith asked City Manager Green for clarification on the potential use of funds from the American Rescue Plan. City Manager Green shared they have not seen the final terms of the American Rescue Plan. The funds are allocated for use towards response to the pandemic and negative impact. He brought up the example of restaurants currently shut down due to COVID. The funds could be used to offset expenses incurred due to being shut down. It is not designed to be used for city staff. There was no reduction in revenue due to COVID for the police department. Councilor Holland felt that the Chief and Sergeant made it very clear that the department cannot operate at their current level of funding. Councilor Adair agreed and added that the community needs to be aware of the expenses incurred by the police department. She emphasized that the department needs to be fully funded so that they can operate safely and effectively. City Manager Green shared that he could allocate time from working on certain projects which would free up some of the funds, however it would not be substantial enough to cover the deficit. He stated that there would be two budget options to choose from. The council and budget committee will need to decide which budget to approve at the budget committee meeting.

Councilor Haberly inquired if the city has ever purchased the firearms for the police department. Chief Durr answered that the city has never purchased handguns, but the city has purchased rifles. Sergeant Moore added that in the event of using his own handgun in a fatality, he would then need to pay to replace his firearm or the city would incur that expense.

Councilor Sky stated that he would like to see more discussion about the transition over to the county and what that would look like. He felt that the community would need more information about how this would work instead of so many unknowns. City Manager Green agreed and stated that he has spoken with Sheriff McKinley and that they would be sending the three fully trained officers along with three fully equipped vehicles. Sheriff McKinley would then be in control of managing the officers. If they needed space in the John Day Police Department building, that could also be discussed. The city can afford to pay the county the three officers wages. With the transition, the city would be saving about \$85,000. If the council and budget committee chose to pursue funding the police department, the community will have the information they need by the time they vote in September. City Manager Green brought up that Councilor Holland had mentioned this also is dependent upon the county being willing to enter into a law enforcement agreement. If the levy does not pass, the city will be out of time and the county will have complete control. Mayor Lundbom asked how does the County police with only 3 people? Sergeant Moore answered that the city often times backs up the county. Chief Durr added that operating with only 3 officers is near impossible if one officer is out sick or out on vacation. City Manager Green stated that the city has a great relationship with Sheriff McKinley and that as the department representatives have shared, the city cannot operate with only 3 officers.

Rudy Diaz from the Blue Mountain Eagle inquired if after the required 1-year period, would the city continue to cover any costs? City Manager Green answered that ideally the city would continue to pay for the three transferring officers. Eventually the county would be responsible for the replacement and maintenance of equipment, but the county would be able to use the equipment from the city up until replacement was needed. He stated there would need to be a clear agreement outlining exactly what level of service the city would be receiving. He shared that he spoke with the City Manager of Lakeview that is now contracting with Lake County. Chief Durr noted that if the department were shut down, it

would be near impossible to reopen the department. City Manager Green shared that he drafted an agreement for the transition with the county.

City Manager Green stated that he was glad to see Mrs. Maynard at the meeting. She agreed that she cannot imagine the county not coming to some sort of an agreement. She stated she is grateful to see the council discussing the possibility of giving the community the option to pass a levy to fund the department. City Manager Green stated again that he has an agreement he's drafted and if the committee decides to refer the vote to the community, he will have the agreement drafted should the levy not pass. He wants to make certain the city department employees know that they will continue to be employed and there is a plan in place.

Mayor Lundbom asked for Councilor Adair's impression on the town hall meeting. Councilor Adair shared that she would like to see more town hall meetings and the meetings to be mediated. Several councilors agreed that the idea of a moderator would be great for future town hall meetings. Council President Smith felt that the venue should be set up at one level. Council and guests seated with only the speaker standing. No stage. Councilor Rookstool felt it was well attended and that people came to voice their opinions. She received a lot of positive feedback and appreciation that the council held the townhall.

