

**John Day City Council Meeting
Tuesday, July 12, 2022
316 S. Canyon Boulevard**

7:00 PM Council Meeting

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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** – June 14th, 2022

CONSENT AGENDA

4. **CONSENT AGENDA ITEMS**

Attachments:

- 1) SW 4th Ave. Road Reconstruction Project Notice of Intent to Award
 - a. SW 4th Ave Road Reconstruction Bid Tab
 - b. SW 4th Ave Notice to Award Letter
- 2) Amended Professional Service Agreements
 - a. Walker Macy, LLC (architectural services)
 - b. CWM H2O, LLC (water monitoring and related services)
 - c. Catalyst Policy Advisors, LLC (planning and capital projects management)
- 3) City of John Day Auditing Services Engagement Letter FY21-22

ACTION ITEMS

5. **PSILOCYBIN OPT-OUT ORDINANCE DISCUSSION**

Attachment:

- 5a - Psilocybin Legislation and Opt-Out Ordinance Information
- 5b - OHA Psilocybin Listening Session FAQ Sheet 2021

6. **JOINT DEVELOPMENT AGREEMENT WITH CONSENT TO ANNEXATION AND UTILITY/ACCESS EASEMENTS FOR A CERTAIN PROPERTY LOCATED IN GRANT COUNTY, OREGON**

Attachment:

- 6 – Parsons Property Annexation & Utility System Extension Terms Sheet – Draft

7. SMALL CITIES ALLOTMENT GRANT PROGRAM APPLICATION

7 - 2022 SCA Application for Government Way

8. FACADES PROGRAM

9. JUNETEENTH HOLIDAY

10. CYCLING FESTIVAL IMPROVEMENTS

Attachments:

10a – Bicycle Parking Examples 1 and 2

10b and 10c – Hanging Wind Sculpture Examples

11. OTHER BUSINESS & UPCOMING MEETINGS

Other Business:

- City Fountain Updates
- City Parks Updates
- Water Bill Forgiveness Program Updates
- City Financial Transparency Updates
 - Audit Scheduled for 1st Week of October 2022
- City Manager Work Updates
- Election Year Updates – Three (3) City Council Vacancies and the Mayor
 - Election paperwork is due to the City by August 19th, 2022. Related forms must be filed with the County elections office by August 31st.

Learn more: <https://www.cityofjohnday.com/bc-citycouncil/page/2022-election-3-city-council-positions-and-position-mayor>

TO: John Day City Council

FROM: Corum Ketchum, Interim City Manager

DATE: July 12th, 2022

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

1. 4th Street Repairs Project Notice
 - a. SW 4th Ave Road Reconstruction Bid Tab
 - b. SW 4th Ave Notice to Award Letter
2. Professional Service Agreements
 - a. Walker Macy, LLC (architectural services)
 - b. CWM H2O, LLC (water monitoring and related services)
 - c. Catalyst Policy Advisors, LLC (planning and capital projects management)
3. City of John Day Auditing Services Engagement Letter FY21-22

BACKGROUND

The consent agenda includes three lightly modified professional service agreements from the June 14th, 2022, City Council meeting, the results of the SW 4th St. repair RFQ and an engagement letter for auditing services for the fiscal year concluded on June 30th, 2022. The repair RFQ were solicited as Requests for Quotes (RFQ) by the City Engineer (see bid tab sheet, enclosed).

Item 1) 4th Street Repairs Project Notice of Intent to Award

4th St was heavily damaged due to erosion several years ago. The City has received FEMA grant funding to repair the vital road leading up to the Grant County Regional Airport. Approximately one month ago, in accordance with ORS 279C.412 and ORS 279C.414, the City submitted an RFQ for the above that was posted in the local paper and shared widely by the City Engineer. The City received two (2) bids on the project.

The two bids were unsealed during the July 7th, 1 PM opening, with both firms represented. Per procurement rules, the City must award the contractor **to the lowest bidder in bold:**

Tidewater Contractors, LLC: \$917,575.00

Hueckman Contracting, LLC: \$1,099,482.06

The above represents the sum of services to preformed under Schedule A on the attached. This work includes, among other related activities:

- Repairs the damaged road above Canyon Creek
- Provides for safety rails on the road
- Hardens the hillside to prevent similar damage in the future
- Restores vegetation down the hillside to protect against erosion and restores habitat

This work is expected to be completed before October, 2022.

This meeting and the attached notice serves as public notice of intent to award for this project:

Adversely affected or aggrieved Bidders may submit to City of John Day a written protest of the Owners Intent to Award within seven days following the issuance of the Notice of Intent to Award. In accordance with ORS 279A.065. The protest shall specify the grounds, legal and factual, upon which it is based, resulting harm to the affected bidder, and relief requested. The Owner is not obligated to consider late protest.

