

**John Day City Council  
September 10, 2019  
6:00 PM**

**John Day Fire Hall, 316 S. Canyon Blvd., John Day**

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF PRIOR CITY COUNCIL MINUTES--**POSTPONED****
3. **APPEARANCE OF INTERESTED CITIZENS** – At this time Mayor Lundbom will welcome the public and ask if there is anything they would like to add to tonight’s agenda.

**CONSENT AGENDA**

4. **ITEMS FOR APPROVAL ON CONSENT AGENDA**

Attachments:

- Charolais Heights Intersection Reconstruction Project Grant Agreement
- DLCDC Grant Young Memorial Planning Assistance Grant Agreement
- Oregon Pine Bridge Rehab Final Plans

**EXECUTIVE SESSION**

5. **EXECUTIVE SESSION UNDER 2017 ORS 192.660(e)**

Attachments:

- None

**ACTION ITEMS**

6. **PUBLIC COMMENT ON CODE COMPLIANCE**

Attachments:

- None

7. **DAVIS CREEK TRAILS UPDATE / PROPERTY LINE ADJUSTMENTS**

Attachments:

- None

8. **REQUESTS/UPDATES RELATED TO THE CITY’S PARKS & RECREATION INVESTMENTS**

Attachments:

- 7<sup>th</sup> Street Splash Pad Invoice for New Service
- Large Government Grant Recommendations

**OTHER BUSINESS & UPCOMING MEETINGS**

9. **OTHER BUSINESS & UPCOMING MEETINGS**

- Downtown Parking
- Report on August 29 – Oregon ReConnect Broadband Workshop
- September 13 – FEMA Risk MAP meeting (time TBD)

- September 23-26 – WEFTEC Conference, Chicago
- September 24 – No Council Meeting
- September 26-28 – LOC Annual Conference
- October 8 – City Council Meeting – Public Hearing for adoption of TGM Area Plan & Code Amendments
- October 20-21 – Oregon Infrastructure Summit, Salem
- October 22 – City Council Meeting
- October 24-25 – Oregon Chapter of the American Planning Association (OAPA) Annual Planning Conference, Eugene

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** September 10, 2019

**SUBJECT:** Agenda Item #4: Items for Approval on Consent Agenda Attachment(s)

- Charolais Heights Intersection Reconstruction Project Grant Agreement
- DLCDC Grant Young Memorial Planning Assistance Grant Agreement
- Oregon Pine Bridge Rehab Final Plans

## **BACKGROUND**

We have three items to review and approve on the consent agenda.

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### **Item 1) Small Cities Allotment (SCA) Agreement for Charolais Heights Intersection Project**

The 2019 SCA agreement for the Charolais Heights intersection project is enclosed. Key terms as outlined in the agreement are as follows:

- a. SCA funds will pay for eligible Project costs up to an amount not to exceed \$100,000.00.
- b. Agency (John Day) shall pay all Project costs in excess of the SCA funds.
- c. State may, upon request by Agency after execution of this Agreement, and upon receipt and review of the Project plans and specifications, advance to Agency 50% of the Award Amount, not to exceed \$25,000 in SCA funds.
- d. Only expenses incurred after the Effective Date of this Agreement are eligible for reimbursement with SCA funds.
- e. To qualify for reimbursement, each expenditure must be an Eligible Project Cost. Eligible Project Costs are documented costs of preliminary engineering and construction engineering services performed by the Agency or the Agency's consultant in performance of the Project, after the effective date of this Agreement, and that comply with the requirements of Article IX, Section 3a of the Oregon Constitution.

**Recommended Action:** Approve City Manager and Mayor to sign the agreement.

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### **Item 2) DLCDC Grant Young Memorial Grant Agreement**

The Department of Land Conservation and Development offers a grant award of \$1,000 every two years for planning assistance. These funds may be applied to an eligible project or for general planning costs.

**Recommended Action:** Approve City Manager and Mayor to sign the agreement.

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### **Item 3) Oregon Pine Bridge Rehabilitation – Final Plans**

The final engineering plans for the Oregon Pine bridge rehabilitation are enclosed for council review. Bids will be solicited in advance of the BUILD grant to determine the range of costs for construction, but City will not make an award until a determination is made.

