

**John Day City Council Meeting & URA Board Meeting Agenda
Tuesday, May 24, 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)**

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/333257157>

You can also dial in using your phone.

United States: [+1 \(646\) 749-3122](tel:+16467493122)

Access Code: 333-257-157

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/333257157>

- 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** – None

ACTION ITEMS

- 4. COUNCIL VACANCY APPOINTMENT**
Attachments:
 - Brian Hubbard Application
 - Christopher Stauty Application
 - Katrina Randleas Application
 - Eric Bush Application (ineligible)
- 5. PUBLIC HEARING – CITY OF JOHN DAY FISCAL YEAR 2022-2023 BUDGET**
Attachments:
 - 2023 Budget Notice
 - FY23 Proposed Budget (Committee Approved)
- 6. RESOLUTION NO. 22-890-11, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHN DAY, GRANT COUNTY, OREGON AUTHORIZING A FULL FAITH AND CREDIT BORROWING**
Attachments:
 - Resolution No. 22-890-11
 - 2022 Aquatic Center Interim Financing RFB - Final Draft

- LRB 2023A Grant Agreement - John Day Aquatic Center Draft 20220519
- Intergovernmental Agreement - Aquatics Center - Final Draft (01437711-2xB6300)

7. STATUS OF GLEASON POOL DEMOLITION & THE NEW KAM WAH CHUNG INTERPRETIVE CENTER

Attachments:

- Purchase and Sale Agreement (OPRD-Gleason) v2A
- Gleason Pool Demolition MOA – Final
- SH22-056_APP_John Day Canyon City Pool Facility Letter
- SH22-057_APP_Pool FAQs
- Centennial Toolkit Partner

8. RESOLUTION NO. 22-891-12, A RESOLUTION OF THE CITY OF JOHN DAY APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE JOHN DAY URBAN RENEWAL AGENCY AND AUTHORIZING A LOAN FROM THE INFRASTRUCTURE FINANCE AUTHORITY SPECIAL PUBLIC WORKS FUND

Attachments:

- Resolution No. 22-891-12

9. JOINT DEVELOPMENT AGREEMENT – IRONWOOD ESTATES

Attachments:

- Ironwood Estates Phase 2 Joint Development Agreement

10. JOINT DEVELOPMENT AGREEMENT – THE RIDGE

Attachments:

- The Ridge Phase 1 Joint Development Agreement

11. QUARTERLY PROJECT STATUS UPDATES // STRAW-TO-GOLD

Attachments:

- None

12. MAIN STREET NOW CONFERENCE REPORT & REVITALIZATION GRANT UPDATE

Attachments:

- None

13. OTHER BUSINESS & UPCOMING MEETINGS

Attachments:

- None

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 24, 2022

SUBJECT: Agenda Item #4: Council Vacancy Appointment
Attachment(s)

- Brian Hubbard Application
- Christopher Stauty Application
- Katrina Randleas Application
- Eric Bush Application (ineligible)

BACKGROUND

Four individuals applied to the vacant city councilor position. Three are eligible. Mr. Bush does not meet the residency requirements because he has not resided in John Day for 12 months.

DISCUSSION

[Section 24. Qualifications](#) of the City Charter defines the eligibility requirements for filling a council position:

- (1) An elective city officer²² shall be a qualified elector under the state constitution²³ and shall have resided in the city during the twelve months immediately before being elected or appointed to the office. In this subsection "city" means area inside the city limits at the time of the election or appointment.
- (2) No person may be a candidate at a single election for more than one elective city office.
- (3) An elective officer may be employed in a city position that is substantially volunteer in nature²⁴. Whether the position is so may be decided by the municipal court or in some other manner, whichever the council prescribes.
- (4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.
- (5) The qualifications of appointive officers, except the qualifications of the city manager as provided in [Section 22](#), of the city are whatever the council prescribes or authorizes.

RECOMMENDATION

Appoint one of the three eligible candidates to fill the vacancy on the city council (Position 5) through December 31, 2022.