Please contact City Manager Corum Ketchum 541-575-0028 or Joe Hitz with Sisul Engineering 541-575-3777 if you require additional information.

Approving the consent agenda allows the City Manager to award the contract to the lowest bidder upon the completion of the seven-day protest period.

**Item 2a) Walker Macy LLC (architectural services),
Item 2b) CWM H2O, LLC (water monitoring and related services)
Item 2c) Catalyst Policy Advisors, LLC (planning and capital projects management)**

The first two listed contracts feature minor amendments including language, liability, and representation. To maintain a continuity of operations, the PSA for Catalyst Policy Advisors, LLC was amended to include the provision of city working equipment, to be returned upon termination of the contract. The contracts have been reviewed by staff and/or the City Attorney.

Amended contracts are attached for review and can be compared to the contracts presented during the June 14th, 2022, City Council meeting.

Approving the consent agenda enables the City Manager and/or the Mayor (where applicable) to sign the amended service agreements subject to legal review and modifications made by the City Attorney.

Item 3: City of John Day Auditing Services Engagement Letter FY21-22

Gaslin Accounting, PC (Baker City, OR) has been conducting auditing services (AKA an “audit engagement”) on behalf of the City of John Day since FY19/20. Auditing is expected to begin July 19th, 2022 and run through October. The results of the City of John Day audit is expected to be issued between October 31st and November 15th. The firm will provide a written report “significant findings” from the audit, as listed on pg. 5 of the agreement.

The estimated fee for the service is \$19,500.

Approving the consent agenda approves the Mayor to authorize the above audit engagement for FY 21/22.

Recommendation: Approve the consent agenda, as submitted.

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: July 12th, 2022
SUBJECT: Agenda Item #5: Psilocybin Opt-Out Ordinance Discussion

Attachment:

5a - Psilocybin Legislation and Opt-Out Ordinance Information

5b – OHA Psilocybin Listening Session FAQ Sheet 2021

BACKGROUND

As you may be aware, Ballot Measure 109 (“M109” or “the Act”) passed in November 2020 directing the Oregon Health Authority (“OHA”) to license and regulate the manufacture, delivery, and administration of psilocybin products. Per the attached FAQ sheet, M109 does not permit the recreational sale or home production for personal consumption of psilocybin products. The attached letter from the City Attorney’s office states that the Act only permits the consumption of psilocybin products in clinical settings, under professional supervision.

The Act presumes all cities and counties are “opted in” to permitting psilocybin services. Cities and counties that desire to prohibit the establishment of psilocybin-related businesses may do so by referral as early as the November 8, 2022, election. If a city or county chooses not to refer the “opt-out” option to voters this November, it will not have another opportunity to do so until the next statewide general election in 2024. If the voters elect to prohibit psilocybin services this November, the governing body must provide the text of the prohibiting ordinance to OHA. Upon receipt of the ordinance, OHA will discontinue licensing those premises to which the prohibition applies.

DISCUSSION

Council is being asked to consider referring psilocybin prohibition to the voters this November. Per the attachment, there is a tight timeline on preparing a ballot measure for this coming election.

- Doing nothing would keep the status quo and permit OHA to license and regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products within John Day. Again, M109 does not permit personal use or production of psilocybin products.
- Passing the below motion would direct staff to work with legal counsel to craft a ballot title to refer to voters on this issue. Staff would then present the text of the ballot title for adoption by resolution prior to the August 19th deadline.

RECOMMENDATION

No action, or;

“I make a motion to approve the City Manager to work with the City Attorney to draft a ballot title opting out of Ballot Measure 109 and referring psilocybin services to the voters”

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: July 12th, 2022
SUBJECT: Agenda Item #6: Joint Development Agreement with Consent to Annexation and Utility/Access Easements for a Certain Property Located In Grant County, Oregon
Attachment:
6 – Parsons Property Annexation & Utility System Extension Terms Sheet – Draft

BACKGROUND

The City of John Day (“City”) and Tye and Stephanie Parsons (“Parsons”), collectively the “Parties,” wish to work collaboratively to extend city utilities to the Parsons Property (“Property”), the Iron Ridge subdivision (“Subdivision”), and the John Day Golf Course (“Golf Course”), collectively the “Improvements.”

Nature of the Proposal: Joint Development Agreement with Consent to Annexation and Utility/Access Easements

Property: 60360 HWY 26, John Day, Oregon, 97845
Map Number: 13S31E21C Tax Lot 3400 (11.17 acres); and
Map Number: 13S31E28 Tax Lot 1400 (14.09 acres)

Compensation: City shall acquire approximately 1,800 linear feet of utility corridor for the Improvements with at least 10 feet of separation between the Sewer line and Reclaimed Water line. In exchange, City shall provide Parsons with: \$50,000 for the Utility & Access Easement; a no-cost tap and saddle (approximately \$1,800 value); and pay the System Development Charge (SDC) cost of \$4,000 for the Sewer connection to the Property.