Guest, Stephanie LeQueiu shared that while in attendance she heard the term, "the basics" over and over. She felt that there was a lack of understanding that the basics cannot be funded as a result of a lack of infrastructure. The city cannot afford to cover the basics. Mayor Lundbom agreed and added that he'd like to see community members more informed on the budgets and projects. He shared the example of the concerns about sidewalks and maintenance. City Manager Green added the city is not responsible to maintain the sidewalks. It is the responsibility of the property owners by ordinance. They will replace them if it is a part of an ODOT project. Councilor Holland noted that the city had decided they could take on the expense to do the demolition if requested, however all other expenses would be the responsibility of the property owner. Unless the council repeals the ordinance, the city is not responsible for the sidewalks. Councilor Adair said that the town hall meetings are important to reach the attending audience and provide clarification on issues that the community brings forward. She felt that it may be beneficial to hold a meeting focused on a particular topic to hopefully clarify some of the concerns being brought forward.

City Manager Green shared that he had met with the Public Works Director, Monte Legg and Senior Project Manager, Aaron Leiuallen to contract street sweeping beginning in April. Councilor Adair inquired if a notice will be posted regarding the street sweeping. He replied that Mr. Legg would be informing community members. He also shared that they were planning to use SCA funding on government entry, but they could apply instead to do street maintenance. The struggle would be that \$100,000 does not go very far on chip sealing. A partnership with the county would help those dollars to go further. Every penny from the State goes directly into maintenance.

Council President Smith shared that the big picture is that the current council "inherited age". An aging treatment plant, aging pool, aging streets. The revenues do not keep up with the cost of doing business. They knew they needed to do maintenance and replacement, but the loss of population in the city and county directly harms the revenue needed to pay for all of these things. City Manager Green added that according to estimates from the 1996 transportation plan, the revenue would have been on track if not for the loss of residents. The estimates showed a population of 2500 people instead of the current population of 1750. There is a strategy and there is a plan. If it is not the strategy or plan the community wants, they need to come to the council and share that.

Councilor Holland said that he believes the city should patch the potholes. He believes the community has concerns about the road maintenance and in his opinion, the potholes should be addressed. He felt there was some room for improvement and a show of goodwill. He also shared he was happy to see that most in attendance were polite. He did not believe that the council explained things as well as they could have. He applauded Councilor Adair on many of her responses. He felt that the get back to basics comments showed a lack of understanding about how government funding works.

Mayor Lundbom apologized for his frustration. He applauded City Manager Green for all of his work with the grants. He felt that without the work of City Manager Green, many of the projects and improvements would be impossible. Council President Smith felt the town hall was too diluted. A moderator would be beneficial and holding a town hall on a focused topic may be beneficial in the future. Mayor Lundbom invited audience member, Sherrie Rininger to speak. Mrs Rininger shared that she was surprised the radio advertisement had stated everything was on the table. Mayor Lundbom answered that he felt that the advertisement would bring in more people. He agreed it may have been too broad and stated he had hoped being broader would attract more people from the community. Several councilors inquired about the guest count at the town hall. City Manager Green shared that the capacity was 100 people and they had hit capacity. Mrs. Rininger added that in the future she would recommend distribution of flyers and information to the grocery store, other businesses and websites. City Manager Green stated that he was pleased with the outcome. Several councilors agreed.

Action Item No. 6—General Business (8:24 PM)

City Manager Green discussed pursuing upcoming grants following the mention of grants at the town hall.

The Oregon Water Resources Grant would be used toward funding the purple pipe from the new treatment plant. It would enclose about 1.3 miles of the ditch. The match has been met already. Guest, Sarah Jane Moore shared that the Luce Long Ditch board has been in discussion with the FCA. City Manager Green stated that the FCA would work to be certain the rights of the property owners are protected. One of the tasks in the grant would be to work with properties along the ditch to Malheur Lumber. Other than the time of the City Manager, there would be no cost associated with application and it would fully fund the purple pipe. Mrs. Moore added they have 52 users on the ditch. City Manager Green noted the FCA has offered assistance with completion of the application. Mayor Lundbom asked for a consensus. *All in agreement.*

