

**AGENDA  
DAYTON CITY COUNCIL  
REGULAR SESSION**



**DATE:** MONDAY, DECEMBER 05, 2022  
**TIME:** 6:30 PM  
**PLACE:** DAYTON CITY HALL ANNEX – 408 FERRY STREET, DAYTON, OREGON  
**VIRTUAL:** ZOOM MEETING – ORS 192.670/HB 2560

You may join the Council Meeting online via Zoom Meeting at: <https://us06web.zoom.us/j/85994593483>  
or you can call in and listen via Zoom: 1 346 248-7799 or 1 720 707-2699

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
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**A. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**C. APPEARANCE OF INTERESTED CITIZENS**

The public is strongly encouraged to relay concerns and comments to the Council in one of the following ways:

- Email - at any time up to 5 pm the day of the meeting to [pringnalda@ci.dayton.or.us](mailto:pringnalda@ci.dayton.or.us). The mayor will read the comments emailed to the City Recorder.
- Appear in person – If you would like to speak during public comment, please sign-up on the sign-in sheet located on the table when you enter the Council Chambers.
- Appear by Telephone only – please sign up prior to the meeting by emailing the City Recorder at [pringnalda@ci.dayton.or.us](mailto:pringnalda@ci.dayton.or.us) the chat function is not available when calling by phone into Zoom
- Appear virtually via Zoom, once in the meeting send a chat directly to the City Recorder, Patty Ringnalda, use the raise hand feature in Zoom to request to speak during public comment, you must give the City Recorder your First and Last Name, Address and Contact Information (email or phone number) before you are allowed to speak.

When it is your turn the Mayor will announce your name and unmute your mic.

**D. CONSENT AGENDA**

- |   |     |
|---|-----|
| 1. Regular Session Meeting Minutes – November 7, 2022 | 1-5 |
|---|-----|

**E. PUBLIC HEARING**

*The City Council will hold a public hearing in accordance with Oregon Ballot Measure 109, to add the following to the City of Dayton Land Use and Development Code: SR, Dayton CC, LA 22-01, Psilocybin TPM*

- *Psilocybin Service Centers and Manufacturers as conditional uses in the Commercial and Residential Zones.*
- *Time/Manner/Place restrictions on Psilocybin-related uses.*

**F. ACTION ITEMS**

1. Staff Report LA2022-1-Psilocybin – Kiel Jenkins 7-33
2. First Reading and Emergency Adoption of Ordinance 655 – Psilocybin 35-45
3. Certification of Election Results 47-48
4. Park Improvement Projects Survey Results 49-60
5. Award Construction Services - Utility Bridge with Infrastructure Upgrades - Jason Kelly, DOWL 61-79
6. Council Appreciation Awards

**G. CITY COUNCIL COMMENTS/CONCERNS**

**H. INFORMATION REPORTS**

1. City Manager’s Report 81-85

**I. ADJOURN**

Posted: November 28, 2022

By: Melissa York, Office Specialist II

**NEXT MEETING DATES**

City Council Regular Session, Tuesday, January 3, 2022

City Council Work Session, Tuesday, January 17, 2022

*Virtually via Zoom and in Person; City Hall Annex, 408 Ferry Street, Dayton, Oregon*

**MINUTES**  
**DAYTON CITY COUNCIL**  
**REGULAR SESSION**  
**November 7, 2022**

**PRESENT:** Mayor Elizabeth Wytoski  
Council President Daniel Holbrook  
Councilor Annette Frank  
Councilor Kitty Mackin  
Councilor Jim Maguire  
Councilor Trini Marquez  
Councilor Rosalba Sandoval-Perez

**ABSENT:**

**STAFF:** Rochelle Roaden, City Manager  
Patty Ringnalda, City Recorder  
Melissa York, Office Specialist II  
Steve Sagmiller, Public Works Director  
Josh Bilodeau, Public Works Supervisor

**A. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Wytoski called the meeting to order at 6:36 p.m. and those present gave the pledge of allegiance.

**B. ROLL CALL**

Mayor Wytoski noted there was a quorum with Councilors Frank, Holbrook, Mackin, Maguire, Marquez and Sandoval-Perez attending the meeting in person.

**C. APPEARANCE OF INTERESTED CITIZENS**

Kathleen Bennett 313 Flower Lane, Dayton, Oregon thanked the Council for the new sidewalk. Ms. Bennett advised that where Flower and Ferry meet the sidewalk divides and cars are cutting that corner and driving over the new sidewalks. Ms. Bennett asked if Council could put boulders in the planting strip to stop cars from driving on the sidewalk.

City Manager Rochelle Roaden stated that she would like the City's Engineer and Public Works Director to look at the area and see if there is something the City can do to make the situation better.

**D. CONSENT AGENDA**

**Approval of Meeting Minutes**

1. Regular Session Meeting Minutes of October 3, 2022.
2. Work/Special Session Meeting Minutes of October 17, 2022

**ANNETTE FRANK MOVED TO APPROVE THE MINUTES OF THE REGULAR SESSION MEETING OF OCTOBER 3, 2022 AND WORK/SPECIAL SESSION MEETING OF OCTOBER 17, 2022 AS WRITTEN. SECONDED BY DANIEL HOLBROOK. *Motion carried with Frank, Holbrook, Mackin, Maguire, Marquez, Sandoval-Perez and Wytoski voting aye.***

## E. ACTION ITEMS

### 1. Donation Request – Dayton Community Food Pantry (DCFP), Debra Nissan.

Debra Nissan from the Dayton Food Pantry was in attendance via zoom. Ms. Nissan advised that they have asked for a donation for funds to help purchase groceries for Holiday Box's. Due to the increased prices of groceries, the Food Pantry has seen a 60% increase in families who are in need.

**ANNETTTE FRANK MOVED TO APPROVE A DONATION IN THE AMOUNT OF \$3,500 TO SUPPORT THE LOCAL FOOD PANTRY. SECONDED BY KITTY MACKIN.** *Motion carried with Frank, Holbrook, Mackin, Maguire, Marquez, Sandoval-Perez and Wytoski voting aye.*

### 2. Sewer Rate Study Update – Tim Tice.

Rochelle Roaden stated that completing a sewer rate study is one of the Council's 2022/23 Strategic Plan Goals, therefore the City has contracted with Oregon Association of Water Utilities (OAWU) to assess the City's rate structure.

Tim Tice from OAWU reviewed the Rate Comparison table that was provided in the agenda packet, stating that the table is divided into two sections current and proposed rates. 67% of the wastewater budget comes from the base rate. Current sewer rates are billed on a flat rate of \$44.51 per/month, the new proposed rate system would be based on a base rate that will be the average monthly water consumption from October through March. Like the current water rates, base rates would be configured using the size of the sewer line/pipe.

Councilor Holbrook stated that raising rates is a hard conversation, however, the Council needs to make those big decisions. Councilor Holbrook suggested looking at system development charges (SDC's) as a way to help share the costs.

Mayor Wytoski feels the proposed rate increase would be increasing sewer fees too fast. Mayor Wytoski stated that the Council has agreed to raise rates in order to pay for the Utility Bridge and is uncomfortable with adding more. Discussion continued.

Council was in agreement to wait on the rate study increase until it is known what the increase will be for the Utility Bridge Project after it has been funded, but liked the new rate study methodology and was in favor of changing to that system. Council was also in agreement to raising rates on a graduated scale over a longer period of time.

Council asked the City Manager and Tim Tice to rework the rate study numbers and bring them back to Council using the current flat rate as the base rate and add the equitable piece, basing the base unit amount on 6 units instead of the 4 units that were proposed.

**3. Total Maximum Daily Load (TMDL) of Mercury Implementation Plan – Elizabeth Sagmiller.**

Rochelle Roaden introduced Elizabeth Sagmiller with E & S Consulting and explained that the City has hired her to design and implement a TMDL plan for the City, which is an EPA requirement for all Cities. Ms. Sagmiller advised that the City’s implementation plan was submitted to DEQ on time and has been approved.

Council viewed the power point presentation that was included in the Council packet which reviewed the TMDL plan for the next 6 years.

**4. Homeless Task Force Discussion.**

Mayor Wytoski reviewed the Oregon Mayor’s Association (OMA) taskforce, advising that 25 mayors around the State were included in the taskforce. The taskforce was created to develop a response to homelessness that would help all communities statewide, regardless of size or location, to address the issue. The plan would require direct allocations to each incorporated city in Oregon.

**5. Approval of Resolution 2022/23-05 Authorizing Support of the Oregon Mayor’s Association (OMA) Task Force on Homelessness.**

**JIM MAGUIRE MOVED TO APPROVE RESOLUTION 2022/23-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, OREGON AUTHORIZING ITS SUPPORT FOR THE OREGON MAYORS ASSOCIATION’S TASK FORCE ON HOMELESSNESS’S PROPOSAL TO PARTNER WITH THE STATE TO FUND LOCAL HOMELESSNESS RESPONSE AND PREVENTION PROGRAMS TO ADDRESS OREGON’S CRISIS OF THE UNHOUSED. SECONDED BY KITTY MACKIN. Motion carried with Frank, Holbrook, Mackin, Maguire, Marquez, Sandoval-Perez and Wytoski voting aye.**

**6. Resolution 2022/23-06 Authorizing an Amendment to the Loan Documents with DEQ through the Clean Water State Revolving Fund.**

Rochelle Roaden stated that in order to amend the Cities current loan agreement, a resolution must be passed by the Dayton City Council. Rochelle stated that she will continue to look for and apply for grants as they become available.

**ANNETTE FRANK MOVED TO APPROVE RESOLUTION 2022/23-06 A RESOLUTION OF THE CITY OF DAYTON APPROVING AN AMENDMENT TO LOAN DOCUMENTS WITH THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY THROUGH THE CLEAN WATER STATE REVOLVING FUND. SECONDED BY DANIEL HOLBROOK. Motion carried with Frank, Holbrook, Mackin, Maguire, Marquez, Sandoval-Perez and Wytoski voting aye.**

**F. CITY COUNCIL COMMENTS/CONCERNS**

Councilor Sandoval-Perez stated that the issue of cars parking in the right of way in front of the post office, has created a dip where water and mud collect.

Councilor Maguire stated that he is disappointed there are not more people attending the Council Meetings, he commended the Mayor on a great job.

Mayor Wytoski stated that residents have questions regarding the markers for the new sidewalk on Ferry Street from 6<sup>th</sup> to 8<sup>th</sup> Street. Homeowners were notified where the actual sidewalk will be placed. The Mayor thanked staff for their fast response.

Mayor Wytoski advised that the City Manager’s contract has been completed. Changes to the contract were discussed.

**G. INFORMATION REPORTS**

**City Manager’s Report**

City Manager Rochelle Roaden encouraged the Council to read the Ethics Matters document that was in the agenda packet.

The flyers for the Parks Survey have been mailed and residents and businesses should have already received their copy. To date there have been 212 survey responses. The survey will be open for one more week.

Holiday lights – ODOT is no longer allowing lighted banners to be hung across the highway (Ferry Street). Only non-lighted banners that list the name and date of a specific event are allowed to be hung. Christmas lights will be installed November 19<sup>th</sup>. New this year will be a lighted tunnel at the entrance to Courthouse Square Park from Ferry Street for the annual Christmas tree lighting event.

The Utility Bridge Project bids are now being accepted by DOWL.

Highway 221 lift station will be funded with \$511,000 from ARPA funds, which will fund the up grading of the lift-station that is to be moved to the west side of the highway.

PGE has announced that they will no longer let ODOT hang the flashing light at the intersection of Ferry and Third Streets. The flashing light is scheduled to be taken down and replaced with flashing stop signs.

The next City County Dinner will be Thursday, November 10, 2022 and will be hosted by the City of McMinnville.

**H. ADJOURN**

There being no further business, the meeting adjourned at 8:40 p.m.

Respectfully submitted:

**APPROVED BY COUNCIL on December 5, 2022.**

By: Patty Ringnalda  
City Recorder

**As Written**  **As Amended**

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**Elizabeth Wytoski, Mayor**

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# CITY OF DAYTON

416 Ferry Street – P. O. Box 339  
Dayton, OR 97114-0039  
503-864-2221 fax 503-864-2956

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## STAFF REPORT

CITY COUNCIL – DECEMBER 5, 2022

**REPORT DATE:** November 14, 2022

**FILE NUMBER:** LA 2022-01 (Legislative Amendment)

**APPLICANT:** City of Dayton

**REQUEST:** The addition of Time/Manner/Place restrictions on Psilocybin service and manufacturing centers. The amendments also add service and manufacturing centers as conditional uses in the commercial and industrial zones.

**PROPERTY:**

<u>Tax Lot</u>	<u>Size</u>	<u>Zoning</u>
Citywide	NA	Commercial and Industrial Zones

**ZONING:** Commercial and Industrial Zones

**SURROUNDING ZONING:** North: NA  
South: NA  
East: NA  
West: NA

**CURRENT USE:** N/A

**CRITERIA:** **Dayton Land Use and Development Code (LUDC)**  
Section 7.3.112.03: Criteria to Amend Development Code Text

**EXHIBITS:** A: Text Amendments  
B: FAQs from the Oregon Health Authority  
C: Minutes from August City Council meeting  
D: ORS 475A- Psilocybin Regulations (link to ORS webpage)

### I. PURPOSE/REQUEST

In accordance with Oregon Ballot Measure 109, to add the following to the City of Dayton Land Use and Development Code:

- Psilocybin Service Centers and Manufacturers as conditional uses in the Commercial and Residential Zones.
- Time/Manner/Place restrictions on Psilocybin-related uses.

## **II. PROCESS**

Development Code amendments are a legislative change to the LUDC and are processed as a Type IV land use action.

The LUDC Type IV process set forth in Section 7.3.203.01, Type IV Initiation, requires a Type IV process to be initiated by a majority of the City Council, a majority of the Planning Commission or by a recommendation by the City Manager subject to majority approval by Planning Commission or the City Council. The City Council initiated the legislative amendment on October 3, 2022. On November 9, 2022, the Dayton Planning Commission unanimously recommended approval of the amendments to the City Council. No public comment was received at or prior to the Planning Commission hearing.

Measure 56 notice was sent to all property owners within the Commercial and Industrial zones on October 18, 2022. Newspaper notice for the Planning Commission hearing was posted in the News Register on October 25, 2022, and for the City Council hearing on November 22, 2022.

No written comment has been received as of the time of this staff report. Any comment submitted prior to the hearing will be available and read into the record.

## **III. BACKGROUND**

In November 2020, Oregon voters approved Measure 109 which legalized the licensed and regulated manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in Oregon for adults. Measure 109 created a license and regulatory framework for production of psilocybin and facilitation of psilocybin services for adults 21 years of age and older. It should be noted that Measure 109 did not create a consumer market for psilocybin, allow for the importation or exportation psilocybin, or allow licensees to interact with unregulated markets.

There are three types of psilocybin licenses permitted under Measure 109: Testing lab licenses, facilitator licenses, and service center licenses. Details regarding each of these licenses are provided in Exhibit B. All licenses are processed by the Oregon Health Authority as advised by the Oregon Psilocybin Advisory Board.

Measure 109 provided local governments with two response options:

1. Local Government opt-out: Cities and Counties can adopt ordinances that prohibit manufacturers and service centers. The ordinances must be referred to voters via general election.
2. Time Place Manner Restrictions: Local governments may adopt reasonable regulations on hours, location, and operation of licenses.

After discussion, the Dayton City Council elected to direct staff to proceed with TPM restrictions similar to those implemented for Marijuana facilities. The amendments included in this application establish TPM restrictions in the Dayton Land Use and Development Code.

#### **IV. PROPOSED AMENDMENTS**

A list of proposed amendments is included as Exhibit A to the staff report.

#### **Vi. APPLICABLE APPROVAL CRITERIA**

The Dayton Land Use and Development Code, Section 7.3.112.03, Criteria for Approval of Development Code text amendments.

- A. Impact of the proposed amendment on land use and development patterns within the city, as measured by:*
- 1. Traffic generation and circulation patterns;*
  - 2. Demand for public facilities and services;*
  - 3. Level of park and recreation facilities;*
  - 4. Economic activities;*
  - 5. Protection and use of natural resources;*
  - 6. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

Findings: Staff makes the following findings for the subcriteria listed under Criterion A:

- 1- Due to limited quantity of permissible locations and limited traffic impacts associated with each potential facility, staff finds that the amendments will have negligible impacts on traffic generation and circulation patterns.
- 2- The amendments do not add any additional strain on public facilities.
- 3- The amendments have no impact on the level of park and recreation facilities.
- 4- The amendments add psilocybin manufacturers and service centers as conditional uses in the Commercial and Industrial zones.
- 5- The amendments do not have any impact on the protection and use of natural resources.
- 6- The amendments do not have an impact on any existing special purpose plans or programs.

- B. A demonstrated need exists for the product of the proposed amendment.*

Findings: Measure 109 requires cities to either disallow Psilocybin-related uses via ordinance or allow via the City's zoning code. The Dayton City Council has chosen to implement via TMP restrictions.

- C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

Findings: Goal 1, Citizen Involvement: Measure 56 notice was sent to all property owners within the City of Dayton on October 18, 22 days prior to the date of the scheduled Planning Commission Hearing on

November 9. Newspaper notice was provided on October 25, 2022. The hearings are consistent with the Development Code's procedures for legislative amendments to the Development Code. Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 supports clear and thorough local procedures. The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Code for processing legislative amendments to the Development Code.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal amends the City's historic resources regulations in accordance with Goal 5 requirements.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable. The proposal does not address Goal 9 issues.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

*D. The amendment is appropriate as measured by at least one of the following criteria:*

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Findings: The proposed amendments are appropriate per Criterion D3. Measure 109 mandates local government implementation of psilocybin restrictions.

## **VII. STAFF RECOMMENDATION**

Based upon the staff report and the above findings, staff recommends the City Council adopting LA 2022-01 via Ordinance #655.

