

Date: _____
The Beard Legal Group-City Solicitors

RESOLUTION NO. 9896
For consideration on October 26, 2016
Submitted by Councilpersons Stanton & Williams

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA, DIRECTING THE INTERIM CITY MANAGER WITH THE ASSISTANCE OF THE CITY SOLICITORS TO PROCEED WITH AND ADVERTISE FOR REQUEST FOR PROPOSALS FOR THE SALE OF CITY OWNED TIMBER AS IDENTIFIED IN THE TIMBER INVENTORY/APPRAISAL OF AUGUST 2015, PREPARED BY MICHAEL BARTON FORESTRY CONSULTING (With cover dated July 24, 2015) AND THE EADS GROUP.

WHEREAS, on March 19, 2015, Task Order No. 28, in the amount of \$7,000.00, was executed by City Manager Carlos Gunby and The EADS Group to provide services for a timber survey of approximately 250 acres owned by the city of Johnstown, and

WHEREAS, in a report titled: TIMBER INVENTORY/APPRAISAL OF AUGUST 2015, PREPARED BY MICHAEL BARTON FORESTRY CONSULTING AND THE EADS GROUP was submitted under the cover of Michael J. Barton, Jr., A.C.P.; Michael Barton Forestry Consulting, and

WHEREAS, said report identified the market value of timber under the ownership and control of the City of Johnstown, including an estimated valuation of said timbering, while asking that the City allot time to conduct a further detailed inventory of the acreage, and to further determine the full scope of any timbering sale offering by the City of Johnstown, and

WHEREAS, Council is desirous to move forward with the possible sale and timbering of all feasible areas whereby said timbering would be in compliance with any Deed Timbering Restrictions, if any, and

WHEREAS, Council authorizes the Interim City Manager and the City Solicitor(s) to contact Michael J. Barton, Jr., A.C.P.; Michael Barton Forestry Consulting, to obtain his services for determining and providing additional details and valuations of timbering considered available for sale in categories designated in the August 2015 report as "Managed Harvest" and/or "Dead & Dying Time", and/or any other timbering which may also be considered for sale, and

WHEREAS, and based on the information provided by Michael J. Barton, Jr., A.C.P.; Michael Barton Forestry Consulting, as to amount of timber available for sale, types woods, and locations, Request for Proposals are to be advertised by Public Notice no later than (30) days following submission by Michael J. Barton, Jr., A.C.P.; Michael Barton Forestry Consulting, and

WHEREAS, the Interim City Manager and the City Solicitors are hereby authorized to execute an agreement for those services being requested in a reasonable amount as agreed on by Michael J. Barton, Jr., A.C.P.; Michael Barton Forestry Consulting, and the Interim City Manager and the City Solicitors.

ADOPTED:

By the following vote~

Yeas: Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor

Janakovic (7)

Nays: None (0)



Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 9896 as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar,
Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA
RESOLUTION NO. 9897

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA AUTHORIZING THE INTERIM CITY MANAGER TO SIGN AN ADDENDUM TO THE CURRENT CONTRACT WITH TURNKEY TAXES, INC. IN ORDER TO COLLECT ALL COSTS ASSOCIATED WITH PAYMENTS OF DELINQUENT TAXPAYERS.

WHEREAS, the parties entered into an Agreement on or about February 25, 2016 and wish to add and clarify portions of the contract;

WHEREAS, turnKey has developed a unique expertise and experience in developing methods and approaches to data conversion, analysis and collection of municipal delinquent taxes and other revenues; and,

WHEREAS, the City desires such expert assistance in obtaining, cleaning, analyzing, organizing historical and current tax records; and,

WHEREAS, the City recently enacted Ordinance No. 5212 specifying certain collection costs relating to the original Agreement; and

WHEREAS, the Agreement requires an Addendum consisting of the following language in order to reflect and address the collection costs addressed by Ordinance No. 5212;

Addendum

This is an Addendum, dated November 9, 2016, with the City of Johnstown, a Pennsylvania Municipality located at 401 Main St., Johnstown Pennsylvania (hereinafter "the City")

AND

turnKey Taxes, Inc., a Pennsylvania Corporation, (hereinafter "turnKey") with a business address located at 1936 Fifth Avenue, Pittsburgh, Pennsylvania 15219.

Costs of Collection. Costs of collection relating to the original Agreement shall be determined by the City of Johnstown Cost of Collections Ordinance, as follows:

The City of Johnstown approves the following Reasonable Costs to be paid to turnKey Taxes by the delinquent taxpayer:

a. As used in this chapter:

(1) "Enforced collection proceedings" means the initiation of litigation against the delinquent taxpayer for the collection of delinquent municipal taxes before the District Magistrate or any other court.

(2) "Gross collections" shall mean the tax amount owed plus applicable penalties and interest.

