**CITY OF JOHN DAY**

**CITY COUNCIL MINUTES**

**JOHN DAY, OREGON**

December 29th, 2022

**COUCILORS PRESENT:**

**COUNCILORS ABSENT:**

Ron Lundbom, Mayor

Shannon Adair, Councilor

Heather Rookstool, Councilor

David Holland, Councilor

Katrina Randleas, Councilor

Elliot Sky, Councilor

Chris Labhart, Councilor (virtual)

**STAFF PRESENT:**

Anna Bass, City Recorder

Casey Myers, Public Works

**GUESTS PRESENT:**

Justin Davis Tom Olson

Jon Meiling Ron Phillips

John Rowe Judy Schuette

Louis Provencher Tom Sutton

Sandra Sutton Heather Swank

Carl Swank Bob Perieria

Stephanie Williams Nick Green

**Agenda Item No. 1—Open and Note Attendance**

Mayor Lundbom called the meeting to order at 6:05 pm, noting everyone was present; Councilor Labhart present virtually.

**Agenda Item No. 2—Approval of Prior City Council Minutes**

*No minutes presented.* Mayor Lundbom said he had been assured that by the end of January council minutes would be brought up to date.

**Agenda Item No. 3- Appearance of Interested Citizens**

Mayor Lundbom welcomed the public and asked if there was anyone present for something not on

the agenda. *None appearing.*

**Agenda Item No. 4 Consent Agenda**

Mayor Lundbom asked if everyone had had a chance to look at the items on the consent agenda.

**Councilor Adair moved to approve the Catalyst Termination Agreement and the accompanying invoice to Catalyst. The motion was seconded by Councilor Rookstool and passed unanimously.**

**Agenda Item No. 5—Hearing on Ordinance No. 22-203-14, and Ordinance Annexing Approximately 1.08 Acres of Land Comprising 373 Patterson Bridge Road; and Assigning City Zoning Designations to Properties within the Annexed Territory (AMD-22-04) Type IV Procedure**

Nick Green advised that at a prior meeting the Council had reaffirmed that Consent to Annexation would be necessary to connect to City utilities, the Council did not, however, pass a formal motion on that decision. The Council is now being asked to make a motion to formalize the decision that connection to City utilities will require an agreement to annexation. If the Council makes a motion, the process would have to start all over and go back to the Planning Commission.

Bob Periera handed out copies of an email and a letter from his attorney to all of the Council members.

**Councilor Skye moved to withdraw application of AMD-22-04 and Ordinance No. 22-203-14 on the basis that formal initiation by the City Council was not documented in accordance with Code section 5-4.10.040. The motion was seconded by Councilor Rookstool and passed unanimously.**

Councilor Randleas asked someone to clarify why they would make an exception to annexing anyone in; Bob Perieria gave as one of his reasons for not wanting to be annexed the loss of some of his grandfathered property rights.

**Councilor Skye moved to initiate annexation of 1.08 acres of land comprising 373 Patterson Bridge Road and instruct the City’s planning staff and legal counsel to submit a formal planning application under Code 5-4.10.040. Councilor Adair seconded the motion, Councilor Rookstool was opposed; the motion passed with a six to one vote.**

**Agenda Item No. 6—Hearing on Ordinance No. 22-201-12, an Ordinance Amending the John Day Development Code to Allow for Residential Uses (Household living and Group Living) in Industrial Districts (I) Subject to A Conditional Use Permit Issued by the Planning Commission Through a Type III (Quasi-Judicial) Review (AMD-22-02) Type IV Procedure**

Nick Green presented a staff report on the amendment being requested. Councilor Holland asked if this included the areas of the Innovation Gateway; Nick advised him that it did. Councilor Skye asked if this only allowed for cohabitation with an existing industrial use and Nick said, yes, if this passed it would only allow residential use within the current industrial use of the property. Councilor Rookstool asked if there was a maximum amount of time someone would be allowed to live on the property under this amendment or if it would be indefinite, Garrett Chrostek advised that the Conditional Use Permit, once issued, goes with the property even if it changes hands.

At this point, Councilor Adair recused herself from the discussion due to a possible conflict of interest with property they own in the Industrial zone.

**Councilor Skye made a motion to open the public hearing for Ordinance No. 22-201-12. Councilor Holland seconded the motion and it passed unanimously.**

Councilor Labhart asked if this ordinance would allow travel trailers to be put on properties; Nick Green advised that travel trailers were currently allowed for 12 months with a Conditional Use Permit.

Mayor Lundbom opened the floor for any proponents to give testimony; no one came forward. Mayor Lundbom, then, opened the floor for any opponents to give testimony. Ron Phillips objected to this at the airport due to housing encroaching on airports and then those people complaining about the noise of the airport and those complaints causing airports to shut down. Mayor Lundbom responded that the Airport Master Plan actually addressed that very issue and that came down to FAA approval. Louis Provencher asked if there would be consideration to the right of way of air traffic for new buildings being constructed; Councilor Holland said yes, there is an aerial easement that has to be signed by anyone that wants to build in the city limits of John Day.

Councilor Skye asked how a mixed use property is taxed versus a single use property. Nick Green said he would have to ask the assessor. Councilor Holland asked for clarification on whether a property zoned Industrial could be used strictly as a residence or if it had to have an industrial use in addition to the residential use; Nick Green said yes, it had to have an existing Industrial use to add a residence. Councilor Skye asked if a property owner with an industrial use built something like apartments on their property if it would have to be rented out to their employees or if those apartments could be rented out to anyone and Nick Green advised that that would probably be discussed in the Conditional Use permitting process.