**Recommended Action:** Approve the plans for future solicitation.

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** September 10, 2019  
**SUBJECT:** Agenda Item #5: Executive Session Under 2017 ORS 192.660(e)  
Attachment(s)

- None

**NOTICE**

The John Day City Council, city staff and invited guests will meet in executive session at 6:10 p.m. on September 10, 2019 at the John Day Fire Hall, 316 S. Canyon Blvd, John Day, Oregon 97845. This executive session will be held pursuant to ORS 192.660(2)(e), which permits the council to meet in executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Representatives of the news media and designated staff will be permitted to attend the executive session. All other persons will not be permitted to attend the executive session. 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 announced. No decision will be made during the executive session.

**RECOMMENDED MOTION**

Following the mayor's reading of the notice:

"I move to enter executive session pursuant to ORS 192.660(2)(e)."

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** September 10, 2019  
**SUBJECT:** Agenda Item #6: Public Comment on Code Compliance  
Attachment(s)

- None

## **BACKGROUND**

Two individuals have requested to address the council on code compliance concerns:

- (1) Mrs. Heather Swank has requested an opportunity to address the city council on business license regulations.
- (2) Mrs. Patty Salvino has requested an opportunity to address the city council on RV dwelling restrictions.

## **BUSINESS LICENSE DISCUSSION (SWANK)**

Per the City Code, businesses are defined as:

**BUSINESS:** Professions, trades, occupations, shops, and all and every kind of calling carried on for profit, including without limitations those soliciting business or conducting business, orders for merchandise, or professional services within the City, and is not limited to those persons having a permanent business establishment in the City.

Exceptions include:

1. Persons engaged in the business of babysitting, foster home care, nonprofessional lawn or garden care, nonprofessional janitorial or housecleaning service, yard and garage sales, craft classes.
2. Activities of charitable or nonprofit organizations, or to landlords of apartment houses or building rentals when such landlord has three units or less available for rent.
3. Any business exhibitors or participants which do business upon the premises of the Grant County Fairgrounds in conjunction with and at the time of the annual Grant County Fair.
4. Sales of animals by 4-H livestock exhibitors in any livestock show or sale conducted by a 4-H organization, or to any other business exhibitors or participants conducting any business at the place of and in conjunction with any such 4-H livestock exhibition.

Staff discussed the code with Mrs. Swank and identified the allowed exception cited below:

“This chapter shall not apply to any person who engages in business primarily in any other city of Grant County, Oregon, and incident thereto transacts business in John Day, and if such other city reciprocally exempts those persons licensed hereunder and who do their primary business in John Day from the requirement of being licensed to do business in such other city incident to that person's primary business in John Day. **This provision shall not apply to any person occupying a business establishment in**

**John Day, such as a branch store.** If such other city in Grant County does not so reciprocate or has no business license fee requirement, this exception shall not be applicable.

## **RV DWELLING DISCUSSION (SALVINO)**

The applicable language related to permitted recreational vehicle use is located in the City of John Day Development Code, which is available online at this link:

<https://www.cityofjohnday.com/planning/page/development-code>

Each section of the code can be found here:

<https://www.cityofjohnday.com/planning/page/development-code-files>

The specific restrictions and permitted uses are outlined below.

**Article 5-1.3.110 Household Living** defines what the City considers to be a dwelling unit and the restrictions/exceptions. Paragraph D(1) reads as follows:

*1. For purposes of this code, a recreational vehicle is not considered a dwelling, except when it is permitted within a City-approved mobile home park or manufactured home park where the vehicle is connected to a electrical utility and city sewer and water systems in accordance with ORS 197.493.*

This is the primary restriction on RV dwelling within city limits. It is only permitted within a city-approved mobile home park. See Article 6 definition (below) for further information.

