

**John Day City Council Meeting & URA Board Meeting Agenda
Tuesday, June 14, 2022
316 S. Canyon Boulevard**

7:00 PM Council Meeting

**8:00 PM Urban Renewal Agency Board Meeting
(or immediately following Council Meeting, whichever is later)**

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1. **OPEN AND NOTE ATTENDANCE**
2. **APPEARANCE OF INTERESTED CITIZENS** – At this time we will welcome the public and ask if there is anything they would like to add to tonight’s agenda.
3. **APPROVAL OF PRIOR MINUTES**

CONSENT AGENDA

4. **CONSENT AGENDA ITEMS**

Attachments:

- Tidewater Agreement & Invoice
- Community Renewal Day Proclamation 22-02

ACTION ITEMS

5. **CLARK’S DISPOSAL – TEMPORARY FUEL SURCHARGE**

Attachments:

- Proposed Fuel Surcharge

6. **RESOLUTION NO. 22-892-13, A RESOLUTION TO ADOPT FISCAL YEAR 2022-2023 BUDGET**

Attachments:

- Budget Changes
- Resolution No. 22-892-13
- 2023 Budget Worksheet Adopted

7. RESOLUTION NO. 22-893-14, A RESOLUTION TO APPROPRIATE FISCAL YEAR 2022-2023 BUDGET

Attachments:

- Resolution No. 22-893-14

8. RESOLUTION NO. 22-894-15, A RESOLUTION TO IMPOSE AND CATEGORIZE TAXES FOR FISCAL YEAR 2022-2023 BUDGET

Attachments:

- Resolution No. 22-894-15

9. RESOLUTION NO. 22-895-16, A RESOLUTION OF THE CITY OF JOHN DAY, GRANT COUNTY, OREGON APPROVING PARTICIPATION IN THE STATE REVENUE SHARING PROGRAM

Attachments:

- Resolution No. 22-895-16

10. CITY MANAGER CONTRACT TERMINATION

Attachments:

- Contract Termination Agreement (Grant Summary Addendum)

11. INTERIM (PRO TEM) CITY MANAGER CONTRACT AGREEMENT

Attachments:

- Interim (Pro Tem) City Manager Contract Agreement

12. COMMUNITY DEVELOPMENT PROJECT FUNDING ALLOCATION FY22-23

Attachments:

- Community Projects Funding Worksheet
- Capital Construction Project Tracker

13. 5-YEAR SUMMARY OF PROFESSIONAL SERVICES & PROPOSED AGREEMENTS FOR FISCAL YEAR 2022-2023

Attachments:

- 5-Year Summary of Professional Services (FY17-FY22)
- List of Approved Contractors – FY23
- Professional Services Agreement – Sisul Engineering
- Professional Services Agreement – Catalyst Public Policy Advisors, LLC
- Professional Services Agreement – MCD
- Professional Services Agreement – Walker Macy
- Professional Services Agreement – InterFluve
- Professional Services Agreement – CwM H2O
- Professional Services Agreement – Ducote Consulting
- Professional Services Agreement – Commstructure
- Professional Services Agreement – Geobility
- Professional Services Agreement – Straw-to-Gold
- Professional Services Agreement – David Paddock

14. OTHER BUSINESS & UPCOMING MEETINGS

Attachments:

- Temporary name continuation for Charolais Heights (Nan Walker residence)

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #4: Consent Agenda Items
Attachment(s)

- Tidewater Agreement & Invoice
- Community Renewal Day Proclamation 22-02

BACKGROUND

Two items are on the consent agenda.

Item 1) Tidewater Agreement and Invoice

Demolition of Gleason Pool is now complete and site restoration will be finished by June 30th. We gave Tidewater 60 days to complete the site restoration in their contract (which is also at the link above).

Our civil engineer (Joe Hitz, Sisul) oversaw the demolition and directly monitored the concrete removal around the retaining wall and restrooms to ensure there was no structural damage during the exfil process.

We have used ODOT standard specs for the construction agreement with Tidewater, which includes standards for backfill material. The standards for the Demo are included in Tidewater's contract (page 8, spec 330 Earthwork), which I have attached here.

