

John Day City Council
April 24, 2012
7:00 PM
Council Chambers

AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF APRIL 10, 2012**
3. **APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Quinton will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.**

ACTION ITEMS:

4. **DISCUSS FOR ADOPTION RESOLUTION NO. 12-681-05, A RESOLUTION TO DECLARE ACCOUNT UNCOLLECTIBLE AND TAKE OFF THE BOOKS AS RECEIVABLE**
Attachment:
 - Resolution No. 12-681-05
5. **DISCUSS PROPOSAL FROM JIM AND TOOTIE CERNAZANU REGARDING ENCROACHMENT ISSUE**
6. **DISCUSS COMMUNITY COUNSELING SOLUTIONS ACUTE CARE FACILITY SYSTEM DEVELOPMENT CHARGE CALCULATION**
Attachments:
 - Ordinance No. 09-140-06
 - Resolution No. 09-643-11
 - Electronic Messages from Larry Baarstad and City of John Day dated April 17, 2012 w/attachments
 - Electronic Message from City Manager Gray to Larry Baarstad dated April 18, 2012
7. **DISCUSS APPLICATIONS RECEIVED FOR THE CITY OF JOHN DAY MAYOR POSITION AND INTERVIEW PROCESS FOR QUALIFIED CANDIDATES**
Attachments:
 - Applications for Boards/Commission

OTHER BUSINESS:

8. **OTHER BUSINESS AND UPCOMING MEETINGS**
Attachments:

- April 13 , 2012 LOC Bulletin
- April 12 letter from Department of Fish and Wildlife
- Invitation from North Fork John Day Watershed Council
- Public Notice to discuss the budget for 2012-2013 fiscal year– meeting date change from Budget Schedule

ADJOURN

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 20, 2012

SUBJECT: Discuss for Adoption Resolution No. 12-681-05, a resolution to declare account uncollectible and take off the books as receivable

Attachment:

- Resolution No. 12-681-05

BACKGROUND:

Resolution No. 12-681-05 is a resolution to declare an account uncollectible and takes it off the books as a receivable and turns it over to the collection agency.

RECOMMENDATION:

The John Day City Council adopts Resolution No. 12-681-05 a Resolution to declare an account uncollectible and take off the books as receivable.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: April 20, 2012
SUBJECT: Discuss Proposal from Jim and Jeanette (Tootie) Cernazanu regarding encroachment issue

BACKGROUND:

Public Works Director Dave Holland and I met with Jim and Tootie Cernazanu regarding the City's encroachment issues discussed at our council meeting. Dave and I showed Jim and Tootie the survey stakes and explained where the City's sewer main is located and where the city's parking lot is encroaching on their property.

Jim was concerned with a safety issue regarding his driveway (single family dwelling; rental property located at 113 Hillcrest Rd, John Day), he said he has to back out onto the street and in the winter months when it's snowing he has to put his vehicle in four wheel drive to get out of the driveway onto the street.

Jim Cernazanu offered the following solution:

- Jim would like to take out east corner section of his fence;
- Build an access driveway (minimum of 10') to the City's parking lot, taking one parking space; fourth parking space to the east facing south;
- City gives the Cernazanu's an ingress and egress easement to go through our parking lot;
- In return the City of John Day pays for a lot line adjustment running from Jack Russell's existing fence line east to the Cernazanu's east property corner. Mr. & Mrs. Cernazanu agree to deed the needed property for the sewer main and parking.

RECOMMENDATION:

I spoke with city attorney Jeremy Green regarding liability issues with the proposed ingress and egress easement. Jeremy stated it is doable and said it is one thing to park in the parking lot; it's another issue to grant a right to use the parking lot. We would have to address the liability in the terms of an easement with an indemnification clause to provide financial protection, against possible loss, damage, or liability.