- b. Collection costs prior to enforced collection proceedings. A sum of twenty-five percent (25%) of gross collections of all delinquent municipal taxes and other revenues plus delinquent costs.
- c. Collection costs on or after enforced collection proceedings. A sum of twenty percent (20%) of gross collections and collection costs accrued prior to enforced collection proceedings.
- d. Said amounts set forth in paragraphs 5(b) and 5(c) above shall be deemed compensation and Reasonable Costs for services rendered by turnKey Taxes in the collection of delinquent municipal taxes and other delinquent revenues.
- e. Such Reasonable Costs, together with and including costs, reimbursement for postage and other out-of-pocket expenses, shall be collected directly from the delinquent taxpayers in accordance with the Local Tax Enabling Act and all other applicable laws.

NOW THEREFORE, in consideration of the mutual promises and of the mutual agreements herein contained and intending to be legally bound hereby, the Interim City Manager is authorized to take any and all necessary actions to enter into and to execute an Addendum to the original Agreement with turnKey which shall consist of the above-referenced language and shall be effective immediately upon execution by the parties.

ADOPTED:

November 9, 2016

By the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola. (5)

Nays: Mrs. Stanton, Mr. Williams. (2)



Frank J. Janakovic, Mayor
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9897** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar,
Interim City Manager

**CITY OF JOHNSTOWN, PENNSYLVANIA
RESOLUTION NO. 9898**

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO SIGN AN AGREEMENT WITH URBAN DESIGN VENTURES TO PROVIDE PLANNING CONSULTING SERVICES FOR THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, HOUSING AND OTHER COMMUNITY DEVELOPMENT PROGRAMS AND ACTIVITIES FOR JOHNSTOWN BEGINNING OCTOBER 15, 2016 THROUGH OCTOBER 15, 2019.

WHEREAS, the DCED is responsible for a wide variety of programs and activities which require planning for community development, housing, and economic development including the Annual Action Plan, Five Year Consolidated Plan, CAPER, and ERR; and

WHEREAS, the DCED has conducted a Request for Proposal for Planning Consulting Services in accordance with the procurement requirements of the Department of Housing and Urban Development, which yield two submitted proposals; and

WHEREAS, the DCED staff reviewed each proposal to determine who should provide the professional services to DCED.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Johnstown, that the Interim City Manager is hereby authorized and directed to execute, on behalf of the City of Johnstown, a contract with Urban Design Ventures for Planning Consulting Services as requested by the DCED Director.

ADOPTED:

November 9, 2016

By the following Vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mayor Janakovic, Mr. Johncola, Mrs. Mock. (5)

Nays: Mrs. Stanton, Mr. Williams. (2)



Frank Janakovic, Mayor
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9898** as the same by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA
RESOLUTION NO. 9899

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, AUTHORIZING AND DIRECTING THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO SEEK PROPOSALS FOR PROFESSIONAL SERVICES FOR THE CITY OF JOHNSTOWN BROWNFIELD ASSESSMENT AND REVITALIZATION PROJECT.

WHEREAS, the City of Johnstown's Department of Community and Economic Development has been awarded a \$400,000 brownfield assessment grant through the Environmental Protection Agency; and WHEREAS, the City of Johnstown would like to have an Architectural and Engineering firm assist in these programs and activities; and

WHEREAS, the City desires to contract with a professional service provider to consult with the City's Department of Community and Economic Development in regards to the brownfield assessments and revitalization projects described in the grant application; and

WHEREAS, the Professional Services Contract would be from December 1, 2016 through October 1, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the City Council (hereafter the "Governing Body") of the Local Government Unit, directs and authorizes the Director of Community and Economic Development to seek proposals for professional services for brownfield assessment and revitalization.

ADOPTED:

November 9, 2016

By the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs.
Mock, Mrs. Stanton. (7)

Nays: None (0)



Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9899** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA

RESOLUTION NO. 9900

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA APPROVING AND DIRECTING THAT A NO PARKING RESTRICTION BE PLACED ON MAPLE AVENUE/ROUTE 271 NORTH ALONG THE FRONTAGE OF THE CAMTRAN PROPERTY AND AUTHORIZING THE INTERIM CITY MANAGER AND/OR DESIGNEE TO TAKE ANY AND ALL NECESSARY ACTIONS TO IMPLEMENT SAID RESTRICTION.

WHEREAS, the Cambria County Transit Authority (CAMTRAN) is constructing a Compressed Natural Gas (CNG) station at their Maple Avenue site in order to provide CNG to their CNG bus fleet and other motor vehicles; and

WHEREAS, the Pennsylvania Department of Transportation (PennDOT) is requiring CAMTRAN to request from the City of Johnstown a confirmation that parking will be prohibited along CAMTRAN's property frontage in order to maintain a required site distance for the access point of the CNG station; and

WHEREAS, CAMTRAN will be required by PennDOT to pay for and install No Parking signs for the City as part of this project; and

WHEREAS, the geographic area referenced is currently not used for parking and ultimately not suitable for parking;

NOW, THEREFORE, BE IT RESOLVED, by the City Council (hereafter the "Governing Body") of the Local Government Unit, that parking shall be prohibited on Maple Avenue/Route 271 North along the frontage of the CAMTRAN property, effective immediately, and that the Interim City Manager and/or Designee is hereby authorized to take any and all necessary actions to implement this parking restriction.

