

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

August 14, 2012

Adjourned Meeting

COUNCILORS PRESENT:

Ron Lundbom, Mayor
Steve Schuette, Council President
Gene Officer, Councilor
Donn Willey, Councilor
Doug Gochmour, Councilor
Don Caldwell, Councilor

COUNCILORS ABSENT:

Chris Labhart, Councilor

STAFF PRESENT:

Peggy Gray, City Manager
Dave Holland, Public Works Director

GUESTS PRESENT:

Jim Carpenter, John Day
Mark Witty, School District #3

Agenda Item No. 1 – Open and Note Attendance

The John Day City Council meeting opened at 7:00 p.m. Mayor Ron Lundbom noted that all Councilors were present with the exception of Councilor Chris Labhart who was absent and excused.

Agenda Item No. 2 – Approval of City Council Minutes of July 24, 2012

The minutes of the July 24, 2012 adjourned meeting were included in the agenda packets and presented for the Council's approval. Councilor Don Caldwell noted a correction on page 6; item #5 should read Friday, August 17, 2012 not Tuesday, August 17, 2012. **Councilor Donn Willey made a motion that the minutes of July 24, 2012 be approved as amended; Councilor Don Caldwell seconded the motion. The motion passed unanimously.**

Agenda Item No. 3 - Appearance of Interested Citizens

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

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. City Manager Gray stated she sent the deed to City Attorney Jeremy Green for review; Jeremy requested the following changes to the deed:

1. Remove the word “the” before “City of John Day.”
2. Because this is a quitclaim deed, remove the following language contained in the second paragraph of the deed:
“free of encumbrances, except those of record,”
3. Include the correct statutory disclaimer required under ORS 93.040.

City Manager Gray stated Mr. Carpenter made the changes and the revised deed has been given to each Councilor. She stated Public Works Director Dave Holland met with Surveyor Jack Watson regarding the legal description and found where he took his measurements and he felt the legal description was correct. City Manager Gray stated the legal description did not include the property the School District will deed back to the city.

Mr. Carpenter stated that was correct and explained that anyone can still claim ownership (the School District, the City and any number of heirs that have been included in the lawsuit) to the property that the School District intends to deed back to the City. However, once the lawsuit is complete (they anticipate it to be complete next week); the School District will have clear title to the property and they can deed it back. Mr. Carpenter stated that doing it tonight or before the final judgment is entered would create more problems than it would solve.

Mayor Lundbom asked what if something does crop up (one of the heirs shows up) and it doesn't go through, then what happens? Mr. Carpenter stated that actually some of the heirs did walk through his door and he asked why these people are being sued; once Mr. Carpenter explained it, they were ok with it. He stated that if one of the heirs files an answer then it would go to litigation but that is not anticipated.

Mayor Lundbom asked for questions and asked if we were addressing the property on the east side of the street. Mr. Carpenter stated no, not yet. Councilor Willey asked if we are getting the cart before the horse; and Mayor Lundbom asked if we should wait until the next council meeting to make sure the lawsuit is settled. Mr. Carpenter stated what the city is doing is deeding a section to the School District; that section, they determined the City and the School District claim interest in. The School District would like to move on this and they need to give the Library Board some assurance that things are moving forward. Mayor Lundbom wanted some assurance that the property on the east side of the street will be deeded back to the City. Mr. Carpenter stated that once the lawsuit is final; he will have the surveyor, Jack Watson describe those properties and the School District will deed those back, the street section they will deed to the City and the other properties will be deeded back to Graikowski and Escudero.

Steve Schuette asked if we had something in writing stating it will be deeded back; City Manager Gray stated we have Mr. Carpenter's word on tape and in the minutes. Mayor Lundbom asked School District Superintendent Mark Witty if that was true; Mr. Witty stated yes we are going to deed it back to the City and they were actually surprised when they bumped into this. Mr. Witty stated they want to get everything cleaned up and have everyone to get their portion, the City, the Library Foundation, and the two private individuals.

