

John Day City Council Meeting June 9, 2020

6:00 PM EXECUTIVE SESSION 7:00 PM REGULAR SESSION (IN-PERSON & VIRTUAL MEETING)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/483010045>

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United States: [+1 \(786\) 535-3211](tel:+17865353211)
Access Code: 483-010-045

Please note: Social distancing guidelines will be maintained for people attending the meeting. Seating is extremely limited and preference will be given to those wishing to comment on a particular matter. If seating is unavailable, participants will be asked to wait outside the building and may participate by phone or computer using the information provided above.

- 1. OPEN AND NOTE ATTENDANCE**
- 2. APPROVAL OF PRIOR MINUTES**
- 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.

EXECUTIVE SESSION

- 4. EXECUTIVE SESSION PER ORS 192.660(E) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS**

Attachments:

- None

CONSENT AGENDA

- 5. CONSENT ITEMS**

Attachments:

- None

ACTION ITEMS

- 6. PUBLIC HEARING FOR RESOLUTION NO. 20-834-07, A RESOLUTION TO ADOPT FISCAL YEAR 2020-2021 BUDGET**

Attachments:

- Resolution No. 20-834-07

7. RESOLUTION NO. 20-835-08, A RESOLUTION TO APPROPRIATE FISCAL YEAR 2020-2021 BUDGET

Attachments:

- Resolution No. 20-835-08

8. RESOLUTION NO. 20-836-09, A RESOLUTION OF THE CITY OF JOHN DAY, GRANT COUNTY, OREGON APPROVING PARTICIPATION IN THE STATE REVENUE SHARING PROGRAM

Attachments:

- Resolution No. 20-836-09

9. RESOLUTION NO. 20-837-10, A RESOLUTION TO IMPOSE AND CATEGORIZE TAXES FOR FISCAL YEAR 2020-2021 BUDGET

Attachments:

- Resolution No. 20-837-10

10. RESOLUTION NO. 20-838-11, A RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO THE VOLUNTEERS OF THE CITY OF JOHN DAY

Attachments:

- Resolution No. 20-838-11

11. RESOLUTION NO. 20-839-12, A RESOLUTION TO SUPPORT GRANT COUNTY INITIATING A BALLOT MEASURE TO ESTABLISH A COUNTY SERVICE DISTRICT FOR THE PURPOSES OF PROVIDING AND OPERATING A NEW PUBLIC SWIMMING POOL FOR THE RESIDENTS OF CENTRAL GRANT COUNTY

Attachments:

- Resolution No. 20-839-12

12. RIVERSIDE HOME PARK APPEAL OF ORDINANCE NO. 20-180-01 AND ORDINANCE NO. 20-185-06

Attachments:

- Notice of Intent to Appeal Ordinance No. 20-180-01
- Notice of Intent to Appeal Ordinance No. 20-185-06
- John Day Notice of Hearing, Affidavit of Publication, Notice of Decision and Certifications of Notice

OTHER BUSINESS & UPCOMING MEETINGS

13. OTHER BUSINESS & UPCOMING MEETINGS

- Future study session topics: TRT, Marijuana Ordinance, Industrial Park Land Use Regulations and Land Sales
- June 23, City Council Meeting CANCELLED
- July 14, City Council Meeting, 7 P.M. Fire Hall
- July 28, City Council Meeting, 7 P.m. Fire Hall

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #4: Executive Session per ORS 192.660(E) To Conduct Deliberations With Persons Designated By The Governing Body To Negotiate Real Property Transactions Attachment(s)

- None

NOTICE OF EXECUTIVE SESSION

The John Day City Council will meet in executive session at 6 P.M. on June 9, 2020.

The 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: June 09, 2020
SUBJECT: Agenda Item #5: Consent Agenda
Attachment(s)

- None

BACKGROUND

No items on consent agenda.

Item 1) N/A

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: June 09, 2020
SUBJECT: Agenda Item #6: Public Hearing for Resolution No. 20-834-07, A Resolution to Adopt Fiscal Year 2020-2021 Budget
Attachment(s)

- Resolution No. 20-834-07

BACKGROUND

Resolution No. 20-834-07 adopts the budget approved by the Budget Committee of the City of John Day and as adjusted by the City Council for Fiscal Year 2020-2021.

