

**John Day City Council Meeting
November 10, 2020
316 S. Canyon Boulevard**

**7:00 PM CITY COUNCIL MEETING
VIRTUAL ONLY**

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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. **ORDINANCE NO. 20-186-07, AN ORDINANCE GRANTING OREGON TRAIL ELECTRIC CONSUMERS COOPERATIVE, INC. THE RIGHT AND PRIVILEGE TO PLACE, ERECT, AND MAINTAIN POLES, WIRES, AND OTHER APPLIANCES AND CONDUCTORS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY IN, ON, AND UNDER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES, AND PUBLIC HIGHWAYS IN THE CITY OF JOHN DAY, OREGON, AND TO EXERCISE THE PRIVILEGE OF ENGAGING IN THE GENERAL BUSINESS OF GENERATING, TRANSMITTING, AND DISTRIBUTING ELECTRICAL ENERGY; AND DECLARING AN EMERGENCY.**

Attachments:

- Ordinance No. 28-186-07

5. RESOLUTION NO. 20-848-21, A RESOLUTION OF CITY OF JOHN DAY ON RECONSIDERATION OF CHALLENGED LAND USE REGULATIONS ADOPTED UNDER ORDINANCE NO. 20-180-01

Attachments:

- Resolution 20-848-21

6. RESOLUTION NO. 20-849-22, A RESOLUTION OF CITY OF JOHN DAY ON RECONSIDERATION OF CHALLENGED LAND USE REGULATIONS ADOPTED UNDER ORDINANCE NO. 20-180-01

Attachments:

- Resolution 20-849-22

7. 4th AVENUE REPAIRS UPDATE

Attachments:

- Wall Design Alternatives
- 4th Avenue Repair Cost Estimates

8. MAIN STREET REVITALIZATION / SUPPLEMENTAL BUDGET PLANNING

Attachments:

- USDA CF Grant – Planar Shed
- Refunding OMSRG – Findley
- Refunding OMSRG – Owens

OTHER BUSINESS & UPCOMING MEETINGS

9. OTHER BUSINESS & UPCOMING MEETINGS

- City Councilor Election Results
- Elected Essentials Training
- New City Hall Office Hours
- November 18, Planning Commission Hearing (Fire Hall/Virtual, 6 P.M.)
- December 8, Urban Renewal Agency Meeting (Fire Hall/Virtual, 6 P.M.)
- December 8, City Council Meeting / Supplemental Budget (Fire Hall/Virtual, 7 P.M.)

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 10, 2020

SUBJECT: Agenda Item #4: Ordinance No. 20-186-07, An Ordinance Granting Oregon Trail Electric Consumers Cooperative, Inc. the Right and Privilege to Place, Erect, and Maintain Poles, Wires, and Other Appliances and Conductors for the Transmission and Distribution of Electricity in, on, and under the Streets, Alleys, Avenues, Thoroughfares, and Public Highways in the City of John Day, Oregon, and to Exercise the Privilege of Engaging in the General Business of Generating, Transmitting, and Distributing Electrical Energy; and Declaring an Emergency.
Attachment(s)
• Ordinance 20-186-07

BACKGROUND

Ordinance 20-186-07 has been updated to reflect the city council's changes from the October 27th meeting. Because the franchise fee expires on November 11th, we have amended the ordinance to be adopted by emergency declaration of the city council. An ordinance adopted to meet an emergency may take effect as soon as adopted.

A reading of an ordinance may be by title only if no council member present at the reading requests that the ordinance be read in full. An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.

The only changes to the ordinance since it was presented during the October 27 city council meeting are to Section 4.1, as approved by the city council and shown in *italics* below:

“4.1 Payment of Franchise Fees. In consideration of the rights, privileges, and franchise granted by City to OTEC under this Ordinance, OTEC will pay a franchise fee in accordance with the following schedule (the “Franchise Fee(s)”).

(a) Five percent (5%) of the Gross Revenues (as defined below) for the two-year period commencing the first billing cycle following November 11, 2020 and continuing thereafter until the last billing cycle of October 2022.

(b) Six percent (6%) of the Gross Revenues commencing the first billing cycle of November 2022 for the three-year period continuing thereafter until the last billing cycle of October 2025.

(c) Seven percent (7%) of the Gross Revenues for the period commencing the first billing cycle of November 2025 and continuing thereafter during the remaining term of this Ordinance (until November 10, 2030).”

RECOMMENDED MOTIONS

Motion 1) “I move to have Mayor Lundbom read Ordinance No. 20-186-07 by Title Only.”