Basically, compaction will free of any brush or organic matter (timber, roots, etc) and fill grades will be determined by our engineer through a witnessed proof roll after each one-foot lift. We will bring it up to grade just above base flood elevation and finish the site gravel.

The bids ranged from \$75,000 to \$85,000 before we had the Memorandum of Agreement (MOA) with SHPO and OPRD. Council approved the agreement based on Tidewater's bid at our March 22, 2022 meeting, but the MOA and standards for the demolition weren't approved by SHPO and OPRD until recently. The cost increases on materials and those standards increased the price to \$96,625 and mobilizing on short notice due to the availability of the archaeologists performing the cultural monitoring required Tidewater to stop work on other jobs (including ours) and relocate their equipment, so I agreed to a mobilization fee of \$4,500. I talked this over with Joe and we felt it was reasonable given the price increases in the market.

Approval of the consent agenda approves the agreement as attached, including the cost increase, and authorizes staff to make payment upon completion of the work, verification by the city engineer, acceptance by OPRD, and submission of a final invoice from Tidewater.

Item 2) Proclamation 22-02 – Community Renewal Day

Mayor Lundbom read Proclamation 22-02 declaring June 10, 2022 as Community Renewal Day during our city celebration event on Friday. This item is incorporated into the consent agenda for the record.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #5: Clark's Disposal – Temporary Fuel Charge
Attachments:

- Proposed Fuel Surcharge

BACKGROUND

Kahli Clark would like to discuss implementing a temporary fuel charge for customers under their franchise agreement due to the significant increase in fuel prices.

She will attend to discuss their proposal attached with council.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #6: Resolution No. 22-892-13, A Resolution to Adopt Fiscal Year 2022-2023 Budget
Attachments:

- Budget Changes
- Resolution No. 22-892-13
- 2023 Budget Worksheet Adopted

BACKGROUND

This resolution adopts the FY23 budget, as amended during the public hearing held on May 24, 2022.

DISCUSSION

Minor adjustments were made to the budget following publication of the adoption notice. These changes were reviewed with council during the May 24 council meeting and June 2 work session and are attached.

Also attached is the post-adoption budget worksheet with these changes incorporated. This budget worksheet will take effect July 1, 2022.

RECOMMENDED MOTION

“I move to approve Resolution No. 22-892-13, A Resolution to Adopt Fiscal Year 2022-2023 Budget”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #7: Resolution No. 22-893-14, A Resolution to Appropriate Fiscal Year 2022-2023 Budget
Attachments:

- Resolution No. 22-893-14

BACKGROUND

This resolution appropriates the FY23 budget, as adopted.

RECOMMENDED MOTION

“I move to approve Resolution No. 22-893-14, A Resolution to Appropriate Fiscal Year 2022-2023 Budget.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #8: Resolution No. 22-894-15, A Resolution to Impose and Categorize Taxes for Fiscal Year 2022-2023 Budget
Attachments:

- Resolution No. 22-894-15

BACKGROUND

This resolution imposes and categorizes taxes for the FY23 budget.

RECOMMENDATION

“I move to approve Resolution No. 22-894-15, A Resolution to Impose and Categorize Taxes for Fiscal Year 2022-2023 Budget.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #9: Resolution No. 22-895-16, A Resolution of the City of John Day, Grant County, Oregon Approving Participation in the State Revenue Sharing Program
Attachments:
• Resolution No. 22-895-16

BACKGROUND

This resolution approves participation in the SSR program.

RECOMMENDED MOTION

“I move to approve Resolution No. 22-895-16, A Resolution of the City of John Day, Grant County, Oregon Approving Participation in the State Revenue Sharing Program.”

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #10: City Manager Contract Termination Agreement
Attachments:

- Contract Termination Agreement (Grant Summary Addendum)

BACKGROUND

The city attorneys are preparing the agreement terminates the City's contract with the City Manager effective following tonight's meetings.

The agreement dissolves any future financial obligation on the part of the City or City Manager as it relates to future grant administration compensation or obligations, as outlined in the current City Manager employment agreement amendment 01.

