

John Day City Council
July 10, 2018
7:00 PM
Fire Station, 316 S. Canyon Blvd
AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF JUNE 26, 2018.**
3. **APPEARANCE OF INTERESTED CITIZENS** – At this time Mayor Lundbom will welcome the public and ask if there is anything they would like to add to tonight’s agenda.

ACTION ITEMS

4. **RESOLUTION NO. 18-795-19, A RESOLUTION OF CITY OF JOHN DAY LIMITING CERTAIN CLAIMS ARISING FROM RECREATIONAL USE OF PUBLIC TRAILS AND/OR STRUCTURES IN PUBLIC EASEMENTS AND UNIMPROVED RIGHT-OF-WAY IN CITY OF JOHN DAY**
Attachments:
 - Resolution No. 18-795-19
5. **GREENHOUSE INTENT-TO-AWARD**
Attachments:
 - Evaluation of proposals
6. **RESOLUTION 18-796-20, A RESOLUTION OF CITY OF JOHN DAY ADOPTING MODEL COST ACCOUNTING GUIDELINES FOR PUBLIC IMPROVEMENTS BY CONTRACTING AGENCIES PURSUANT TO ORS 279C.310.**
Attachments:
 - Resolution 18-796-20
 - Exhibit A to Resolution 18-786-20, DAS Cost Accounting Guideline
7. **RESOLUTION 18-797-21, A RESOLUTION AUTHORIZING CITY OF JOHN DAY TO OBTAIN A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A CERTAIN SPECIAL PUBLIC WORKS FUND DEVELOPMENT PROJECT FINANCING CONTRACT (AND CERTAIN OTHER REQUIRED DOCUMENTS) WITH THE INFRASTRUCTURE FINANCE AUTHORITY OF THE OREGON BUSINESS DEVELOPMENT DEPARTMENT.**
Attachments:
 - Resolution 18-797-21
 - Special Public Works Fund Development Project Financing Contract
8. **2019 LOC LEGISLATIVE PRIORITIES**
Attachments:
 - Policy memo from LOC on legislative priorities
9. **2019 SPECIAL CITY ALLOTMENT (SCA) GRANT PROGRAM**
Attachments:
 - North Sub-Area Project Map from 2009 Local Street Network Plan

OTHER BUSINESS

10. OTHER BUSINESS AND UPCOMING MEETINGS

- July 24 – City Council Meeting, 7 P.M. Fire Hall (Greenhouse contract award)
- August 14 – City Council Meeting, 7 P.M. Fire Hall
- August 28 – City Council Meeting, 7 P.M. Fire Hall

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: July 10, 2018

SUBJECT: Agenda Item #4: Resolution No. 18-795-19, A Resolution of City of John Day Limiting Certain Claims Arising from Recreational Use of Public Trails and/or Structures in Public Easements and Unimproved Right-Of-Way in City Of John Day
Attachment(s)
• Resolution 18-795-19

BACKGROUND

ORS 105.672 to 105.688 provide certain immunities for owners of publicly and/or privately-owned land when landowners allow such land to be used for recreational purposes; however, the immunities from liability contained in ORS 105.668(2) apply only to cities with a population of 500,000 or more. Smaller cities may choose to “opt-in” to the provisions of this law by passing a resolution or ordinance to that effect.

DISCUSSION

Resolution No. 18-795-19 formally adopts the provisions of ORS 105.668 for the City of John Day. It adopts recreational immunity provisions for all public and private property owners and community groups within the city limits who create and maintain trails and/or structures in public easements and/or unimproved rights-of-way and make such trails available for public use.

Adoption of this resolution was encouraged by the city attorney so that use of the city’s proposed trail system will have the full recreational immunity protections available under state law.

RECOMMENDED MOTIONS

“I move to adopt Resolution No. 18-795-19, A Resolution of City of John Day Limiting Certain Claims Arising from Recreational Use of Public Trails and/or Structures in Public Easements and Unimproved Right-Of-Way in City Of John Day.”

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: July 10, 2018
SUBJECT: Agenda Item #5: Greenhouse Intent-to-Award Attachment(s)

- Proposals

BACKGROUND

The greenhouse evaluation committee met on July 6 to review and score proposals for the City’s first greenhouse at the Innovation Gateway. A total of two proposals were received. Both were deemed compliant with the RFP requirements.

