

**John Day City Council Meeting  
October 27, 2020  
316 S. Canyon Blvd (John Day Fire Hall)**

**7:00 PM VIRTUAL CITY COUNCIL MEETING  
(EXECUTIVE SESSION FOLLOWING COUNCIL MEETING)**

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Please note: As ordered by Governor Brown, face masks are required for entrance to the building and social distancing guidelines will be maintained for participants. Seating is extremely limited and preference will be given to those on the agenda. If seating is unavailable, participants will be asked to wait outside the building and may join 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.

## **ACTION ITEMS**

- 4. OREGON RAIN MOU**  
Attachments:
  - MOU – Oregon RAIN
- 5. ORDINANCE NO. 20-186-07 [DRAFT OTEC FRANCHISE AGREEMENT]**  
Attachments:
  - Ordinance 20-186-07 (Draft)
- 6. MARIJUANA ORDINANCE REPEAL PROCEDURES**  
Attachments:
  - Ordinance 15-163-01 (Time, Manner & Place Restrictions)
  - Ordinance 15-164-02 (Marijuana Ban)
  - Resolution 14-730-16 (Marijuana Tax Rates)
  - Resolution 15-737-02 (Fees for Medical Marijuana Dispensaries)

## **OTHER BUSINESS & UPCOMING MEETINGS**

### **7. OTHER BUSINESS & UPCOMING MEETINGS**

- Broadband Update
- 4<sup>th</sup> Street Repair Update
- Integrated Park System Update
- November 10, City Council Meeting (Fire Hall/Virtual, 7 P.M.)
- November 18, Planning Commission Hearing (Fire Hall/Virtual, 6 P.M.)
- December 8, City Council Meeting / Supplemental Budget (Fire Hall/Virtual, 7 P.M.)

## **EXECUTIVE SESSION**

### **8. EXECUTIVE SESSION #1 – ORS 192.660(2)(h)**

Attachments:

- Council will meet in Executive Session under ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

### **9. EXECUTIVE SESSION #2 – ORS 192.660(2)(e)**

Attachments:

- Council will meet in Executive Session under ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** October 27, 2020

**SUBJECT:** Agenda Item #4: Oregon RAIN MOU  
Attachment(s)

- Oregon RAIN MOU

**BACKGROUND**

Oregon RAIN is requesting a two-year extension to their agreement at a cost of \$5,000 per year. The original agreement expires this month and was for \$10,000.

**DISCUSSION**

Stephanie LeQuieu with Oregon RAIN will present the group's progress in its first year. RAIN is also requesting financial assistance from Grant County, Prairie City and Canyon City.

**RECOMMENDATION**

Should council wish to continue the support of Oregon RAIN, we will need a motion authorizing the City manager to sign the agreement.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** October 27, 2020

**SUBJECT:** Agenda Item #5: Ordinance No. 20-186-07 [Draft OTEC Franchise Agreement]  
Attachment(s)

- Ordinance 20-186-07 (Draft)

## **BACKGROUND**

The City's current franchise agreement with OTEC (Ordinance 10-143-03) expires November 10, 2020. City staff, city attorneys and OTEC's representatives have negotiated a new redlined agreement (attached), which requires review and discussion by the city council prior to adoption. The new ordinance will extend the franchise agreement by an additional ten years and should be adopted at our next meeting.

## **DISCUSSION**

Language in the current franchise agreement has been updated to reflect current state laws, policies and procedures. It also refines some language from the prior agreement to better reflect the way we implement certain policies with OTEC. Additions are shown in blue, changes/deletions in red.

The City currently assesses a five percent franchise fee on all OTEC customers. These fees accrue to the City's general fund and are used for general government operations, primarily for public safety (police & fire).

The five percent franchise fee has not increased in ten years and generates approximately \$90,000 per year. Each franchise fee percentage point accounts for \$18,000 in annual revenue and costs the average rate payer about \$1 on their monthly bill. Stated another way, a one percentage point increase in the franchise fee would cost John Day customers \$12 per year and would increase general fund revenue by \$18,000 per year.