Staff recommends the Council authorize staff to contact Benchmark Surveying to do a lot line adjustment for the purpose of obtaining the property necessary to take care of the City of John Day's encroachment issues as follows:

- Mr. & Mrs. Jack Russell, 111 Hillcrest Rd., John Day – city will install a drain line in Mr. & Mrs. Russell's driveway in exchange for property to take care of encroachment issues with city sewer main and city awning. City will pay for property line adjustment

- Mr. & Mrs. Jim Cernazanu, 113 Hillcrest Rd., John Day – allow Jim Cernazanu to build an access driveway (minimum of 10') to the City's parking lot, taking one parking space; fourth parking space to the east facing south; City gives Cernazanu's an ingress and egress easement to go through the City's parking lot. In return the City of John Day pays for a lot line adjustment running from Jack Russell's existing fence line east to the Cernazanu's east property corner.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 20, 2012

SUBJECT: Discuss Community Counseling Solutions Acute Care Facility System
Development Charge Calculation
Attachments:

- Ordinance No. 09-140-06
- Resolution No. 09-643-11
- Electronic Messages from Larry Baarstad and City of John Day dated April 17, 2012 w/attachments
- Electronic Message from City Manager Gray to Larry Baarstad dated April 18, 2012

BACKGROUND:

In 2009 the John Day City Council adopted Ordinance No. 09-140-06, an ordinance relating to system development charges for water and sewer facilities (please see the attached ordinance and resolution no. 09-643-11 setting the SDC fees).

The purpose of the system development charge is to impose an equitable portion of the cost of capital improvements for water and sewer facilities upon those developments that create the need for, or increase the demand on capital improvements, and to create a source of funds to assist in paying for such capital improvements.

Attached you will find correspondence between the Regional Acute Care Facility contractor Larry Baarstad and the City of John Day regarding the City's System Development Charge calculations. Public Works Director David Holland used the boarding house and office example listed in the City's Water and Sewer System Development Charge Study developed by Anderson Perry & Associates in 2009. As the new Regional Acute Care Facility is a new development, we have no water history to base the SDC calculation so we followed the assignment of SDC fees in the above study. Mr. Baarstad has questioned the water usage compared to a similar facility built in Heppner three years ago (also a 10-bed facility). We asked Mr. Baarstad to have the City of Heppner send us Heppner's Acute Care Facilities last two years of water usage (gallons/month) in order for us to review.

The new John Day Regional Acute Care Facility is eligible for SDC credits according to Ordinance 09-140-06, Section 13 as follows:

F. Any non-residential development which results in the creation of new and permanent full-time equivalent jobs, shall be entitled to receive a credit toward the applicable system development charge, which credit shall be calculated at the rate of one percent (1%) for each new, permanent full-time equivalent position created by the development. Eligibility for this credit shall be subject to verification by the City Recorder within twelve (12) months of occupancy or start-up of the development. Only non-residential development occurring upon property located within the City limits shall be eligible for this credit.

G. The City Council shall have the right to grant a credit not to exceed fifty percent (50%) of the applicable system development charge, for any development project submitted by a nonprofit corporation or any agency or subdivision of the federal, state or local government. Only development occurring upon property located within the City limits shall be eligible for this credit.

The Ordinance states the 50% credit for being non-profit must be approved by the City Council; we have been informed the facility will create 20 permanent full-time equivalent positions and have calculated them to receive a 20% credit for this job creation. I propose the following System Development Charges for the Regional Acute Care Facility:

50 gallons/room x 10 rooms = 500 gallons equaling 2.5 ERUs
20 gallons/employee x 20 employees = 400 gallons equaling 2 ERUs
Total ERUs of 4.5

Proposed Credits:

50% credit for being nonprofit corporation status

1% credit for every permanent full-time equivalent position created by the development;

20 employees equaling 20% credit

Total ERUs with 70% credit equals 1.35 ERUs (this is .35 more than what the City would charge for a single-family residence).