DISCUSSION

Addendum No. 01 to the City Manager's contract was made effective July 1, 2017. This addendum modified the City Manager's original contract as follows:

- Approved a base salary of \$84,048 to take effect July 1, 2019
- Provide incentive compensation for grants equal to one percent (1%) of the total amount of funds awarded to the City from each council-approved grant the City Manager procured and administers for the City

The terms of the incentive compensation require payment with the following schedule:

- 25% no later than ten days after the City and granting agency execute the grant agreement (the "First Payment")
- 60% no later than ten days after the City receives its first disbursement of grant funds (the "Second Payment")
- 15% remaining compensation no later than ten days after City has received all grant funds and the grant is closed out in accordance with the grant terms and conditions (the "Third Payment").

Certain grant funds were excluded from the one percent incentive compensation:

- Grants awarded to the city but not administered by the City Manager (i.e. due to grant requirements that they be externally administered)
- Grants awarded to third parties and not administered by the City Manager
- Eligible grants announced and/or awarded but no signed agreement received to date

Based on the above criteria, ten grants were excluded from the incentive compensation and no payments were made to the City Manager for these grants, which total \$16,138,705 in funds awarded and \$7 million in funds applied for that are still pending decisions, for a total of \$23,138,705 in excluded grants (Table 1).

The City Manager termination agreement documents that these awards are excluded and no further financial obligations related to these awards exist between City and City Manager.

Table 1. Excluded Grants

GRANT	AGENCY	PROJECT TITLE	AGREEMENT NO.	GRANT AMOUNT
ODOT STIP	ODOT	395S Sidewalks	31224	\$753,705.00
ODOT Safe Routes to Schools	ODOT	395S Sidewalks	N/A	\$1,836,000.00
CDBG Engineering	Business Oregon	Waste Water Facility Engineering	P18001	\$235,500.00
CDBG Construction	Business Oregon	Waste Water Facility Construction	P18001 Amd 03	\$2,264,500.00
USDA 2019 ReConnect	USDA	Fiber Optic Expansion	N/A	\$6,000,000
USDA Rural Development Grant	USDA	Rural Entrepreneurial Development (Oregon RAIN)	860186495	\$49,000.00
HB 5006 (2021)	DAS	John Day Aquatics Center	Awarded; No signed agreement	\$2,000,000.00
OWRD Construction	OWRD	Innovation Gateway Adaptive Water Reuse	Awarded; No signed agreement	\$3,000,000.00
USDA Community Facilities	USDA	Grant County Library	Pending decision	\$2,000,000.00
USDA Rural Development WEP	USDA	Treatment Plant Construction	Pending decision	TBD (est. \$5,000,000.00)
Total Excluded	5 agencies	10 projects	8 awarded	\$23,138,705

There are six grants in progress totaling \$6,405,622.75 for which the First Payment and/or Second Payment have been made (Table 2). City shall have no further obligations as it relates to these grants.

Table 2. Grants In-progress

GRANT	AGENCY	PROJECT TITLE	AGREEMENT NO.	GRANT AMOUNT
OEM Disaster Recovery	OEM/FEMA	April 2019 Flooding and Street Repairs	4452-DR-OR	\$1,153,157.25
Special Cities Allotment	ODOT	April 2019 Flooding and Street Repairs	33832	\$50,000.00
Water/Wastewater Fund	Business Oregon	Business Oregon Water/Wastewater	Y21006	\$750,000.00
HB 5006 (2021)	DAS	KWC Interpretive Center Site Improvements	107-2021- 5006-19	\$1,000,000.00

HB 5006 (2021)	DAS	Wastewater Treatment Plant	8154	\$1,500,000.00
EDA FY20 CARES Act	EDA	John Day Community Broadband	07-79-07789	\$1,804,475.00
Recreational Trails Program	OPRD	Innovation Gateway Trail System - Phase 2	RT-21-008	\$147,990.50
Total In-Progress	6 agencies	7 projects	7 awarded	\$6,405,622.75

The only remaining grant payment obligations are the Third Payment for the OPRD Large Gov't Grant for the Integrated Park System (Grant Agreement No. LG-19-017 for \$471,927.00 -- This grant deadline was extended to June 30, 2022 to accommodate the ribbon cutting ceremony that took place on June 10th and is now complete with the final report submitted to OPRD) and the Second Payment and Third Payment for the Recreation Trails Program grant and DLCDC Technical Assistance Grant which are closed out this month. These payments total \$2,267.82 and are included in the City Manager's final paycheck.