Council needs to determine the franchise fee rate for the next ten year agreement. Some communities have moved to 7 percent for their franchise fee but this change (if any) is entirely at the discretion of the city council.

## **RECOMMENDATION**

The franchise fee rate along with any changes recommended by the council will be reviewed and incorporated into the final ordinance for adoption on November 10<sup>th</sup>.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** October 27, 2020

**SUBJECT:** Agenda Item #6: Marijuana Ordinance Repeal Procedures  
Attachment(s)

- Ordinance 15-163-01 (Time, Manner & Place Restrictions)
- Ordinance 15-164-02 (Marijuana Ban)
- Resolution 14-730-16 (Marijuana Tax Rates)
- Resolution 15-737-02 (Fees for Medical Marijuana Dispensaries)

## **BACKGROUND**

Council discussed during their last study session repealing the City's ban on marijuana (Ordinance 15-164-02). Such a repeal would have three immediate effects based on prior legislation adopted by the city council:

- 1) Making the City's Time, Manner and Place Restrictions effective (Ordinance 15-163-01);
- 2) Making the Marijuana Tax Rate effective (Resolution 14-730-16);
- 3) Making the Medical Marijuana Dispensary application fees effective (Resolution 15-737-02).

These fees and rates may be adjusted by resolution of the council but otherwise shall take effect as original resolved.

## **DISCUSSION**

Repealing an ordinance follows a similar process to adopting the ordinance. The City will provide public notice of its intent to repeal the ordinance, state the ordinance to be repealed (Ordinance 15-164-02), and then provide an opportunity for public comment at a repeal hearing. Following the public comment, council will deliberate and make a determination about whether or not to repeal the ordinance, and when the repeal shall take effect.

## **RECOMMENDATION**

If the Council wishes to hold a public hearing on December 8, the ordinance repeal would take effect 30 days later (January 8, 2021). This would provide enough time to publish notice and provide the public with appropriate literature, including the effects of the legislation that would automatically take effect upon the ordinance's repeal, with any changes council wishes to propose in advance of that hearing.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** October 27, 2020

**SUBJECT:** Agenda Item #7: Other Business and Upcoming Meetings  
Attachment(s)

- None

#### **OTHER BUSINESS**

- Broadband Update
- 4<sup>th</sup> Street Repair Update
- Integrated Park System Update
- Dollar General Update

#### **UPCOMING MEETINGS**

- November 10, City Council Meeting (Fire Hall/Virtual, 7 P.M.)
- November 18, Planning Commission Hearing (Fire Hall/Virtual, 6 P.M.)
  - Home Occupation Permit (Type III)—HOP-20-01: Ashley Stevick
  - Lot Size Variance (Type III)—LP-20-03: Sally Knowles
  - Land Partition (Type III)—LP-20-03: Eva Harris
  - Site Design Review (Type III)—SDR-20-02: Innovation Gateway Industrial Park
  - Site Design Review (Type III)—SDR-20-04: Hill Family Park
  - Code Amendment (Type IV)—AMD-20-10: Code Enforcement
  - Code Amendment (Type IV)—AMD-20-11: Manufactured Housing
- December 8, City Council Meeting/Supplemental Budget (Fire Hall/Virtual, 7 P.M.)

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** October 27, 2020

**SUBJECT:** Agenda Item 8: Executive Session #1 – ORS 192.660(2)(h)  
Attachment(s)

- Council will meet in Executive Session under ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

### **NOTICE OF EXECUTIVE SESSION**

The John Day City Council will meet in executive session at 7:30 P.M or upon the conclusion of the regular council meeting on October 27, 2020, whichever comes later.

The executive session will be held pursuant to ORS 192.660(2)(h), which permits the council to meet in executive session to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

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)(h)."

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** October 27, 2020  
**SUBJECT:** Agenda Item 9: Executive Session #2 – ORS 192.660(2)(e)  
Attachment(s)

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### **NOTICE OF EXECUTIVE SESSION**

The John Day City Council will meet in executive session at 7:40 P.M or upon the conclusion of the first executive session on October 27, 2020, whichever comes later.

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).”