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: May 24, 2022
SUBJECT: Agenda Item #5: Public Hearing – City of John Day Fiscal Year 2022-2023 Budget
Attachments:

- 2023 Budget Notice
- FY23 Proposed Budget (Committee Approved)

BACKGROUND

The FY23 Budget Notice and proposed budget are attached. The budget requires a public hearing prior to adoption. Adoption of the budget will take place at the June 14 city council meeting.

RECOMMENDED MOTIONS

“I move to open the public hearing for the City of John Day FY23 Budget.”

[Public Comment]

“I move to close the public hearing for the City of John Day FY23 Budget.”

SUMMARY

Council may deliberate following the public comment period and make any recommended changes to the budget prior to adoption at the next council meeting.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 24, 2022

SUBJECT: Agenda Item #6: Resolution No. 22-890-11, A Resolution of the City Council of the City of John Day, Grant County, Oregon Authorizing a Full Faith and Credit Borrowing Attachments:

- Resolution No. 22-890-11
- 2022 Aquatic Center Interim Financing RFB - Final Draft
- LRB 2023A Grant Agreement - John Day Aquatic Center Draft 20220519
- Intergovernmental Agreement - Aquatics Center - Final Draft (01437711-2xB6300)

BACKGROUND

Resolution 22-890-11 authorizes City and City staff to enter into one or more financing agreements pursuant to ORS 271.390 in a combined principal amount sufficient to provide up to \$3,000,000 for the construction of the new pool facility.

DISCUSSION

City council previously selected D.A. Davidson to issue the credit facility through a request for bids (RFB). The draft RFB is attached and will be updated based on the election results.

Council previously approved [Resolution No. 22-881-02](#), which was adopted February 22, 2022. That resolution accepted the Department of Administrative Services grant agreement in the amount of \$2 million (current version attached). It also approved an IGA between the City and Parks & Recreation District (current version attached) and authorized both agencies to apply for additional funds through OPRD to build the warm water/therapy pool, which we have done. Our project will be reviewed by OPRD between July 11 and July 14 and a decision made shortly thereafter.

I have spoken with DAS grant officers and they have confirmed the grant funds are still available to the City regardless of the outcome of the ballot measure.

Approving this resolution will allow us to recover our costs for design of the facility through the interim financing until the 2023 grant funding is awarded. We can also proceed with construction of a pool facility and/or warm water therapy pool depending on the outcome of the OPRD Large Government Grant application.

ELECTION RESULTS AND NEXT STEPS

The final election results likely will not be known officially until June 7th due to signatures that still need to be verified.

If funds are approved, our structural engineer will need 10 working days following the soils information (Geotech analysis) to complete their foundation designs and calculations. Geotech is currently scheduled for June 9 and June 10. If we can get the Geotech info to the architects on Monday, June 13 then they will target June 27 for a document completion date.

Notional schedule would look like this:

- Monday, June 27 – Bid documents to Opsi from Design Team
- Wednesday, June 29 – Document distributed to bid centers and submitted for permit review
- Wednesday, July 21 – Bids Due from General Contractors (3-week bid period)
- Tuesday, July 26 – Council issues Notice to Award to most competitive bidder
- Tuesday, August 9 – Contracts signed and Notice to Proceed

RECOMMENDED MOTION

Approve Resolution 22-890-11. This will allow staff to proceed with the competitive bid process on the interim financing. Funds still do not have to be accepted, but they will be available in the event the final election is in favor of the measure.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 24, 2022

SUBJECT: Agenda Item #7: Status of Gleason Pool Demolition & The New Kam Wah Chung Interpretive Center

Attachments:

- Purchase and Sale Agreement (OPRD-Gleason) v2A
- Gleason Pool Demolition MOA – Final
- SH22-056_APP_John Day Canyon City Pool Facility Letter
- SH22-057_APP_Pool FAQs
- Centennial Toolkit Partner

BACKGROUND

This topic provides a status update on the Gleason Pool demolition and the new Kam Wah Chung interpretive center.

DISCUSSION

The archaeological permit for the demolition of Gleason Pool was approved last month. SHPO has reviewed and approved the inadvertent discovery plan (IDP) and MOA between the City, Oregon State Parks, and the State Historic Preservation Office. The full executed agreement is enclosed.