The Recreational Trails Program would finish the John Day River Front Trail and pave from the Oregon Pine Bridge to the new Hill Family Park bridge then over to 7th Street. The grant is for \$150,000 with a 15% match. 5% must be locally funded, which could be in-kind labor. The application is due within the next two or three months. Councilor Rookstool inquired that without the grant if they would be able to finish the work. City Manager Green answered that the grant would fund the completion of the trail. This would be phase 2 of the application. The city was awarded phase 1 previously, which gives the city an advantage towards securing phase 2 funding. The design and cost estimates are complete. These funds would be allocated for fiscal year 2023.

Technical difficulty with recording and audio addressed.
Mayor Lundbom asked for a consensus. *All in agreement.*

City Manager Green shared a general update on the BUILD Grant. The notice of funding opportunity (NOFO) for the 2021 BUILD grant has not posted, but must be available online no later than April 26th to meet their statutory deadline. At this time, he is assuming it will be due in July or August. Mayor Lundbom felt that they need to continue to pursue it. This has been something that has been in the works for a long time and it's important they see it through. Mayor Lundbom asked for a consensus. *All in agreement.*

City Manager Green stated that the DLCD Technical Assistance Grant would update the comprehensive plan. It would be a 2023 plan to update the 2020 plan. It would require a 20% match for the fiscal year 2023 budget. Councilor Rookstool inquired if it would be used towards infrastructure. At the time the grant is due, they will be about midway through their 5-year strategy. City Manager Green answered that it is broadly written, for technical assistance and could be used towards finishing some projects based upon prioritization.

City Manager Green provided a brief update on the EDA Grant. He stated that they have accepted all responses provided and now they are waiting on a decision. Council President Smith wanted to clarify that the comments made about getting back to basics. If it weren't for the grants, funding the basic services would not be possible. Sometimes it seems that the cart is before the horse, but the grants all have specific timelines and purposes. He felt that it is important for the city to take advantage of grants as they come up. City Manager Green stated that he understands the comments however that is why at the current meeting they were discussing grants for the 2023 fiscal year. The grant funded projects being completed this fiscal year include the Charolais Heights street improvements, 4th street repairs and Hill Family Park.

City Manager Green added that the 4th Street project needs to be addressed and the county has not yet replied. He asked the council to advise him on what they would like him to do. Council President Smith shared that the county would only address what was on the agenda. Through the American Rescue Plan, the county should be receiving \$1.4 million. He inquired if the funds are allocated for infrastructure. City Manager Green stated that yes that is one of the intended uses of those funds. Title 1 SRS funds can be used towards local streets and bridges and can be loaned to the URA. Mayor Lundbom added that he had talked with Calvin Clark about using the road fund towards streets in Grant county. Mr Clark had told Mayor Lundbom that there was a legal opinion obtained by past members of county court. City Manager Green felt that the attorneys drew a legal nexus between the URA's mission, housing improvements and the streets that are necessary for new housing. As long as the roads are within the URA boundary, it's a legal use of the funds.

Councilor Adair inquired if 4th Street is being requested as a loan. City Manager Green answered that he was referring to the URA and that 4th Street is a request for grant funding.

City Manager Green asked for a consensus to send the response from the City Attorney to the County Court. *All in agreement*

City Manager Green shared that the Planning Commission needs two ex-officio members. These would be two non-voting members to make up a quorum. Councilor Rookstool and Councilor Holland volunteered.

Action Item No. 7—Other Business & Upcoming Meetings (8:48 PM)

April 20, First Budget Committee Meeting – Fire Hall/Virtual, 7 PM

April 27, City Council Meeting – Fire Hall/Virtual, 7 PM

The council thanked Chief Durr for his input and time.

Councilor Haberly moved to close the meeting at 8:51 PM. The motion was seconded by Councilor Adair and passed unanimously.

Respectfully Submitted:

Nicholas Green, City Manager

ACCEPTED BY THE CITY COUNCIL ON April 27, 2021.

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

Ron Lundbom, Mayor