

John Day City Council
March 24, 2015
7:00 p.m.
Council Chambers
AGENDA

1. OPEN AND NOTE ATTENDANCE
2. APPROVAL OF CITY COUNCIL MINUTES OF MARCH 10, 2015
REGULAR CITY COUNCIL MEETING
3. APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.

ACTION ITEMS:

4. ENTER INTO EXECUTIVE SESSION UNDER ORS 192.660 (2)(f) TO CONSIDER INFORMATION OR RECORDS THAT ARE EXEMPT BY LAW FROM PUBLIC INSPECTION
5. REVIEW AND DISCUSS ORDINANCE NO. 15-163-01, AN ORDINANCE OF THE CITY OF JOHN DAY ESTABLISHING TIME, PLACE AND MANNER REGULATIONS CONCERNING MEDICAL MARIJUANA DISPENSARIES; AND DECLARING AN EMERGENCY
Attachments:
 - Ordinance No. 15-163-01
 - John Day Zoning District Maps depicting setback restrictions for 1,000’, 750’ and 500’ for Youth Development Activities
6. DISCUSS FOR SIGNATURE ADDENDUM NO. 1 TO CONSULTING AGREEMENT NO. 2014-01 WITH D. GEORGE CHADWICK, JR.
Attachment:
 - Addendum No. 1 to Consulting Agreement No. 2014-01
7. SURPLUS PROPERTY
Attachment:
 - John Day Municipal Code: 1-13-8 F Surplus Property
8. ENTER INTO EXECUTIVE SESSION UNDER ORS 192.660(2) (i) TO REVIEW AND EVALUATE THE EMPLOYMENT-RELATED PERFORMANCE OF THE CITY MANAGER
9. ENTER INTO BACK INTO REGULAR SESSION

OTHER BUSINESS:

10. OTHER BUSINESS AND UPCOMING MEETINGS
Attachment:
 - LOC Bulletins

ADJOURN

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: March 20, 2015

SUBJECT: Enter into Executive Session under ORS 192.660 (2)(f) to consider information or records that are exempt by law from public inspection

BACKGROUND:

The City of John Day will now meet in executive session. The executive session is held pursuant to ORS 192.660(2)(f) for this session, to consider information or records that are exempt by law from public inspection.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

Mayor Lundbom will now ask for a motion from the Council to move into executive session under ORS 192.660(2)(f).

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: March 20, 2015

SUBJECT: Review and discuss Ordinance No. 15-163-01, an ordinance of the City of John Day establishing time, place and manner regulations concerning medical marijuana dispensaries; and declaring an emergency

Attachments:

- Ordinance No. 15-163-01
- John Day Zoning District Maps depicting setback restrictions for 1,000', 750' and 500' for Youth Development Activities

BACKGROUND:

The Oregon Legislature enacted House Bill 3420 (2013) which requires Oregon Health Authority to develop and implement a process to register medical marijuana facilities. It also directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution.

However, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction.

In 2014 the Oregon Legislature enacted Senate Bill 1531 which reaffirmed a city's authority to adopt reasonable time, place, and manner restrictions on medical marijuana activity. The law also gave cities the option to adopt (by May 1, 2014) a one-year "moratorium" on medical marijuana dispensaries, thereby removing criminal immunity from any person operating a dispensary during the moratorium period.

On April 22, 2014 the John Day City Council believed it was in the best interests of the health, safety, and welfare of the citizens of the City of John Day to enact such a moratorium prohibiting the operation of medical marijuana facilities within the City's jurisdictional boundaries and adopted Ordinance No. 14-161-02, an ordinance of the City of John Day declaring a moratorium on medical marijuana facilities, the moratorium expires May 1, 2015.

On February 4, 2015 I sent the John Day City Council by electronic message a draft copy of Ordinance No. 15-163-01 (attached) for your review and consideration establishing time, place and manner regulations on medical marijuana dispensaries.

On March 16, 2015 I sent the John Day City Council PDFs of the attached zoning maps showing three different restrictions (1,000'; 750'; and 500') for "Youth Development Activities" as defined in Ordinance No. 15-163-01.

RECOMMENDATION:

As the moratorium expires May 1, 2015, the John Day City Council needs to make some tough decisions:

1. Does the John Day City Council wish to continue prohibiting the operation of medical marijuana facilities and place a prohibition on the establishment and location of medical marijuana facilities/dispensaries within the City of John Day;
2. Does the John Day City Council wish to establish “reasonable” time, place and manner regulations on medical marijuana activity. If so, the Council needs to decide what are “reasonable” restrictions for Youth Development Activities and do you want to limit medical marijuana dispensaries only to the commercial zoning districts.