Mayor Lundbom asked how the council wanted to proceed. **Councilor Holland made a motion to move forward, Councilor Rookstool seconded closing the public hearing and it passed unanimously.**

**Councilor Randleas made a motion to approve AMD-22-02 as amended during the public hearing, the motion was seconded by Councilor Rookstool and passed 6-0 with one councilor abstaining from the vote.**

**Councilor Randleas made a motion to read it by title only. The motion was seconded by Councilor Rookstool and passed 6-0 with one abstention.**

**Councilor Randleas moved to adopt Ordinance No. 22-201-12. The motion was seconded by Councilor Rookstool and passed 6-0 with one abstention.**

**Agenda Item No. 7— Hearing on Ordinance No. 22-202-13, an Ordinance Amending the John Day Development Code Airport Industrial Park Land Use District Text to Allow for a Wider Variety of Approved Land Uses (AMD-22-03) Type IV Procedure**

**Councilor Randleas made a motion to open the public hearing on Ordinance No. 22-202-13. The motion was seconded by Councilor Adair and passed unanimously.**

Nick Green presented a staff report on the amendment being requested. Councilor Skye asked why there was an exception for self-storage units to be the only use permitted outright by the amendment; Nick advised that there was a large number of people interested in those uses already and there are already standards outlined for that in the code.

Mayor Lundbom opened the floor for public testimony in favor of the proposed amendment. No testimony was received.

Mayor Lundbom opened the floor for public testimony in opposition of the proposed amendment. Ron Phillips said he wanted to see the City meet with the Airport Board on this because only 2 people at the meeting had airport interest. Mayor Lundbom advised him that that had already happened. Ron said he was still in opposition.

**Councilor Holland made a motion to close the public hearing. The motion was seconded by Katrina Randleas and passed unanimously.**

**Councilor Randleas made a motion to approve AMD-22-03 as amended during the public hearing. The motion was seconded by Councilor Skye and passed unanimously.**

**Councilor Randleas made a motion to read Ordinance No. 22-202-13 by title only. The motion was seconded by Councilor Rookstool and passed unanimously.**

**Councilor Randleas made a motion to adopt Ordinance No. 22-202-13. The motion was seconded by Councilor Adair and passed unanimously.**

**Agenda Item No. 8—Wastewater Treatment Plant Update; Authorizing Solicitations and Professional Services Agreements**

Nick Green gave an update on the status of the biological assessment and the ESA findings of no significant impact. Nick advised that the environmental determination is holding up everything else and once that clears USDA will issue the final funding and clear the City to move forward.

**Councilor Holland made a motion to authorize the amendments to the city grant agreement p18001-AMD04. Councilor Adair seconded the motion and it passed unanimously.**

**Councilor Skye made a motion to approve the following new professional service agreements: CWM-PSA-061422-Project2111003, CWM-PSA-061422-Project2111005, CWM-PSA-061422-Project2111006, CWM-PSA-061422-Project2111007, and CWM-PSA-061422-Project2111008. The motion was seconded by Councilor Randleas and passed unanimously.**

**Councilor Randleas made a motion to authorize the following amendments to professional service agreements: MGB-ESACompliance-AMD01. The motion was seconded by Councilor Adair and passed unanimously.**

**Councilor Adair made a motion to authorize the publication of the following solicitations: RFP for Purple Pipe Engineering and findings hearing for progressive design-build solicitation for the wastewater treatment plan construction. The motion was seconded by Councilor Randleas and passed unanimously.**

**Agenda Item No. 9—Street Improvement Change Orders**

Nick Green advised there has been a time extension from Knife River. The change order for Tidewater was removed so the council could elect to discuss it before making decisions. There needs to be a change order for Charolais Heights.

**Councilor Skye made a motion to approve the change order for 7th Street, the Knife River Pay App 02 and the Sisul Engineering invoices. Councilor Rookstool seconded the motion and it passed unanimously.**

**Agenda Item No. 10—Resolution 22-901-22 – Purchase and Sale Agreement for Lot 20 Airport Industrial Park**

Nick Green advised that this resolution had not yet been drafted. He offered to draft the resolution stating that they potential buyers had submitted a letter of intent and giving them 6 months and agreeing to sell it to them subject to them getting approval through the planning commission. The Council gave a general consensus to proceed with drafting the resolution.

**Agenda Item No. 11—Other Business and Upcoming Meetings**

Sean Maloney with ODOT presented updates about the sidewalk project. They are currently in winter shutdown as of December 7, 2022. They anticipate 4-6 weeks left of work to complete the project. They anticipate a return to work date in April. ODOT has been withholding payment from Tidewater since September pending a completion schedule. Sean advised that the right of way will typically be turned over to the City after construction is complete.

Councilor Rookstool said that Aaron Lieuallen is taking over the downtown façade rebate and will be the go-to at City Hall for the projects. She said that the positions needing filled will be City Manager, Planner and possibly contracting out payroll.

Correction to upcoming meetings, they will be January 10th and January 24th.

**Adjourn**

**There being no further business before the council, Councilor Holland moved to adjourn the meeting at 7:48 PM. The motion was seconded by councilor Adair and passed unanimously.**

Respectfully Submitted:

Rick Allen

Interim City Manager

ACCEPTED BY THE CITY COUNCIL ON MARCH 28, 2023

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Heather Rookstool, Mayor