Proposals were reviewed, scored and ranked based on evaluation criteria posted in the request for proposals. They were:

Requirements	Maximum Points
Professional Qualifications of Firm	10
Conceptual Plans	40
Understanding of Requested Specifications	20
References	10
Contract Price	40
Total	120

DISCUSSION

Per the RFP, the City will award the contract to the responsible Proposer whose Proposal City determines in writing is most advantageous to City based on the evaluation process and factors described in this RFP, applicable preferences described in ORS 279A.120 and 279A.125, the outcome of any negotiations (if applicable), and whose Proposal will best serve the interests of City and is in compliance with applicable law.

We will begin negotiating with the highest-ranked Proposer. If negotiations with the highest-ranked Proposer fail to result in a contract, City reserves the right to formally terminate negotiations and enter into negotiations with the second ranked Proposer and, if necessary, the third-ranked Proposer and so on, until the negotiations result in a contract. City reserves the right to engage in competitive simultaneous negotiations with Proposers.

City will provide a written Notice of Intent to Award (“NOI”) to all Proposers at least seven (7) calendar days before the award of a Contract, unless City determines that circumstances require prompt execution of the Contract.

A Proposer may submit to City a written protest of City’s intent to award within seven (7) days after City’s issuance of the NOI.

The timeline for the notice is as follows:

Notice of Intent to Award (approx.)	July 13, 2018
Award Protest Deadline (approx.)	July 20, 2018 [Seven days after NOI]
Council Approval – Notice of Award (approx.)	July 24, 2018

EVALUATION

The evaluation committee met to score the proposals on Friday, July 6 and will report to the council on their results.

RECOMMENDED MOTION

“I move to have the City Manager issue the Notice of Intent to Award to [Company Name] for the greenhouse structure and related equipment submitted in their proposal.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: July 10, 2018

SUBJECT: Agenda Item #6: Resolution 18-796-20, A Resolution of City of John Day Adopting Model Cost Accounting Guidelines for Public Improvements by Contracting Agencies Pursuant to ORS 279C.310.
Attachment(s)

- Resolution 18-796-20
- Exhibit A to Resolution 18-786-20, DAS Cost Accounting Guideline

BACKGROUND

279C.310 prohibits a contracting agency constructing a public improvement with the contracting agency's own equipment or personnel if the cost exceeds \$5,000, unless the contracting agency adopts and applies a cost accounting system that substantially complies with the model cost accounting guidelines developed by the Oregon Department of Administrative Services pursuant to section 3, chapter 869, Oregon Laws 1979, as determined by an accountant qualified to perform audits required by ORS 297.210 and 297.405 to 297.555 (Municipal Audit Law).

This resolution authorizes the city to self-perform certain public improvement projects and aspects of public improvement projects by adopting the relevant accounting requirements required by state law.

RECOMMENDED MOTION

“I move to adopt Resolution 18-796-20, A Resolution of City of John Day Adopting Model Cost Accounting Guidelines for Public Improvements by Contracting Agencies Pursuant to ORS 279C.310.”

TO: John Day City Council
FROM: Nicholas Green, City Manager

DATE: July 10, 2018

SUBJECT: Agenda Item #7: Resolution 18-797-21, A Resolution 18-797-21, A Resolution Authorizing City of John Day to Obtain a Loan from the Special Public Works Fund by Entering into a Certain Special Public Works Fund Development Project Financing Contract (and Certain other Required Documents) with the Infrastructure Finance Authority of the Oregon Business Development Department.
Attachment(s)

- Resolution 18-797-21
- Special Public Works Fund Development Project Financing Contract

BACKGROUND

Resolution 18-797-21 authorizes Mayor Ron Lundbom to execute on behalf of the city the contract and such other documents and instruments as may be required to obtain financial assistance to complete the city's greenhouse project.

The Special Public Works Fund Loan L18006 contract must also be signed by the City Manager to authorize the loan for the construction of the greenhouse and related equipment.