#### **VIII. CITY COUNCIL OPTIONS – Sample Motions**

- A. Option 1: Adopt and recommend as presented.

Motion: I move the City Council adopt the staff report with the findings and recommend the City Council approve LA 2022-01 via Ordinance #655.

- B. Option 2: Adopt and recommend with changes.

Motion: I move the City Council adopt the staff report with the findings and recommend the City Council approve the proposed amendments via Ordinance #655 with the following changes...and state the changes.

- C. Option 3: Do not adopt.

Motion: I move to recommend the City Council deny the proposed amendments because...and state the reasons.

- D. Option 4: Continue the Hearing.

Motion: I move the City Council continue the public hearing to a date/time/location certain for staff to provide more information on the following issues...and state the issues.

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## **EXHIBIT A**

### **DRAFT AMENDMENTS**

#### **7.1.200.03- Definitions:**

Psilocybin Manufacturing Facility: An establishment at where psilocybin may be grown and processed.

Psilocybin Products: Psilocybin-producing fungi; and Mixtures or substances containing a detectable amount of psilocybin.

Psilocybin Service Center: An establishment at which administration sessions are held; and at which other psilocybin services may be provided.

#### **7.2.106.04- Conditional Uses**

Q. Licensed Psilocybin service centers and manufacturing facilities as defined in Section 7.1.200.03 and by the Oregon Health Authority.

#### **7.2.107.04- Conditional Uses**

M. Licensed Psilocybin service centers and manufacturing facilities as defined in Section 7.1.200.03 and by the Oregon Health Authority

#### **7.2.417- Psilocybin-Related Uses**

##### **7.2.417.01 Standards**

Psilocybin service centers and manufacturers shall comply with the following standards:

- A. Conflicting Uses. No Psilocybin-related use shall be permitted within 1,000 feet of real property containing any of the following:
  - 1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020; and
  - 2. Private or parochial elementary or secondary school, teaching children as described under ORS 339.030; and
  - 3. Public library; and
  - 4. Public park; and
  - 5. Preschools licensed by the State of Oregon

The distance between conflicting uses shall be measured in a straight line from the closest edge of each property, including any parking lot appurtenant thereto.

- B. If a conflicting use described in A is established within 1,000 feet of a legally established Psilocybin-related use, the Psilocybin-related use may remain at that location.
- C. Psilocybin-related uses shall only be permitted when the provisions of Section 1 above are met AND the property is within either the Industrial or Commercial Zone.
- D. Psilocybin-related uses shall not operate except between the hours of 10:00 am and 7:00 pm
- E. Psilocybin-related uses shall be located entirely within a permanent building and shall not include drive-through facilities. Outdoor storage is prohibited

- F. Psilocybin-related uses shall at all times be registered in good standing with the Oregon Health Authority (OHA).

## EXHIBIT B

# Oregon Psilocybin Services Section

## July 2022 Public Listening Sessions

### Summary of Questions and Answers

The Oregon Health Authority (OHA) held a series of three virtual public listening sessions in July of 2022. The listening sessions were two hours in length and open to the public. OHA staff compiled questions across the three listening sessions and summarized questions and answers in this document. The listening sessions were recorded and can be found on our [Public Listening Sessions](#) webpage in English, Spanish and American Sign Language (ASL).

Input from the public listening sessions will continue to inform draft rules, program development, educational materials and future community engagement.

#### Definitions

**OHA** = Oregon Health Authority, the state agency that regulates psilocybin services in Oregon

**OPS** = Oregon Psilocybin Services, the section within OHA that implements the Oregon Psilocybin Services Act

**M109** = Ballot Measure 109 passed by Oregonians in 2020, also known as the Oregon Psilocybin Services Act

**ORS 475A** = M109 codified as law in the Oregon Revised Statute, Chapter 475A — Psilocybin Regulation

**RAC** = Rules Advisory Committee, made up of members of the public who participate in discussions about draft rules during the rulemaking process (RACs will meet in September 2022 to discuss the remaining rules required to implement M109)

**May Rules** = The first subset of rules adopted in May 2022, related to psilocybin products, testing and facilitator training programs

**December Rules** = The remaining rules required to implement M109, which will be adopted by the end of December 2022

**OPAB** = The Oregon Psilocybin Advisory Board

**ORELAP** = Oregon Environmental Lab Accreditation Program

\* For more definitions of terms used in this document, please refer to Section 220 of the [Oregon Psilocybin Regulation \(ORS 475A\)](#)

## General Programmatic Questions

### **How is the cost of psilocybin services being determined?**

Under ORS 475A, OPS does not have the authority to control or regulate the cost of psilocybin products or services. Licensed psilocybin manufacturers, testing labs and service centers and/or facilitators will determine the cost of their services. Similarly, OHA-approved and HECC licensed psilocybin training programs will determine the costs of admission for students.

### **When can I access services? Is there a way to get on a wait list to receive services?**

Each licensed service center, and the licensed facilitators that work with them, will manage their own operations and communications with clients.

OPS will begin accepting applications for licensure on January 2, 2023. Psilocybin products must be cultivated and/or processed by licensed manufacturers and tested by ORELAP accredited, licensed testing labs. Psilocybin service centers and facilitators must also be licensed before offering psilocybin services to clients 21 years or older. It will take some time for all four license types (manufacturing, testing, service centers and facilitators) to become licensed and set up operations. For more information, please see the Oregon Psilocybin Services [website](#).

### **How will the consumer/client base be educated on psilocybin?**

In partnership with the Oregon Psilocybin Advisory Board (OPAB), OPS published a scientific literature review (in [English](#) and [Spanish](#)), which will be updated in the future. In addition, OPS published a 2-page fact sheet in [English](#) and [Spanish](#). OPS will continue to develop resources, offer presentations and facilitate public events. New resources and learning opportunities will be posted to the [OPS website](#), sent out through the [OPS mailing list](#) and shared through direct engagement with community partners. We welcome ideas and invitations to educate the public on Oregon Psilocybin Services.

### **Are there resources for people with brain injuries?**

At this time, OPS does not have resources available regarding the effect of psilocybin for people with brain injuries. While psilocybin and brain injury are still emerging research areas, it is possible that psilocybin may play a future role in treatment. OPS will work with the Oregon Psilocybin Advisory Board on updating the Scientific Literature Review as more information becomes available.

### **How will safety and equity of services be evaluated? Will there be a monitoring system? Will facilitators collect data? Will it be public access so that everyone can learn more?**

In ORS 475A.450 regarding confidentiality of client communications and information, the law states that a psilocybin service center operator, a psilocybin service facilitator, or any employee

of a psilocybin service center may not disclose any information that may be used to identify a client, or any communication made by a client during the course of providing psilocybin services or selling psilocybin products to the client. It also lists exceptions to this rule which include the ability of a client to voluntarily give consent to disclose information. OPS will be going through the final round of rulemaking for 2022 in the fall and anticipates hearing from RAC members and members of the public on issues related to data collection.

### **Can OHA hire indigenous program consultants?**

OHA works closely with the Oregon Legislative Assembly for approval on budget authority, which includes expenditures and hiring. Any positions for the Oregon Psilocybin Services Section go through an approval process within the state agency structure. We encourage anyone interested in working on the OPS team to apply for open positions.

## **General Licensing Questions**

### **Will the number of licenses be limited?**

No. OPS does not have the authority to limit the number of licenses issued for any of the four license types.

### **When can license applications be submitted?**

OPS will begin accepting applications for licensure on January 2, 2023. The OPS team is developing an online Training Program, Licensing, and Compliance System that we refer to as "TLC." This system will allow for a streamlined online application process, although paper applications will also be made available. The OPS team will also develop an application guide and training materials to assist applicants through the process.

### **How will applications be reviewed for approval? Are they reviewed in the order they are received?**

The OPS Section is divided into three program areas: the Policy and Engagement Program, the Licensing Program, and the Compliance Program. The OPS Licensing team will be reviewing applications and is currently developing processes and procedures including those for application review. When OPS begins accepting applications for licensure, the TLC application portal and resources to support applicants will be made available on our website.

### **Will the application process include site visits? From submitting application, how long will it be until the process completes (with inspection, etc.)?**

Licensed manufacturers, service centers and testing lab applicants will require a site visit before they can be issued a license. The application process will vary in length, depending on number of applications received and number already being reviewed.

**What will the license fees be?**

License fees will be determined through the state agency budget process and adopted in final rules by December 30, 2022. The sum of annual license fees collected must cover the cost of operating the Oregon Psilocybin Services Section.

**What is the current and future budget for the OPS Section?**

OPS has a fee-based funding model, which means the license fees must cover the costs of the section's work. OPS received General Funds for start-up costs and staff positions for the 21-23 biennium to begin implementation of M109. OPS is currently working on the 23-25 budget through the state agency budget process.

**Where does the psilocybin tax on products go?**

Under ORS 475A, there will be a 15% sales tax on the sale of psilocybin products payable to the Oregon Department of Revenue. Oregon Department of Revenue will deduct administrative costs, and any remaining revenue will go back to support the Oregon Psilocybin Services Section. While OPS is a fee-based structure, information is not yet available regarding whether tax revenue will be significant enough to impact license fees.

**If we are a property owner renting our place to a licensee, do we as the owner need a license?**

Property owners must provide written consent for use of property for manufacturer licenses. Rules regarding licensed premises will be adopted later this year.

**Can service centers be on the same property as a manufacturer license? What if you have a property that has one manufacturer and multiple service centers (that could help create cost efficiencies)?**

Rules regarding licensed premises will be adopted later this year. These rules will focus on allowing flexibility while ensuring public safety. The rules will address access, boundaries and security for licensed premises. We cannot provide specific information on co-location requirements at this time. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**For manufacturers and service centers, do the same security measures apply to rural properties that are protected by land mass and security gates?**

Rules on licensed premises security will be adopted later this year. These rules will focus on allowing flexibility while ensuring public safety. The rules will address access, storage and security systems for licensed premises. We cannot provide specific information on security requirements at this time. We anticipate further discussion of this issue during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**Could you clarify the different rules and dates, relevant to local government decisions?**

Local governments (cities and counties) may adopt ordinances that prohibit issuing service center and/or manufacturer licenses within their jurisdiction. Ordinances must be approved by voters at the next general statewide election (in 2022, the statewide general election will take place on November 8, 2022). For more information, please visit the [Oregon Secretary of State's webpage on Voting and Elections](#).

When Oregon Psilocybin Services Section receives notice that a local ordinance has been passed, we will not be able to issue licenses within that jurisdiction. If the ordinance does not pass in the general election, OPS will continue to issue licenses. For more information, please go to the OPS [Local Government Considerations webpage](#) and see the [Local Government FAQ](#).

**Do we have any recourse if our County opts out?**

If a local government passes an ordinance and it is approved by voters, the recourse would be to change the local law. For more information go to the Oregon Secretary of State's webpage on [How to Make or Change Local Law](#).

**How do we contact our local jurisdictions for land use approval? What does that look like?**

OPS will create a Land Use Compatibility Statement (LUCS) form available for applicant use by early fall. The LUCS form can be used to determine whether the proposed facility use is consistent with local government land use and zoning regulations. An applicant will complete sections of the form and submit it to their appropriate city or county planning office (where the proposed facility will be located). The city or county planning office will complete the LUCS form and indicate whether the proposed activity is compatible with local plans and regulations. Once completed the applicant will submit the LUCS form as part of their license application package.

**What can the property (for a manufacturer or service center) be zoned as?**

ORS 475A states that service centers cannot be located on property zoned for exclusive residential use within city limits. ORS 475A also states that a county may allow the manufacture of psilocybin products on property zoned for exclusive farm or forest use. Other zoning requirements are determined by the local jurisdiction (city or county) and will need to be documented in the LUCS form (see question directly above).

### **Are licensees required to obtain ‘continuing education’ credits?**

Continuing education credits were not required in ORS 475A and was not considered in OPAB recommendations. When final rules for training programs were adopted on May 20, 2022, a requirement for continuing education credits was not included.

### **Will there be a tiered licensing system for small business vs. larger businesses?**

A tiered licensure system is not required by ORS 475A. The Oregon Psilocybin Advisory Board (OPAB) recommended reduced license fees. Because ORS 475A created a fee-based structure, license fees must cover the cost of administering the section’s work, and OPS must create sustainability without reliance on state funds to operate. We anticipate further discussion of this issue during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

## **Manufacturing License**

### **What are the pre-requisites for a manufacturer license?**

Manufacturer license applicants will be required to produce a Land Use Compatibility Statement (LUCS) which demonstrates that the proposed use of the property is consistent with local zoning code. Applicants will also need to provide proof that the property owner consents to the production of psilocybin. Applicants for a license to manufacture psilocybin must be 21 years of age or older and pass a criminal background check. A manufacturer must meet residency requirements as outlined in statute (ORS 475A.290). OPS recommends reviewing [ORS 475A](#), as well as the subset of [rules related to manufacturing products that were adopted in May](#) (see final rules 333-333-1010 through 333-333-2110 [here](#)). These are some of the pre-requisites, however more details are yet to be determined will be addressed in the December Rules. The first draft of these remaining rules will be available September 1, 2022, and OHA will have a public comment period in November before finalizing rules in December.

### **Can real property be leased, or must it be owned?**

Rules on licensed premises locations will be adopted later this year. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

### **Can a manufacturer be co-located with a cannabis manufacturer (and use the same security camera system, etc.)?**

Rules on licensed premises locations will be adopted later this year. These rules will focus on allowing flexibility while ensuring public safety. The rules will address access, boundaries and security for licensed premises. We cannot provide specific requirements for co-location at this

time. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**How much product can a manufacturer have at any given time? Will there be production limits?**

Yes. ORS 475A requires possession limits for manufacturers and those limits will be included in the December rules, with draft rules available by Sept 1, 2022.

**Is there an expectation that both psilocybin and psilocin will be administered?**

ORS 475A defines “psilocybin” to include both psilocybin and psilocin. The [rules adopted in May 2022](#) prohibit the manufacturing of psilocybin by chemical synthesis. The rules also limit the species to *psilocybe cubensis*.

**Has a maximum of material been established for any one dose?**

This is not specified in ORS 475A but will be determined in rule. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**In terms of packaging, does everyone get the maximum dose in a package or are products to be packaged in increments smaller than the maximum dose? Can we sell the product in bulk to service centers and then they can weigh out a custom dose?**

This is also not specified in ORS 475A but will be determined in rule. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**Is the product to be dried on site, or are we transporting fresh mushrooms?**

Fungi are dried on site. In the May rules, “harvest lot” is defined as a quantity of fungi that is cultivated and dried under the same conditions and harvested within a 24-hour period at the same location within the licensed premises. A manufacturer with a fungi cultivation endorsement must completely dry all fungi before transferring to a testing laboratory or to another manufacturer for processing.

**Will we have to have an example of our methods and final product so inspectors can see our process and controls in place? Or do we just walk through what we propose to do? Will we be required to show where spores, liquid cultures, and agar dishes come from? Will the sourcing of materials be tracked?**

This is not specified in ORS 475A. Some of these topics may be addressed in the December rules. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**Will manufacturers be connecting directly with producers (of oils/extracts for example) and directly with service centers (in terms of an outlet for product), or will OHA facilitate that?**

OPS will not facilitate the movement of product between manufacturers and service centers. ORS 475A does, however, require products and the movement of products to be tracked in the product tracking system.

**Will it be feasible to ship products to psilocybin service centers?**

No. Products may only be transported by a licensee or licensee representative. More details regarding product transportation will be determined in the December rules.

**Does a greenhouse/shed structure count as indoors?**

The production rules adopted in May do not define indoor cultivation. We may consider this issue in the remaining rules.

**Can we use heat to make mushroom tea and other similar products?**

A manufacturer with a psilocybin extraction endorsement may apply heat, as long as it does not exceed 140 degrees Fahrenheit. However, this rule was not intended to prohibit the boiling of water.

**Will there be reassurances of a market to sell the product?**

OPS is not able to offer this reassurance. OPS cannot predict the exact supply, demand and other market dynamics. Manufacturers will be assuming risk in entering this emerging sector.

**What are the pathways for excess product, other than destruction? Can supply go to non-profits, research, etc.?**

Management of excess product, as well as other solid and liquid wastes generated during production and processing of products will be covered in the December rules. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

## Service Centers

### **What can service centers do now to get prepared for licensure?**

Service centers may not be located within 1,000 feet of a school, must have defined boundaries, and cannot be located on public lands. In addition to rules adopted by OHA, other requirements may be established by local governments. Applicants will be required to produce a Land Use Compatibility Statement (LUCS) which demonstrates that the proposed use of the property is consistent with local zoning code.

Currently, local governments are considering adopting ordinances to prohibit service centers and manufacturers from operating in their local jurisdictions. These ordinances must be referred to voters at the next statewide general election. We encourage you to pay attention to what ordinances are passed by voters before making business decisions. If you live in a city or county that has not adopted an ordinance, you will still be required to provide a LUCS form as mentioned above.

Please review requirements in [ORS 475A](#) and stay tuned to our rulemaking process that will determine final rules by December 2022.

### **What structures will be allowed for service centers? Do they have to be a separate physical structure from other businesses/uses? For instance, can they be in an office building and share a single occupancy restroom or waiting room?**

Rules on licensed premises facilities will be adopted later this year. These rules will focus on allowing flexibility while ensuring public safety. The rules will address access, boundaries and security for licensed premises. We cannot provide specific requirements at this time. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

### **Can churches be licensed premises? What if a church includes a school? Will there be an opportunity to apply for an exemption?**

Churches can be licensed as long as they meet all of the license application requirements. However, there is no exception in ORS 475A for schools. ORS 475A requires that services centers may not be located within 1,000 feet of “a private or parochial elementary or secondary school, teaching children as described in ORS 339.030.”

### **What are the types of outdoor areas permitted for service centers?**

OPAB has recommended that outdoor areas be allowed. The details of any requirements for both indoor and outdoor portions of a licensed premises will be addressed in the December rules. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**Will there be an exemption process for existing hospice centers that are within 1000 feet of school?**

There is no exemption under the law for a hospice service center. The only exemption to the prohibition in ORS 475A that a service center cannot be within 1000 feet of a school has to do with physical barriers like bodies of water or highways. If OHA determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises, the service center may be located as close as 500 feet to a school.

