

John Day City Council
August 14, 2012
7:00 PM
Council Chambers
AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF JULY 24, 2012**
3. **APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.**

ACTION ITEMS:

4. **REQUEST FROM JIM CARPENTER, PC TO HAVE MAYOR LUNDBOM SIGN A QUITCLAIM DEED FOR PROPERTY LOCATED ON BRIDGE STREET (A PIECE OF PROPERTY ON THE WEST SIDE, JOHN DAY MIDDLE SCHOOL PROPERTY)**
Attachments:
 - Quitclaim Deed
 - Exhibit A
 - Electronic message from Jim Carpenter
5. **DISCUSS THE LEAGUE OF OREGON CITIES FOUNDATION REQUEST FOR DONATION**
Attachments:
 - July 16, 2012 Letter from Phillip Houk, President LOC Foundation Board
 - Minutes of April 22, 2008 council minutes, Agenda Item No. 9.
6. **DISCUSS FOR ADOPTION RESOLUTION NO. 12-693-17, A RESOLUTION TO DECLARE ACCOUNTS UNCOLLECTIBLE AND TAKE OFF THE BOOKS AS RECEIVABLE**
Attachment:
 - Resolution No. 12-693-17
7. **DISCUSS FOR SIGNATURE COOPERATIVE AGREEMENT WITH OPRD AND JDCC PARKS AND RECREATION DISTRICT**
Attachments:
 - Cooperative Agreement between and among City of John Day, OPRD, and JDCC Parks and Recreation District
 - Council minutes of 12/12/06 and 01/23/07

OTHER BUSINESS:

8. OTHER BUSINESS AND UPCOMING MEETINGS

Attachments:

- July 27, 2012 and August 3, 2012 issues of the LOC Bulletin
- Minutes of the August 2, 2012 Citizens Advisory Committee for the new fire station

ADJOURN

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: August 10, 2012

SUBJECT: Request from Jim Carpenter, PC to have Mayor Lundbom sign a Quitclaim Deed for property located on Bridge Street (a piece of property on the west side, John Day Middle School Property)

Attachments:

- Quitclaim Deed
- Exhibit A
- Electronic message from Jim Carpenter

BACKGROUND:

This item was tabled from the July 24, 2012 council meeting in order to receive a revised legal description; proper deed and have it reviewed by our City Attorney Jeremy Green for legal sufficiency. Attached you will find a Quitclaim deed from Jim Carpenter asking the City of John Day to release and quitclaim to Grant School District #3, all right, title and interest in and to real property as described in Exhibit A (legal description).

City Attorney Jeremy Green has reviewed the documents and had some concerns regarding the legal description. He wanted staff to make sure the legal description is correct for what the City has requested (from the chain link fence west to Canton Street). I have asked Jim Carpenter to send the survey map for the legal description. Jim stated the deed from the City to the School District does not include property that the District will deed back. However, through its lawsuit, the District will quiet title to property that it will then deed to the City. I asked Jim to have the deed prepared at the same time the City signs the quitclaim deed; Jim stated he can prepare the deed from the District to the City. However, if it is executed prior to the District quieting title, it will likely create clouds on the title that the City then has. In short, he can have the deed ready, and offer his assurance that it will be executed and delivered to the City, but not until after the District has quieted title to the land they are conveying to the City. He expects the lawsuit to result in a judgment in favor of the District between August 20 -24, depending on when a judge is on the bench in Grant County. Please see the attached message from Jim Carpenter.

City Attorney Jeremy Green also had some concerns regarding the Quitclaim Deed; Jeremy is contacting Jim Carpenter directly to communicate his concerns and will have a revised Quitclaim Deed ready by the City Council meeting.

RECOMMENDATION:

I recommend the John Day City Council allows Mayor Lundbom to sign the revised Quitclaim Deed prepared by City Attorney Jeremy Green.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: August 10, 2012

SUBJECT: Discuss the League of Oregon Cities Foundation Request for Donation Attachments:

- July 16, 2012 Letter from Phillip Houk, President LOC Foundation Board
- Minutes of April 22, 2008 council minutes, Agenda Item No. 9.

BACKGROUND:

Attached you will find a letter from Phillip Houk, President of the LOC Foundation Board inviting the City of John Day to contribute to the LOC Foundation. This Foundation funds efforts such as the annual LOC Conference, Mayor's Conference and Oregon Local Leadership Institute (OLLI) training workshops.

I have utilized this Foundation for several trainings that I have attended through the OLLI program; and several of the City's department heads have also received scholarships through this Foundation.

The Foundation's last fund-raising drive was in 2008. I looked in the council minutes to find if the Council has funded this Foundation in the past. Attached are the minutes of April 22, 2008, the John Day City Council approved to donate \$100 to the LOC Foundation from the community promotions line item.