There are two exceptions that allow temporary RV use outside of an approved RV park (limitations on temporary use are in italics):

- (1) **Article 5-4.9.010 Temporary Use Permits**, permits use to issue a temporary RV permit for construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. *These types of uses occur only once in a calendar year and for no longer a period than thirty (30) days.* The city can also approve Temporary Sales Office or Model Home(s) for new residential development and temporary or permanent placement of a building, trailer or recreational vehicle per Chapter 5-2.5, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City through a land use approval.
- (2) **Article 5-2.2.100K Temporary Medical Hardship Dwellings** allows for temporary structures (including RVs) on residential lots for caregivers who are providing care for someone who lives at that property, but this requires an application that must include a written statement from the patient's primary care medical doctor (MD) or osteopath (DO) that for health or age-related reasons the patient is unable to maintain a residence on a separate property and is dependent upon someone being close by for assistance. *Within three months of the end of the hardship, the manufactured dwelling, recreational vehicle, or travel trailer must be removed from the property or demolished.*

**Article 5-2 (Page 92) defines RVs as:**

RECREATIONAL VEHICLE means a vehicle that is:

- (a) Built on a single chassis;

- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Article 6** further defines recreational vehicles and their restriction(s):

**Recreational Vehicle.** A vehicle with or without motive power that is designed for sport or recreational use, or that is designed for temporary human occupancy on an intermittent basis. A recreational vehicle may be permitted in a City-approved mobile home park or manufactured home park where the vehicle is connected to an electrical utility and city sewer and water systems, in accordance with ORS 197.493. Recreational vehicle is divided into two categories as follows:

- **Motor Home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.

- **Accessory Recreational Vehicle.** Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as all-terrain vehicles, dune buggies, and recreational boats. *Recreational vehicles are not dwellings, and occupancy of a recreational vehicle is not considered a primary or accessory residential use.*



**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** September 10, 2019

**SUBJECT:** Agenda Item #7: Davis Creek Trails Update / Property Line Adjustments  
Attachment(s)

- None

## **BACKGROUND**

The Davis Creek trails and John Day River trail began construction on July 8th and are more than 60% complete. Work remains on the North Trail (above the percolation ponds), stairs accessing the North Trail/Davis Creek from the riverfront, construction of the fence along Boulder Lane, and additional tree clearing.

Staff and residents wish to discuss the cost of the proposed property line adjustments with the four property owners adjoining Davis Creek park on Boulder Lane.

## **DISCUSSION**

During the August 13 city council meeting, council approved the property line adjustments with the adjoining property owners. City's intent was "to sell the property for the actual cost of the surveying and legal expenses, estimated to be approximately \$500" per property owner.

The actual cost of surveying and legal expenses came to \$4,125. Dividing by the square footage sold to each property owner, the cost per square foot equals 61-cents, resulting in a sale price of:

- Bruce (2,202 SF) = \$1,347.26
- McNeil (2,010 SF) = \$1,229.79
- Cates (1,360 SF) = \$832.10
- Giffin (1,170 SF) = \$715.85

The City's original estimate of \$500 was below (and in some cases well below) actual cost. Mrs. Bruce is requesting the city council sell at a flat rate of \$500 per property owner or adjust the price down as she does not feel the land she's acquiring is worth the cost of 61-cents per square foot.

Any concessions that council offers would have to be reduced from the grant funding and/or match and would lower the amount of funds available to complete the project.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** September 10, 2019

**SUBJECT:** Agenda Item #8: Requests/Updates Related to the City's Parks & Recreation Investments Attachment(s)

- 7<sup>th</sup> Street Splash Pad Invoice for New Service
- Large Government Grant Recommendations

## **BACKGROUND**

Zach Williams, Chair of the John Day/Canyon City Parks and Recreation District has requested to address the council on system development charges (SDCs) and water usage at the new splash pad. City staff will also provide a general update on various parks and recreation investments the city is pursuing, such as the Integrated Park System.

## **JDCC INVOICE & WAIVER REQUEST**

The City invoiced the JDCC Parks & Recreation District \$4,215.93 for new water service connection at the splash pad. This includes actual labor and materials for public works staff time to install the connection, plus \$1,841.00 for SDC charges.

City staff cannot waive SDC charges, but council has the authority to reduce them by 50% for tax-exempt organizations. Council may choose to waive 50 percent of the \$1,841, or \$920.50.

JDCC is also requesting water be provided to the splashpad at no cost to the district. They are estimating the system will 500,000 gallons per year. At next year's water rates (assuming a five-month operating window for the splash pad) this would be a waiver of \$1,600. This cost would increase with any future increases in water rates.