DISCUSSION

A public hearing is required prior to adopting the budget.

RECOMMENDED MOTIONS

- (1) "I move to open the public hearing for Resolution No. 20-834-07, A Resolution to Adopt Fiscal Year 2020-2021 Budget.

[following public comment]

- (2) "I move to close the public hearing for Resolution No. 20-834-07, A Resolution to Adopt Fiscal Year 2020-2021 Budget.

[following council deliberation]

- (3) "I move to approve Resolution No. 20-834-07, A Resolution to Adopt Fiscal Year 2020-2021 Budget [as amended, if any].

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #7: Resolution No. 20-835-08, A Resolution to Appropriate Fiscal Year 2020-2021 Budget
Attachment(s)
• Resolution No. 20-835-08

BACKGROUND

Resolution No. 20-835-08 appropriates the budget approved by the city council through Resolution No. 20-834-07.

RECOMMENDED MOTION

“I move to approve Resolution No. 20-835-08, A Resolution to Appropriate Fiscal Year 2020-2021 Budget.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #8: Resolution No. 20-836-09, A Resolution of the City of John Day, Grant County, Oregon Approving Participation in the State Revenue Sharing Program
Attachment(s)
• Resolution No. 20-836-09

BACKGROUND

Resolution No. 20-836-09 approves the city to receive state shared revenue as approved in the FY21 budget.

RECOMMENDED MOTION

“I move to approve Resolution No. 20-836-09, A Resolution of the City of John Day, Grant County, Oregon Approving Participation in the State Revenue Sharing Program.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #9: Resolution No. 20-837-10, A Resolution to Impose and Categorize Taxes for Fiscal Year 2020-2021 Budget
Attachment(s)
• Resolution No. 20-837-10

BACKGROUND

Resolution No. 20-837-10 imposes taxes for the FY21 budget.

RECOMMENDED MOTION

“I move to approve Resolution No. 20-837-10, A Resolution to Impose and Categorize Taxes for Fiscal Year 2020-2021 Budget.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #10: Resolution No. 20-838-11, A Resolution Extending Workers' Compensation Coverage to the Volunteers of the City of John Day
Attachment(s)

- Resolution No. 20-838-11

BACKGROUND

Resolution No. 20-838-11 extends workers' compensation coverage to our volunteers, including the volunteer fire fighters and police reserve officers.

RECOMMENDED MOTION

"I move to approve Resolution No. 20-838-11, A Resolution Extending Workers' Compensation Coverage to the Volunteers of the City of John Day."

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #11: Resolution No. 20-839-12, A Resolution to Support Grant County Initiating a Ballot Measure to Establish a County Service District for the Purposes of Providing and Operating a New Public Swimming Pool for the Residents of Central Grant County
Attachment(s)

- Resolution No. 20-839-12
- Pool Cost Tracking
- Phase 2 Reopening Guidance for Licensed Swimming Pools

BACKGROUND

Resolution No. 20-839-12 is required as part of the district formation process under Oregon Revised Statute 451. This is the recommendation put forward by the pool steering committee as part of the Central Grant County Aquatic Center proposal and feasibility study completed last month. A copy of the report is available at: <https://bit.ly/GrantCountyPool>.

The City of John Day funded the pool feasibility study in coordination with the Oregon State Parks and Recreation Department (OPRD) and John Day/Canyon City Parks and Recreation District. This was part of our broader strategy to replace Gleason Pool with a new aquatics center and at the same time create opportunities for OPRD to make a new investment in the Kam Wah Chung interpretive center at the historic site where the pool is currently located, as outlined in the 2009 Kam Wah Chung & Co. State Heritage Site Master Plan (available at: <https://digital.osl.state.or.us/islandora/object/osl:11651>).