The purchase and sale of Gleason Park was approved by the

DOJ completed their review of the Purchase and Sale Agreement last week and have requested we include an MOU related to the removal of the Land and Water Conservation Fund (LWCF) area around the pool, which was applied in 1966 when various park improvements were installed adjacent to the swimming pool using LWCF funds. We are currently coordinating the conversion process with OPRD and the National Park Service (NPS).

The purchase and sale agreement between the City and OPRD is not contingent on the NPS decision whether or not to remove the LWCF designation from the property. NPS has a conversion process, which the City started in 2018 in order to transfer the LWCF designation to the new Hill Family Park, but NPS ultimately determines whether the conversion moves forward.

LWCF Financial Assistance Manual, Vol. 71, Chapter 8, Subchapter M relates to Obsolete Facilities. Recipients are not required to continue operation of a particular recreation area or assisted facility beyond its useful life (36 C.F.R. § 59.3(d)). However, 54 U.S.C. § 200305(f)(3) of the LWCF Act and 36 C.F.R. § 59.1 of the regulations require project sponsors to continue to maintain the entire area within the LWCF boundary area in some form of public outdoor recreation use. The LWCF Act obligations cannot be discharged by declaring a facility obsolete.

NPS concurred that reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating around Gleason Pool and that it is well past its useful life. Both NPS, SHPO and OPRD have agreed and/or acknowledged that we have scheduled Gleason Pool for demolition as soon as the MOA between the City, OPRD and SHPO is finalized (likely later this week).

There were persistent rumors and false statements made on social media sites and by the opposition campaign that voting against the ballot measure would result in Gleason Pool being refurbished (“Redo Not Brand New”). These messages conflated the proposed 2019 purchase and sale agreement (pre-COVID) that would have had a clawback provision to operate Gleason until a new pool was built with the 2021-22 agreement that has no such provision because Gleason has been closed for two seasons.

There was never a 2019 purchase and sale agreement brought to the city council because OPRD didn’t make an offer based on the 2018 appraised value of the property (it was too low). We started the LWCF conversion process in 2018 with the intent to sell, but never brought an agreement for council to consider because of the low valuation.

I’m sharing this because it’s important for the public to know the sale of Gleason was never contingent on a ballot measure passing to build a new pool. It was and is based on the city council’s desire to promote the Kam Wah Chung interpretive center as a historic destination and an area attraction that is expected to bring significant state and private investment to our community.

The sale of Gleason Pool and its demolition was approved by [Resolution 21-868-16](#) of the city council on November 9, 2021 and by the Oregon Parks Commission at their November 16-17, 2021 meeting (see official [minutes](#)).

Council subsequently authorized me to contract with Tidewater Contractors, Inc. to perform the demolition, which is a pre-closing obligation of the City in the purchase and sale agreement (see Agreement Section 4.2 Buyer’s Conditions to Closing, (e) Seller’s Work and Exhibit D. Demolition MOA).

OPRD required the demolition because the [2021 Appraisal](#) was based on the “as-is” condition of the pool and resulted in a fee simple value conclusion of \$97,000. OPRD’s purchase price of \$222,000 reflects a fully buildable and restored property, as described in the purchase and sale agreement, not one encumbered by a 65-year old pool.

A Letter and Frequently Asked Questions responses pre-approved by the Oregon Secretary of State were mailed to every voter in the District with a summary of this information (attached). An excerpt of the FAQ as it relates to the result of a No vote is shown below.

***Q: What happens if the proposed bond measure does not pass?** If the proposed bond measure does not pass, the \$0.70 cents per \$1,000 would not be assessed, and the proposed new pool facility would not be built. The sale of Gleason Park will move forward as planned to make way for the new Kam Wah Chung interpretive center.*

The demolition of Gleason Pool began May 23rd. Chelsea Rose and Katie Noggle, archaeologists from Southern Oregon University, are onsite to monitor for cultural resources throughout the demolition. A signed copy of the Final Demolition MOA (approved through [Resolution 22-887-08](#) on May 10, 2022) is attached for council’s records.