Currently we have \$400 in our community promotions line item.

RECOMMENDATION:

This Foundation has made it possible for our city employees to attend valuable training workshops. I recommend the John Day City Council consider donating \$100 to the LOC Foundation from the community promotions line item.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: August 10, 2012

SUBJECT: Discuss for Adoption Resolution No. 12-693-17, a resolution to declare accounts uncollectible and take off the books as receivable
Attachment:

- Resolution No. 12-693-17

BACKGROUND:

Resolution No. 12-693-17 is a resolution to declare accounts uncollectible and take them off the books as a receivable and turns them over to the collection agency.

RECOMMENDATION:

The John Day City Council adopts Resolution No. 12-693-17, a resolution to declare accounts uncollectible and take off the books as receivable.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: August 10, 2012

SUBJECT: Discuss for Signature Cooperative Agreement with OPRD and JDCC Parks and Recreation District

Attachments:

- Cooperative Agreement between and among City of John Day, OPRD, and JDCC Parks and Recreation District
- Council minutes of 12/12/06 and 01/23/07

BACKGROUND:

A few weeks ago I received a complaint from a concerned citizen regarding the public restrooms located at the city park not being open on a Sunday morning. Oregon State Parks and Recreation District had also received a few complaints from the museum visitors. Public Works Director spoke with Art Thunell about the cooperative agreement we have with Parks & Rec and OPRD; Art stated he had never seen the agreement and would like a copy. To make a long story short; when I went to look for a signed agreement I could not find a copy. I searched back to the council minutes (attached) and realized that I had given the final draft with the changes that were requested by OPRD back to Dennis Bradley for their signature after our January 23, 2007 council meeting and never received a signed copy back.

I met with Dennis Bradley and he remembered the agreement but didn't remember signing it. Somehow we all forgot about it; however, all the districts involved have been upholding their duties according to the attached agreement. The problems we are encountering are some vandalism and keeping it opened. Parks & Recreation has been doing a good job of keeping them clean and stocked; but when the swimming pool is closed, sometimes, they forget to open up the public restrooms. They have also been closing them more during the winter months because of the freezing weather.

Dennis agreed that we should have an agreement in place and signed the attached agreement. We now need to get the City Council to approve the agreement as well as Parks & Recreation District.

RECOMMENDATION:

I apologize for letting this slip through the cracks, as you know when we were negotiating this agreement; it was with a different maintenance person at John Day Canyon City Parks & Recreation District. Once the City Council signs the agreement I will meet with Parks & Recreation to discuss the agreement with them and hopefully we can continue the same process that seems to be working fairly well between all of the districts. I recommend the John Day City Council allows Mayor Lundbom to sign the Cooperative Agreement between the City of John Day, OPRD and John Day Parks & Recreation District for collaborative efforts for the maintenance and operation of the public restroom facilities located north of the Kam Wah Chung and Company Museum at the John Day City Park.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: August 10, 2012

SUBJECT: Other Business and Upcoming Meetings

Attachments:

- July 27, 2012 and August 3, 2012 issues of the LOC Bulletin
- Minutes of the August 2, 2012 Citizens Advisory Committee for the new fire station

OTHER BUSINESS:

1. Attached is the July 27, 2012 and August 3, 2012 LOC Bulletins for your information and review.
2. Attached are the minutes of the August 2, 2012 Citizens Advisory Committee for the new fire station. Next meeting will be September 6, 2012.
3. Please mark your calendars for Wednesday, September 19, 2012 for City Hall Day. The City of John Day will be hosting the League of Oregon Cities City Hall Day at the Grant County Regional Airport. The event begins at 1 p.m. You will find your official invitation in the front pocket of your council binders.
4. I have received word from Mike Cosgrove that the City of John Day's Notice of Intent (NOI) for the TE-OBAC grant for the Main Street beautification project on US Highway 26 from Canyon Creek Bridge to the intersection of Hwy 26/395 was not successful and we will not be invited to submit an application. I have not received an official rejection notice from ODOT as of the date of this agenda.
5. Update on city encroachment issues. The survey has been completed by Benchmark Surveying; the legal descriptions have been given to City Attorney Jeremy Green for the deed preparation. I have contacted Land Title Company requesting Owner & Encumbrance reports for the Russell and Cernazanu properties. The Public Works Department has begun fixing the driveway drain issues on Russell's property; Cernazanu's property driveway issues will be addressed as soon as the Russell's project is completed.
6. Reminder: Filing deadline for council positions is Tuesday, August 17, 2012 at 5 p.m. To date no one has filed.

UPCOMING MEETINGS:

August 28, 2012

7:00 p.m.

Regular City Council meeting