Public Works Director Dave Holland stated when he spoke with Jack Watson he explained that the triangle on the west side was actually included in the lawsuit because everything in the dark black line is the piece they are giving to the Library Foundation and they didn't want to sue the City; they went back to the survey that was done in 1992 where it was the intention of the City to deed that property back to the appropriate adjoining land owners (after the City's Canton Street project); however, that was never done and the School District assumed that the City would still want to deed it back. That is why they decided not to include the City in the lawsuit and just request a quitclaim deed instead.

Council President Steve Schuette made a motion to allow Mayor Lundbom to sign the Quitclaim Deed as prepared by Jim Carpenter, PC. Councilor Doug Gochnour seconded the motion the motion passed unanimously.

Agenda Item No. 5 – Discuss the League of Oregon Cities Foundation request for donation

A letter from Phillip Houk, President of the LOC Foundation Board was included in the council packets. The LOC Foundation Board is holding a fund-raising drive seeking donations from Oregon cities. City Manager Gray explained the Foundation provides scholarships to city officials around the state. They offer scholarships for officials to attend the League of Oregon Cities conferences, the annual Mayor's Conference and scholarships for many city officials to participate in Oregon Local Leadership Institute training workshops. City Manager Gray stated she has utilized this scholarship program many times as well as the department heads to attend LOC trainings and conferences.

The City of John Day donated \$100 in 2008 to the LOC Foundation from the community promotions line item. Currently the City has \$400 in the community promotion line item.

Councilor Don Caldwell moved to donate \$100 to the LOC Foundation from the community promotions line item. Councilor Donn Willey seconded the motion, the motion passed unanimously.

Agenda Item No. 6 – Discuss for Adoption Resolution No. 12-693-17, a Resolution to declare accounts uncollectible and take off the books as receivable

Resolution No. 12-693-17, a resolution to declare accounts uncollectible and take off the books as a receivable was presented to the City Council. City Manager Gray stated the reason for the high balance on this account was that there were three buildings on one water meter in a commercial district. If we turn this person off for non-payment, we would have to turn the other users (who are paying) off also.

City Manager stated these accounts are closed; certified letters have been sent to the customers with no response and we would like to declare them uncollectible and take off the books as a receivable.

The accounts are as follows:

Bob Gibson, Santa Candles Shop	Acct. # 005200-6	\$300.25
Werner Arntz	Acct. # 023900-6	<u>\$ 81.65</u>
Total		\$381.90

Council President Steve Schuette moved to adopt Resolution No. 12-693-17. Councilor Donn Willey seconded the motion; the motion passed unanimously.

Agenda Item No. 7 – Discuss for Signature Cooperative Agreement with OPRD and JDCC Parks and Recreation District

City Manager Gray stated unfortunately this agreement fell through the cracks and was not signed by all the parties back in 2007. She explained the City had a complaint that the public restrooms located at the city park were not opened on a particular Sunday morning. Public Works Director Dave Holland spoke with Art Thunell of the Parks & Recreation District. Art stated sometimes he forgets to open the restrooms on the weekend if the pool is closed. They talked about the agreement the City has with OPRD and JDCC; Art stated he had never seen the signed agreement between the districts and asked for a copy as he was unsure as to what his responsibilities are. Dave stated Art thought Parks & Recreation's responsibilities were more than what they truly are.

City Manager Gray looked for the signed copy of the agreement and could not find one. She stated she began her research back to the council minutes to find if the City approved it back in 2007. The council minutes of December 12, 2006 and January 23, 2007 were included in the council packets. The council minutes stated that Teri Arnall (no longer with JDCC) approved the agreement as is; however, Dennis Bradley of OPRD requested a revision to the agreement. The revision was agreed upon and the revised agreement was sent back to OPRD for approval. It appears that OPRD never signed the agreement. I met with Dennis Bradley of OPRD; after Dennis reviewed his files, he agreed that he must have forgotten to sign the agreement. Dennis agreed that the agreement should be signed and signed the agreement that was included in the council packets.