[Mayor to read full title]

Motion 2) “I move to adopt Ordinance No. 20-186-07.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 10, 2020

SUBJECT: Agenda Item #5: Resolution No. 20-848-21, A Resolution of City of John Day on Reconsideration of Challenged Land Use Regulations Adopted Under Ordinance No. 20-180-01.
Attachment(s)
• Resolution No. 20-848-21

BACKGROUND

The Council rescinded its proposed Ordinance No. 20-180-01 related to code enforcement amendments. A new amendment will go before the planning commission this month. Because this ordinance and amendment as originally passed by the city council was challenged, a formal resolution on reconsideration must be submitted to the land use board of appeals.

RECOMMENDED MOTION

“I move to adopt Resolution No. 20-848-21, A Resolution of City of John Day on Reconsideration of Challenged Land Use Regulations Adopted Under Ordinance No. 20-180-01.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 10, 2020

SUBJECT: Agenda Item #6: Resolution No. 20-849-22, A Resolution of City Of John Day on Reconsideration of Challenged Land Use Regulations Adopted Under Ordinance No. 20-180-06.
Attachment(s)
• Resolution 20-849-22

BACKGROUND

The Council rescinded its proposed Ordinance No. 20-180-06 related to manufactured homes and manufactured home parks. A new amendment will go before the planning commission this month. Because this ordinance and amendment as originally passed by the city council was challenged, a formal resolution on reconsideration must be submitted to the land use board of appeals.

RECOMMENDED MOTION

“I move to adopt Resolution No. 20-849-22, A Resolution of City Of John Day on Reconsideration of Challenged Land Use Regulations Adopted Under Ordinance No. 20-180-06.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 10, 2020

SUBJECT: Agenda Item #7: 4th Avenue Repair
Attachment(s)

- Wall Design Alternatives
- 4th Avenue Repair Cost Estimates

BACKGROUND

Attached are the two wall alternatives and associated cost estimates provided by GHD Engineering for the 4th Avenue Repair project.

DISCUSSION

Mechanically Stabilized Embankment (MSE) is estimated to cost \$872,123 and consists of the following components:

- Grid length 0.7H, about 16-18 feet of grid.
- Concrete facing.
- Max facing batter 20 degrees or less.
- Small key at toe verify 2 feet below scour zone.
- Max cut slope 1.5:1
- We can do a road closure, but it will upwards of 10-15 minutes of response time to emergency services.
- Scour to be determined.
- RSP at toe of wall up to Ordinary High water mark. Required for environmental permitting.

Soldier Pile Wall is estimated to cost \$1,326,597 and consists of the following components:

- Pile depth about 30-35 feet deep, with concrete panel lagging.
- Tie Backs to be determined.
- RSP at toe of wall up to Ordinary High water mark. Required for environmental permitting

Creek Modeling:

- 100 year flood analysis for scour and flow.

We will discuss pros and cons of each approach during the meeting.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 10, 2020

SUBJECT: Agenda Item #8: Main Street Revitalization / Supplemental Budget Planning Attachment(s)

- USDA CF Grant – Planar Shed
- Refunding OMSRG – Findley
- Refunding OMSRG – Owens

BACKGROUND

We are evaluating the option to apply for a USDA Community Facilities grant for the Planar Shed restoration. The scope of work is attached. Budgetary cost estimates are in development.

The Sheedy's are in the process of refinancing the Weaver building and have paid \$50,000 down on their \$125,000 original loan from the city. They expect to pay the balance of the loan within the next two months. This will create a source of capital for additional Main Street Revitalization (potentially including this grant).

We have requested additional CRF funds but no decision has been made yet.

The Oregon Main Street Revitalization Grant (OMSRG) was cancelled due to COVID-19 budget shortfalls. The letters enclosed have been requested by the OMSRG program sponsors.

RECOMMENDATION

We have benefitted greatly from this program and I would encourage the council to authorize Mayor Lundbom to send the letters enclosed to them requesting their support to refund this program.

This USDA Community Facilities information is provided to the council for reference – no decision is required at this time – but we may need to consider making adjustments to our proposed supplemental budget for December's city council meeting if we wish to apply for this grant or other Main Street Revitalization projects.

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: November 10, 2020
SUBJECT: Agenda Item #9: Other Business and Upcoming Meetings
Attachment(s)

- None

OTHER BUSINESS

- City Councilor Election Results
- Elected Essentials Training
- New City Hall Office Hours – Monday thru Thursday – 8 A.M. to 6 P.M.

UPCOMING MEETINGS

- 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, Urban Renewal Agency Meeting (Fire Hall/Virtual, 6 P.M.)
- December 8, City Council Meeting/Supplemental Budget (Fire Hall/Virtual, 7 P.M.)