**Are there regulations on the size of a service center?**

This was not specified in ORS 475A and was not considered in OPAB recommendations.

**Can a service center be located within incorporated cities and/or unincorporated areas, subject to the jurisdiction of a county?**

Yes, as long as the service center is not in an exclusively residential zone within city limits, it does not conflict with local ordinances or local land use code, and the local jurisdiction has not opted out of allowing licensed service centers to operate within their respective jurisdiction.

**Will people be able to have administration occur in their own private overnight accommodation?**

The only place that administration sessions can take place is within a licensed service center within the defined boundaries of the premises, in the presence of a licensed facilitator. Applicants will need to work with their local government to determine if defined premises meets local land use code and regulations.

**Will I be able to use a rural hotel for a psilocybin service center?**

All service center locations must meet requirements in ORS 475A and those set in rule. In addition, a service center location must meet local land use and zoning requirements. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**What are the options for leftover psilocybin product at service centers?**

Management of excess product will be covered in the December rules. We anticipate further discussion during our Rules Advisory Committee (RAC) meetings in September and public comment period in November.

**Can there be mobile service centers?**

No. ORS 475A.265 states that OHA may not license a mobile premises.

## Facilitators, Training Programs, and Clients

### **What are the general requirements for facilitators?**

A high school diploma, or its equivalent, is required to become a licensed facilitator. Individuals must be 21 years of age or older and complete an OHA approved psilocybin facilitator training program, which includes a comprehensive exam administered by the training program. Information about training program curriculum requirements can be found in [administrative rules adopted May 20, 2022](#) (333-333-3005 through 333-333-3090), and a list of training programs with approved curriculum can be found [here](#). Applicants for a psilocybin facilitator license must provide proof of Oregon residency for two or more years (this requirement will no longer apply beginning January 1, 2025) and must pass a criminal background check. Before receiving a license, facilitators must also pass an exam administered by OHA to demonstrate an understanding of statutory and administrative rule requirements.

### **Do you need to complete a training program before you can apply for licensure? Have approved training programs been announced yet?**

Yes. As a requirement of licensure, facilitators must complete a training program with curriculum that has been approved by OPS. The [list of training programs with approved curriculum](#) is on the OPS website and is automatically updated as additional training program curriculums are approved.

### **If I have already received training elsewhere, can I get an exemption on the Oregon training for facilitation?**

A full exemption of training requirements is not possible. An individual seeking facilitator licensure in Oregon may work directly with an OHA-approved training program to determine whether past training/experience qualifies them for accelerated training. A training program may choose to award a student up to 48 hours (out of the 120 hours of core training hours required). To do this, a training program must establish and document criteria for granting accelerated hours to qualifying students. This may include transcripts and other records that document the number and type of accelerated training hours that will be granted. Regardless of past training, students are required to complete the following modules with an OHA-approved training program: (a) Cultural Equity in relation to Psilocybin Services;(b) Safety, Ethics and Responsibilities;(c) Preparation and Orientation;(d) Administration; (e) Integration; and all required practicum hours (at least 40 hours of practicum).

### **How is OHA working with the Higher Education Coordinating Commission (HECC) to get the training programs up and running?**

OPS has been partnering with HECC to provide information about ORS 475A and the OPS training program curriculum approval process. More information can be found [here](#).

**How will the training programs continue to be evaluated for appropriateness and standards?**

This is not addressed in ORS 475A. OPS curriculum approval is valid for 5 years, upon which a training program must renew their application with OPS. Training Programs are required by rule to submit to OPS any changes made to their programs including changes in program staff, instructors, and curriculum content. OPS will continue to ensure that these changes meet training program curriculum requirements set in rule.

HECC will oversee licensure and compliance of training programs. Under ORS 345, HECC responds to any written complaints with an investigation that could result in requiring training programs to take corrective action, suspend or revoke a training program's license. We expect future discussions on the evaluation of training program standards.

**Can people with disabilities and end-of-life communities access treatment at home or in hospice? How will in-home patients/ end-of-life patients access services?**

ORS 475A states that psilocybin services can only be administered in licensed service centers. Psilocybin products cannot be taken offsite and can only be consumed within the defined boundaries of a licensed premises. ORS 475A also states that licensed service centers cannot be located on property zoned exclusively for residential use if within city limits. Although there are challenges, OPS will continue to work with the Oregon Psilocybin Advisory Board, community partners and members of the public to ensure access for clients within ORS 475A.

**Will group retreats be permissible? How many clients can one facilitator oversee at one time?**

OPAB has recommended that group administration sessions be allowed. The training program curriculum requirements adopted in the May rules include a module on facilitating group administration sessions. The specific rules related to group administration have not yet been adopted and will be addressed in the December rules. These will likely include requirements related to preparation before a group session, informed consent, client to facilitator ratio, and maximum number of clients. We anticipate hearing from RACs and members of the public on rules related to group administration.

**Will there be minimum and maximum dosages?**

This has not yet been set and will be determined in the December rules. OPS is interested in hearing from RACs and members of the public on rules related to dosage.

**Is there a limit to the number of administration sessions a client can have?**

This was not specified in ORS 475A. It could be determined in rule, however it was not considered in OPAB recommendations.

**How do we determine how long a session lasts – what deems it complete?**

This has not yet been set and will be determined in the December rules. OPS is interested in hearing from RACs and members of the public on rules related to duration of administration sessions.

**Are licensees mandatory reporters?**

ORS 475A does not require all licensees to be mandatory reporters, although there may be opportunities for requirements that address reporting abuse in rule. Some licensees may be mandatory reporters if they meet the definition of those who are subject to requirements of [ORS 419B.010](#).

**Can preparation and integration occur virtually online?**

Facilitation of administration sessions must be provided in-person at a licensed service center. The preparation and integration sessions could occur virtually using video conferencing technology, however this is not yet set in rule. OPS is interested in hearing from RACs and members of the public on this topic.

**How will we screen for people who may be at risk of psychosis?**

ORS 475A requires that clients complete a preparation session, which includes a client intake. OPAB has made recommendations about determining client suitability, as well as an informed consent form and client bill of rights. OPS is working on drafting rules related to this requirement and anticipates hearing from RACs and members of the public on this topic.

**Can breathwork or yoga professionals be a part of the services provided?**

Although specific rules on provision of services have not been adopted, it is possible that breathwork and yoga will be permitted. The rules will focus on protecting public safety and will allow activities that do not create a risk to public safety.

In the training program rules adopted in May, the practicum requirements section (333-333-3070) mentions the use of altered states of consciousness that could be induced through breath work, meditation, or spiritual journeys. A yoga or breathwork professional could also choose to pursue a facilitator license.

**Will there be CPT code such as 90865 narco-synthesis available to bill insurance for dosing, or are all psilocybin services needing to be an out-of-pocket expense?**

At this time, there are no known health insurance plans that cover the cost of psilocybin services.

**Will the OPAB/OPS be educating medical professionals that if they facilitate psilocybin services, they will be violating Federal law and thus invalidating their medical malpractice insurance policies?**

Psilocybin is still a Schedule I substance under the Federal Controlled Substances Act.

Individuals and entities should review their policies and understand the risks of participating in this work.

**EXHIBIT C**  
**MINUTES**  
**DAYTON CITY COUNCIL**  
**REGULAR SESSION**  
**August 1, 2022**

**PRESENT:** Mayor Elizabeth Wytoski  
Council President Daniel Holbrook  
Councilor Annette Frank  
Councilor Kitty Mackin  
Councilor Jim Maguire  
Councilor Trini Marquez

**ABSENT:** Councilor Rosalba Sandoval-Perez

**STAFF:** Rochelle Roaden, City Manager  
Patty Ringnalda, City Recorder  
Steve Sagmiller, Public Works Director  
Sergeant Bob Eubanks, Yamhill County Sheriff's Office

**A. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Wytoski called the meeting to order at 6:32 pm and those present gave the pledge of allegiance.

**B. ROLL CALL**

Mayor Wytoski noted there was a quorum with Councilors Frank, Mackin, Maguire, Marquez attending the meeting in person and Holbrook via Zoom. Mayor Wytoski noted the absence of Councilor Sandoval-Perez.

**C. APPEARANCE OF INTERESTED CITIZENS**

There was no one in attendance in person or virtually.

**D. ACTION ITEMS**

**1. Presentation of Yamhill County Sheriff's Office (YCSO) Annual Report for Dayton – Sergeant Eubanks**

Sergeant Eubanks reviewed the YCSO FY 2021-2022 contract for services annual report; explaining the service call types and answering questions.

Mayor Wytoski asked if the stats for Ash Street were better because there are less speeders or because more time has been focused on Ferry Street. Sergeant Eubanks advised that it is a little of both.

**2. Approval of Emergency Pump Purchase and Approval to Purchase New Back-Up Pump**

Rochelle Roaden, City Manager reviewed the emergency purchase of a new sewer pump and explained the need to also purchase a back-up pump. Finances were discussed and the budget line item was noted as to where the funds will come from within the budget. Purchasing a new pump verses purchasing a refurbished pump was discussed.

Steve Sagmiller, Public Works Director stated that he would prefer to purchase a new pump rather than refurbish the old pump and explained his reasons.

**JIM MAGUIRE MOVED TO APPROVE THE SOLE SOURCE EMERGENCY PURCHASE OF A REPLACEMENT PUMP FOR THE 9<sup>TH</sup> STREET LIFT STATION FROM XYLEM WATER SOLUTIONS FOR \$13,055. SECONDED BY ANNETTE FRANK.** *Motion carried with Frank, Holbrook, Mackin, Maguire, Marquez and Wytoski voting aye. Sandoval-Perez absent.*

**JIM MAGUIRE MOVED TO APPROVE THE SOLE SOURCE PURCHASE OF A BACK-UP PUMP FOR THE 9<sup>TH</sup> STREET LIFT STATION FROM XYLEM WATER SOLUTIONS FOR \$13,055. SECONDED BY ANNETTE FRANK.** *Motion carried with Frank, Holbrook, Mackin, Maguire, Marquez and Wytoski voting aye. Sandoval-Perez absent.*

**3. Approval of Retirement/Return to Work Program for Dayton Employees**

Rochelle Roaden, reviewed the proposed Return to Work Program with the Council, explaining there are currently two employees who would like to take advantage of the program. It was noted that the City would no longer be responsible for the IAP portion of PERS for those employees who take advantage of the proposed program.

Councilor Maguire asked if the employees would need to be in good standing in order to be rehired back with the City. Clarifications were made regarding sick leave accrual.

**KITTY MACKIN MOVED TO APPROVE THE RETIREMENT-RETURN TO WORK PROGRAM FOR THE CITY OF DAYTON EMPLOYEES. SECONDED BY ANNETTE FRANK.** *Motion carried with Frank, Holbrook, Mackin, Maguire, Marquez and Wytoski voting aye. Sandoval-Perez absent.*

**4. Psilocybin (Mushroom) Discussion**

Mayor Wytoski reviewed Ballot Measure 109, the Oregon Psilocybin (Mushroom) Service Act explaining that the City is required to adopt policy by December 31, 2022. Aspects of the regulations were explained and compared to the Marijuana policy that was incorporated by the Council.

Mayor Wytoski explained that the Council can choose to create a policy and present that policy to the public in the next election on November 8, 2022 or treat mushrooms the same as the current marijuana code and add it to the Code regulating the time, place and manner in which it can be distributed. The Mayor advised that some small cities are choosing to create a moratorium due to the short period of time they have been given to create new policy. Discussion continued with Council in agreement to regulate psilocybin (mushrooms) with time, place and manner similar to the marijuana code.

Rochelle Roaden advised that the Code change will need to go to the Planning Commission first and then will come back to the Council as a Municipal Code Update.

**E. CITY COUNCIL COMMENTS/CONCERNS**

Councilor Mackin strongly recommend that next year's Old Timer's Parade be moved to Saturday, after the Pancake Breakfast, stating that it is too hot at 6 pm. Mayor Wytoski explained the reasons the parade is held on Friday night, stating that it overlaps with other local summer events if it is moved to another day and time. Discussion continued.

Councilor Marquez inquired about the 6<sup>th</sup> Street Overlay, wanting to know what other streets will also receive overlay within the City. Rochelle Roaden advised that she, Steve Sagmiller, Public Works Director, and Denny Muchmore, City Engineer will be meeting to review those streets that need to be answered next. Starting with Main Street and working outward. Discussion continued.

Mayor Wytoski stated that Old Timers Weekend was a success this year other than the heat. The Senior Court Corination was well received, Juan Palacios and Vera Sullivan were crowned King and Queen for 2022. The parade Grand Marshall was a 92 year old honored war veteran. Dayton Friday Nights and the DCDA recorded approximately 800 people attended the events in the park after the parade. Bingo sponsored by the VFW and held in the Community Event Center was well received as was the Fire Districts Chicken BBQ, which ran out of chicken. There were 6 or 7 reunion groups in the park on Saturday. Mayor Wytoski encouraged Councilors to attend National Night Out which will be held on Tuesday, August 2, 2022 at the Community Event Center.

Councilor Marquez reported that an unknown man with a cane has been walking late at night along Foster and Fletcher Roads, she cautioned those driving in that area that he will walk almost in the middle of the road. Rochelle Roaden advised that she will speak with Deputy Broyles and have him watch for this person.

**F. INFORMATION REPORTS**

1. City Manager's Report

City Manager Rochelle Roaden advised that on Thursday, August 18, 2022 the City of Dayton will host the City County Dinner in the Experience Center at Stoller Winery. Those Councilors wishing to attend the dinner, should email Rochelle Roaden or Dawn Beveridge.

The 9<sup>th</sup> to Flower Street sidewalks have been poured and construction will start this week on the crosswalks.

City Engineer, Denny Muchmore is working on the design for the 7<sup>th</sup> Street crosswalk project.

The 6<sup>th</sup> Street overlay project finished on Friday. Laying gravel for the parking/planting strip area along 6<sup>th</sup> Street will be done next.

Rochelle Roaden advised that she met with Utility Bridge Engineers and has been informed that the cost of the construction materials have gone from \$2.5 million to \$5.5 million. Finding additional funding will be her main project for the next week. Rochelle Roaden stated that the Bridge was not eligible for Federal funds because it is not on the National Registry.

Oregon Department of Transportation (ODOT) has been in contact with Rochelle Roaden and has advised that Portland General Electric (PGE) will no longer allow ODOT to use PGE poles for ODOT purposes. ODOT has changed their standards, therefore all the directional street signs will need to come down within the City. Rochelle Roaden and Steve Sagmiller met with PGE to discuss the ODOT change to pole usage requirements.

Rochelle Roaden stated that according to Abisha Stone from Sedcore the City of Dayton is eligible for a sidewalk project through Work Force Oregon, which works with local area youths, teaching them a trade by learning how to install sidewalks within the City. The program is in its development stages and is currently being tested in the City of Carlton. The contractor for the Carlton project is from Dayton and is very interested in doing the same project in Dayton and has agreed to donate their time.

The Pancake Breakfast which was held on Saturday, July 30, 2022 was very successful with approximately 120 breakfasts served to community members. City Staff and Councilors were thanked for their help at the event.

Praise was given to City Staff that worked on the Old Times Weekend Pirates of the Caribbean float. Mayor Wytoski especially recognized Public Works for all of their very creative work.

**G. ADJOURN**

There being no further business, the meeting adjourned at 8:07 pm.

Respectfully submitted:

**APPROVED BY COUNCIL on September 6, 2022.**

As Written  As Amended

By: Patty Ringnalda  
City Recorder

  
\_\_\_\_\_  
Elizabeth Wytoski, Mayor

## EXHIBIT D

Please use the following link to access Oregon Revised Statute 475A (ORS) regulating psilocybin regulation.

[Chapter 475A \(oregonlegislature.gov\)](https://www.oregonlegislature.gov/Chapter475A)

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**To:** Honorable Mayor and City Councilors  
**From:** Rochelle Roaden, City Manager  
**Issue:** First Reading and Emergency Adoption of Ordinance 655  
**Date:** December 5, 2022

### **Background and Information**

Per Kiel Jenkins, City Planner: In November 2020, Oregon voters approved Measure 109 which legalized the licensed and regulated manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in Oregon for adults. Measure 109 created a license and regulatory framework for production of psilocybin and facilitation of psilocybin services for adults 21 years of age and older. It should be noted that Measure 109 did not create a consumer market for psilocybin, allow for the importation or exportation psilocybin, or allow licensees to interact with unregulated markets.

There are three types of psilocybin licenses permitted under Measure 109: Testing lab licenses, facilitator licenses, and service center licenses. Details regarding each of these licenses are provided in Exhibit B. All licenses are processed by the Oregon Health Authority as advised by the Oregon Psilocybin Advisory Board.

Measure 109 provided local governments with two response options:

1. Local Government opt-out: Cities and Counties can adopt ordinances that prohibit manufacturers and service centers. The ordinances must be referred to voters via general election.
2. Time Place Manner Restrictions: Local governments may adopt reasonable regulations on hours, location, and operation of licenses.

After discussion, the Dayton City Council elected to direct staff to proceed with TPM restrictions like those implemented for Marijuana facilities. The amendments included in this application establish TPM restrictions in the Dayton Land Use and Development Code.

On November 9th, 2022, the Dayton Planning Commission held a public hearing, and the staff report was presented by our City Planner, Kiel Jenkins. The Dayton Planning Commission, by a vote of 4-0, approved LA-2022-01.

In order to meet the December 31, 2022, deadline, the attached Ordinance includes an emergency clause. Per our City Charter, 3 copies of the Ordinance were available for viewing at City Hall at least one week prior to the December 5th Council Meeting. Therefore, only one reading is required and a unanimous vote to adopt Ordinance 655 will make it effective as of December 5, 2022.

