

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

**April 10, 2012**

**Adjourned Meeting**

**COUNCILORS PRESENT:**

Bob Quinton, Mayor  
Steve Schuette, Council President  
Donn Willey, Councilor  
Doug Gochnour, Councilor (arrived at 7:09 p.m.)  
Don Caldwell, Councilor  
Chris Labhart, Councilor  
Gene Officer, Councilor

**COUNCILORS ABSENT:**

**STAFF PRESENT:**

Peggy Gray, City Manager  
David Holland, Public Works Director  
Richard Tirico, Police Chief  
Valerie Luttrell, Dispatch Manager  
Monte Legg, Water System Operator

**GUESTS PRESENT:**

Amber Quinton, John Day  
Dawson Quinton, John Day  
Sawyer Quinton, John Day  
Scott Officer, John Day  
Cindy Tirico, Canyon City  
Phil Gray, KJDY

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

The John Day City Council meeting opened at 7:00 p.m. Mayor Bob Quinton noted that all Councilors were present with the exception of Councilor Doug Gochnour, whom Mayor Quinton stated would be arriving late.

**Agenda Item No. 2 – Approval of City Council Minutes of March 27, 2012**

The minutes of the March 27, 2012 adjourned meeting were included in the agenda packets and presented for the Council's approval. Councilor Don Caldwell moved that the minutes of March 27, 2012 be approved as presented. Councilor Steve Schuette seconded the motion, the motion passed unanimously.

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

Mayor Quinton thanked those in attendance and asked everyone to please sign in. He asked if there were any additional items that anyone would like to add to the agenda. There were none presented.

**Agenda Item No. 4 – Present Years of Service Incentive Awards to City Employees**

On behalf of the John Day City Council Mayor Quinton awarded years of service incentive awards to the following city employees:

- ✓ 10 years of Service Certificate to Public Works Foreman Monte Legg
- ✓ 20 Years of Service Plaque to Utility Worker II Kenny Stevens
- ✓ 20 Years of Service Plaque to City Manager Peggy Gray
- ✓ 20 Years of Service Plaque to Police Chief Richard Tirico (it was noted Police Chief Tirico volunteered for two years prior as a reserve police officer)

Mayor Quinton thanked all four employees for the work they have done for the past 10 and 20 years. Stated the City is pretty lucky to have employees that have persevered for so long.

At this time City Manager Gray presented a plaque to Mayor Quinton for seven years of service as John Day City Mayor. City Manager Gray stated this was Mayor Quinton's last city council meeting as John Day's Mayor as he was moving to Canyon City and had to resign his position. City staff and the John Day City Council expressed their appreciation for his dedication and service to the City of John Day.

**Agenda Item No. 5 – Discuss Donation Request for Grant Union High School Grad Night 2012**

Mayor Quinton presented a letter from GU Grad Night 2012 asking for the City's continued support for the graduates of the senior class of Grant Union High School. In the past years the City has given the Committee \$100 for the event.

Councilor Schuette asked where the \$100 donation would come from. City Manager Gray responded stating it would come out of the community promotions line item in the General Fund; the City has \$400 budgeted for that line item in the current fiscal year.

Councilor Donn Willey moved to donate \$100 to GUHS grad night. Councilor Don Caldwell seconded the motion; the motion passed unanimously.

At 7:09 p.m. Councilor Doug Gochnour entered the meeting.

**Agenda Item No. 6 – Discuss for Signature Professional Services Agreement between the City of John Day and Siegel Planning Services, LLC**

Mayor Quinton gave a background on Siegel Planning Services stating Mr. Siegel updated the City of John Day's Land Use Development Code in 2005. Since that time the City has used his services on various land use applications (i.e. Regional Acute Care Facility, Strawberry Mtn. View Estates, Step Forward homes). The City Manager uses Mr. Siegel as a resource for land use application questions; Mayor Quinton stated it was time for the City to consider entering into an agreement with him.

Mayor Quinton directed the Council to the contract in the council agenda packet. The proposed contract is for one-year; on an on-call basis with an hourly rate of \$115. Mayor Quinton informed the City Council that for land use applications that require Siegel Planning Services (such as the Regional Acute Care Facility); the applicant will be billed for Scot's services. It was noted that hours for travel to and from John Day are not billed.

Councilor Chris Labhart moved to allow Mayor Quinton to sign the Professional Services Agreement with Siegel Planning Services LLC. Councilor Donn Willey seconded the motion, the motion passed unanimously.