Between FY19 and FY20, the City approved a total of \$73,250 in expenditures to plan for the replacement of Gleason Pool. Of this amount, \$40,000 was reimbursable through the OPRD Large Government Grant Program (Grant Agreement No. LG19-031). The final cost of the study was \$69,720 (\$3,530 under budget) resulting in a net cost to John Day taxpayers of \$29,720 (spreadsheet attached).

No city funding related to Gleason Pool is planned for expenditure in the FY21 budget.

As contemplated in the Kam Wah Chung Master Plan, OPRD intends to purchase the city park property, including the swimming pool facility, and could lease it back to the city or parks and recreation district to continue pool operations until the county can erect the new aquatics center. Revenue from the sale of the park will be held in reserve for up to five years to leverage grant funding to build the new pool at the new site in town. The current pool location will be restored to its historic area and provide additional park space for visitors to the new Kam Wah Chung interpretive center. The plan also contemplated OPRD working with the city to provide better sidewalks along Canton Street to connect Kam Wah Chung with other city parks, becoming part of our integrated park system.

On June 4th, Phase 2 re-opening guidelines were published by the Oregon Health Authority related to COVID-19 and pools (attached). These guidelines provide extensive requirements for pool operations, distance and occupancy, cleaning and disinfection and locker rooms. These guidelines do not affect the city at present because the pool is operated by the Parks and Recreation District. However, they may affect future operations and some discussion of their impacts is warranted as they amount to an unfunded mandate – they cannot be implemented with the resources currently available to our community.

DISCUSSION

This resolution requests Grant County place on the November 3, 2020 General Election two measures to support the construction, maintenance, and management of a new pool:

- 1) Establish the Central Grant County Aquatic District with a permanent tax rate of \$.20/\$1000 assessed value which will generate approximately \$90,000 a year to subsidize the operation of the pool. The new district would be formed as a county service district under the governance of the county court. The district would be limited to providing aquatic facilities and programs. The proposed district would encompass the boundaries of the John Day/Canyon City Parks and Recreation District, Mount Vernon and Prairie City Rural Fire Protection Districts, and the cities of Prairie City, Mount Vernon, and Seneca.
- 2) Propose a 20-year, \$6 million bond measure to the electorate within the proposed district for purposes of constructing a six-lane outdoor pool and aquatics center with space available to add a small warm water wading/therapy pool at the 7th Street Sports Park in John Day. The estimated pool bond tax rate is \$.71/\$1000.

ANALYSIS OF ALTERNATIVES

The pool steering committee and consultants evaluated multiple options for the proposed pool replacement facility, including alternative locations, designs, operating models and funding alternatives. The selected alternative will create a new tax district and finance a facility capable of meeting the needs of our community, including the potential for future enclosure, without increasing taxes above their current rates due to the retirement of the hospital bond.

Several scenarios could occur related to the pool district formation:

- 1) If the other cities in the proposed aquatics district decline to pass resolutions to refer the matter to the county court, voters will not have the opportunity to consider the replacement of the pool on the November ballot.
- 2) If the cities do pass resolutions and the county court agrees to refer the matter to the voters, and either measure fails, the district is not formed, and the pool is not constructed.
- 3) The cities pass the resolution, the court refers the matter, and the voters approve both ballot measures, we will begin design and construction of the new facility could use the revenue from the sale of Gleason Pool to operate it under a lease agreement until the new pool is constructed.

If either Scenario 1 or Scenario 2 occur, Gleason will remain closed due to inadequate funding for operations, maintenance and repair this year and will likely remain closed thereafter.

If Scenario 3 occurs, the steering committee's recommendation is for Grant County to contract with the Parks and Recreation District to maintain and manage the new pool with 95% of the permanent tax rate being assigned to the district. The district will place a minimum \$10,000 per year into a capital reserve fund for replacement and repair of equipment and the facility.

SUMMARY

This recommendation provides county residents with a new public pool that is easily accessible by the greatest percentage of population in the county and gives voters within the proposed district an

opportunity to decide if they want to support the new pool with most property owners paying less than \$9 a month for the facility. After 20-years, when the bonds are paid off, district residents would see a further reduction in their tax rate of approximately \$.71/\$1000.