RECOMMENDED MOTIONS

Motion 1: "I move to adopt Resolution 18-797-21, A Resolution 18-797-21, A Resolution Authorizing City of John Day to Obtain a Loan from the Special Public Works Fund by Entering into a Certain Special Public Works Fund Development Project Financing Contract (and Certain other Required Documents) with the Infrastructure Finance Authority of the Oregon Business Development Department."

Motion 2: "I move to authorize the City Manager to sign the Special Public Works Fund Loan L18006 agreement."

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: July 10, 2018

SUBJECT: Agenda Item #8: 2019 LOC Legislative Priorities
Attachment(s)

- Policy memo from LOC on legislative priorities

BACKGROUND

This year, the League of Oregon Cities (LOC) has asked us to prioritize our top four legislative issues and to identify our bottom four priorities. These rankings will be combined with other cities and will help LOC determine their legislative priorities for the 2019 session.

DISCUSSION

Council should consider the following legislative issues in particular as these have been topics of discussion in several city council meetings:

- A. 911 Tax
- E. Broadband Infrastructure
- H. Green Energy Technology Requirement Changes
- I. Infrastructure Financing and Resilience
- P. PERS Unfunded Liability Revenue Stream Dedication

Issues to be aware of because of their strong likelihood to be addressed in the 2019 session are:

- F. Carbon Cap-and-Invest Program Adoption
- J. Least Cost Public Contracting
- L. Lodging Tax Definition Broadening
- O. PERS Reform
- R. Property Tax Reform
- T. Right-of-Way and Franchise Fee Authority
- U. Safe Routes to School Match
- V. Small Area Cell Deployment (also known as “Small Cell Deployment”)
- Y. Third Party Building Inspection
- Z. Tobacco Taxes Share Increase

RECOMMENDATION

Council should discuss the city’s priority issues and identify / rank their top four and bottom four priorities. A description of each issue is in the enclosed policy memo.

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: July 10, 2018
SUBJECT: Agenda Item #9: 2019 Special City Allotment (SCA) Grant Program Attachment(s)

- North Sub-Area Project Map from 2009 Local Street Network Plan

BACKGROUND

ODOT Region 5 has provided the application forms for the 2019 SCA Grant Program. The purpose of this program is to assist small cities in repairing, preserving or reconstruction city streets, which are inadequate for the capacity they serve and/or are in a condition detrimental to safety. The sum of \$5,000,000 is available for the 2019 program.

There are several changes to this year's application process:

- 1) We may have up to two (2) SCA Grants active at one time.
- 2) The amount has increased from \$50,000 to \$100,000 per grant (total of \$200,000).

All applications must be submitted to ODOT prior to August 13, 2018. The funding for the FY2019 program will not be available to disperse until an agreement for the selected projects is in place and not until after January 1, 2019.

The following points should be considered in selecting our project:

- 1) The street must be under the ownership, jurisdiction, and control of the City (state or county roads within city limits are not eligible).
- 2) Selected streets should be in poor condition and carry a high volume of traffic, such as:
 - (A) A street serving an agricultural, commercial, or industrial facility, a school complex, a tourist attraction, or some other feature of local importance or interest and exhibiting wear from heavy and/or unusual traffic.
 - (B) A street serving a growth area such as a new housing subdivision or commercial development.
 - (C) A main thoroughfare with an increasing volume of traffic.

DISCUSSION

Two new construction projects come to mind for the 2019 grant: (1) Ironwood Estates Phase 2 street network and the Valley View Drive extension to Patterson Bridge Road; (2) the 7th Street extension from its current terminus at Bridge Street west to Patterson Bridge Road. Council could also consider the Charolais Heights intersection repair/replacement and chip sealing as alternative projects. A map of this area from the City's 2009 Local Street Network Plan is enclosed.

RECOMMENDATION

Council should select their top two priority projects and rank them in order. ODOT will attempt to award both, but if they cannot, the top project will take precedence. I will prepare the appropriate paperwork for adoption at our next council meeting.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: July 10, 2018

SUBJECT: Agenda Item #10: Other Business and Upcoming Meetings

OTHER BUSINESS

- LOC Bulletins

UPCOMING MEETINGS

- July 24 – City Council Meeting, 7 P.M. Fire Hall (Greenhouse contract award)
- August 14 – City Council Meeting, 7 P.M. Fire Hall
- August 28 – City Council Meeting, 7 P.M. Fire Hall