

**John Day City Council**  
**June 25, 2013**  
**7:00 PM**  
**Council Chambers**  
**AGENDA**

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF JUNE 11, 2013**
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 ADOPTION RESOLUTION NO. 13-705-09, A RESOLUTION TO ADOPT FISCAL YEAR 2013-2014 BUDGET**  
Attachment:
  - Resolution No. 13-705-09
5. **DISCUSS FOR ADOPTION RESOLUTION NO. 13-706-10, A RESOLUTION TO APPROPRIATE FISCAL YEAR 2013-2014 BUDGET**  
Attachment:
  - Resolution No. 13-706-10
6. **DISCUSS FOR ADOPTION RESOLUTION NO. 13-707-11, A RESOLUTION TO IMPOSE AND CATEGORIZE TAXES FOR FISCAL YEAR 2013-2014 BUDGET**  
Attachment:
  - Resolution No. 13-707-11
7. **DISCUSS FOR ADOPTION RESOLUTION NO. 13-708-12, VOLUNTEER WORKER’S COMPENSATION RESOLUTION FOR COVERAGE YEAR 2013-2014**  
Attachment:
  - Resolution No. 13-708-12
8. **DISCUSS FOR SIGNATURE DISPATCH CONTRACT AGREEMENTS WITH GRANT COUNTY SHERIFF’S OFFICE AND GRANT COUNTY AMBULANCE FOR FY 2014**  
Attachments:
  - Dispatch Agreements for the Sheriff’s Office and Grant County Ambulance

9. **DISCUSS FOR SIGNATURE THE SECOND EXTENSION TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF JOHN DAY AND OSTER PROFESSIONAL GROUP**  
Attachment:  
  - Second Extension to Professional Services Agreement between the City of John Day and Oster
  - Professional Group
10. **DISCUSS FOR SIGNATURE RESOLUTION NO. 13-709-13, A RESOLUTION TO DECLARE ACCOUNTS UNCOLLECTIBLE AND TAKE OFF BOOKS AS RECEIVABLE**  
Attachment:  
  - Resolution No. 13-709-13
11. **DISCUSS FOR SIGNATURE AMENDMENT NUMBER 01 TO LOCAL AGENCY AGREEMENT NO. 28231; US26/MAIN ST. & CANYON BLVD: SIDEWALK/BEAUTIFICATION PROJECT**  
Attachment:  
  - Amendment Number 01 to Local Agency Agreement 28231
12. **DISCUSS CANCELING THE JULY 9, 2013 JOHN DAY CITY COUNCIL MEETING**

**OTHER BUSINESS:**

13. **OTHER BUSINESS AND UPCOMING MEETINGS**  
Attachments:  
  - June 14, 2013 LOC Bulletin

**ADJOURN**

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Adoption Resolution No. 13-705-09, a Resolution to Adopt Fiscal Year 2013-2014 Budget  
Attachment:  

- Resolution No. 13-705-09

**BACKGROUND:**

This resolution adopts Fiscal Year 2013-2014 budget in the amount of \$5,823,019.

**RECOMMENDATION:**

The Council adopts Resolution No. 13-705-09.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Adoption Resolution No. 13-706-10, a Resolution to Appropriate Fiscal Year 2013-2014 Budget  
Attachment:  

- Resolution No. 13-706-10

**BACKGROUND:**

This resolution appropriates Fiscal Year 2013-2014 budget.

**RECOMMENDATION:**

The John Day City Council adopts Resolution No. 13-706-10.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Adoption Resolution No. 13-707-11, a Resolution to Impose and Categorize Taxes for Fiscal Year 2013-2014 Budget

Attachment:

- Resolution No. 13-707-11

**BACKGROUND:**

This resolution imposes and categorizes taxes for Fiscal Year 2013-2014 budget.

**RECOMMENDATION:**

The John Day City Council adopts Resolution No. 13-707-11.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Adoption Resolution No. 13-708-12, Volunteer Worker's Compensation Resolution for Coverage Year 2013-2014  
Attachment:  
• Resolution No. 13-708-12

**BACKGROUND:**

This resolution is required annually by City County Insurance Company (CIS) for workers' compensation coverage to provide for the class of volunteer workers listed on the City's Volunteer Roster for the John Day Volunteer Fire Department and the John Day Police Department Reserves. This resolution assumes a monthly wage of \$1,000 to be used for public safety volunteers.

**RECOMMENDATION:**

The John Day City Council adopts Resolution No. 13-708-12.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Signature Dispatch Contract Agreements with Grant County Sheriff's Office and Grant County Ambulance for FY 2014

Attachments:

- Dispatch Agreements for the Sheriff's Office and Grant County Ambulance

**BACKGROUND:**

Included in your council packets are the dispatch agreements for the Sheriff's Office and Grant County Ambulance for FY 2014. These contracts are included in the FY 2014 budget.

**RECOMMENDATION:**

The John Day City Council allows Mayor Lundbom to sign the dispatch contracts for the Grant County Sheriff's Office and the Grant County Ambulance for FY 2014.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Signature the Second Extension to Professional Services Agreement between the City of John Day and Oster Professional Group

Attachment:

- Second Extension to Professional Services Agreement between the City of John Day and Oster Professional Group

**BACKGROUND:**

In November 2010, the City of John Day entered into an agreement with Oster Professional Group to perform the duties of the City Recorder's position. The original agreement expired June 30, 2012; we extended the agreement for one year as per Section 4.1 of the agreement which states the agreement may be extended for one or more additional terms of one year each upon the parties' mutual written agreement not less than ninety (90) days prior to the expiration of the applicable term.