**City Manager Recommendation:** I recommend approving the first reading and adoption of Ordinance 655.

**Potential Motion to Approve the 1<sup>st</sup> Reading:** “I move to approve the first reading of Ordinance 655 an Ordinance of the City Council of the City of Dayton, Oregon, Implementing an Amendment

to Text of the Land Use and Development Code Regarding Psilocybin Land Use Regulations and Declaring an Emergency.”

**Potential Motion to Adopt Ordinance 655:** “I move to adopt Ordinance 655 an Ordinance of the City Council of the City of Dayton, Oregon, Implementing an Amendment to Text of the Land Use and Development Code Regarding Psilocybin Land Use Regulations and Declaring an Emergency.”

**City Council Options:**

- 1 – Approve the 1st Reading and Adopt Ordinance 655 as recommended.
- 2 – Approve the 1st Reading and Adopt Ordinance 655 with amendments.
- 3 –Take no action and ask staff to do more research and bring further options back to the City Council.

**ORDINANCE NO. 655  
CITY OF DAYTON, OREGON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, OREGON, IMPLEMENTING AN AMENDMENT TO TEXT OF THE LAND USE AND DEVELOPMENT CODE REGARDING PSILOCYBIN LAND USE REGULATIONS AND DECLARING AN EMERGENCY**

**WHEREAS**, on November 3, 2020, Oregon voters passed Ballot Measure 109 (Oregon Psilocybin Services Act), which directs the Oregon Health Authority (OHA) to license and regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and to provide related of psilocybin services; and

**WHEREAS**, Measure 109 authorizes local jurisdictions to adopt reasonable time, place, and manner regulations beyond those already required in the original Measure and subsequent State law; and

**WHEREAS**, the City of Dayton (“City”) initiated amendments to the text of the Land Use and Development Code regarding psilocybin land use regulations in compliance with State law specifically time, place, and manner restrictions on psilocybin service and manufacturing centers; and

**WHEREAS**, the City submitted the proposed amendments to DLCD on October 9, 2022; and

**WHEREAS**, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, public testimony, and staff report at its meeting on November 9, 2022; and

**WHEREAS**, the City Council conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, Planning Commission recommendation, public testimony and staff report at its meeting on December 5, 2022; and

**WHEREAS**, since the passage of Measure 109, OHA has developed a regulatory framework for providing psilocybin services and licensing. Final rulemaking continues but is expected to be completed by December 31, 2022. Applications for a license to operate a psilocybin facility or service center will start being accepted on January 2, 2023, subject to local land use approval, and as a result, the City desires to have these regulations in place before OHA begins to issue licenses and declares an emergency; and

**WHEREAS**, the City Council considered the application, the evidence in the record, and applicable criteria for the amendments proposed in Application File No. LA 2022-01 (Legislative Amendment).

**Now, therefore:**

**THE CITY OF DAYTON ORDAINS AS FOLLOWS:**

Section 1. The City hereby adopts the proposed Land Use and Development Code Text Amendments related to psilocybin land uses as set forth in the attached Exhibit “A”.

Section 2. In support of its decision, the City Council adopts the findings within the Planning Commission Recommendation for File No. LA 2022-01, dated November 2, 2022, as set forth in the attached Exhibit “B.”

Section 3. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this 5<sup>th</sup> day of December 2022 and **EFFECTIVE** on the 5<sup>th</sup> day of December 2022.

Mode of Enactment:

Date of first reading: \_\_\_\_\_ In full \_\_\_\_\_ or by title only \_\_\_\_\_

Date of second reading: \_\_\_\_\_ In full \_\_\_\_\_ or by title only \_\_\_\_\_

\_\_\_\_ No Council member present at the meeting requested that the ordinance be read in full.

  x   A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

\_\_\_\_\_  
Elizabeth Wytoski, Mayor

\_\_\_\_\_  
Date of Signing

ATTESTED BY:

\_\_\_\_\_  
Patty Ringnalda, City Recorder

\_\_\_\_\_  
Date of Enactment

## **EXHIBIT A**

### **DRAFT AMENDMENTS**

#### **7.1.200.03- Definitions:**

Psilocybin Manufacturing Facility: An establishment at where psilocybin may be grown and processed.

Psilocybin Products: Psilocybin-producing fungi; and Mixtures or substances containing a detectable amount of psilocybin.

Psilocybin Service Center: An establishment at which administration sessions are held; and at which other psilocybin services may be provided.

#### **7.2.106.04- Conditional Uses**

Q. Licensed Psilocybin service centers and manufacturing facilities as defined in Section 7.1.200.03 and by the Oregon Health Authority.

#### **7.2.107.04- Conditional Uses**

M. Licensed Psilocybin service centers and manufacturing facilities as defined in Section 7.1.200.03 and by the Oregon Health Authority

#### **7.2.417- Psilocybin-Related Uses**

##### **7.2.417.01 Standards**

Psilocybin service centers and manufacturers shall comply with the following standards:

- A. Conflicting Uses. No Psilocybin-related use shall be permitted within 1,000 feet of real property containing any of the following:
  - 1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020; and
  - 2. Private or parochial elementary or secondary school, teaching children as described under ORS 339.030; and
  - 3. Public library; and
  - 4. Public park; and
  - 5. Preschools licensed by the State of Oregon

The distance between conflicting uses shall be measured in a straight line from the closest edge of each property, including any parking lot appurtenant thereto.

- B. If a conflicting use described in A is established within 1,000 feet of a legally established Psilocybin-related use, the Psilocybin-related use may remain at that location.
- C. Psilocybin-related uses shall only be permitted when the provisions of Section 1 above are met AND the property is within either the Industrial or Commercial Zone.
- D. Psilocybin-related uses shall not operate except between the hours of 10:00 am and 7:00 pm
- E. Psilocybin-related uses shall be located entirely within a permanent building and shall not include drive-through facilities. Outdoor storage is prohibited

- F. Psilocybin-related uses shall at all times be registered in good standing with the Oregon Health Authority (OHA).

**EXHIBIT B**

**CITY OF DAYTON**

416 Ferry Street – P. O. Box 339  
Dayton, OR 97114-0039  
503-864-2221 fax 503-864-2956

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**STAFF REPORT**

PLANNING COMMISSION – NOVEMBER 9, 2022

**REPORT DATE:** November 2, 2022

**FILE NUMBER:** LA 2022-01 (Legislative Amendment)

**APPLICANT:** City of Dayton

**REQUEST:** The addition of Time/Manner/Place restrictions on Psilocybin service and manufacturing centers. The amendments also add service and manufacturing centers as conditional uses in the commercial and industrial zones.

**PROPERTY:**

<u>Tax Lot</u>	<u>Size</u>	<u>Zoning</u>
Citywide	NA	Commercial and Industrial Zones

**ZONING:** Commercial and Industrial Zones

**SURROUNDING ZONING:** North: NA  
South: NA  
East: NA  
West: NA

**CURRENT USE:** N/A

**CRITERIA:** **Dayton Land Use and Development Code (LUDC)**  
Section 7.3.112.03: Criteria to Amend Development Code Text

**EXHIBITS:** A: Text Amendments  
B: FAQs from the Oregon Health Authority  
C: Minutes from August City Council meeting  
D: ORS 475A- Psilocybin Regulations (link to ORS webpage)

**I. PURPOSE/REQUEST**

In accordance with Oregon Ballot Measure 109, to add the following to the City of Dayton Land Use and Development Code:

- Psilocybin Service Centers and Manufacturers as conditional uses in the Commercial and Residential Zones.
- Time/Manner/Place restrictions on Psilocybin-related uses.

## **II. PROCESS**

Development Code amendments are a legislative change to the LUDC and are processed as a Type IV land use action.

The LUDC Type IV process set forth in Section 7.3.203.01, Type IV Initiation, requires a Type IV process to be initiated by a majority of the City Council, a majority of the Planning Commission or by a recommendation by the City Manager subject to majority approval by Planning Commission or the City Council. The City Council initiated the legislative amendment on October 3, 2022.

Measure 56 notice was sent to all property owners within the Commercial and Industrial zones on October 18, 2022. Newspaper notice was posted in the News Register on October 25, 2022.

No written comment has been received as of the time of this staff report. Any comment submitted prior to the hearing will be available and read into the record.

## **III. BACKGROUND**

In November 2020, Oregon voters approved Measure 109 which legalized the licensed and regulated manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in Oregon for adults. Measure 109 created a license and regulatory framework for production of psilocybin and facilitation of psilocybin services for adults 21 years of age and older. It should be noted that Measure 109 did not create a consumer market for psilocybin, allow for the importation or exportation psilocybin, or allow licensees to interact with unregulated markets.

There are three types of psilocybin licenses permitted under Measure 109: Testing lab licenses, facilitator licenses, and service center licenses. Details regarding each of these licenses are provided in Exhibit B. All licenses are processed by the Oregon Health Authority as advised by the Oregon Psilocybin Advisory Board.

Measure 109 provided local governments with two response options:

1. Local Government opt-out: Cities and Counties can adopt ordinances that prohibit manufacturers and service centers. The ordinances must be referred to voters via general election.
2. Time Place Manner Restrictions: Local governments may adopt reasonable regulations on hours, location, and operation of licenses.

After discussion, the Dayton City Council elected to direct staff to proceed with TPM restrictions similar to those implemented for Marijuana facilities. The amendments included in this application establish TPM restrictions in the Dayton Land Use and Development Code.

## **IV. PROPOSED AMENDMENTS**

A list of proposed amendments is included as Exhibit A to the staff report.

## **Vi. APPLICABLE APPROVAL CRITERIA**

The Dayton Land Use and Development Code, Section 7.3.112.03, Criteria for Approval of Development Code text amendments.

- A. Impact of the proposed amendment on land use and development patterns within the city, as measured by:*
- 1. Traffic generation and circulation patterns;*
  - 2. Demand for public facilities and services;*
  - 3. Level of park and recreation facilities;*
  - 4. Economic activities;*
  - 5. Protection and use of natural resources;*
  - 6. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

Findings: Staff makes the following findings for the subcriteria listed under Criterion A:

- 1- Due to limited quantity of permissible locations and limited traffic impacts associated with each potential facility, staff finds that the amendments will have negligible impacts on traffic generation and circulation patterns.
- 2- The amendments do not add any additional strain on public facilities.
- 3- The amendments have no impact on the level of park and recreation facilities.
- 4- The amendments add psilocybin manufacturers and service centers as conditional uses in the Commercial and Industrial zones.
- 5- The amendments do not have any impact on the protection and use of natural resources.
- 6- The amendments do not have an impact on any existing special purpose plans or programs.

- B. A demonstrated need exists for the product of the proposed amendment.*

Findings: Measure 109 requires cities to either disallow Psilocybin-related uses via ordinance or allow via the City's zoning code. The Dayton City Council has chosen to implement via TMP restrictions.

- C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

Findings: Goal 1, Citizen Involvement: Measure 56 notice was sent to all property owners within the City of Dayton on October 18, 22 days prior to the date of the scheduled Planning Commission Hearing on November 9. Newspaper notice was provided on October 25, 2022. The hearings are consistent with the Development Code's procedures for legislative amendments to the Development Code. Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 supports clear and thorough local procedures. The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Code for processing legislative amendments to the Development Code.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal amends the City's historic resources regulations in accordance with Goal 5 requirements.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable. The proposal does not address Goal 9 issues.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

*D. The amendment is appropriate as measured by at least one of the following criteria:*

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Findings: The proposed amendments are appropriate per Criterion D3. Measure 109 mandates local government implementation of psilocybin restrictions.

## **VII. STAFF RECOMMENDATION**

Based upon the staff report and the above findings, staff recommends the Planning Commission pass a motion adopting the staff report and the findings as shown above and recommending the City Council approve the proposed amendments.

## **VIII. PLANNING COMMISSION OPTIONS – Sample Motions**

A. Option 1: Adopt and recommend as presented.

Motion: I move the Planning Commission adopt the staff report with the findings and recommend the City Council approve LA 2022-01.

B. Option 2: Adopt and recommend with changes.

Motion: I move the Planning Commission adopt the staff report with the findings and recommend the City Council approve the proposed amendments with the following changes...and state the changes.

C. Option 3: Do not adopt.

Motion: I move the Planning Commission recommend the City Council deny the proposed amendments because...and state the reasons.

D. Option 4: Continue the Hearing.

Motion: I move the Planning Commission continue the public hearing to a date/time/location certain for staff to provide more information on the following issues...and state the issues.

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**TO:** Honorable Mayor, City Councilors and City Manager  
**FROM:** Patty Ringnalda, City Recorder  
**SUBJECT:** Certification of Election Results – November 8, 2022  
**DATE:** December 5, 2022

## **STAFF REPORT**

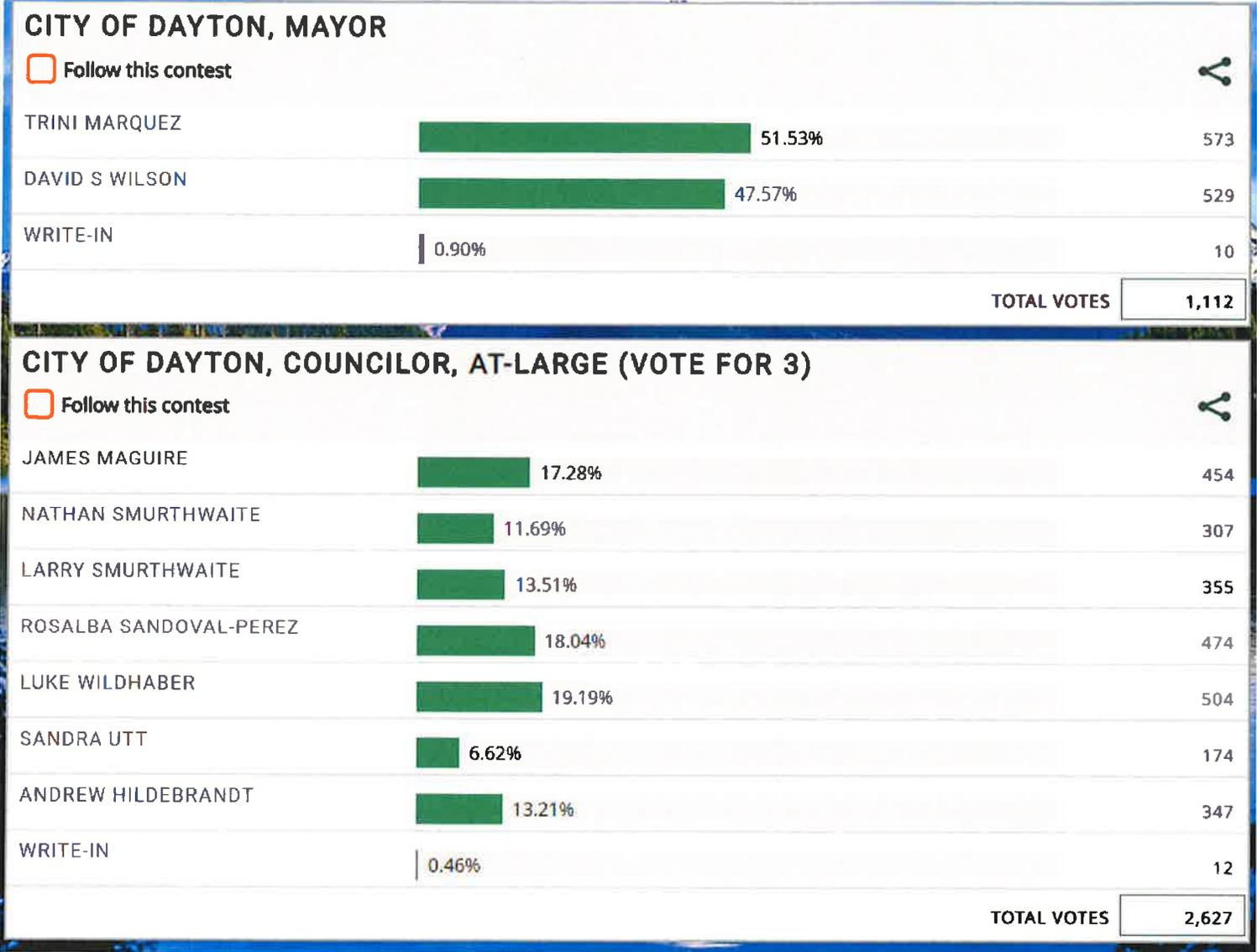
- 1) The Official Certified Results for the November 8, 2022, General Election. The election included Mayor and three Councilor positions.
  
- 2) City Council Election Results were as follows:

Mayor	Trini Marquez	-	573 Votes
Councilor	Luke Wildhaber	-	504 Votes
Councilor	Rosalba Sandoval-Perez	-	474 Votes
Councilor	James Maguire	-	454 Votes
  
- 3) Section 1.04.07 of the Dayton Municipal Code requires the Elections Officer (City Recorder) to certify the election results to the Council at the first Council meeting after the results are certified by the County Elections Official.

Elections results are taken from the State of Oregon's Website from their Elections page.

Attachment

**ELECTION RESULTS PER THE YAMHILL COUNTY ELECTION WEBSITE  
AS OF MONDAY, NOVEMBER 28, 2022**



**To:** Honorable Mayor and City Councilors  
**From:** Rochelle Roaden, City Manager  
**Issue:** Park Improvement Projects Survey Results  
**Date:** December 5, 2022

### **History/Background**

At the October 3<sup>rd</sup> City Council Meeting, the Council reviewed a comparable parks projects list created by city staff. The City Council, wanting to hear input from the Dayton residents, requested staff put together a survey.

At the October 17<sup>th</sup> Council Work Session, the Council approved the survey which asked two questions. The first was to prioritize 8 projects that were designated as either short term (ST) or completed in the next 1-5 years or long term (LT) completed in 5-10 years. The second question was an open-ended comment box to suggest different park improvement projects or any comments for the Dayton City Council.