SUMMARY

Total grant payments made under Addendum No. 1, inclusive of the final payment, total \$84,175.34 as shown in the attached exhibit; equivalent to about one third of one percent of total grants received over the past five years.

Upon approval of the termination agreement the City will have no further obligations as it relates to past, current or future grant awards.

RECOMMENDED MOTION

"I move to approve Mayor Lundbom to sign a contract termination agreement with the city manager as described and authorize Mayor Lundbom to sign the agreement subject to final review and approval by the city attorney."

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #11: Interim (Pro Tem) City Manager Contract Agreement
Attachments:

- Interim (Pro Tem) Contract Agreement

BACKGROUND

This agreement between the City of John Day and James Corum Ketchum is for the six-month Interim City Manager position, beginning June 15, 2022.

DISCUSSION

The agreement has a starting salary of \$85,000. It includes a provision for a 90-day review. It also includes language related to his continuation as the Community Development Director in the event he is not appointed as the City Manager at the conclusion of the six-month pro tem period, in which case his compensation as the Community Development Director will increase to R10 S1, which is \$5,742 per month, equivalent to \$68,904 a year.

RECOMMENDED MOTION

“I move to approve the contract agreement with the Interim City Manager.”

FROM: Corum Ketchum, Interim City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #12: Community Development Project Funding Allocation – FY22-23

Attachments:

- Community Projects Funding Worksheet
- Capital Construction Project Tracker

BACKGROUND

We have numerous projects within the current budget. This spreadsheet identifies the allocation of funds for those projects, focused specifically on the ones related to community development, as discussed with council during the work session held on June 2nd.

DISCUSSION

We have \$24,644,217 budgeted for capital construction projects in FY23.

The Community Projects Funding Worksheet provides a summary of capital outlay by general ledger line item.

The Capital Construction Project Tracker provides an update by project.

RECOMMENDATION

No formal action is needed, but a consensus on the project breakdown as submitted is preferred.

TO: John Day City Council

FROM: Corum Ketchum, Interim City Manager

DATE: June 14, 2022

SUBJECT: Agenda Item #13: 5-Year Summary of Professional Services and Proposed Service Agreements for FY22-23

Attachments:

- 5-Year Summary of Professional Services (FY17-FY22)
- List of Approved Contractors – FY23
- Professional Services Agreement – Sisul Engineering
- Professional Services Agreement – Catalyst Public Policy Advisors, LLC
- Professional Services Agreement – MCD
- Professional Services Agreement – Walker Macy
- Professional Services Agreement – InterFluve
- Professional Services Agreement – CwM H2O
- Professional Services Agreement – Ducote Consulting
- Professional Services Agreement – Commstructure
- Professional Services Agreement – Geobility
- Professional Services Agreement – Straw-to-Gold
- Professional Services Agreement – David Paddock

BACKGROUND

This topic describes the professional services agreements the City has awarded over the past five years and those we are proposing for the coming year.

DISCUSSION

These agreements collectively total about \$1.5 million and make up about 5% of the City's budget for FY23. The projects are entirely funded by grants and/or loans secured and appropriated in the budget.

The City's list of preferred contractors for FY23 has also been updated and is attached for council review and approval. A summary of the agreements and work to be performed for FY23 under individual services agreements is provided below. Detailed statements of work are included in each agreement.

Sisul Engineering. Designates Sisul Engineering as City's Engineer of Record. Awards an annual contract with a not-to-exceed ceiling of \$150,000 for FY23.