I have spoken with Bob Armstrong of Oster Professional Group asking him if he is interested in renewing the contract with the City of John Day. Mr. Armstrong responded stating that they had discussed this matter and do not see any reason to change the agreement and from their perspective, they would very much like to see the contract renewed effective July 1, 2013.

The services provided by Oster Professional Group have been consistent with my expectations and I hope the John Day City Council agrees. Compensation will remain the same at \$3,500 per month.

I contacted city attorney Jeremy Green asking him to prepare an extension to the current agreement for one year beginning July 1, 2013 which you will find in your council packets.

**RECOMMENDATION:**

The John Day City Council allows City Manager Gray to sign the Second Extension to Professional Services Agreement extension between the City of John Day and Oster Professional Group.



**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Signature Resolution No. 13-709-13, a Resolution to Declare Accounts Uncollectible and Take off Books as Receivable

Attachment:

- Resolution No. 13-709-13

**BACKGROUND:**

This Resolution is for the apartments located at 346 W. Main Street/107 and 110 Delore Street, John Day. The property owner declared bankruptcy in January 2012. However, he still had tenants living there using city water and sewer. The property owner charges the utilities in the tenant's monthly rent payments and the owner then pays for the utilities to the City. The property owner informed the City that some of the renters were paying their rent, but the bank won't let him cash the rent checks because he was in bankruptcy, as such, he couldn't afford to pay the City's utility bills.

This was when I called the League of Oregon Cities for guidance on how to deal with the situation. I spoke with LOC Legal Counsel Sean O'Day. Sean said special rules under bankruptcy law apply when a delinquent utility customer is in bankruptcy proceedings. The Bankruptcy Code provides that a municipal utility cannot alter, refuse, or discontinue service because of a bankruptcy filing or because of an unpaid pre-bankruptcy petition utility bill.

He also said that ORS 223.594 - Lien for water service to certain real property through single water meter; owner as water user; foreclosure states (1) When water service is provided to a multifamily building with five or more units with a single water meter, the owner of the real property shall be considered the user of the water. If payment for such water is not made when due and the water service has not been shut off or will not be shut off, the municipal utility may place a lien on the premises to which water service was provided for the amount due for such service.

The problem with the city placing a lien on the property was that our City Code at that time did not allow us to place a lien on the premises. As you know the John Day City Council has since updated our municipal code to address issues such as this.

To make a long story short, the property has now sold and a new owner has taken possession of the property as of May 2, 2013. We now would like to declare these accounts as uncollectible and take off the books as a receivable by the end of the fiscal year.

**RECOMMENDATION:**

The John Day City Council adopts Resolution No. 13-709-13.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss for Signature Amendment Number 01 to Local Agency Agreement No. 28231; US26/Main St. & Canyon Blvd: Sidewalk/Beautification Project  
Attachment:

- Amendment Number 01 to Local Agency Agreement 28231

**BACKGROUND:**

I received the attached amendment to the City's agreement with ODOT for our Transportation Enhancement Project. There are two amendments to the agreement as follows:

1. Reassigns a new Project Leader to our project. Formerly our Project Leader was Doug Wright out of the La Grande office. Doug has accepted a position with Union County and is no longer with ODOT. Sean Maloney out of the Ontario office is now the Project Leader for our TE project.
2. Adds language that the City of John Day will be responsible for all costs associated with maintenance of the sidewalks, curbs, drain system, pavers, landscaping, conduits, street lights, and all other items constructed or installed as part of this project. The City will also be responsible for power cost of the street lights.

**RECOMMENDATION:**

As with any other street project completed by ODOT grants, the City has been responsible for the maintenance after completion of the project. I recommend the John Day City Council allows Mayor Lundbom to sign Amendment Number 01 to Local Agency Agreement No. 28231.

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** June 21, 2013

**SUBJECT:** Discuss canceling the July 9, 2013 John Day city council meeting

**BACKGROUND:**

I have plans to be out of town on July 9, 2013. If there are no pressing agenda items, would the John Day City Council consider canceling the July 9, 2010 John Day City Council meeting.

**TO:** John Day City Council  
**FROM:** Peggy Gray, City Manager  
**DATE:** June 21, 2013  
**SUBJECT:** Other Business and Upcoming Meetings  
Attachments:

- June 14, 2013 LOC Bulletin

**OTHER BUSINESS:**

1. The June 14, 2013 LOC Bulletin are included in your council packets.

**UPCOMING MEETINGS:**

|               |                                    |   |
|---------------|------------------------------------|---|
| July 4, 2013  | 4 <sup>th</sup> of July Holiday    | City Hall closed                          |
| July 9, 2013  | 7:00 p.m.                          | Regular City Council meeting              |
| July 10, 2013 | 5:30 p.m.<br>Interpretative Center | Friends of Kam Wah Chung Board<br>meeting |
| July 23, 2013 | 7:00 p.m.                          | Regular City Council meeting              |