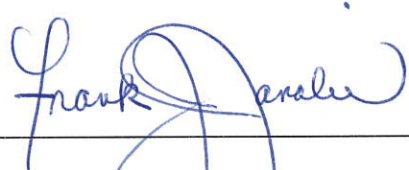
ADOPTED:

November 9, 2016

By the following vote:

Yeas: Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton, Mr. Vitovich. (7)

Nays: None (0)



Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. **9900** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager

CITY OF JOHNSTOWN, PENNSYLVANIA
RESOLUTION NO. 9901

A RESOLUTION APPROPRIATING REAL PROPERTY LOCATED IN
THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA,
FOR CONDEMNATION AND AUTHORIZING THE CITY OF JOHNSTOWN TO
INSTITUTE CONDEMNATION PROCEEDINGS FOR
THE ACQUISITION THEREOF.

WHEREAS, the City of Johnstown, a municipal corporation, organized and existing under the laws of the Commonwealth of Pennsylvania ("CITY") has entered into a project for rehabilitation of the 8th Ward Sanitary/Storm Sewer Separation Project to remove infiltration & inflow to the sanitary sewer system by rehabilitating the collection lines and eliminating interconnections between the sanitary and storm sewer systems in and about the City of Johnstown, Cambria County, Pennsylvania; and

WHEREAS, it is the conclusion of the City that it serves a beneficial public purpose for the City to own permanent easements to such property that is subject to the rehabilitation; and

WHEREAS, accordingly, it is the sense of the City that it should now proceed with said condemnation to acquire the needed easements/property;

NOW, THEREFORE, BE IT RESOLVED that the City condemn and acquire title to the premises described as follows:

ALL that certain piece or parcel of land, situate in the City of Johnstown, County of Cambria and Commonwealth of Pennsylvania, which is bounded and described as follows:

- 1) A permanent and temporary easement and rights-of-way for the construction and operation of a sanitary sewer line and related sewage

facilities upon and across the real property of John A. Michnya situate in the City of Johnstown, County of Cambria, Commonwealth of Pennsylvania, and more fully described as Tax Map Number 90-001-225 in that certain Deed to Grantor recorded in the Office of the Recorder of Deeds of Cambria County in Deed Book 2052, Page 0299 (the "Property").

All that certain strip of land along the eastern boundary of the Property, said easement ranging from approximately fifteen (15') feet wide and eighty (80') feet in length, as further described in the plan annexed hereto as Exhibit "A" and incorporated herein by reference. The temporary easement and right-of-way shall be said easement that is approximately five (5') feet in width by one hundred - ten (110') feet in length, as further described in the plan annexed hereto as Exhibit "A" and incorporated herein by reference. This temporary easement and right-of-way shall be terminated upon final completion of the construction of sewage facilities.

BE IT FURTHER RESOLVED that the proper officers of the City are herewith authorized to cause to be prepared and filed in the Court of Common Pleas of Cambria County, Pennsylvania, the appropriate Declaration of Taking for said premises and to execute and file such security as may be necessary in connection with said condemnation proceedings and to prosecute said proceeding to conclusion; and

BE IT FURTHER RESOLVED that the damages which may be awarded to any condemnee or agreed to between the City and the condemnee shall be paid from funds of the City; and

BE IT FURTHER RESOLVED that the City Council Chairman and/or the City's authorized representatives are hereby authorized to execute on behalf of said City the necessary Declaration of Taking, and/or other documents to be executed in connection with the carrying out of the purposes of this Resolution.

ADOPTED:

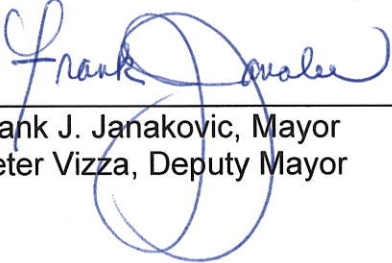
November 9, 2016

By the following vote:

Yeas: Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mrs. Stanton,
Mr. Vitovich, Mr. Vizza. (7)
Nays: None (0)

CITY OF JOHNSTOWN

By:



Frank J. Janakovic, Mayor
Peter Vizza, Deputy Mayor

Attest:



Executive Secretary

Dated:

Nov. 9, 2016

ATTEST:

I do hereby certify that the foregoing is a true and correct of Resolution No. **9901** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Melissa Komar, Interim City Manager