

**John Day City Council
October 09, 2012
7:00 PM
Council Chambers
AGENDA**

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF SEPTEMBER 25, 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. **DISCUSS FOR APPROVAL PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF JOHN DAY AND ENVIRO BOARD CORPORATION OF CAMDEN, NEW JERSEY OR A LIMITED LIABILITY COMPANY AFFILIATED WITH ENVIRO BOARD CORPORATION**
Attachment:
 - Draft Purchase and Sale Agreement
5. **DISCUSS RECOMMENDATIONS FROM THE PUBLIC WORKS COMMITTEE REGARDING THE CITY’S WATER USE REGULATIONS ORDINANCE; OTEC LINE EXTENSION TO LOT 28; ODOT NEW FIX IT/ENHANCE IT PROJECT**
Attachments:
 - Minutes of the October 2, 2012 Public Works Committee meeting
 - Oregon Trail Electric Cooperative Ballpark Estimate for Electric Service to Lot 28 of the Grant County Airport Industrial Park w/attachments
 - Introduction to Enhance and Fix-It for the 2015-2018 STIP

OTHER BUSINESS:

6. **OTHER BUSINESS AND UPCOMING MEETINGS**
Attachment:
 - Oregon Local Leadership Institute 2012-2013 Fall Brochure

ADJOURN

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: October 5, 2012

SUBJECT: Discuss for Approval Purchase and Sale Agreement between the City of John Day and Enviro Board Corporation of Camden, New Jersey or a limited liability company affiliated with Enviro Board Corporation

Attachment:

- Draft Purchase and Sale Agreement

BACKGROUND:

Attached is the first draft of the Purchase and Sale Agreement developed by City Attorney Jeremy Green. Since the development of this document we had a conference call with William Peiffer of Enviro Board. Mr. Peiffer answered several of our questions with one in particular regarding to the Strategic Reserve Fund (forgivable loan) stating he would be a participant in trying to secure the forgivable loan to help pay for the line extension for the three-phase power to Lot 28 of the industrial park.

With the new information obtained from the conference call, City Attorney Jeremy Green is making revisions to the attached draft. The revised draft will be available early next week; at the very latest I will have the revised copy available at the City Council meeting. Jeremy will be sending Mr. Peiffer the revised draft for his review and comments in conjunction with the City's review; I don't anticipate receiving Mr. Peiffer's comments prior to the City Council meeting. With that said, I suggest the John Day City Council approves the Purchase and Sale agreement subject to legal review by City Attorney Jeremy Green for any revisions requested by Mr. Peiffer.

RECOMMENDATION:

Due to the importance of this issue, I will make myself available during my vacation to get this agreement completed. I suggest the John Day City Council give the Mayor the authority to sign the Purchase and Sale Agreement between the City of John Day and Enviro Board Corporation of Camden, New Jersey or a limited liability company affiliated with Enviro Board Corporation subject to legal review by City Attorney Jeremy Green.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: October 5, 2012

SUBJECT: Discuss Recommendations from the Public Works Committee regarding the City's Water Use Regulations Ordinance; OTEC line extension to Lot 28; ODOT new Fix It/Enhance It Project

Attachments:

- Minutes of the October 2, 2012 Public Works Committee meeting
- Oregon Trail Electric Cooperative Ballpark Estimate for Electric Service to Lot 28 of the Grant County Airport Industrial Park w/attachments
- Introduction to "Enhance & Fix-It" for the 2015-2018 STIP

BACKGROUND:

Attached are the minutes of the Tuesday, October 2, 2012 Public Works Committee meeting. The **first agenda item** discussed was the City's water leak policy (Council approved in 1991). As you can read from the minutes of the meeting, the policy is old and outdated. The current policy allows for a 100% credit for every water leak if the leak is fixed within 30 days.

This summer a customer had two water leaks resulting in almost 2 million gallons of water loss. Under our current policy they will be allowed one month in which to repair the leak and notify the City. During this month, they will not be charged for the leakage, after the one month time period, if the leak is still not repaired, the account will be billed for the full amount of usage. This policy is not holding customers responsible for properly fixing their plumbing and basically everyone in the community is paying for it.

Water Systems Operator Monte Legg did some research to find out how other cities handle water leaks as you can read in the meeting minutes. Another issue with the current policy is that we can't place a lien against real property for nonpayment when dealing with foreclosures and bankruptcy cases; this option would be a useful tool for the City.