Catalyst. Provides financial, planning, and related services, including, without limitation, strategic financial planning, capital asset management, master planning, code implementation, and contract administration for the City's current contracts portfolio. Awards an annual contract with a not-to-exceed ceiling of \$150,000 for FY23, with the option for up to \$50,000 in additional services related to grant writing as directed by Council.

MCD. Provides project management services for various capital construction projects to augment staff capabilities. Awards an annual contract with a not-to-exceed ceiling of \$150,000 for FY23.

Walker Macy. Provides landscape architecture, planning and related services for various capital construction projects. Awards an annual contract with a not-to-exceed ceiling of \$150,000 for FY23.

Inter-Fluve. Provides river restoration and monitoring services for various capital construction projects to augment staff capabilities. Awards an annual contract with a not-to-exceed ceiling of \$50,000 for FY23.

CwM H2O. Provides hydrogeological engineering services for City. Awards an annual contract with a not-to-exceed ceiling of \$150,000 for FY23.

Ducote Consulting. Provides an annual contract for environmental, planning and related services with a not-to-exceed ceiling of \$100,000 for FY23.

Commstructure Engineering. Provides an annual contract for broadband planning, design and related communications services with a not-to-exceed ceiling of \$100,000 for FY23.

Geobility. Provides an annual contract for GIS spatial analysis for city planning projects with a not-to-exceed ceiling of \$150,000 for FY23.

Straw-to-Gold. Provides marketing and brand management services for City, including activations and promotional materials in support of City projects. Awards a contract for \$150,000 for the John Day Innovation Gateway content creation, website development and promotion for sale of lands within the Gateway business park. Awards a second contract for \$155,000 for Activations and Signage + Wayfinding.

David Paddock. Provides a contract for \$100,000 for David Paddock to design a series of sculptures at the Innovation Gateway along the riverfront trail and at Oregon Pine that will recognize the historic contribution of the timber industry and natural resources to John Day's economy. The first sculpture will be sited at or near the connection of the Oregon Pine Bridge, riverfront trail, 7th Street, and driveway entrance to the new Water Reclamation Facility.

RECOMMENDED MOTIONS

Motion 1: "I move to approve the amended FY23 List of Approved Contractors."

Motion 2: "I move to approve the enclosed professional services agreements [as amended, if any]."

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: June 14, 2022
SUBJECT: Agenda Item #14: Other Business and Upcoming Meetings
Attachment(s)

- None

OTHER BUSINESS

- Temporary name continuation for Charolais Heights (Nan Walker residence)

UPCOMING MEETINGS

- June 30 – Planning Commission Hearing – Fire Hall, 6:00 PM
- July 12 – Council Meeting – Fire Hall, 7:00 PM
- July 26 – Council Meeting – Fire Hall, 7:00 PM
- August 9 – Council Meeting – Fire Hall, 6:00 PM
- August 23 – Council Meeting – Fire Hall, 6:00 PM

8:00 PM Urban Renewal Agency Board Meeting (or immediately following Council Meeting, whichever is later)

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2. **APPEARANCE OF INTERESTED CITIZENS** – At this time we will welcome the public and ask if there is anything they would like to add to tonight’s agenda.
3. **APPROVAL OF PRIOR MINUTES**

ACTION ITEMS

4. **RESOLUTION NO. 2022-03, FY23 BUDGET ADOPTION, DECLARATION OF TAX INCREMENTS AND APPROPRIATION**
Attachments:
 - Resolution No. 2022-03

TO: John Day Urban Renewal Agency Board

FROM: Nicholas Green, Executive Director

DATE: June 14, 2022

SUBJECT: Agenda Item #4: Resolution No. 2022-03, FY23 Budget Adoption, Declaration of Tax Increments and Appropriation
Attachments:

- Resolution No 2022-03

BACKGROUND

This resolution adopts the FY23 budget, declares tax increments, and appropriates the budget.

Urban Renewal Agencies are not required to pass separate resolutions for each, therefore, we have three actions combined into one resolution.

RECOMMENDED MOTION

“I move to approve Resolution No. 2022-03, FY23 Budget Adoption, Declaration of Tax Increments and Appropriation.