The 8 projects are:

1. Installation of ADA rubber mats under playground equipment at Courthouse Square Park (Short Term)
2. Installation of ADA rubber mats under playground equipment at Andrew Smith Park (Short Term)
3. Picnic Shelters at Alderman and Andrew Smith Parks (Short Term)
4. Permanent Bathroom Facilities at Alderman Park, Legion Field, and Andrew Smith Park (Short Term)
5. Upgrading the basketball courts and lighting at Andrew Smith Park and Courthouse Square Park (Short Term)
6. Splash Pad (Long Term)
7. Skate Park (Long Term)
8. Saving Park Improvement Project funds to help acquire/improve Dayton Landing Park (Long Term)

Attached you will find the results of the survey which was open for two weeks from November 1 through November 15<sup>th</sup>. The survey was sent out in both English and Spanish via email to all utility bill customers who we have an email address on record. Flyers were also distributed to businesses in Dayton in English and Spanish with QR codes for easy access.

An Every Door Direct Flyer was mailed to all addresses within the Dayton City Limits in both English and Spanish with a QR code for easy access. (attached)

The survey was pushed out via the City’s social media platforms in both English and Spanish with a link to the survey. The poll button on the City App was also activated to link to the survey. A bilingual app notification went out to subscribers. We also included an alert button for anyone that visited the City’s website. They had to click out of it to continue to the main screen.

<input type="checkbox"/>	TITLE	MODIFIED ▼	RESPONSES	DESIGN	COLLECT	ANALYZE	SHARE	MORE
<input type="checkbox"/>	Dayton Citywide Park Survey Created 10/13/2022	11/15/2022	224					
<input type="checkbox"/>	Encuesta sobre proyectos de parques Created 10/25/2022	11/13/2022	10					

For the English survey, we received 106 responses via the web link, 87 responses via email and 31 responses from the QR code. The Spanish survey received 5 responses from the web link and 5 from the email invitation.

Attached are the survey data reports from survey monkey for your review and discussion.

For your reference: Comparable Park Improvement Projects Budget Estimates presented at the October 3 City Council Meeting:

- 1) Splash Pad (see attached designs)
  - a. Flow Through = \$250,000
  - b. Recirculating = \$400,000
  - c. Maintenance (Annual after first few years) = \$30,000
- 2) Installation of ADA Rubber Filled Playgrounds
  - a. Courthouse Square Park (5,382 sq feet) = \$90,000
  - b. 11<sup>th</sup> Street Park (4,206 sq feet) = \$75,000
  - c. Maintenance – replacement every 7-10 years due to deterioration from sun and outside elements.
- 3) Picnic Shelters with Concrete pads
  - a. Alderman Park
    - i. (16’ x 28’) = \$15,000
    - ii. (16’ x 24”) = \$13,000
  - b. 11<sup>th</sup> Street Park

- i.  $(16' \times 28') = \$15,000$
  - ii.  $(16' \times 24'') = \$13,000$
- 4) Bathrooms
  - a. Alderman, 11<sup>th</sup> Street, and Legion Field - \$60,000 each (the city currently pays monthly rental fees for 11<sup>th</sup> Street and Legion Field)
- 5) Skate Park
  - a. \$50 to \$75 per square foot (approximate cost today)
    - i. 6000 square foot skate park = \$300,000
    - ii. 3000 square foot skate park = \$150,000
- 6) Basketball Court Upgrades
  - a. Courthouse Square Park – 29" x 64" = \$26,000 for new concrete court
  - b. 11<sup>th</sup> Street Park – 25" x 50" = \$20,000
- 7) Dayton Landing Park – save the funds to be used to help acquire the Dayton Landing Park from the County

## Parks Project Survey

1. The Dayton City Council is looking for your input. The Parks Capital Fund currently has Transient Lodging Tax (TLT) Revenue to be used on park improvement projects. Following is a list of park improvement projects that the City Council is considering. Some projects can be completed in the short term (1-5 years) while others will required additional revenue and would be completed in the long term (5-10 years). Please prioritize the projects listed below

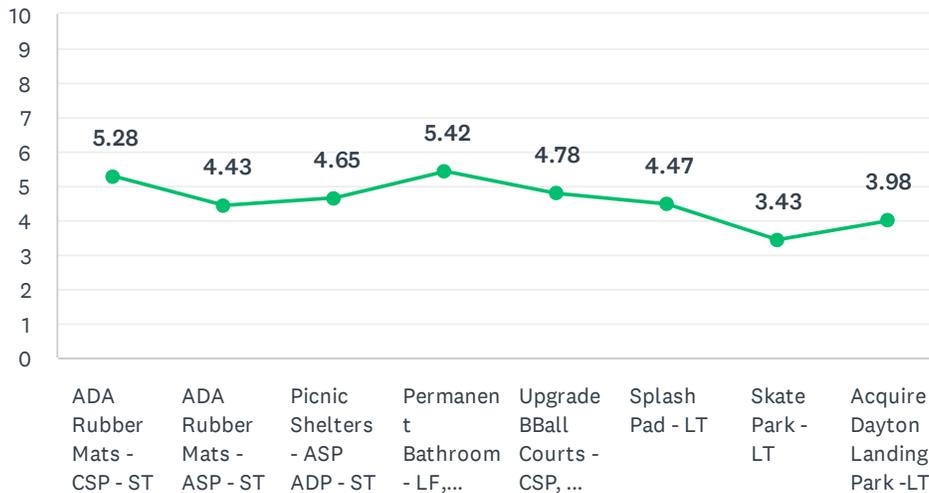
- Installation of ADA rubber mats under playground equipment at Courthouse Square Park (Short Term)
- Installation of ADA rubber mats under playground equipment at Andrew Smith Park (Short Term)
- Picnic Shelters at Alderman and Andrew Smith Parks (Short Term)
- Permanent Bathroom Facilities at Alderman Park, Legion Field, and Andrew Smith Park (Short Term)
- Upgrading the basketball courts and lighting at Andrew Smith Park and Courthouse Square Park (Short Term)
- Splash Pad (Long Term)
- Skate Park (Long Term)
- Saving Park Improvement Project funds to help acquire/improve Dayton Landing Park (Long Term)

2. If you would like to suggest a different park improvement project or have other comments for the City Council, please comment below.

Done

**Q1 The Dayton City Council is looking for your input. The Parks Capital Fund currently has Transient Lodging Tax (TLT) Revenue to be used on park improvement projects. Following is a list of park improvement projects that the City Council is considering. Some projects can be completed in the short term (1-5 years) while others will required additional revenue and would be completed in the long term (5-10 years). Please prioritize the projects listed below.**

Answered: 224 Skipped: 0



**Legend Below**

	1	2	3	4	5	6	7	8	TOTAL	SCORE
ADA Rubber Mats - CSP - ST	25.00% 52	13.94% 29	11.06% 23	12.02% 25	12.98% 27	8.65% 18	10.10% 21	6.25% 13	208	5.28
ADA Rubber Mats - ASP - ST	4.81% 10	16.35% 34	13.46% 28	14.90% 31	15.38% 32	12.50% 26	12.98% 27	9.62% 20	208	4.43
Picnic Shelters - ASP ADP - ST	5.31% 11	10.63% 22	20.77% 43	18.84% 39	14.01% 29	15.46% 32	12.08% 25	2.90% 6	207	4.65
Permanent Bathroom - LF, ADP, ASP - ST	15.35% 33	19.07% 41	15.35% 33	20.00% 43	12.09% 26	11.63% 25	3.72% 8	2.79% 6	215	5.42
Upgrade BBall Courts - CSP, ASP - ST	7.51% 16	14.55% 31	15.96% 34	13.62% 29	23.47% 50	13.15% 28	7.51% 16	4.23% 9	213	4.78
Splash Pad - LT	15.71% 33	13.33% 28	10.00% 21	8.57% 18	6.67% 14	18.10% 38	16.19% 34	11.43% 24	210	4.47
Skate Park - LT	9.57% 20	10.05% 21	6.70% 14	4.31% 9	6.70% 14	7.66% 16	29.67% 62	25.36% 53	209	3.43
Acquire Dayton Landing Park -LT	22.17% 47	4.25% 9	8.02% 17	7.55% 16	7.08% 15	9.91% 21	5.66% 12	35.38% 75	212	3.98

**Legend:**

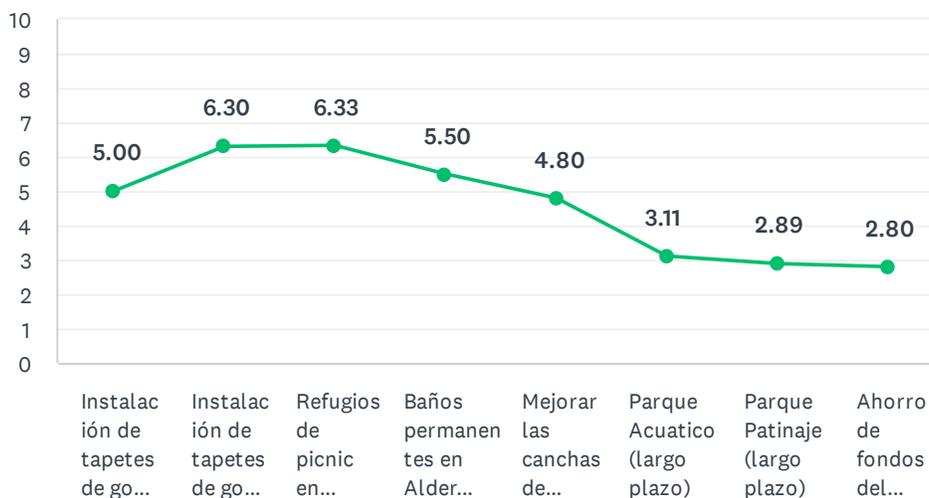
**ADP - Alderman (Dog) Park**  
**ASP - Andrew Smith Park (11th Street Park)**  
**CSP - Courthouse Square Park**

**LF - Legion Field**  
**ST - Short Term**  
**LT - Long Term**

Q1 El Ayuntamiento de Dayton está buscando su opinión. El Fondo de Capital de Parques actualmente tiene Ingresos por Impuestos de Alojamiento Transitorio (TLT, por sus siglas en inglés) para ser utilizados en proyectos de mejora de parques. La siguiente es una lista de proyectos de mejoramiento de parques que el Concejo Municipal está considerando.

Algunos proyectos pueden completarse a corto plazo (1 a 5 años), mientras que otros requerirán ingresos adicionales y se completarán a largo plazo (5 a 10 años). Por favor priorice los proyectos enumerados a continuación

Answered: 10 Skipped: 0



1. Installation of ADA rubber mats under playground equipment at Courthouse Square Park (Short Term)
2. Installation of ADA rubber mats under playground equipment at Andrew Smith Park (Short Term)
3. Picnic Shelters at Alderman and Andrew Smith Parks (Short Term)
4. Permanent Bathroom Facilities at Alderman Park, Legion Field, and Andrew Smith Park (Short Term)
5. Upgrading the basketball courts and lighting at Andrew Smith Park and Courthouse Square Park (Short Term)
6. Splash Pad (Long Term)
7. Skate Park (Long Term)
8. Saving Park Improvement Project funds to help acquire/improve Dayton Landing Park (Long Term)

Encuesta sobre proyectos de parques

	1	2	3	4	5	6	7	8	TOTAL	SCORE
Instalación de tapetes de goma ADA debajo del equipo de juegos en Courthouse Square Park (corto plazo)	10.00% 1	40.00% 4	0.00% 0	10.00% 1	10.00% 1	10.00% 1	0.00% 0	20.00% 2	10	5.00
Instalación de tapetes de goma ADA debajo del equipo de juegos en Andrew Smith Park (corto plazo)	30.00% 3	20.00% 2	30.00% 3	10.00% 1	0.00% 0	0.00% 0	10.00% 1	0.00% 0	10	6.30
Refugios de picnic en Alderman y Andrew Smith Parks (corto plazo)	11.11% 1	33.33% 3	44.44% 4	0.00% 0	11.11% 1	0.00% 0	0.00% 0	0.00% 0	9	6.33
Baños permanentes en Alderman Park, Legion Field y Andrew Smith Park (corto plazo)	12.50% 1	0.00% 0	25.00% 2	50.00% 4	12.50% 1	0.00% 0	0.00% 0	0.00% 0	8	5.50
Mejorar las canchas de baloncesto y la iluminación en Andrew Smith Park y Courthouse Square Park (corto plazo)	20.00% 2	0.00% 0	0.00% 0	30.00% 3	30.00% 3	10.00% 1	10.00% 1	0.00% 0	10	4.80
Parque Acuatico (largo plazo)	11.11% 1	0.00% 0	0.00% 0	0.00% 0	11.11% 1	44.44% 4	11.11% 1	22.22% 2	9	3.11
Parque Patinaje (largo plazo)	0.00% 0	11.11% 1	0.00% 0	11.11% 1	0.00% 0	22.22% 2	33.33% 3	22.22% 2	9	2.89
Ahorro de fondos del Proyecto de Mejoramiento del Parque para ayudar a adquirir/mejorar el Parque Dayton Landing (largo plazo)	10.00% 1	0.00% 0	0.00% 0	0.00% 0	20.00% 2	10.00% 1	30.00% 3	30.00% 3	10	2.80

## Q2 If you would like to suggest a different park improvement project or have other comments for the City Council, please comment below.

Answered: 56 Skipped: 168

#	RESPONSES	DATE
1	For spring/ summer, movies at the park. Dayton city wide "park walks" to physically introduce existing park space to residents.	11/15/2022 5:09 AM
2	Get the boat launch in better shape. Thanks	11/14/2022 4:57 PM
3	Restrooms, seating - ie benches and maybe added table/s for picnic/s, electrical outlets, running water, lighting.	11/11/2022 1:50 PM
4	Walking trail between grade school and boat landing.	11/9/2022 7:48 PM
5	Paving the road to Alderman Park would make it a usable park, along with permanent bathroom facilities. Restoring the bridge from The Vintages Trailer Resort/Willamette Wine Country RV Park, would make getting to Dayton much safer than trying to get out on the highway without getting in a car accident, so we can enjoy our town. There are approximately 380 people living here that would love to go to Dayton for the amenities if the bridge was restored to working condition.	11/9/2022 4:39 PM
6	Fix the boat ramp #1	11/9/2022 4:02 PM
7	I would prefer to see the basketball court (and it's additional lighting) moved out of the historic downtown park. Perhaps Legion field could be better utilized with a basketball court , splash pad and skate venue. This would create a space with a variety of uses and more people around keeping "eyes" on activity there.	11/9/2022 2:47 PM
8	a few of the premier skate park construction and design companies in the whole country are based right here in the PNW - leveraging community connections with those companies along with the TLT and perhaps park/playground grants could get Dayton a small but quality skatepark in the short-term as opposed to the long-term.	11/9/2022 2:29 PM
9	Dayton landing is a game-changing park for Dayton. This will fundamentally change the city for the better. Please prioritize this park.	11/8/2022 6:21 AM
10	Work on code enforcement. There are too many properties that are cluttered with debris non functioning cars etc. to the point of danger(le fire hazard,poor access for ems) and certainly detract from the charm of the community.	11/8/2022 6:09 AM
11	It would be nice to have bike/running/walking path with crushed limestone.	11/6/2022 4:55 PM
12	Continued improvement of Dog Park.	11/6/2022 11:01 AM
13	Please fix the parking lot and boat launch at Dayton Landing! This has been put off long enough and NEEDS to be addressed!	11/5/2022 6:53 PM
14	Fix the boat ramp asap	11/5/2022 4:32 PM
15	Community pool	11/5/2022 9:45 AM

## Dayton Citywide Park Survey

16	Permanent com hole boards, made of concrete.	11/5/2022 8:48 AM
17	A few more park benches and a picnic table or two in areas other than just the shelter at courthouse square.	11/4/2022 4:09 PM
18	I would have thought when restoring the fountain at courthouse park it would have been in the same style as previous, hence the word restore. I digress. Sustainable energy for better lighting over covered picnic area, bathroom, around, in or on pavillion. Also basket ball courts, but they should shut off when it is dark. If you keep them lit all the time that means people can be there all the time. I don't think we want that. I'm sure Dayton City Council will do something Creative. Look at all they came up with during COVID-19. I would talk to that idea maker, very creative.	11/4/2022 11:37 AM
19	Adult exercise equipment please	11/4/2022 9:51 AM
20	The foot bridge over the yamhill being fixed and opened would be good	11/4/2022 6:10 AM
21	Having a covered basketball court with new hoops and lighting at Andrew Smith Park would be awesome. No skate park in Dayton needed. There is one in Mac that they can go to. Skate parks only breed negativity to the community and we already have seen issues involving skaters within our community.	11/3/2022 10:47 PM
22	Use money to enforce city ordinances to clean up run down properties in town.	11/3/2022 6:09 PM
23	Better sidewalks all around, and a running trail across Dayton	11/3/2022 6:06 PM
24	Tennis court	11/3/2022 5:54 PM
25	I would love to see a Bocceball court, or two, installed at Courthouse Park or other public space where it would work.	11/3/2022 5:29 PM
26	I think that's it for me. A skate park would be really cool for kids and teens and could be a new hang out spot. The basketball hoops in the main square have needed tic for a long time. Even just a station with a little cheap broom would help keep the court clean from all the tree debris.	11/3/2022 5:23 PM
27	Lighting and security camera improvement at the parks to resolve ongoing issues with damage and vandalism.	11/3/2022 4:26 PM
28	City pool Pickle ball courts that could also be tennis or bb courts convertible use	11/3/2022 1:58 PM
29	No loitering in parks Homeless and drug dealers	11/3/2022 1:24 PM
30	Fishing pier. Visit Shampoe State Park fishing pier. Poles above flood line.	11/3/2022 11:48 AM
31	Dayton Landing any improvement would be appreciated:	11/3/2022 10:34 AM
32	new benches for Friday Nights during the summer.	11/3/2022 10:30 AM
33	Permanent bathrooms are not necessary everywhere	11/2/2022 9:14 PM
34	Making sure there are staff to clean the bathrooms.	11/2/2022 1:59 PM
35	Upgrade wheelchair access to Andrew Smith Park. Curb ramps are dangerous.	11/2/2022 9:26 AM
36	1. Splash pad would be great for kids but not in Courthouse Square park unless it's to replace basketball court. Need to leave some green space and room for people gathering space in that park, it's very full already with structures. Put it in a different park. 2. I'd actually put rehabbing the Palmer Creek Trail over a lot of the above priorities you listed. A linear trail would be great for walkers and runners. 3. Similarly, look at putting walking trail around perimeter the Fisher Farm well	11/1/2022 11:16 PM

## Dayton Citywide Park Survey

property. 4. I think a restroom facility over at Alderman Park will draw problems. No public eyes on it, isolated - will draw drug use, people camping out in it, vandalism. In Courthouse park people jam toilet paper in the locking mechanism so the doors don't lock at night, so you see it's easy to circumvent security controls. Maybe add a portapotty at most. 5. Add another couple of trees inside perimeter of Alderman park inside fence area, for those hot sunny summer days. My dogs would take breaks from the sun under the trees at the edge but the new fence blocks them from doing that I noticed. 6. This is extremely minor but adding mulch to entry of the Alderman offleash area would be nice, is muddy now at that entrance. 7. Hire arborists to rehab the cherry trees that surround Legion field. They need help. A couple spots might need replanting of cherry trees, I think there are one or two gaps where trees died.