SUMMARY

The results of the election shown a community that is equally divided over the issue of whether or not to raise taxes to finance the construction of a new aquatics center. That issue aside, our hope is that the construction of the new Kam Wah Chung interpretive center will bring the economic benefits to all Grant County residents of having an expanded national historic landmark within our community.


OPRD staff have provided a Centennial Toolkit (attached) featuring Kam Wah Chung as an important part of the State Parks 100 year anniversary. The Centennial Toolkit includes photographs of John Day's historic Chinatown and settlement that honor our residents – both the people and the places that helped make John Day so unique (photos available at this link: <https://platform.crowdriff.com/m/s-ZzzNQyUuKjIFKdQ3>).



KAM WAH CHUNG STATE HERITAGE SITE | JOHN DAY, OREGON

PHOTOGRAPHY

Centennial photos are available for download in our Media Hub. Along with each photo, you will find the park name and a short description.

 [Browse Photos](#)

Selection: Choose images that reflect the message well, and visually support the text that goes with it.

Photo credit: Please provide photo credit to Oregon Parks and Recreation Department

MEDIA CONTACT

Chris Havel
(d) 503-986-0722
(c) 503-931-2590
chris.havel@oregon.gov

PHOTO CONTACT

Traci Nguyen
(c) 503-510-9315
traci.nguyen@oregon.gov

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 24, 2022

SUBJECT: Agenda Item #8: Resolution No. 22-891-12, A Resolution of the City of John Day Approving an Intergovernmental Agreement with the John Day Urban Renewal Agency and Authorizing a Loan from the Infrastructure Finance Authority Special Public Works Fund

Attachments:

- Resolution No. 22-891-12

BACKGROUND

Resolution No. 22-891-12 is required to document the financial responsibility of the URA toward the City of John Day as the full faith and credit borrower of the Special Public Works Fund (SPWF) loan from the Infrastructure Finance Authority (IFA).

IFA's SWPF loan will finance the land development incentives for The Ridge, Ironwood Estates Phase 2, and completion of Holmstrom Heights and the extension of Charolais Heights to 7th Street.

RECOMMENDATION

Approve Resolution 22-891-12.

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: May 24, 2022
SUBJECT: Agenda Item #10: Joint Development Agreement – Ironwood Estates
Attachments:

- Ironwood Estates Phase 2 Joint Development Agreement

BACKGROUND

The draft joint development agreement between the City of John Day, John Day Urban Renewal Agency, and owners of Ironwood Estates is attached for council review and approval.

DISCUSSION

The agreement describes the property to be improved, the manner in which the improvements are to be performed, and that disbursements will occur on a reimbursement basis for all post-agreement costs incurred.

RECOMMENDATION

Review and approve the agreement, subject to final review and approval by the City Attorney.

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: May 24, 2022
SUBJECT: Agenda Item #11: Joint Development Agreement – The Ridge
Attachments:

- The Ridge Phase 1 Joint Development Agreement

BACKGROUND

The draft joint development agreement between the City of John Day, John Day Urban Renewal Agency, and owners of The Ridge is attached for council review and approval.

DISCUSSION

The agreement describes the property to be improved, the manner in which the improvements are to be performed, and that disbursements will occur on a reimbursement basis for all post-agreement costs incurred.

RECOMMENDATION

Review and approve the agreement, subject to final review and approval by the City Attorney.

TO: John Day City Council

FROM: Corum Ketchum, Community Development Director

DATE: May 24, 2022

SUBJECT: Agenda Item #12: Quarterly Project Status Updates // Straw-to-Gold
Attachments:

- None

BACKGROUND

Staff will review the status of ongoing projects during this agenda item and Straw-to-Gold will present their ongoing work.

TO: John Day City Council

FROM: Corum Ketchum, Community Development Director

DATE: May 24, 2022

SUBJECT: Agenda Item #13: Main Street Now Conference Report & Revitalization Grant Update
Attachments:

- None

BACKGROUND

Staff will provide an update on the Main Street Now conference they attended in Richmond, Virginia.

We also received notice last Friday that the Main Street Revitalization grant application was not accepted. We'll discuss next steps in that process and budget impacts during this agenda item.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: May 24, 2022

SUBJECT: Agenda Item #14: Other Business and Upcoming Meetings
Attachment(s)
• None

OTHER BUSINESS

- None.