City Manager Gray stated all the districts involved have been upholding their duties as assigned in the agreement; however, Art Thunell of Parks & Recreation was confused as to what he was actually paying for (it was noted that the agreement was negotiated with a former Parks & Recreation employee as Art was not employed by Parks & Rec at the time the agreement was being originally negotiated). City Manager Gray requested the City Council allow Mayor Lundbom to sign the agreement and she would then give the agreement to John Day Parks & Recreation for consideration and hoped they would agree this agreement shares the responsibility between the entities, the city pays for repairs, water, sewer; OPRD pays the power bills and Parks & Rec maintains it. It is a good arrangement rather than the burden falling all on just one entity.

Council President Steve Schuette moved to allow 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. Councilor Doug Gochnour seconded the motion, the motion passed unanimously.

Agenda Item No. 8 – Other Business and Upcoming Meetings

1. The July 27, 2012 and the August 3 & 10, 2012 LOC Bulletins were given to the City Council for their information and review.
2. The minutes of the August 2, 2012 Citizens Advisory Committee for the new fire station was included in the council packets. The next meeting of the Advisory Committee has been scheduled for September 6, 2012 at 10 a.m.
3. The Council was reminded to mark their calendars for Wednesday, September 19th for City Hall Day at the airport. Event begins at 1 p.m. and their official invitation was included in the council packets.

4. The Council was informed and given the official notice from ODOT that the City's Notice of Intent for the TE-OBAC grant for Main Street Beautification project on Main Street from the Canyon Creek Bridget to the intersection of Hwy 26/395 was not successful and the City will not be invited to submit an application. City Manager reminded the Council that ODOT has put aside \$400,000 for that section, once we prove we can do Phase 1 of the project within budget. Public Works Director Dave Holland agreed; however, we probably won't get it completed like we want to; however, we should be able to get some of it done.
5. Public Works Director Dave Holland updated the City Council about the city's encroachment issues. Mayor Lundbom stated a few people have complained about gravel on the city streets. Dave reminded the Council this was one of the things we discussed with the City Council as one of the things we had to cut due to lack of street revenue. Dave informed the council that the city crew is in the process of cleaning up Main Street and some side streets in preparation for next week's Grant County Fair and Parade(s). He noted that the water truck is currently broke down and is in the shop for repairs and that it will delay the cleanup process by a few days.

Mayor Lundbom stated one of the complaints was from a handicap person who was having trouble navigating in front of Chester's; the person asked about the sidewalk fractures in front of Chester's. Mayor Lundbom informed him the sidewalks are the responsibility of the property owner. Public Works Director Holland stated we may have to send Chester's a letter to address the sidewalk issue in order to get it fixed.

6. Councilor Officer had concerns with a person driving motorized bicycle that he felt was traveling very fast on Main Street. City Manager Gray stated she would speak to Police Chief Tirico about his concerns.
7. Mayor Lundbom updated the City Council about the project being developed by Bruce Ward on the DR Johnson property east of McDonalds. It was noted that is not a city project.
8. It was noted that the filing deadline for council positions is Friday, August 17, 2012 at 5 p.m. not Tuesday, August 17th as noted in the agenda.
9. City Manager Gray gave an update on the Verbal Judo training that she and Valerie Luttrell attended.
10. City Manager Gray informed the Council of a potential purchaser at the industrial park and asked the Council for consensus to move forward with negotiations. It was the consensus of the Council to allow staff to move forward with negotiations and place this item under executive session on the next council agenda.

Adjourn

There being no further business before the Council, Councilor Donn Willey made a motion to adjourn the meeting. Councilor Doug Gochmour seconded the motion and the motion passed unanimously. The meeting was adjourned at 7:40 p.m.

Respectfully Submitted:

Peggy Gray
City Manager

ACCEPTED BY THE CITY COUNCIL, August 28, 2012

Mayor Ron Lundbom