37	For future playground plans make sure that play equipment is designed to be as inclusive as possible for children of all abilities.	11/1/2022 10:00 PM
38	Gazebo need some good maintenance to sustain its integrity. It's a beautiful part of our community.	11/1/2022 9:42 PM
39	It would be great to get the bridge access to the dog park.	11/1/2022 9:22 PM
40	The splash pad would be wonderful for all, give the kids , families something too enjoy on a hot day....	11/1/2022 7:01 PM
41	The State should pay for the improvements at the boat dock in town (you call it Dayton Landing). Use the funds for the other projects. My order-of-priority list is shown. Good luck!	11/1/2022 6:59 PM
42	Fix foot bridge to the dog park, so we can walk our dogs to it. Also fully fence in dog park, with safe entry and exit gates. Or move dog park to new location on Dayton side of river.	11/1/2022 6:30 PM
43	Fix the basketball court in the at the courthouse park	11/1/2022 4:26 PM
44	1- Under city ownership/control, I would like to see legion field become a multi-use park focused on kids/youth. Although there is little league played there in summer the park is vastly (100% empty of people) unused about 90% of the year and is a largely-wasted resource. It would get way more use if configured differently. Example: A small splash pad for little ones and a modest skate park for youth could both fit there and would result in much more use! Yes, it costs money, but it is a long term thing. But to do this, the current little league ball field would have to be removed/moved first. This will ruffle feathers if there is not a good plan, but it won't be a problem at all if the city government could work with Dayton SD to financially/logistically help the school district "move" the little league-scale field (60 foot baseline, 200' fence) to ensure continued presence of a decent little league field in Dayton. This is done by converting the existing ragged, old, unused high school baseball field behind the grade school to a well-kept little-league scale field with 200 foot fence, etc. It just makes sense for all ball fields to be located closer to each other and it also makes sense for the school district to have a decent little league scale field right next to high school boys baseball field. It already has the nice high school girls softball field and an older/secondary softball field next to it (which I assume used by younger softball players). Once this little league baseball field move is done, then the city could properly pursue developing the Legion Field as a multi-use park of some type. 2-Also: I would love to see the 99% unused basketball court removed out of Courthouse Square Park since it is so rarely used. Another idea would be to just remove the concrete on the west half of the court (this is the part that is being heaved up by the coastal redwood) and just plant grass and keep half the concrete court as a simple, "half court". Thank you for reading. John Collins 309 main St.	11/1/2022 3:55 PM
45	The boat ramp needs to be fixed. I know, I know it's county property and you guys want it released to the city so you can install permanent bathrooms. However, for those who do use the boat ramp, having a permanent bathroom is really not necessary. Where the bathroom is proposed is still within the 50 year flood plain. We are just fine having a porter potty that needs to be removed during the winter/spring time, but here's an idea, move the porter potty to where you all want a permanent bathroom. And please listen to the people actually using the boat ramp and not just the opinion of those who use it for kayaking that are on the council, as it is entirely different launching a boat using a truck and trailer vs. sliding a kayak	11/1/2022 3:23 PM

## Dayton Citywide Park Survey

into the water... the community members that use the boat ramp for launching are the ones actually fixing the dangerous holes that are at the ramp. And that's not an insult to those on the city council, it just seems like the council has been very defensive of any type of input from the community lately. And no, not everyone has the time to attend meetings, but it is still our tax dollars paying for those improvements that y'all put on your resumes. Cheers

46	Prioritize getting the bridge to Alderman Park fixed/replaced.	11/1/2022 3:07 PM
47	We have a disabled son in a wheel chair. It would be nice to up grade the swing to accommodate him and others like him.	11/1/2022 2:54 PM
48	Could donated labor and sponsors help create a skate park? Great job!	11/1/2022 2:44 PM
49	Accessible ramp and area for fishing at Dayton Landing. On another note the sidewalk on Ferry St needs repairs. Uneven sidewalks creating trip hazards and leaves city open to liability. Homeowners need to trim back vegetation obstructing walkway.	11/1/2022 2:33 PM
50	What is the feasibility of having a temporary ice rink in courthouse square park during winter months? Just thought that would be fun! No idea how it would work...maybe on top of the bball court...	11/1/2022 2:02 PM
51	Don't lump legion field bathroom in with alderman and the other neighborhood park.	11/1/2022 1:34 PM
52	Trees by or shade for play structures. It gets so hot in the summer and children can only play late in the evening, very early in the day, or not at all.	11/1/2022 1:34 PM
53	Fix pedestrian bridge to Alderman Park!	11/1/2022 1:29 PM
54	Dog park area	11/1/2022 1:07 PM
55	Get rid of the basketball court in Courthouse square...or leave it alone, and spend the money more wisely. As for the splash pad and skate park, I would support funding those IF they were located in residential part of town - where the kids live. DO NOT try to squeeze them into Courthouse Square park. The kids already use the band stand as a skate park, so moving that interest out of downtown would work best. The picnic shelter and bathrooms at Alderman/dog park - great idea, but what is the plan for security and clean up - those needs should be funded as well. Perhaps take some of the money and assure a 'tourist-park-related' TLT bucket for security and clean up of all the parks and any added park features. Oh, what would I replace the Courthouse Sq park basketball court with? Green space, picnic table, relieve the stress on tree roots by getting rid of the cement. Thanks for asking!	11/1/2022 12:59 PM
56	On the west end of Joel Palmer Way, there is vacant, and I believe, unbuildable, land. Would it be possible to create a park space there for the neighborhood?	11/1/2022 12:52 PM

## Q2 Si desea sugerir un proyecto de mejora de parque diferente o tiene otros comentarios para el Ayuntamiento, por favor comente a continuación.

Answered: 4 Skipped: 6

#	RESPONSES	DATE
1	Agregar areas de entrenamiento canino al parque de perros, hacer rutas de caminar predestinadas con acceso a fuentes de agua, datos divertidos un letereros con dustancias, bolsas para perros, bancas de descanso, are, etc.	11/7/2022 8:20 AM
2	Mas iluminacion en la calle ASH entre las calles 9 y 11	11/3/2022 10:03 AM
3	Mas iluminacion y en el pueblo completo nesecita.	11/2/2022 11:13 AM
4	Splash area water	11/2/2022 7:37 AM

Translated:

- #1 Add dog training areas to the dog park, make predestined walking routes with access to water sources, fun facts, signs with distances, doggy bags, rest benches, area, etc.
- #2 More lighting on ASH street between 9th and 11th streets.
- #3 The complete entire town needs more lighting.

**To:** Honorable Mayor and City Councilors  
**From:** Rochelle Roaden, City Manager  
**Issue:** Utility Bridge with Infrastructure Upgrade Bid Summary & Recommendation for the Award of the Construction Services, Jason Kelly, DOWL  
**Date:** December 5, 2022

### **Background and Information**

DOWL issued a Request for Proposal to provide constructions services for the design of Dayton’s Utility Bridge with Infrastructure Upgrades Project on February 19, 2022. This RFP was advertised in two publications – the Portland Business Journal which has statewide reach and the News Register. November 17<sup>th</sup> was bid opening and we received 4 bids for this project.

Jason Kelly with DOWL will attend the December 5<sup>th</sup> meeting to present the attached Utility Bridge Bid Summary and Recommendation report. Denny Muchmore, City Engineer, will also be in attendance to answer any questions regarding the infrastructure upgrade portion of the project.

The City received a \$1 million grant from Yamhill County for the design/permitting and waterline upgrade portions of this project. The City has received approval for a construction loan from the Department of Environmental Quality (DEQ) for the bridge and sewer line upgrade portions of this project. Currently, the City is in the process of completing all the requirements by DEQ for this loan. Because the loan has not been initiated yet, I am adding language to the motion that this award is contingent on the City receiving this loan.

Typically, we add a 10% contingency to the award amount on projects, but due to the size of this project, I have added only a 2% contingency to the bid amount.

**Council Goal:** *Goal A: Develop and maintain infrastructure to support operations and meet growth.*

**City Manager Recommendation:** I recommend approval.

**Potential Motion to Approve:** “I move to approve awarding the construction services contract for the Utility Bridge with Infrastructure Upgrades project to Stellar J Corporation in an amount not to exceed \$6,099,000 contingent on the City receiving construction services financing through the Department of Environmental Quality.”

### **Council Options:**

- 1 – Approve as recommended.
- 2 – Approve with amendments.
- 3 – Take no action and direct staff to do further research or provide additional options.

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November 21, 2022

Rochelle Roaden  
City of Dayton  
416 Ferry Street  
PO Box 339  
Dayton, OR 97114-0339

**Subject: Dayton Utility Bridge Main Span Replacement: Bid Evaluation  
Project NO. 2860.80185.01**

Dear Ms. Roaden

The advertisement for the Project closed on November 17<sup>th</sup> at 2:00 PM following a 3-week advertisement period. During that time, we answered approximately 35 separate inquiries from bidders and issued two addenda modifying and/or clarifying the Contract. The advertisement and acceptance of bids was completed electronically utilizing QuestCDN. The Engineers Estimate for the Project was \$6.35M.

We received 4 bids with totals ranging from \$5.97M to \$6.98M. Steller J Corporation (Stellar J) was the apparent low bidder with a total cost of \$5,979,053.00.

Attached you will find the following documents:

- Summary of the bid results including all bidders and Engineers estimate
- Stellar J's:
  - Bid Forms
  - Bid Bond
  - First Tier Contractor List
  - Bidder Responsibility Forms

Stellar J submitted all required information, and we did not find an errors or omissions with their bid. We recommend the City move forward with awarding the Contract to Stellar J.

Sincerely,  
DOWL

Jason Kelly, PE  
Senior Project Manager

Attachment(s): As stated

c: Denny Muchmore, PE

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Line Item	Section Title	Item Code	Item Description	U of M	Quantity	Engineer Estimate		Stellar J Corporation		Hamilton Construction Co.		HP Civil Inc.		Tapani Inc.	
						Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
10	210	Mobilization		Lump Sum	1	\$634,566.89	\$1,508,886.89	\$590,000.00	\$1,367,660.00	\$607,000.00	\$1,402,545.00	\$653,430.31	\$1,800,595.31	\$390,000.00	\$859,980.00
20	231	Construct and Remove Temporary Access Road		Lump Sum	1	\$4.00	\$52,000.00	\$100,000.00	\$100,000.00	\$125,500.00	\$125,500.00	\$125,000.00	\$653,430.31	\$70,000.00	\$390,000.00
30	252	Temporary Work Bridges		Lump Sum	1	\$90.00	\$702,000.00	\$500,000.00	\$500,000.00	\$625,000.00	\$625,000.00	\$1,000,000.00	\$1,000,000.00	\$179,000.00	\$179,000.00
40	253	Temporary Work Access and Containment		Lump Sum	1	\$25.00	\$50,000.00	\$100,000.00	\$100,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$32,000.00	\$32,000.00
50	255	Bridge Jacking at Bent 3		Lump Sum	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$65,000.00	\$65,000.00
60	255	Bridge Jacking at Bent 4		Lump Sum	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$65,000.00	\$65,000.00
70	280	Erosion Control		Lump Sum	1	\$24,200.00	\$24,200.00	\$25,000.00	\$25,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$100.00	\$18,000.00	\$18,000.00
80	280	Construction Entrance, Type 1		Each	2	\$2,250.00	\$4,500.00	\$5,000.00	\$10,000.00	\$1,500.00	\$3,000.00	\$4,500.00	\$9,000.00	\$16,000.00	\$16,000.00
90	280	Concrete Washout Facility		Each	2	\$2,000.00	\$4,000.00	\$1,000.00	\$2,000.00	\$500.00	\$1,000.00	\$1,000.00	\$2,000.00	\$5,600.00	\$5,600.00
100	280	Sediment Barrier, Type 8		Foot	470	\$8.00	\$3,760.00	\$10.00	\$4,700.00	\$7.50	\$3,525.00	\$9.50	\$4,465.00	\$4,700.00	\$4,700.00
110	280	Inlet Protection, Type 7		Each	2	\$180.00	\$360.00	\$80.00	\$160.00	\$135.00	\$270.00	\$150.00	\$300.00	\$90.00	\$180.00
120	290	Pollution Control Plan		Lump Sum	1	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00	\$1,500.00	\$1,500.00	\$1,500.00	\$100.00	\$500.00	\$500.00
130	290	Turbidity Monitoring		Lump Sum	1	\$1,500.00	\$1,500.00	\$800.00	\$800.00	\$750.00	\$750.00	\$100.00	\$100.00	\$6,800.00	\$6,800.00
140	290	Work Containment Plan		Lump Sum	1	\$1,000.00	\$1,000.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00	\$100.00	\$100.00	\$7,200.00	\$7,200.00
		Roadway					\$291,835.00		\$121,152.00		\$121,723.00		\$208,276.00		\$136,850.00
150	305	Construction Survey Work		Lump Sum	1	\$116,800.00	\$116,800.00	\$35,000.00	\$35,000.00	\$20,690.00	\$20,690.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
160	310	Removal of Structures and Obstructions		Lump Sum	1	\$46,700.00	\$46,700.00	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00	\$75,000.00	\$75,000.00	\$35,000.00	\$35,000.00
170	320	Clearing and Grubbing		Acre	0.95	\$7,500.00	\$7,125.00	\$8,000.00	\$7,600.00	\$17,500.00	\$16,625.00	\$10,000.00	\$9,500.00	\$25,000.00	\$23,750.00
180	330	General Excavation		Cu Yd	200	\$65.00	\$13,000.00	\$50.00	\$10,000.00	\$80.00	\$16,000.00	\$65.00	\$13,000.00	\$45.00	\$9,000.00
190	350	Riprap Geotextile, Type 1		Sq Yd	404	\$4.00	\$1,616.00	\$3.00	\$1,212.00	\$2.00	\$808.00	\$4.00	\$1,616.00	\$5.00	\$2,020.00
200	390	Loose Riprap, Class 50		Cu Yd	526	\$175.00	\$92,050.00	\$90.00	\$47,340.00	\$100.00	\$52,600.00	\$160.00	\$84,160.00	\$80.00	\$42,080.00
		Drainage and Sewers					\$175,550.00		\$92,086.00		\$158,705.00		\$185,524.00		\$137,636.00
210	415	Mainline Video Inspection		Foot	377	\$20.00	\$7,540.00	\$8.00	\$3,016.00	\$5.00	\$1,885.00	\$7.00	\$2,639.00	\$3.00	\$1,131.00
220	445	12 Inch Storm Sewer Pipe, 5 Ft Depth		Foot	50	\$150.00	\$7,500.00	\$150.00	\$7,500.00	\$210.00	\$10,500.00	\$195.00	\$9,750.00	\$225.00	\$11,250.00
230	445	15 Inch Storm Sewer Pipe, 5 Ft Depth		Foot	28	\$200.00	\$5,600.00	\$150.00	\$4,200.00	\$220.00	\$6,160.00	\$295.00	\$8,260.00	\$85.00	\$2,380.00
240	445	15 Inch Storm Sewer Pipe, 10 Ft Depth		Foot	183	\$250.00	\$45,750.00	\$200.00	\$36,600.00	\$225.00	\$41,175.00	\$225.00	\$41,175.00	\$205.00	\$37,515.00
250	470	Concrete Storm Sewer Manhole		Each	3	\$10,000.00	\$30,000.00	\$5,000.00	\$15,000.00	\$9,850.00	\$29,550.00	\$18,000.00	\$54,000.00	\$11,000.00	\$33,000.00
260	470	Concrete Manholes, 24 Inch		Each	1	\$8,000.00	\$8,000.00	\$2,500.00	\$2,500.00	\$3,750.00	\$3,750.00	\$8,000.00	\$8,000.00	\$3,600.00	\$3,600.00
270	470	Concrete Inlets, Type Oversize Side Inlet Catch Basin		Each	1	\$4,000.00	\$4,000.00	\$2,750.00	\$2,750.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$4,750.00	\$4,750.00
280	470	Concrete Inlets, Type Catch Basin		Each	1	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$5,250.00	\$5,250.00	\$7,250.00	\$7,250.00	\$4,850.00	\$4,850.00
290	490	Extra for Manholes Over Existing Sewers		Each	1	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00	\$3,675.00	\$3,675.00	\$2,500.00	\$2,500.00	\$2,300.00	\$2,300.00
300	490	Connection to Existing Structures		Each	2	\$1,500.00	\$3,000.00	\$1,200.00	\$2,400.00	\$2,000.00	\$4,000.00	\$2,000.00	\$4,000.00	\$2,500.00	\$5,000.00
310	490	Filling Abandoned Structures		Each	1	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$2,250.00	\$2,250.00	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00
320	495	Trench Resurfacing		Sq Yd	506	\$110.00	\$55,660.00	\$20.00	\$10,120.00	\$85.00	\$43,010.00	\$75.00	\$37,950.00	\$60.00	\$30,360.00
		Bridge - Dayton Utility Bridge					\$3,219,387.00		\$3,023,300.00		\$3,076,995.00		\$3,186,307.79		\$4,572,600.00
330	501	Bridge Removal Work		Lump Sum	1	\$30.00	\$59,820.00	\$200,000.00	\$200,000.00	\$75,000.00	\$75,000.00	\$215,000.00	\$215,000.00	\$169,000.00	\$169,000.00
340	510	Shoring, Cribbing and Cofferdams		Lump Sum	1	\$835.00	\$92,685.00	\$80,000.00	\$80,000.00	\$90,000.00	\$90,000.00	\$45,000.00	\$45,000.00	\$518,000.00	\$518,000.00
350	510	Structure Excavation		Lump Sum	1	\$60.00	\$20,220.00	\$30,000.00	\$30,000.00	\$39,500.00	\$39,500.00	\$35,000.00	\$35,000.00	\$28,200.00	\$28,200.00
360	512	Furnishing Drilling Equipment		Lump Sum	1	\$120,000.00	\$120,000.00	\$200,000.00	\$200,000.00	\$175,000.00	\$175,000.00	\$277,712.09	\$277,712.09	\$160,000.00	\$160,000.00
370	512	Drilled Shaft Concrete		Lump Sum	1	\$700.00	\$215,600.00	\$100,000.00	\$100,000.00	\$125,000.00	\$125,000.00	\$119,751.82	\$119,751.82	\$157,000.00	\$157,000.00
380	512	Drilled Shaft Reinforcement, Grade 60		Lump Sum	1	\$2.50	\$203,750.00	\$150,000.00	\$150,000.00	\$135,000.00	\$135,000.00	\$165,000.00	\$165,000.00	\$171,000.00	\$171,000.00
390	512	CSL Test Access Tubes		Foot	1,800	\$12.50	\$22,500.00	\$20.00	\$36,000.00	\$11.00	\$19,800.00	\$12.50	\$22,500.00	\$14.00	\$25,200.00
400	512	CSL Test		Each	4	\$1,800.00	\$7,200.00	\$2,500.00	\$10,000.00	\$2,000.00	\$8,000.00	\$2,500.00	\$10,000.00	\$2,300.00	\$9,200.00
410	512	Drilled Shaft Excavation, 72 Inch Diameter		Foot	294	\$600.00	\$176,400.00	\$950.00	\$279,300.00	\$1,080.00	\$317,520.00	\$939.52	\$276,218.88	\$1,175.00	\$345,450.00
420	530	Reinforcement, Grade 60		Lump Sum	1	\$2.50	\$151,875.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$90,000.00	\$90,000.00	\$97,000.00	\$97,000.00
430	530	Reinforcement, Grade 80		Lump Sum	1	\$2.75	\$134,062.50	\$70,000.00	\$70,000.00	\$60,000.00	\$60,000.00	\$70,000.00	\$70,000.00	\$70,000.00	\$70,000.00
440	530	Coated Reinforcement, Grade 60		Lump Sum	1	\$16.00	\$4,000.00	\$6,000.00	\$6,000.00	\$4,500.00	\$4,500.00	\$5,000.00	\$5,000.00	\$7,000.00	\$7,000.00
450	540	Foundation Concrete, Class 4000		Lump Sum	1	\$900.00	\$153,900.00	\$80,000.00	\$80,000.00	\$125,000.00	\$125,000.00	\$100,000.00	\$100,000.00	\$61,000.00	\$61,000.00
460	540	Deck Concrete, Class HPC4500		Lump Sum	1	\$1,500.00	\$112,500.00	\$80,000.00	\$80,000.00	\$35,000.00	\$35,000.00	\$80,000.00	\$80,000.00	\$45,000.00	\$45,000.00
470	540	General Structural Concrete, Class 4000		Lump Sum	1	\$1,500.00	\$163,500.00	\$160,000.00	\$160,000.00	\$200,000.00	\$200,000.00	\$245,000.00	\$245,000.00	\$125,000.00	\$125,000.00
480	560	Steel Rolled Beam		Lump Sum	1	\$2.75	\$6,682.50	\$10,000.00	\$10,000.00	\$12,000.00	\$12,000.00	\$30,000.00	\$30,000.00	\$22,500.00	\$22,500.00
490	561	Prefabricated Steel Truss		Lump Sum	1	\$6.40	\$1,513,792.00	\$1,300,000.00	\$1,300,000.00	\$1,400,000.00	\$1,400,000.00	\$1,250,000.00	\$1,250,000.00	\$2,420,000.00	\$2,420,000.00
500	570	Timber and Lumber		MFBM	0.25	\$5,500.00	\$1,375.00	\$12,000.00	\$3,000.00	\$27,500.00	\$6,875.00	\$70,000.00	\$17,500.00	\$15,000.00	\$3,750.00
510	583	GRC Conduit System, 2 Inch Diameter		Foot	775	\$45.00	\$34,875.00	\$80.00	\$62,000.00	\$72.00	\$55,800.00	\$75.00	\$58,125.00	\$80.00	\$62,000.00
520	585	Steel Cover Plate		Lump Sum	1	\$125.00	\$2,250.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00	\$9,500.00	\$9,500.00	\$7,300.00	\$7,300.00
530	589	Utility Attachment on Structures, 12 Inch Water Line		Lump Sum	1	\$40.00	\$11,200.00	\$30,000.00	\$30,000.00	\$40,000.00	\$40,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
540	589	Utility Attachment on Structures, 14 Inch Sanitary FM		Lump Sum	1	\$40.00	\$11,200.00	\$30,000.00	\$30,000.00	\$48,000.00	\$48,000.00	\$35,000.00	\$35,000.00	\$39,000.00	\$39,000.00
		Bases					\$480.00		\$800.00		\$800.00		\$1,200.00		\$360.00
550	640	Aggregate Base		Ton	4	\$120.00	\$480.00	\$200.00	\$800.00	\$200.00	\$800.00	\$300.00	\$1,200.00	\$90.00	\$360.00
		Wearing Surfaces					\$4,905.00		\$6,260.00		\$2,990.00		\$4,050.00		\$2,415.00
560	744	Level 3, 1/2 In ACP Mixture		Ton	3	\$700.00	\$2,100.00	\$1,200.00	\$3,600.00	\$205.00	\$615.00	\$400.00	\$1,275.00	\$425.00	\$1,440.00
570	759	Concrete Curbs, Curb and Gutter		Foot	19	\$85.00	\$2,805.00	\$140.00	\$2,660.00	\$125.00	\$2,375.00				