Once decisions are made the ordinances establishing a prohibition and/or establishing time, place and manner regulations will be presented to the John Day City Council for adoption at the April 14, 2015 council meeting.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: March 20, 2015

SUBJECT: Discuss for Signature Addendum No. 1 to Consulting Agreement No. 2014-01 with D. George Chadwick, Jr.

Attachment:

- Addendum No. 1 to Consulting Agreement No. 2014-01

BACKGROUND:

In 2006 we started the water right paperwork and process of drilling Well No.5; all the conditions of the water permit were met with the exception of the Water Management and Conservation Plan. Between the period of construction and the change of Public Works Directors, somehow the Water Management and Conservation Plan fell through the cracks.

On February 19, 2015 the City received a letter from the Oregon Water Resources Department stating that OAR 690-315-0090(3) requires the Department (Oregon Department of Water Resources) to place a condition on our Permit G-15101 to provide that appropriation of any water up to 2.23 cubic feet per second shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, division 86 which grants access to a greater appropriation of water under the permit.

We have applied for a Limited Water Use License so that we can legally use water from Well No. 5 until the issuance of a final order approving our Water Management and Conservation Plan.

Public Works Director David Holland recommends that the City amend its contract with D. George Chadwick to include the development of the City's Water Management and Conservation Plan. We currently have a consulting agreement with Mr. Chadwick to provide services related to ongoing groundwater monitoring and reporting associated with the wastewater percolation ponds as required by DEQ. In order for the City and Mr. Chadwick to expand the scope of services under the current agreement, we have added the development of the Water Management and Conservation Plan as stated in the attached Addendum No. 1 to Consulting Agreement No. 2014-01.

The addendum also extends the term of the current agreement for an additional term of one year, commencing on July 1, 2015 and ending on June 30, 2016.

RECOMMENDATION:

The John Day City Council allows City Manager Gray to sign Addendum No. 1 to Consulting Agreement No. 2014-01 with D. George Chadwick Jr.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: March 20, 2015

SUBJECT: Surplus Property
Attachment:

- John Day Municipal Code: 1-13-8 F Surplus Property

BACKGROUND:

The Public Works Department and the Police Department no longer needs the following equipment and would like to surplus these items as per Public Contracting Regulations, Title 1, Chapter 13, Section 8 F. Surplus Property: of the John Day Municipal Code:

- 1978 PW Emergency Maintenance Vehicle (old ambulance)
- 1994 Chev S-10 pickup
- 1989 Chev 1-ton
- Large sander (couldn't use because it didn't fit our current dump truck)
- 1989 Ford 1½ ton dump truck
- 1997 Chev K-2500
- 1982 Ford Van
- 2001 Ford Crown Victoria

RECOMMENDATION:

The John Day City Council allows City Manager Gray to dispose of the above equipment by any method of disposal that is in the best interest of the City as per the John Day Public Contracting Regulations, Title 1, Chapter 13. Section 8F.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: March 20, 2015

SUBJECT: Enter into Executive Session under ORS 192.660(2) (i) to review and evaluate the employment-related performance of the City Manager

BACKGROUND:

The City of John Day will now meet in executive session for the purpose to review and evaluate the employment-related performance of the City Manager. The executive session is held pursuant to ORS 192.660(2) (i) for this session, which allows the Council to meet in executive session for the purpose of evaluating the City Manager.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

At this time Mayor Lundbom will ask for a motion from the Council to move into executive session under ORS 192.660(2) (i).

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: March 21, 2014
SUBJECT: Enter into back into regular session

The Council will enter back into regular session.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: March 20, 2015
SUBJECT: Other Business and Upcoming Meetings
Attachment:
• LOC Bulletins

OTHER BUSINESS:

1. The March 13, 2015 LOC Bulletin is included in your council packets.
2. Lance Woodcock has accepted the Public Works Director position. Lance will begin working with Dave on April 1, 2015. Dave's last day of work will be April 30, 2015.
3. You should have received your annual Statement of Economic Interest (SEI) forms from the Oregon Government Ethics Commission in the mail by now. You must file this form if you will hold your position on April 15, 2015. Please return this form to the Oregon Government Ethics Commission as soon as possible. It must be postmarked or received no later than Wednesday, April 15, 2015.

UPCOMING MEETINGS:

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| April 7, 2015 | 7:00 p.m. | Budget Committee meeting |
| April 14, 2015 | 7:00 p.m. Council Chambers | Regular City Council meeting |