Closing Conditions: Joint Development Agreement, Easements, and Compensation must be reviewed and approved by City Council.

DISCUSSION

Council is being asked to approve the above agreement with the Parsons to extend utilities through the Property, along to the Golf Course and Subdivision. Doing so will allow the City to provide utilities, including reclaimed water, to all the properties described above at significant cost savings compared to the alternative, which is cutting and trenching the Improvements along existing right of way.

As per the proposed agreement, this transaction must be presented to and approved by Council prior to execution. The below motion would authorize the City Manager to draft and sign an agreement within the terms described in the attachment.

RECOMMENDATION

“I make a motion to approve the City Manager to draft and sign a Joint Development Agreement, related Easements, and Compensation in relation to the real property located in Grant County, Oregon, subject to legal review, amendments and approval by the City Attorney with the described terms.”

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: July 12th, 2022
SUBJECT: Agenda Item #7: Small Cities Allotment Grant Program Application

Attachment:

7 – 2022 SCA Application for Government Way

BACKGROUND

This item notifies Council of the City’s submission for the 2022 Oregon Department of Transportation [ODOT] Small Cities Allotment [SCA] program. The City intends to improve Government Way Road between Patterson Bridge Road and Valley View Drive. The application, if awarded, funds the paving of the road and undergrounding utilities, allowing for connections and access for residents along Valley View Dr. and for future businesses at the Innovation Gateway.

Program Information:

The Small City Allotment program is an annual allocation of state funds for local transportation projects. Through an agreement between the League of Oregon Cities and ODOT, ODOT sets aside \$5M each year (half from city gas tax revenue and half from the State Highway Fund) for incorporated cities with populations of 5,000 or less. Statute (ORS 366.805) dictates that these funds may be used only upon streets that are inadequate for the capacity they serve or are in a condition detrimental to safety. Funds are distributed per a competitive process with cities competing against other cities within the same region. Each project is evaluated, scored, and ranked and those that best meet the program criteria will be awarded to the degree funding allows. Funding is limited to \$250,000 per project.

DISCUSSION

This application finished the intent set upon during the April 27th, 2021, City Council meeting:

Since Government Way Road is expected to have low traffic volumes, slow vehicular speeds and given the rural nature of the surrounding uses, this plan was amended through the Innovation Gateway Area Plan to two (2) 11-foot travel lanes and five (5)-foot shoulders, with a shared path on one side leading to the City’s trail system. The trail has been completed and will be tied into the road once this regrading project has been completed. At the conclusion of this project, we will be able to submit for ODOT SCA funds to pave the road and (hopefully) will be able to use EDA funds for the fiber optic installation and conduit for underground electrical at the same time.

- April 27th, 2021, Agenda

RECOMMENDATION

No action requested

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: July 12th, 2022
SUBJECT: Agenda Item #8: Facades Program

BACKGROUND

Council has appropriated \$300,000 from the Community Development Fund and dollars granted to the City on behalf of Kam Wah Chung developments. Twelve (12) Main Street businesses were selected for funding during FY22/23, totaling approximately \$290,000

On the advice of legal counsel, City Manager Ketchum is working to design and implement a program to do this or similar projects in the future. Legal counsel will have recommended forms and any required resolutions by next meeting.

DISCUSSION

None.

RECOMMENDATION

None needed.

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: July 12th, 2022
SUBJECT: Agenda Item #9: Juneteenth Holiday

BACKGROUND

The State of Oregon passed HB 2168, effective September 25th, 2022, adding Juneteenth day to its list of state-recognized holidays. More information on the holiday is provided below. The City of John Day is required to follow State of Oregon holidays.

The Juneteenth holiday commemorates the observed end of slavery in the United States. This day marks June 19th, 1865, when the enslaved peoples of Texas were made aware of the results of the Civil War, about two months after after Confederate General Robert E. Lee surrendered in Appomattox, VA. This made real the Emancipation Proclamation, signed into law On January 1st, 1863 by President Lincoln. 2022 marks the 157th anniversary of Juneteenth.

Senator Jeff Merkley made the following remarks on the holiday:

“Recently recognized as a federal holiday in 2021, Juneteenth commemorates the end of slavery in the United States, providing an important opportunity to further honor Black American history and liberation, and to amplify the stifled voices of our past. Although America was founded on the beautiful principles of equality, justice, and opportunity for all, these principles have never been compatible with the horrific realities of slavery...”

- *Juneteenth Text Courtesy of OR Sen. Jeff Merkley*

DISCUSSION

Council is being asked to consider adding Juneteenth, celebrated June 19th, to the City of John Day Employee Handbook to the list of employer holidays. City Manager Ketchum was made aware that the holiday is not listed in the City’s handbook, as such, normal operations continued without the observance of the day.