610	1140	6 Inch Potable Water Pipe, Fittings & Couplings w/CI B Backfill	Foot	35	\$120.00	\$4,200.00	\$125.00	\$4,375.00	\$140.00	\$4,900.00	\$215.00	\$7,525.00	\$50.00	\$1,750.00
620	1140	8 Inch Potable Water Pipe, Fittings & Couplings w/CI B Backfill	Foot	50	\$175.00	\$8,750.00	\$150.00	\$7,500.00	\$145.00	\$7,250.00	\$160.00	\$8,000.00	\$115.00	\$5,750.00
630	1140	12 Inch Potable Water Pipe, Fittings & Couplings w/CI B Backfill	Foot	437	\$225.00	\$98,325.00	\$160.00	\$65,550.00	\$152.00	\$66,424.00	\$125.00	\$4,625.00	\$175.00	\$76,475.00
640	1140	12 Inch Potable Water Pipe, Fittings & Couplings w/RJ & CI B Backfill	Foot	595	\$250.00	\$148,750.00	\$160.00	\$95,200.00	\$178.00	\$105,910.00	\$165.00	\$98,175.00	\$140.00	\$83,300.00
650	1140	12 Inch Ductile Iron Pipe w/RJ & CI B Backfill	Foot	140	\$275.00	\$38,500.00	\$400.00	\$56,000.00	\$230.00	\$32,200.00	\$300.00	\$42,000.00	\$220.00	\$30,800.00
660	1140	12 Inch Ductile Iron Pipe with Restrained Joints on Structure	Foot	272	\$300.00	\$81,600.00	\$160.00	\$43,520.00	\$240.00	\$65,280.00	\$210.00	\$57,120.00	\$220.00	\$59,840.00
670	1140	8 Inch Connection to 8 Inch Existing Main	Each	3	\$1,500.00	\$4,500.00	\$2,400.00	\$7,200.00	\$1,400.00	\$4,200.00	\$650.00	\$1,950.00	\$3,500.00	\$10,500.00
680	1140	12 Inch Connection to 12 Inch Existing Main	Each	1	\$1,500.00	\$1,500.00	\$1,800.00	\$1,800.00	\$4,400.00	\$4,400.00	\$1,500.00	\$1,500.00	\$3,600.00	\$3,600.00
690	1140	Ductile Iron Pipe Tees, 12 Inch	Each	5	\$1,800.00	\$9,000.00	\$6,000.00	\$30,000.00	\$3,350.00	\$16,750.00	\$3,500.00	\$17,500.00	\$3,400.00	\$17,000.00
700	1140	Ductile Iron Pipe Bend, 8 Inch	Each	4	\$1,000.00	\$4,000.00	\$2,000.00	\$8,000.00	\$800.00	\$3,200.00	\$1,200.00	\$4,800.00	\$500.00	\$2,000.00
710	1140	Ductile Iron Pipe Bend, 12 Inch	Each	29	\$1,200.00	\$34,800.00	\$2,000.00	\$58,000.00	\$1,600.00	\$46,400.00	\$1,900.00	\$55,100.00	\$1,300.00	\$37,700.00
720	1140	Ductile Iron Reducer, 12 Inch	Each	3	\$1,200.00	\$3,600.00	\$2,000.00	\$6,000.00	\$1,500.00	\$4,500.00	\$1,000.00	\$3,000.00	\$1,000.00	\$3,000.00
730	1140	Double Ball Expansion Joint, 12 Inch	Each	2	\$15,900.00	\$31,800.00	\$16,000.00	\$32,000.00	\$16,000.00	\$32,000.00	\$15,000.00	\$30,000.00	\$14,750.00	\$29,500.00
740	1140	Single Ball Expansion Joint, 12 Inch	Each	1	\$10,875.00	\$10,875.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$8,500.00	\$8,500.00
750	1140	Expansion Joint, 12 Inch	Each	1	\$7,725.00	\$7,725.00	\$4,000.00	\$4,000.00	\$3,800.00	\$3,800.00	\$4,000.00	\$4,000.00	\$2,800.00	\$2,800.00
760	1140	Single Ball Joint, 12 Inch	Each	1	\$4,425.00	\$4,425.00	\$5,000.00	\$5,000.00	\$3,950.00	\$3,950.00	\$4,000.00	\$4,000.00	\$3,900.00	\$3,900.00
770	1140	Ductile Iron Filler Flange, 12 Inch	Each	1	\$350.00	\$350.00	\$5,000.00	\$5,000.00	\$3,995.00	\$3,995.00	\$3,800.00	\$3,800.00	\$5,500.00	\$5,500.00
780	1140	Temporary Potable Water Bypass System	Lump Sum	1	\$50,000.00	\$50,000.00	\$150,000.00	\$150,000.00	\$75,000.00	\$75,000.00	\$50,000.00	\$50,000.00	\$140,000.00	\$140,000.00
790	1150	12 Inch Butterfly Valve	Each	5	\$4,000.00	\$20,000.00	\$2,000.00	\$10,000.00	\$5,600.00	\$28,000.00	\$5,000.00	\$25,000.00	\$3,250.00	\$16,250.00
800	1150	6 Inch, Gate Valve	Each	2	\$2,000.00	\$4,000.00	\$2,000.00	\$4,000.00	\$2,650.00	\$4,100.00	\$2,000.00	\$4,000.00	\$1,750.00	\$3,500.00
810	1150	8 Inch, Gate Valve	Each	2	\$2,500.00	\$5,000.00	\$4,000.00	\$8,000.00	\$2,650.00	\$5,300.00	\$2,500.00	\$5,000.00	\$2,550.00	\$5,100.00
820	1150	10 Inch, Gate Valve	Each	1	\$3,000.00	\$3,000.00	\$4,000.00	\$4,000.00	\$3,800.00	\$3,800.00	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00
830	1150	1 Inch Combination Air Release/Air Vacuum Valve Assembly	Each	1	\$3,500.00	\$3,500.00	\$5,000.00	\$5,000.00	\$7,325.00	\$7,325.00	\$4,250.00	\$4,250.00	\$7,150.00	\$7,150.00
840	1160	Hydrant Assemblies	Each	2	\$6,500.00	\$13,000.00	\$6,000.00	\$12,000.00	\$6,150.00	\$12,300.00	\$6,500.00	\$13,000.00	\$8,500.00	\$17,000.00
850	1170	Reconnecting Existing Water Services, 1 Inch	Each	4	\$500.00	\$2,000.00	\$3,000.00	\$12,000.00	\$2,575.00	\$10,300.00	\$2,500.00	\$10,000.00	\$1,900.00	\$7,600.00
		Force Main Systems				\$468,675.00		\$569,850.00		\$610,045.00		\$501,705.00		\$580,825.00
860	1141	14 Inch Sewer FM Pipe, Fittings and Couplings w/RJ & CI B Backfill	Foot	244	\$250.00	\$61,000.00	\$250.00	\$61,000.00	\$180.00	\$43,920.00	\$195.00	\$47,580.00	\$200.00	\$48,800.00
870	1141	14 Inch Ductile Iron Pipe w/RJ & CI B Backfill	Foot	195	\$300.00	\$58,500.00	\$400.00	\$78,000.00	\$295.00	\$57,525.00	\$315.00	\$61,425.00	\$285.00	\$55,575.00
880	1141	14 Inch Ductile Iron Pipe with Restrained Joints on Structure	Foot	261	\$350.00	\$91,350.00	\$200.00	\$52,200.00	\$425.00	\$110,925.00	\$300.00	\$78,300.00	\$285.00	\$74,385.00
890	1141	14 Inch Connection to Existing 14 Inch Main	Each	1	\$2,500.00	\$2,500.00	\$650.00	\$650.00	\$4,950.00	\$4,950.00	\$2,500.00	\$2,500.00	\$4,250.00	\$4,250.00
900	1141	Ductile Iron Pipe Bend, 14 Inch	Each	21	\$1,500.00	\$31,500.00	\$3,000.00	\$63,000.00	\$2,975.00	\$62,475.00	\$3,000.00	\$63,000.00	\$2,250.00	\$47,250.00
910	1141	Ductile Iron Pipe Cross, 14 Inch	Each	1	\$3,000.00	\$3,000.00	\$10,000.00	\$10,000.00	\$8,300.00	\$8,300.00	\$7,500.00	\$7,500.00	\$9,500.00	\$9,500.00
920	1141	Ductile Iron Pipe Reducer, 14 Inch	Each	3	\$1,500.00	\$4,500.00	\$1,500.00	\$4,500.00	\$1,200.00	\$3,600.00	\$800.00	\$2,400.00	\$1,150.00	\$3,450.00
930	1141	Ductile Iron Pipe Blind Flange, 14 Inch	Each	1	\$1,200.00	\$1,200.00	\$1,500.00	\$1,500.00	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00	\$1,165.00	\$1,165.00
940	1141	Double Ball Expansion Joint, 14 Inch	Each	2	\$17,025.00	\$34,050.00	\$20,000.00	\$40,000.00	\$18,650.00	\$37,300.00	\$17,500.00	\$35,000.00	\$17,700.00	\$35,400.00
950	1141	Single Ball Expansion Joint, 14 Inch	Each	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$16,350.00	\$16,350.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
960	1141	Single Ball Joint, 14 Inch	Each	1	\$6,075.00	\$6,075.00	\$6,000.00	\$6,000.00	\$5,500.00	\$5,500.00	\$5,000.00	\$5,000.00	\$5,350.00	\$5,350.00
970	1141	Temporary Force Main Bypass System	Lump Sum	1	\$125,000.00	\$125,000.00	\$150,000.00	\$150,000.00	\$180,000.00	\$180,000.00	\$110,000.00	\$110,000.00	\$185,000.00	\$185,000.00
980	1151	10 Inch Plug Valve	Each	2	\$3,000.00	\$6,000.00	\$8,000.00	\$16,000.00	\$5,500.00	\$11,000.00	\$5,000.00	\$10,000.00	\$7,600.00	\$15,200.00
990	1151	14 Inch Plug Valve	Each	5	\$5,000.00	\$25,000.00	\$12,000.00	\$60,000.00	\$11,000.00	\$55,000.00	\$10,000.00	\$50,000.00	\$14,000.00	\$70,000.00
1000	1151	12 Inch Combination Air Release/Air Vacuum Valve Assembly	Each	1	\$4,000.00	\$4,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$13,000.00	\$13,000.00	\$10,500.00	\$10,500.00

Base Bid Total:

\$6,345,668.89

\$5,979,053.00

\$6,073,187.00

\$6,534,303.10

\$6,986,181.00

**3.1 BID FORM**

**BID FORM**

**CITY OF DAYTON, OREGON**

**DAYTON UTILITY BRIDGE MAIN SPAN REPLACEMENT**

The undersigned hereby certifies that Bidder: Stellar J Corporation CCB# 127903

- 1. Has the authority and/or responsibility to submit a Bid and to represent the organization in all phases of this Bid process.
- 2. The information is true and accurate to the best of their knowledge.
- 3. Shall furnish, in strict compliance with the Bid and Contract Documents for the above-referenced Project, all labor, materials, equipment, apparatus, appliances, tools, transportation, and other facilities and services necessary to perform the Work described therein, and to perform said Work in strict compliance therewith, for the amounts set forth in this Bid.