**Agenda Item No. 7 – Discuss City Hall Encroachment Issues**

Mayor Quinton asked the City Council if they have seen the orange stakes located around City Hall to the east, west and behind the building showing our property corners. Mayor Quinton stated this came to light due to a possible pending sale on the Jack Russell property behind city hall. Mayor Quinton stated there are two poles attached to the city's awning that are actually located on Mr. Russell's property; part of the city's parking lot is located on Jim Cernazanu's property; the city's sewer main is located on Mr. Russell's and Mr. Cernazanu's property; and lastly the city owns a small section to the west of city hall that Scott Officer thought he owned and has been using for parking his pickup and camper.

At this time Councilor Gene Officer declared a conflict of interest based on the fact that his son is Scott Officer who owns the property on the west side of city hall (101 Hillcrest Rd, John Day, OR).

City Manager Gray stated she spoke with all three of the property owners involved. Mr. Jack Russell now lives in Middleton, Idaho but was in town last Friday. He visited with me about the encroachment and stated that ever since the City did the Hillcrest Road Project and lifted the city street up by 2", he has had a problem with water running down into his garage. He made a proposal that if the City fixed the water runoff problem, he would give the necessary property to the City to fix the encroachment issue. I told him Dave and I would go look at it and we would bring his proposal to the City Council.

Dave and I looked at the situation; the street has a gutter that collects the street runoff. However, his driveway goes down to the garage at a steep angle, the driveway is paved and the water has nowhere else to go but down into the garage.

Public Works Director Dave Holland stated Mr. Russell's house and garage set approximately 6' below the Hillcrest Road. Dave felt it wasn't the water running off of the street that was causing his problem because there is a sloped gutter catching the street runoff. His problem is his driveway runs down steep to his garage and there is no provision for water coming off his driveway to go anywhere else. He said the city crew could cut a trench across the asphalt in the driveway and put a grate in and plumb a pipe out the end and shoot a pipe on the outside of his house relatively inexpensively if the City wanted to do that. Or the City could hire a contractor to do it but it would probably cost more to do that. The way Jack talked it would be a trade for the lot line adjustment. Mayor Quinton stated it would probably be cheaper than buying the property from Mr. Russell.

Councilor Chris Labhart inquired how did Mr. Russell find out that there was a problem. It was explained the City assumed the property line was Mr. Russell's fence line when we put in the awning, which wasn't the case. City Manager Gray stated the City also has a sewer main running to the east in the same encroachment location. It was explained that two property owners behind City Hall (Mr. Russell being one of the property owners) needed to replace their sewer service lines, at that time the sewer main ran underneath City Hall, we could not reconnect them to the City's sewer main, so we redirected the

sewer main east to the City's manhole thinking we were on City property with the assumption that Mr. Russell's fence line was the property line.

City Manager Gray was asked if she had spoken with Mr. Cernazanu. City Manager Gray stated she spoke with Mr. Cernazanu informing him that we would be discussing this issue and inviting him to the city council meeting. He stated he was unable to attend the council meeting and just to let him know if the council wanted to do an easement or a lot line adjustment then he would come and take a look at the survey markers.

Mayor Quinton asked Public Works Director David Holland what it would cost the City to install the drain for Mr. Russell. Dave stated it would mostly be the labor costs; the crew could build the grate for it and 8-10' of PVC pipe and thought it would be pretty easy to do. Councilor Schuette stated he guessed that Mr. Russell paved his driveway at the same time the City did the street project. Dave stated at this time Mr. Russell has a small trench in his driveway – maybe an inch deep at an angle that goes across but it doesn't carry much water. The trench we would put in would be similar to that but wider to catch more water with a grate over it.

Mayor Quinton stated we still need to get with Jim Cernazanu to get his opinion. It was the consensus that city staff will meet with Jim Cernazanu to discuss a property line adjustment.

The next issue is to the west of City Hall. The property owner Scott Officer thought he owned more property than what the survey markers show. Mr. Scott Officer introduced himself; he stated when he purchased the property he thought there was some issues with the property boundaries but thought it was just a few feet. He didn't realize it was an issue to about the middle of his walkway, almost up to his carport and without the property it could create a problem. Mr. Officer felt it could become an issue if he ever sold the property because you would have to back straight out of the carport onto the state highway because there is not enough room to swing around to back out. Police Chief Tirico stated which would be dangerous being on that hillside.

Mayor Quinton referred to the second item #2 on the staff report with the staff's recommendation of asking Mr. Officer if he is willing to pay for the property line adjustment for the section to the west side of City Hall fixing the parking problem on his property in exchange for the property. Mr. Officer stated he would have to, and thought it would be fairly cheap when it affects the resale price of the house. Mr. Officer stated he purchased the house with the idea to live in it, fix it up and resell it. Mayor Quinton noted that in the staff report Police Chief Tirico stated his department does not use the area where Mr. Officer parks and does not have an issue with the property line adjustment. Police Chief Tirico stated it's basically dead space for his department.