The Public Works Committee supported Public Works Director David Holland's recommendations as follows:

- Do not allow credit for toilet, faucets or shower leaks
- Only allow credit for underground leaks or broken pipes
- Only allow up to 50% credit one time per calendar year upon proof of repairs
- Seven (7) days to fix the leak unless other arrangements are made with the City

It was the consensus of the Public Works Committee to recommend the City Council review their water leak policy and Water Use Regulation ordinances and work with City Attorney Jeremy Green to develop a new ordinance that includes the water leak policy with the above recommendations. It was also the consensus to have the draft ordinance ready by January 2013 or February 2013 at the very latest.

The **second agenda item** discussed was the ballpark estimate the City received from Oregon Trail Electric (OTEC) regarding the electric service to Lot 28 of the Grant County Airport

Industrial Park. OTEC estimates a ballpark cost of \$150,000 to install electric service. This is not a detailed estimate of costs and is non-binding upon OTEC and it was stated this estimate is provided for our convenience (please see attached).

After much Committee discussion, it was the consensus of the Public Works Committee to recommend the City continue to work with OTEC to see if they would assist the City with the expense of the regulators but continue with including the responsibility for the three phase power to Lot 28 as the City's expense in the purchase sale agreement with Enviro Board.

The **third agenda item** was the ODOT's new "Enhance & Fix It" Project application request. City Manager Gray informed the Committee that ODOT is changing their application process for the Bicycle/Pedestrian Programs into one new application process called "Enhance & Fix It." The new "Enhance" project selection process will determine the ODOT capital program (called the STIP) for federal fiscal years 2015 – 2018. ODOT is encouraging cities to apply for as many projects as allowed; this solicitation will set the ODOT capital program for 4 years. The projects will be selected by your local Area Commission on Transportation (ACT).

City Manager Gray suggested the following projects from the City's Local Street Network Plan:

- New sidewalks from SW 2nd going south to city limits or Grant Union High School (west side of street)
- Sidewalks extending from City Hall east to Meadowbrook Apartments on Highway 26
- Phase 2 of the TE Project – Canyon Creek Bridge to intersection on Hwy. 26
- New Sidewalks on 7th Street to 7th Street Sports Complex
- Phase 2 of NW Bridge Street Project – Sidewalks on west side of the street, new pedestrian bridge over John Day River

After discussion, it was the consensus of the Public Works Committee to recommend the City Council have staff submit the above projects to the "Enhance & Fix It" application process.

Other Business: Staff updated the Public Works Committee about the status of the proposed ATV ordinance, please see minutes for information; the Committee was informed that the crack sealing project began that day.

RECOMMENDATION:

The John Day City Council accepts the recommendation of the Public Works Committee (1) John Day City Council review their water leak policy and Water Use Regulation ordinance; work with City Attorney Jeremy Green to develop a new ordinance that includes the water leak policy that includes Public Works Director Dave Holland's recommendations by January 2013 or February 2013 at the very latest; (2) John Day City Council have staff submit the above listed sidewalk projects for the "Enhance & Fix It" application process.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: October 5, 2012
SUBJECT: Other Business and Upcoming Meetings
Attachment:

- Oregon Local Leadership Institute 2012-2013 Fall Brochure

OTHER BUSINESS:

1. City County Insurance encourages City Council members to receive regular training especially in ethics and governing. Attached is the League of Oregon Cities Oregon Local Leadership Institute 2012-2013 Fall Brochure; two classes that I think would be of interest to you are highlighted. A Government Ethics in Oregon class is scheduled for November 7th in La Grande and December 6th in Bend; a Governing Basics – What You Need to Know is scheduled for November 14th in Pendleton and December 5th in Bend. Please let me know if you are interested in attending one of these trainings or any of the training offered. The City will pay for the training and I can also apply for scholarships through the LOC to help defray the costs to the City.
2. Reminder that the October 23, 2012 regular meeting of the John Day City Council has been canceled; the next regular meeting of the City Council will be Tuesday, November 13, 2012.
3. I will be on vacation beginning October 10th at noon and will be back in the office on Monday, October 29th. I will be checking my emails periodically while I'm gone; however, please contact Public Works Director David Holland if you need immediate assistance.

UPCOMING MEETINGS:

October 18, 2012	11:00 – 1:00 p.m. (PST) Nyssa City Hall	SCR8 Meeting
October 10 – 26, 2012	City Manager on vacation	
November 13, 2012	7:00 p.m. Council Chambers	City Council meeting