1.35 x \$1,841/ERU for water =	\$2,485.35
1.35 x \$4,215/ERU for sewer =	<u>\$5,690.25</u>
Total proposed SDCs	\$8,175.60

RECOMMENDATION:

The John Day City Council approves the System Development Charge credits for Community Counseling Solutions as authorized by City of John Day Ordinance No. 09-140-06, Section 13. Credits; Subsections F & G giving Community Counseling Solutions a 50% credit for their nonprofit corporation status and 20% credit for 20 permanent full-time equivalent positions.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 20, 2012

SUBJECT: Discuss Applications received for the City of John Day Mayor Position and Interview Process for Qualified Candidates

Attachments:

- Applications for Boards/Commission

BACKGROUND:

The City of John Day advertised for qualified candidates for the position of Mayor in the Blue Mountain Eagle; Radio KJDY; the Juniper Press and on the City's website. Applications were due on Monday, April 16, 2012. We received five applications; the candidate must be a qualified elector under the state constitution and shall have resided in the City during the 12 months immediately before being appointed. Four of the applicants were qualified candidates as follows:

- James Edward Moran, 480 East Main Street, John Day
- Richard S. "Richie" Colbeth, 106 NW 7th Ave., John Day
- Ron Lundbom, 620 SE Hillcrest Rd., John Day
- Mytchell Mead, 409 SE Hillcrest Rd., John Day

We received one application from a person who was not a qualified candidate as her physical address is located outside of the John Day City limits as follows:

- Linda M. Grover, 61919 Dog Patch Lane, P.O. Box 765, John Day

The applications are attached for your review prior to the City Council meeting.

RECOMMENDATION:

The John Day City Council has the following options:

1. Select from the applications received and schedule interviews to be conducted at the May 8, 2012 council meeting.
2. Do not select from the applications received and re-advertise for the Mayor's position.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: April 20, 2012

SUBJECT: Other Business and Upcoming Meetings

Attachments:

- April 13 , 2012 LOC Bulletin
- April 12 letter from Department of Fish and Wildlife
- Invitation from North Fork John Day Watershed Council
- Public Notice to discuss the budget for 2012-2013 fiscal year– meeting date change from Budget Schedule

OTHER BUSINESS:

1. Attached is the April 13, 2012 LOC Bulletin for your information and review.
2. The Oregon Department of Fish and Wildlife (ODFW) would appreciate receiving your input on the agency's proposed 2013-2015 budget. Please see the attached letter.
3. The City Council is invited to attend an event at the Bates State Park on June 9th, 2012. Please see the attached flyer from the North Fork John Day Watershed Council.
4. Attached is the Public Notice of our 2012-2013 budget summary; we have changed the public meeting date from Tuesday, May 22, 2012 to Tuesday, May 8, 2012. The meeting date change is due to Anna Bass and Amy Walker of Oster Professional Group being out of town on the 22nd. The notice will be published in the April 25, 2012 edition of the Blue Mountain Eagle which meets the Oregon Budget Law public notice requirements.
5. Reminder: There will be a LOC Small Cities meeting in Prairie City on Thursday, April 26, 2012, 11 am to 1 pm. A fantastic lunch will be provided; all Councilors are invited to attend, please let me know if you are interested and I will RSVP for you.
6. Reminder: Randy Jones of the Regional Solutions Center; DEQ Liaison will be here Thursday, May 3, 2012 to meet with the Public Works Committee and city staff. Mr. Jones will listen to concerns or questions the City has relating to DEQ issues. We will meet at City Hall at 10:30 a.m. Thursday, May 3, 2012, please mark your calendars.
7. The John Day Volunteer Fire Department will be holding a Pancake Breakfast at the fire station on Mother's Day, Sunday, May 13th, 7:30 a.m. – noon. Fire Chief Ron Smith stated it will be a free breakfast, donations will be accepted.

UPCOMING MEETINGS:

April 24, 2012

9 am – 4 pm
Airport

Andy Robinson Training – Building a board that works. City Manager and Fire Chief attending.

April 26, 2012	11:00 am – 1 pm Prairie City Public Works Bldg.	Region 8 Small Cities meeting
May 3, 2012	10:30 am Council Chambers	Meet with Randy Jones Regional Solutions Center DEQ Liaison; Public Works Committee, city staff
May 4, 2012	9:00 am- 4 pm La Grande Fire Department	Oregon Planning Procedures Training; city manager attending
May 8, 2012	7:00 pm Council Chambers	Public hearing on 2012-2013 proposed budget/regular City Council meeting