This recommendation also coincides with the Blue Mountain Hospital District bond being paid off in 2020-21. The property tax rate for payment on the hospital bond is \$1.185/\$1000 assessed value. The combined tax rate on the pool bonds and the permanent tax rate for pool operations is \$.91/\$1000. As a result, taxpayers within the aquatic district will see a net \$.275/\$1000 reduction in their property tax rate effective 2021-22 tax year while gaining a new public pool for the enjoyment of residents and visitors from throughout central Grant County.

RECOMMENDED MOTION

“I move to approve Resolution No. 20-839-12, A Resolution to Support Grant County Initiating a Ballot Measure to Establish a County Service District for the Purposes of Providing and Operating a New Public Swimming Pool for the Residents of Central Grant County

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #12: Riverside Home Park Appeal of Ordinance No. 20-180-01 and Ordinance No. 20-185-06
Attachment(s)

- Notice of Intent to Appeal Ordinance No. 20-180-01
- Notice of Intent to Appeal Ordinance No. 20-185-06

BACKGROUND

Riverside Home Park LLC has filed an appeal with the Land Use Board of Appeals (LUBA) for two ordinances adopted by the city council following the joint planning commission/city council hearing held on May 12th.

Notices of the hearing and intended land use actions were mailed to all property owners of record in John Day on April 13th, 2020 (one month prior to the hearing). Notice of the hearing was also provided to the Department of Land Conservation and Development prior to the hearing and was published in the Blue Mountain Eagle on April 22nd and April 29th. Following the hearing, a notice of decision was mailed to all property owners of record with an appeal deadline of June 10, 2020.

Riverside Home Park was sent a written notice of the hearing and of the decision, however, Riverside's legal counsel was not sent notice of the ordinances, despite having requested all notices and correspondence be sent to them.

DISCUSSION

City staff followed our standard procedures for notification to property owners. However, we neglected to include Riverside Home Park's attorneys in the mailing distribution. By registering as an interested party, staff should also have sent them notification of any land use actions that affect the park.

Neither Riverside Home Park nor their legal counsel have disclosed what substantive changes they would like to see with regard to either ordinance. They have filed an appeal to the LUBA in order to comment on these ordinances but have said they will voluntarily dismiss the appeals if the council will withdraw the ordinances and restart the hearings process.

The city council is not under any obligation to make changes to either ordinance and can proceed to a hearing before the LUBA. However, we should have given their legal counsel notice and an opportunity to comment prior to holding the public hearing with the planning commission. As a result, the LUBA would likely order the city to restart the process on procedural grounds.

RECOMMENDATION

I recommend the council move to withdraw both ordinances. Staff will then send notice of the intended code amendments and schedule a new hearing before the John Day Planning Commission next month, to be followed by hearings before the John Day City Council in August. Depending on Riverside's

comments, we may still end up in front of the LUBA, but if we do, our ordinances are less likely to be contested successfully on procedural grounds.

RECOMMENDED MOTION

“I move to withdraw Ordinance No. 20-180-01 and Ordinance No. 20-185-06, and request the city planning staff resubmit Code Amendments AMD-20-01 and AMD-20-06 to the John Day Planning Commission for consideration.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 09, 2020

SUBJECT: Agenda Item #13: Other Business and Upcoming Meetings
Attachment(s)

- None

OTHER BUSINESS

- Future topics for council consideration in July study session(s):
 - **Transient Room Tax** – what TRT rate and procedures should the city adopt for its transient room tax? Impacts on operators need to be addressed prior to the ordinance adoption.
 - **Marijuana Ordinance** – should the city council repeal John Day’s marijuana ordinance prohibition and/or refer the repeal to the city voters in November?
 - **Industrial Park Land Use Regulations and Land Sales** – should the city amend land use regulations and development restrictions in the Airport Industrial Park, and are there specific actions the council is willing to take to promote and streamline land sale procedures in this area?

UPCOMING MEETINGS

- June 23, City Council meeting CANCELLED
- July 14, City Council meeting, 7 P.M. at Fire Hall
- July 28, City Council meeting, 7 P.M. at Fire Hall