Council has the authority to reduce or waive additional costs and provide recurring financial assistance to JDCC under an ORS 190 resource sharing agreement, which allows public agencies to share costs on projects that benefit both agencies.

## **INTEGRATED PARK SYSTEM & AQUATIC CENTER FEASIBILITY STUDY GRANTS**

The City's Integrated Park System proposal has been recommended for \$471,927 in funding by the review committee. The committee is also recommending a \$40,000 award to complete the planning for the new aquatic center.

The Oregon Parks and Recreation Commission will meet on September 17 & 18 to review the committee's recommendations and make a final decision on the funding. Additional information is available on the Commission's website:

[https://www.oregon.gov/oprd/pages/commission.aspx#Current\\_Meeting\\_Information](https://www.oregon.gov/oprd/pages/commission.aspx#Current_Meeting_Information)

If funded, the City will proceed with the final feasibility study for the new aquatic center. City intends to contract with the Special Districts Association of Oregon (SDAO) and consultants on the City's approved list of professional services firms to provide a Facilities Plan that will document the various designs we

evaluated as a committee over the past year, describe the selected/recommended option from the committee, and discuss the decision making process that led to the recommended option.

The feasibility plan will also document the base case (continuing to operate Gleason for another 10 years) and associated costs; including the opportunity cost (lost revenue/economic gains) of not having a new Kam Wah Chung heritage site at this location and the future cost of construction a pool in 2030 vs. 2020; will summarize the benefit-cost ratio for each option to give a quantitative summary of the decision making.

In addition to the recommended option, the feasibility plan will address the following:

### **Location**

- Discuss the two evaluated sites (Oregon Pine & 7<sup>th</sup> Street)
- Recommended site: 7<sup>th</sup> Street due to co-locating recreation facilities, need for Parks & Rec to have an office at 7<sup>th</sup> Street to replace their single-wide, and expanded parking and utilities for that location with trails connected to the rest of the riverfront recreation areas and existing parks through the Integrated Park System grant (reducing costs to taxpayers)

### **Organization Structure**

- Document the potential operating models (new ORS 451 County Service District, new ORS 190 cost-sharing agreement, new Aquatics Districts, or an expanded tax base/increased mill rate for existing Parks & Rec District)
- Recommend an operating model (based on discussions with steering committee)
- Document that the default could be a voter initiative that goes countywide if public agencies can't reach an agreement on a referral

### **Timing**

- Reinforces the reasons for addressing this now: end of the 25-year agreement with parks and rec is August 2020, at which point it reverts to the city; no reserves currently in place to maintain Gleason; need for additional funds either way (maintain Gleason or replace it) that requires voter approval; ending of the hospital bond in 2021 that will result in tax relief (and document how much); opportunity cost of delaying and building in 10 years and current condition of Gleason Pool...all warrants action in 2020 to bond for a new facility.

### **Financing**

- Discusses capital improvement costs for pool and associated peripherals; plus option to expand for additional rec space in the future.
- Identifies how much the capital improvement bond would need to be issued for and what the approximate cost would be to taxpayers.
- Documents the benefit of today's lower interest rates for bond financing.
- Describes how we will cover OM&R expenses and estimates those costs.

### **OPRD SITE VISIT**

We invited M.G. Devereux - Deputy Director - Oregon Parks and Recreation to visit John Day on October 1st to view the current and planned investments we are making and discuss the potential sale of Gleason Pool to the state and creation of the new Kam Wah Chung interpretive center. Additional information on this visit will be forthcoming.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** September 10, 2019

**SUBJECT:** Agenda Item #9: Public Comment on Code Compliance  
Attachment(s)

- None

**OTHER BUSINESS**

- Downtown Parking
- Report on August 29 – Oregon ReConnect Broadband Workshop

**UPCOMING MEETINGS**

- September 13 – FEMA Risk MAP meeting (time TBD)
- September 23-26 – WEFTEC Conference, Chicago
- September 24 – No Council Meeting
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- October 8 – City Council Meeting – Public Hearing for adoption of TGM Area Plan & Code Amendments
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