Mr. Officer asked how much did a property line adjustment cost? City Manager Gray stated she received an estimate from Benchmark Land Surveying, Inc. stating they could do the property line adjustment for \$1,000. That would include setting pins, preparing and filing a map of survey and preparing legal descriptions. Public Works Director Dave Holland stated when he asked Benchmark for an estimate, he did not think that included Scott Officer's property as he was only concerned with the City's encroachment issues on Mr. Russell and Mr. Cernazanu's property at that time. It was clarified to Mr. Officer that the total cost of the survey would be at least half again that cost totaling \$1,500 for all the properties involved.

Public Works Director stated Benchmark Surveying found three pins on the west end. One is for the lot line for the house this side of Scott's; the next stake down is the end of the City property; then it heads towards the highway and the stake by the small juniper is the other city corner. From that stake forward is all state ROW and it runs at a weird angle towards the corner of the intersection of Hillcrest.

He said if those two stakes on his end are the City's corners, then that line is only about 7' long; it's only about 7 – 10' that we're talking about.

Councilor Schuette stated his understanding that if the City puts in a drain line for Jack Russell; then he is good with the lot line adjustment and if Scott Officer is willing to pay for the lot line adjustment for him and we donate the property to Scott in exchange for him paying for the lot line adjustment; then the only issue is with Jim Cernazanu. City Manager Gray stated yes, that is correct.

Councilor Steve Schuette moved to donate land on the west side of the City's property (Scott Officer's NW property corner, north to the state's ROW) if Scott Officer pays for the lot line adjustment; Councilor Don Caldwell seconded the motion. The motion passed with six (6) yes votes; Councilor Gene Officer abstained.

It was the consensus of the City Council to have Public Works Director Dave Holland and City Manager Gray meet with Jim and Tootie Cernazanu to discuss the encroachment issues on their property before the next City Council meeting and report back to the City Council at the April 24, 2012 council meeting.

#### **Agenda Item No. 8 – Other Business and Upcoming Meetings**

1. League of Oregon Cities bulletins were included in the council packets.
2. Mayor Quinton informed the City Council that a survey crew contracted with the Army Corps of Engineers will be here this week to begin taking elevations for the floodplain. A press release to property owners was included in the council packets.
3. A flyer for training sponsored by the North Fork John Day Watershed Council and funded by the Shelk Fund of the Oregon Community Foundation and J.G. Edwards Fund of the Oregon Community Foundation was included in the council packets. Get the solutions: Building a Board that Works training will be held at the Grant County Regional Airport on Tuesday, April 24, 2012, 9 am – 4 p.m. Fire Chief Smith and City Manager Gray are attending the training.
4. The Council was informed that a LOC Small Cities meeting will be held in Prairie City on Thursday, April 26, 2012, 11 am to 1 pm. All Councilors were invited to attend.
5. Mayor Quinton reminded the City Councilors their Statement of Economic Interest (SEI) forms are due to the Oregon Government Ethics Commission by April 16, 2012.
6. The quarterly staff report was included in the council packets; Mayor Quinton reviewed the staff report with the City Council. City Manager Gray clarified that she also sent an RFP for a qualified consultant to provide fundraising and capital campaign advisory services for the construction of a new fire station to Sharon Leighty &Co ( in addition to the firms or individuals included on the staff report). Ms. Leighty was the person who raised the funds for the Kam Wah Chung renovation project.

City Manager Gray stated the design process for the Transportation Enhancement (TE) Grant for the US26/Main Street St. & Canyon Blvd. Sidewalk Beautification Project is scheduled to begin July 11, 2012. She asked the City Council how they wanted to handle the public input process for the design phase of the project.

It was the consensus of the City Council to have design alternatives and invite the affected property owners to review and pick out one of the alternatives.

Mayor Quinton stated the City has received three applications for the Mayor's position so far as follows:

- Richie Colbeth, 106 NW 7<sup>th</sup> Street, John Day
- Linda M. Grover, 61919 Dog Patch Lane, PO Box 765, John Day, it was noted she lives outside of the city limits and is not a qualified candidate for the Mayor's position.
- James Edward Moran, 480 East Main Street, John Day

City Manager Gray stated the deadline for applications is Monday, April 16, 2012 and Ron Lundbom has picked up an application.

7. The March 2012 Statement of Revenue and Expenditure Budget to Actual Reports were given to the City Council for their review and information.

At this time Police Chief Tirico thanked Mayor Quinton for his time and dedication to the City of John Day; Mayor Quinton stated it's been fun and a real learning experience.

**Adjourn**

There being no further business before the Council, Councilor Steve Schuette made a motion to adjourn the meeting. Councilor Don Caldwell seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:45 p.m.

Respectfully Submitted:

Peggy Gray  
City Manager

ACCEPTED BY THE CITY COUNCIL, APRIL 24, 2012

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Council President Steve Schuette