

**CITY OF JOHN DAY
CITY COUNCIL MINUTES
JOHN DAY, OREGON**

January 11, 2022

COUNCILORS PRESENT:

Paul Smith, Council President
Shannon Adair
Heather Rookstool
Elliot Sky (virtual)
David Holland

COUNCILORS ABSENT:

Gregg Haberly
Ron Lundbom, Mayor

CITY STAFF PRESENT:

Nicholas Green

CITY STAFF (VIRTUAL):

Aaron

GUESTS PRESENT (IN-PERSON):

Charlene Morris
John Morris
Sherrie Rininger
Lisa Weigum
Rich Lallatin
Bob Pereira
Others (not signed in)

GUESTS PRESENT (VIRTUAL):

Bob Keefer
Jim Spell
Mark Stoller
Morgan Green
Adam Hofpar
Ann
Benjamin Ariff
Bob
Louis
Roberta Fox
Jonas Biery
Miranda Everitt
Adam Mefford
LB Wallenstein
Rich Lallatin

Agenda Item No. 1— OPEN AND NOTE ATTENDANCE

Council President Smith called the meeting to order at 6:00 p.m., noting everyone was present except Mayor Lundbom and Councilor Adair, who were absent and excused.

Agenda Item No. 2— APPROVAL OF PRIOR MINUTES

None presented.

Agenda Item No. 3— APPEARANCE OF INTERESTED CITIZENS

Council President Smith welcomed the audience.

Action Item No. 4— CONSENT AGENDA ITEMS

None presented.

Action Item No. 5 PUBLIC HEARING—AQUATICS CENTER STUDY SESSION (6:01 p.m.)

City Manager Green reviewed the order of events for the study session. Miranda Everett, FM3, presented the results of the community survey, which were provided to the board and council. The survey results showed that the measure starts in a challenging position, but support consolidates as voters learn more. The survey indicated the ballot measure would pass at either \$3 million or \$4 million, but additional education is needed with regard to the facility and the need for the pool. Mark Stoller, Opsi, then introduced the design team, which includes Opsi Architecture (Portland) as the prime contractor, and sub-contractors from Sisul Engineering (John Day), ColeBreit (Bend), and Catena Consulting Engineers (Portland). Stoller reviewed the timeline for the design, bond, bidding, permitting and construction, which was included in the packets. Jonas Biery, D.A. Davidson, then presented options for interim financing to bridge the project finances until the 2023 lottery bonds are issued, and answered questions related to the interim credit facility. Lallatin asked about the timing of the bond issuance. Green noted the interim financing would allow us to begin construction this spring versus waiting until 2023. He is recommending a \$3 million borrowing for the City to give the City options to assist the Parks & Recreation District but the City would not necessarily be required to spend more than the \$2 million that will be reimbursed by the State of Oregon, other than the cost of the financing origination costs and interest, which are not reimbursable. Green said the City would not be required to accept the funds if the ballot does not pass, but if it does, this gives us the option to go into construction a year sooner than we would be able to if we waited for the lottery bonds to fund in 2023. Mr. Biery said it typically takes 6-8 weeks from the authorizing action until the financing can be executed. During this time, D.A. Davidson will be getting bank bids and will schedule the closing, at whatever size, term and date makes sense for the City. Green said if they sequence this correctly, the interim financing can be available as soon as the May ballot measure passes. The proceeds of the Parks District bond measure would be available as soon as the District can get those bonds issued, likely summer or fall. Repayment would begin the following taxing year. Lallatin clarified if the bond passes, and the City issues the credit facility, then construction would begin this summer. Bob Keefer, SDAO, said the intent would be for the District to sell the bonds in July and the proceeds (funds) would be available this summer.

Lisa Weigum, District board budget officer, asked the city council to give the Morris's and the general public an additional seven days to submit written comments, since there are a lot of people who would like to have an opportunity to comment on this proposal. Green said he would move that request to the regular session under Agenda Item 6.

Action Item No. 6—AQUATICS CENTER ACTION ITEMS (7:00 p.m.)

Councilor Smith convened the regular session and addressed the Parks & Recreation District's request to grant a seven day extension for written testimony to be submitted by the appellant and anyone else who participated in the hearing. Councilor Rookstool said she would like to see that happen, as it was

advised by the City's legal counsel last week. Smith confirmed procedurally that this was allowed. Green said they indicated how they would vote on the final written order, but the order had not be voted on or adopted by council, so even though it is off script, they can grant this request if they wish to. He said if it is requested by the Applicant, he certainly doesn't see a reason not to grant the request. Councilor Sky said he would also like to allow for more opportunity for the public to provide written comment. Frances Preston asked for clarification whether this is restricted to those who had participated or to the public writ-large. Green said Council has the option to consider additional testimony under the Code, and council elected to do so during the hearing on January 5th. Green confirmed there is no additional oral argument on the record, it would be limited to written comments submitted to the planning official by a date and time they specify. This would simply allow for written argument and evidence and then council would make their final vote.

Council Rookstool moved to reopen the record to allow prior participants to submit additional written evidence or testimony. No additional oral arguments will be heard. Evidence or testimony must be submitted to the city planning official by 7:30 p.m. on Wednesday, January 19th. Council shall review the additional information during the regular session of the city council meeting on January 25th. Council shall allow the Appellant, Mr. Morris, to submit additional written testimony up to the time of the hearing. Councilor Holland seconded and the motion passed unanimously, Councilor Adair abstaining.

Green asked Council if they wished to approve the draft professional services agreement with Opsi, which does not require a final land use decision to approve. He shared his concern that if we don't proceed, we may facing higher materials costs, lower labor pool availability, and will ultimately end up deferring at least an additional year.

Councilor Adair moved to approve the Opsi professional services agreement subject to final review and approval by the city attorney. Councilor Holland seconded and the motion passed unanimously.

Action Item No. 7—2022 PROJECT SUMMARY (7:30 p.m.)

Green stated he shared the summary of projects with council and that most of his time has been absorbed in the permit review for the DEQ permit on the new wastewater treatment plant. Green also noted he was interviewed by KOIN (CBS affiliate in Portland) about the 3D home printing project and that he's engaged in interviews for the city's vacant positions. John Rowell asked about the housing funding from the URA to Business Oregon. Green said this request is still in progress, and The Ridge is a privately owned and operated development. They are subcontracting to Alquist for the 3D printing. The City's funds through the URA will go toward the public improvements (water, sewer, streets) that the City will ultimately own and maintain. We are using public funds to subsidize the public infrastructure, not the privately owned housing. He reiterated the City is not building housing.

Agenda Item No. 8— OTHER BUSINESS & UPCOMING MEETINGS (7:40 p.m.)

Council addressed a letter from Jim Spell related to their COVID protocols. Councilor Adair asked if we were at risk of being fined by OSHA. Green said he was unsure. Council discussed the options they have made available, including masks at the door, hand sanitizer, posted signs that masks are required, and the option to participate remotely. He said he cannot run the meetings and enforce COVID protocols at the door. Staff are already making resource-based decisions and we don't have any employees who can sit at the door and enforce these mandates. Mr. Spell and several other residents (and nonresidents)

shared their opinions on this topic. Green submitted to the council that we could be here all night and not hear anything new. He recommended council recommit to following the appropriate COVID protocols.

Councilor Holland moved to adjourn the meeting at 8:03 PM. Councilor Rookstool seconded and the motion passed unanimously.

Respectfully Submitted:

Nicholas Green, City Manager

ACCEPTED BY THE CITY COUNCIL ON FEBRUARY 22, 2022.



Ron Lundbom, Mayor