Adding this holiday to the employee handbook harmonizes the City’s policies with Grant County’s (and other government employers’) observance of the day, and fulfills the City’s obligation to follow the State’s calendar of holidays.

RECOMMENDATION

“I make a motion to include Juneteenth, as observed by the State of Oregon, to the list of approved employee holidays”

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: July 12th, 2022
SUBJECT: Agenda Item #10: Cycling Festival Improvements
Attachments:
10a – Bike Corral Examples 1 and 2
10b and 10c – Hanging Wind Sculpture Examples

BACKGROUND

Eastern Oregon is becoming a premier destination for cycling, mountain biking, and cyclocross touring (rough road cycling). Currently there are limited options for cyclists to lock their bikes in John Day, causing congestion in the pedestrian right of way. Cycling racks capable of holding multiple bikes can be acquired for less than \$5,000, within the discretionary spending of the City Manager.

Additionally, with the ~1,400 riders coming to John Day as part of the Cycle Oregon Century Classic, it is a good time to decorate the main corridors of John Day with hanging art, wind sails, pinwheels, or similar. The water system irrigating the baskets isn't working, leading the City not to purchase the bulk of baskets this year, leaving ornamental streetlights bare. Again, these decorations can be purchased within a \$5,000 budget.

Ketchum is working with designers from Straw to Gold to explore City-branded or themed decorations. Generic decorations can be acquired for an estimated cost of between \$15 and \$40 each and would be hung from each of the City's approx. 30 decorative streetlights.

DISCUSSION

Council is being asked to consider dedicating one downtown (Main Street) parking space towards bicycle parking. Staff recommend siting potential bike parking in a space that does not front an active entryway. Options can be decorative as well as functional, as shown in the included attachment.

The City Manager recommends decorating John Day further, with the addition of hanging, and where applicable, standing, wind sculptures, sails, kites or similar, to be hung off of the City's ornamental light posts or otherwise sited appropriately on City property.

RECOMMENDATION

"I make a motion to dedicate one downtown automotive parking space for bicycle parking and direct the City Manager to acquire related bicycle parking infrastructure", and;

"I make a motion to approve the City Manager to acquire and display decorations compatible with the City's ornamental light posts, in preparation for the Cycle Oregon event, and to acquire and display other decorations as needed"

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: July 12th, 2022
SUBJECT: Agenda Item #11: Other Business and Upcoming Meetings

OTHER BUSINESS

- a) City Fountain Updates
- b) City Parks Updates
- c) Water Bill Forgiveness Program Updates
- d) City Financial Transparency Updates
 - a. Audit Scheduled for 1st Week of October, 2022
- e) City Manager Work Updates
- f) Election Year Updates – Three (3) City Council Vacancies and the Mayor
 - a. Election paperwork is due to the City by August 19th, 2022. Related forms must be filed with the County elections office by August 31st.

Learn more: <https://www.cityofjohnday.com/bc-citycouncil/page/2022-election-3-city-council-positions-and-position-mayor>

UPCOMING MEETINGS

- July 26th, 2022, 7:00 PM City Council Meeting
- August 9th, 2022, 7:00 PM City Council Meeting
- August 23rd, 2022, 7:00 PM City Council Meeting

This ends the City Council agenda.

The URA agenda follows for convenience.

**John Day Urban Renewal Agency Board Meeting
Tuesday, July 12
316 S. Canyon Boulevard**

8:00 PM (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** – None

ACTION ITEMS

4. **RESOLUTION NO. 2022-04, FY21/22 AUDITING SERVICES AGREEMENT**
Attachments:
URA-1 Auditing Services Agreement FY21.22 - Gaslin Accounting

TO: John Day City Council
FROM: Corum Ketchum, Interim City Manager
DATE: June 12th, 2022
SUBJECT: Agenda Item #4: Resolution No. 2022-04, FY21/22 Auditing Service Agreement

Attachment(s)
URA-1 Auditing Services Agreement FY21.22 - Gaslin Accounting

BACKGROUND

Gaslin Accounting, PC (Baker City, OR) has been conducting auditing services (AKA an “audit engagement”) on behalf of the City of John Day since FY19/20. Auditing is expected to begin July 19th, 2022 and run through September. The results of the URA audit is expected to be issued between October 31st and November 15th. The firm will provide a written report “significant findings” from the audit, as listed on pg. 5 of the agreement.

The estimated fee for the service is \$8,500.

Making the below motion authorizes the URA Board Chair to engage in the above audit engagement for FY 21/22.

Recommended Motion

“I move to approve Resolution No. 2022-04, FY21/22 Auditing Service Agreement”