UPCOMING MEETINGS

- June 14, City Council Meeting – Fire Hall, 7:00 PM – Budget Adoption

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

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/333257157>

You can also dial in using your phone.

United States: [+1 \(646\) 749-3122](tel:+16467493122)

Access Code: 333-257-157

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/333257157>

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** – None

ACTION ITEMS

4. **PUBLIC HEARING – URA FISCAL YEAR 2022-2023 BUDGET**
Attachments:
 - 2023 Budget Notice
 - FY23 Proposed Budget (Committee Approved)
5. **RESOLUTION NO. 2022-02, A RESOLUTION OF THE JOHN DAY URBAN RENEWAL AGENCY APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF JOHN DAY**
Attachments:
 - Resolution No. 2022-02
6. **JOINT DEVELOPMENT AGREEMENT – IRONWOOD ESTATES**
Attachments:
 - Ironwood Estates Phase 2 Joint Development Agreement
7. **JOINT DEVELOPMENT AGREEMENT – THE RIDGE**
Attachments:
 - The Ridge Phase 1 Joint Development Agreement

TO: John Day Urban Renewal Agency Board

FROM: Nicholas Green, Executive Director

DATE: May 24, 2022

SUBJECT: Agenda Item #4: Public Hearing – URA Fiscal Year 2022-2023 Budget
Attachments:

- 2023 Budget Notice
- FY23 Proposed Budget (Committee Approved)

BACKGROUND

The FY23 Budget Notice and proposed budget for the URA are attached. The budget requires a public hearing prior to adoption. Adoption of the budget will take place at the June 14 URA board meeting.

RECOMMENDED MOTIONS

“I move to open the public hearing for the John Day Urban Renewal Agency FY23 Budget.”

[Public Comment]

“I move to close the public hearing for the John Day Urban Renewal Agency FY23 Budget.”

SUMMARY

The board may deliberate following the public comment period and make any recommended changes to the budget prior to adoption at the next board meeting.

TO: John Day Urban Renewal Agency Board

FROM: Nicholas Green, Executive Director

DATE: May 24, 2022

SUBJECT: Agenda Item #5: Resolution No. 2022-02, A Resolution of the John Day Urban Renewal Agency Approving an Intergovernmental Agreement with the City of John Day

Attachments:

- Resolution No. 2022-02

BACKGROUND

Resolution No. 2022-02 is required to document the financial responsibility of the URA toward the City of John Day as the full faith and credit borrower of the Special Public Works Fund (SPWF) loan from the Infrastructure Finance Authority (IFA).

RECOMMENDATION

Approve Resolution 2022-02.

TO: John Day Urban Renewal Agency Board

FROM: Nicholas Green, Executive Director

DATE: May 24, 2022

SUBJECT: Agenda Item #6: Joint Development Agreement – Ironwood Estates
Attachments:

- Ironwood Estates Phase 2 Joint Development Agreement

BACKGROUND

The draft joint development agreement between the City of John Day, John Day Urban Renewal Agency, and owners of Ironwood Estates is attached for council review and approval.

DISCUSSION

The agreement describes the property to be improved, the manner in which the improvements are to be performed, and that disbursements will occur on a reimbursement basis for all post-agreement costs incurred.

RECOMMENDATION

Review and approve the agreement, subject to final review and approval by the City Attorney.

TO: John Day Urban Renewal Agency Board

FROM: Nicholas Green, Executive Director

DATE: May 24, 2022

SUBJECT: Agenda Item #7: Joint Development Agreement – The Ridge
Attachments:

- The Ridge Phase 1 Joint Development Agreement

BACKGROUND

The draft joint development agreement between the City of John Day, John Day Urban Renewal Agency, and owners of The Ridge is attached for council review and approval.

DISCUSSION

The agreement describes the property to be improved, the manner in which the improvements are to be performed, and that disbursements will occur on a reimbursement basis for all post-agreement costs incurred.

RECOMMENDATION

Review and approve the agreement, subject to final review and approval by the City Attorney.