4. Is a  Resident Bidder,  Non-Resident Bidder, as defined in ORS 279A.120

A "non-resident bidder" is a Bidder who has neither paid unemployment taxes nor income taxes in the State of Oregon during the 12 calendar months immediately preceding submission of this Bid, nor has a business address in the State of Oregon.

In determining the lowest responsive Bidder for this Work, a percentage may be added to the Bid of a non-resident Bidder equal to the percentage, if any, of the preference given to that Bidder in the state in which the Bidder resides. This percentage, if utilized, will not be added to the dollar value of the contract to be awarded as a result of this ITB.

- 5. Understands any false statement may disqualify this Bid from further consideration or be cause for contract termination.
- 6. Has read, understands and agrees to be bound by all terms and conditions herein.
- 7. Understands by submitting this Bid, the undersigned certifies conformance to the applicable Federal Acts, Executive Orders and Oregon Statutes and Regulations concerning Affirmative Action toward equal employment opportunities. All information and reports required by the Federal or Oregon State Governments, having responsibility for the enforcement of such laws, shall be supplied to the City upon request for purposes of investigation to ascertain compliance with such acts, regulations, and orders.

8. Acknowledges Receipt of Addenda No's. 1 through 2 inclusive.

Please check the applicable box regarding Bid security:

Bid security in form of cashier's check , certified check , Bid bond in the form set forth in Chapter 3., 3.2  , irrevocable letter of credit issued by an insured institution as defined in ORS 706.008  (check applicable clause) in the amount of ten percent (10%) of the total amount of the submitted Bid, which has been executed in favor of City of Dayton, 416 Ferry St. , Dayton OR 97114, is enclosed.

Bid Price is for \$100,000 or less; therefore, Bid security is not required.

Stellar J Corporation CCB#: 127903

Bidder Name: Stellar J Corporation **BID FORM**

If this ITB requires a lump-sum base Bid without additive or deductive alternates, or if the City elects not to Award additive or deductive alternates, Bids will be compared on the basis of lump-sum prices, or lump-sum base Bid prices, as applicable. If the ITB calls for a lump-sum base Bid, plus additive or deductive alternates, the total Bid price will be calculated by adding to or deducting from the base Bid those alternates selected by the City for the purpose of comparing Bids.

### REPRESENTATIONS AND CERTIFICATIONS

Bidder shall submit 3.5 Bidder's Responsibility Information Form as per CHAPTER 1, 1.03 along with the Bid Form and any other required Bid submittals.

BIDDER'S EMPLOYERS FEDERAL TAX IDENTIFICATION NUMBER (EIN)

OR

SOCIAL SECURITY IDENTIFICATION NUMBER

State of Oregon Certified Minority-owned, Women-owned or Emerging Small Business  YES  NO

IF YES, PROVIDE CERTIFICATION NUMBER

The undersigned hereby certifies under penalty of perjury that to the best of my knowledge the Bidder does not discriminate in its employment practices with regard to race, creed, age, religious affiliation, sex, disability, sexual orientation, or national origin. Nor has Bidder or will Bidder discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is:

- A minority-owned, women-owned, or emerging small business enterprise certified under ORS 200.055, or
- A business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225.

If awarded, the Bidder (Contractor) agrees to be bound by and will comply with the provisions of 279C.838, 279.840 or 40 U.S.C. 3141 to 3148.

The undersigned hereby certifies under penalty of perjury that to the best of my knowledge the Bid was prepared independently from all other Bidders, and without collusion, fraud, or other dishonesty.

The Bid submitted is in response to the specific language contained in the ITB, and Bidder has made no assumptions based upon either (a) verbal or written statements not contained in the ITB, or (b) any previously-issued ITB, if any.

The undersigned hereby certifies that Bidder has the authority and/or responsibility to submit a Bid and to represent the Bidder in all phases of this Bid process.

Stellar J Corporation CCB#: 127903

Bidder Name: Stellar J Corporation **BID FORM**

Bidder's (Company) Name: Stellar J Corporation

Date: 11/17/2022

CCB#: 127903

Signature \_\_\_\_\_



Name **Jeff Carlsen**

Title **Vice President**

Street Address **1363 Down River Drive**

City **Woodland**

State **WA**

Zip **98674**

Phone **360-225-7996**

E-Mail **jeffcarlsen@stellarj.com**

**FAILURE TO COMPLETE, SIGN AND SUBMIT THIS FORM MAY BE CAUSE FOR BID REJECTION. ELECTRONIC SIGNATURES NOT ACCEPTED.**

**3.2 FORM OF BID BOND**

We, Stellar J Corporation as "Principal," and Liberty Mutual Insurance Company  
 (Name of Principal) (Name of Surety)

an Massachusetts Corporation,

authorized to transact Surety business in Oregon, as "Surety," hereby jointly and severally bind ourselves, our respective heirs, executors, administrators, successors and assigns to pay unto City of Dayton, 416 Ferry St., Dayton, OR 97114 ("Obligee") the sum of

(\$ ---10%--- ) Ten Percent (10%) of the Total Amount Bid--- dollars.

WHEREAS, the condition of the obligation of this bond is that Principal has submitted its proposal or Bid to the Obligee in response to Obligee's procurement document ( 80185 ) for the project identified as:

Title:

Dayton Utility Bridge Main Span Replacement which proposal or Bid is made a part of

this bond by reference, and Principal is required to furnish Bid security in an amount equal to ten (10%) percent of the total amount of the Bid pursuant to ORS 279C.365(5) and the procurement document.

NOW, THEREFORE, if the proposal or Bid submitted by Principal is accepted, and if a contract pursuant to the proposal or Bid is awarded to Principal, and if Principal enters into and executes such contract within the time specified in the procurement document and executes and delivers to Obligee its good and sufficient performance bond and payment bond required by Obligee within the time fixed by Obligee, then this obligation shall be void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, we have caused this instrument to be executed and sealed by our duly authorized legal representatives this 17th day of November 2022

PRINCIPAL: <u>Stellar J Corporation</u> By <u>[Signature]</u> Signature <u>Jeff Carlsten</u> Vice President Official Capacity Attest: <u>[Signature]</u> Corporation Secretary SURETY:	BY ATTORNEY-IN-FACT: Power-of-Attorney must accompany each surety bond] <u>Liberty Mutual Insurance Company</u> Name <u>Charla M. Boadle</u> Signature Attorney-in-Fact 2233 112th Avenue N.E. Address Bellevue WA 98004 City State Zip (425) 709-3600 (425) 709-7467 Phone Fax
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This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8208661-023001

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies")...

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 29th day of August, 2022.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: [Signature]

David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 29th day of August, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: [Signature]
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 17th day of November, 2022.



By: [Signature]

Renee C. Llewellyn, Assistant Secretary

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

**Due 2 hours after bid opening**

**City of Dayton**

**3.4 FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM**

**TITLE/PROJECT NAME: DAYTON UTILITY BRIDGE MAIN SPAN REPLACEMENT**

**BID CLOSING DATE: 11/17/22**

**TIME: 2:00:00 PM Pacific Time**

**This form must be submitted at the location specified in the Invitation to Bid on the advertised Bid Closing Date and within two hours after the advertised Bid Closing Time ("Disclosure Deadline"). List below the name of each subcontractor that will be furnishing labor or will be furnishing labor and materials and that is required to be disclosed, the category of work and the dollar value of the subcontract. Enter the word "NONE" if there are no first-tier subcontractors subject to disclosure. ATTACH ADDITIONAL SHEETS IF NECESSARY.**

NAME	CATEGORY OF WORK	DOLLAR VALUE
1. Condon Johnson & Associates, Inc.	Drilled Shaft Foundations	\$ 508,600.00
2.		\$
3.		\$

The above listed first-tier subcontractor(s) are providing labor or labor and materials with a Dollar Value equal to or greater than:

- a. 5% of the total project Bid, or \$15,000, whichever is greater. [If the Dollar Value is less than 15,000.00, do not list the subcontractor above.]; or
- b. \$350,000 regardless of the percentage of the total Contract Price.

**FAILURE TO SUBMIT THIS FORM BY THE DISCLOSURE DEADLINE WILL RESULT IN A NON-RESPONSIVE BID AND SUCH NON-RESPONSIVE BID WILL NOT BE CONSIDERED FOR AWARD.**

Bids which are submitted by Bid Closing, but for which the disclosure submittal has not been made by the specified deadline, are NOT Responsive and shall NOT be considered for Contract award.

**Form submitted by (Bidder Name): Stellar J Corporation**

**CCB#: 127903**

Contact Name and phone number: CONTACT SHOWN ON PAGE 1 OF THIS ITB.

Deliver Form to Agency: CONTACT AND ADDRESS AS SHOWN ON PAGE 1 OF THIS ITB.

Person Designated to Receive form: CONTACT SHOWN ON PAGE 1 OF THIS ITB.

**UNLESS OTHERWISE STATED IN THE ORIGINAL SOLICITATION, THIS DOCUMENT SHALL NOT BE FAXED. IT IS THE RESPONSIBILITY OF BIDDERS TO SUBMIT THIS DISCLOSURE FORM AND ANY ADDITIONAL SHEETS, WITH THE BID NUMBER AND PROJECT NAME CLEARLY MARKED, AT THE LOCATION INDICATED BY THE SPECIFIED DISCLOSURE DEADLINE. SEE INSTRUCTIONS TO BIDDERS.**

**City of Dayton**  
**3.5 BIDDER'S RESPONSIBILITY INFORMATION FORM**

**BIDDER MUST COMPLETE ALL PAGES OF THIS FORM.**

**Bidder Name:** Stellar J Corporation **CCB #:** 127903

**This form is designed for electronic use. It may also be completed by hand. Use additional pages as needed to provide full and complete responses.**

1. **EXPERIENCE:** List the number of years Bidder has been operating its business under its current license. If Bidder's business has been in continuous existence under a current active license and a previous license number, then identify the previous license number. List and briefly describe a minimum of Insert three (3) or another reasonable number of projects similar projects performed by Bidder in the past Insert five (5) years or another reasonable time period years that best characterize Bidder's capabilities. Include relevant data such as the type of work involved and project dates. Describe how Bidder meets this experience requirement (use separate sheet if additional space is needed):

**OR Contractor: 25 Years**

2. **LAWSUITS/JUDGMENTS:** Within the past 5 years, has Bidder had any lawsuits filed against it involving contract disputes? For the purposes of this request, "lawsuits" include requests for arbitration and "judgments" includes arbitration awards. YES / NO If "YES" indicate dates and ultimate resolution of suit (with regard to judgments, include jurisdiction and date of final judgment or dismissal.)

**No**

3. **BANKRUPTCY:** Within the past 36 months, has Bidder filed a bankruptcy action, filed for reorganization, made a general assignment of assets for the benefit of creditors, or had an action for insolvency instituted against it? YES / NO If "YES" supply filing dates, jurisdictions, type of action, ultimate resolution, and dates of judgment or dismissal, if applicable.

**No**

4. **LAWSUITS BY CREDITORS:** Within the past 24 months, has Bidder had any lawsuits filed against it by creditors? YES / NO If "YES" indicate dates and ultimate resolution of suit (with regard to judgments include jurisdiction and date of final judgment or dismissal).

**No**

5. **OREGON CONSTRUCTION CONTRACTORS BOARD LICENSING:** Is Bidder licensed with the Oregon Construction Contractors Board at the time Bidder submits a Bid for the Work under this ITB? YES / NO If "YES" indicate Oregon Construction Contractors Board license number and expiration date.

**Yes. Oregon CCB: 127903 Exp 02/03/2024**

6. **ABILITY TO PERFORM WITHIN TIME SPECIFIED:** List the project titles, original contract time and change order extensions for three specific projects in the past five (5) years. Bidder shall document that it achieved substantial completion of such three projects of similar size and scope within no more than 105% of the final contracted time for completion (including change ordered adjustments). If the Bidder cannot document three such projects, the Bidder may submit alternative documentation of one or more similar projects where the Bidder did not achieve substantial completion within 105% of the final contract time, a calculation of the total percentage of time over the final contract time necessary to achieve substantial completion, and an explanation as to why the required additional time was beyond the Bidder's control. **SEE ATTACHED**

**To be completed on the QuestCDN vBid Portal**

**City of Dayton**  
**3.5 BIDDER'S RESPONSIBILITY INFORMATION FORM**

**BIDDER MUST COMPLETE ALL PAGES OF THIS FORM.**

**Bidder Name:**

7. DEBARMENT: Has Bidder been debarred by any public agency within the past two (2) years?  
YES / NO If "YES" identify the public agencies.

**No**

8. NON-COMPLETION: Has Bidder failed to complete a contract in the last five (5) years? YES / NO If "YES" identify the project(s).

**No**

9. COMPLETION BY SURETY: Has Bidder ever defaulted on a contract forcing a surety to suffer a loss? YES / NO If "YES" identify the project(s).

**No**

10. SUSPENSION, DISMISSAL, DEFAULT: Has Bidder been suspended, dismissed or declared in default from a project during the last five (5) years? YES / NO If "YES" identify the project(s) and the type of action taken against Bidder.

**No**

11. BONDABILITY REQUIREMENT: For the project described under this ITB, Bidder shall obtain payment bond and performance bond issued by a surety which is authorized to transact surety business in the State of Oregon and which has an A.M. Best "A" or better rating. YES / NO If "YES" identify name of surety, contact name, address, phone number, & email address.

**Yes: Liberty Mutual Surety c/o Parker Smith Feek | 2233 112th Ave NE, Bellevue, WA 98004  
scmcgilvray@psfinc.com 425-709-3711**

12. LIENS AND SURETY CLAIMS: Have there been any liens or surety claims against Bidder's company on any contracts which have been performed or are in the course of being performed?

YES / NO If "YES" identify the project and explain the nature of the claims.

**No**

13. REVOKED LICENSE: Has Bidder's company or any key person in the company, had a license revoked by the Oregon Construction Contractors Board? YES / NO If "YES" explain the underlying reason for the revocation of the license.

**No**

14. CRIMINAL OFFENSE: Has Bidder's company or any key person in the company been convicted of a crime involving fraud, material misrepresentation or any crime involving the awarding of a contract for a government construction project or the bidding or performance of a government contract? YES / NO

**No**

15. DEMAND ON PERFORMANCE BOND: In the last five years, has an owner ever made a demand on your performance bond?  
YES / NO

**No**

**To be completed on the QuestCDN vBid Portal**

**City of Dayton**  
**3.5 BIDDER'S RESPONSIBILITY INFORMATION FORM**

**BIDDER MUST COMPLETE ALL PAGES OF THIS FORM.**

**Bidder Name: Stellar J Corporation**

16. TERMINATION OF BONDING/INSURANCE COVERAGE: In the last five years, has a surety or insurance company terminated your or your company's existing bonding and/or insurance coverage due to excessive claims history and/or nonpayment of premiums?  
YES / NO

**No**

17. CITATIONS OR ENFORCEMENT ACTIONS. Within the last five years, have you or your company been cited or subject to any enforcement action for violation of any applicable law or regulations related to its performance of a prior construction contract? For the purposes of this section, "applicable law or regulations" includes without limitation, any building, zoning, environmental, site development, or Oregon Public Contracting Code regulations with which a prior project was required to comply, including non-discrimination regulations and prevailing wage requirements.

Answer Yes or No. If Yes: please state the date, nature, and final resolution of every such citation or enforcement action.

**No**

18. BONDING. What is the largest contract you have had bonded through the surety company named in Question #11 above? Please identify the project name, the nature of the project, the date of the project and the original contract price.

Lost Creek & Prospect Valley Dairies - September 2021 - \$50,295,500

Stellar J is the EPC (Engineering, Procurement and Contractor) for a \$50 Million Renewable Natural Gas Project 30 miles Northeast of Denver. The two dairies have a total of 14,500 cows. We are taking their manure, digesting it in a couple of 1 million gallon digesters, removing the CO2 and turning it into renewable natural gas and piping it to California. Our project will produce \$20,000,000 per year in renewable natural gas revenues. This project will also substantially reduce greenhouse gas emissions as well as significantly reduce the potential for surface water and groundwater pollution.

19. BIDDER INSURANCE

~~Provide Liability Insurance Certificate showing that your company is covered by liability insurance in amounts required in the sample contract (Attachment A).~~ Prior to contract execution, Successful Bidder must provide City all Insurance Certificates as specified in 1.11. Per addendum 2

20. WORKER'S COMPENSATION: CARRIER-INSURED EMPLOYER OR SELF-INSURED EMPLOYER.

Does your company qualify as a carrier-insured employer or self-insured employer under [ORS 656.407](#)?

Answer Yes or No. If Yes, indicate which:

If No, has your company elected coverage under [ORS 656.128](#)?

**Yes - See attached**

To be completed on the QuestCDN vBid Portal

**City of Dayton  
3.5 BIDDER'S RESPONSIBILITY INFORMATION FORM**

**BIDDER MUST COMPLETE ALL PAGES OF THIS FORM.**

**Bidder Name:**

**21. BIDDER REFERENCES FOR COMPARABLE PROJECTS IN SIZE AND SCOPE**

Bidder shall provide a list of three different project references with their Bid that can be contacted regarding the quality of workmanship and service that the Bidder provided on projects of comparable size and scope within the past 5 years. Bidder must provide all information requested below and may use either the form provided in this section or their own form. PLEASE NOTE: If a different form is used, it must still include ALL information required below, including a project description.

<b>Project Reference #1</b>	SEE ATTACHED
Name and Dates of Project:	
Project Location:	
Project Description:	
Contact Person #1 Name:	
Contact Person #1 Firm Name:	
Contact Person #1 Phone, Email:	
Contact Person #2 Name:	
Contact Person #2 Firm Name:	
Contact Person #2 Phone, Email:	
<b>Project Reference #2</b>	
Name and Dates of Project:	
Project Location:	
Project Description:	
Contact Person #1 Name:	
Contact Person #1 Firm Name:	
Contact Person #1 Phone, Email:	
Contact Person #2 Name:	
Contact Person #2 Firm Name:	
Contact Person #2 Phone, Email:	
<b>Project Reference #3</b>	
Name and Dates of Project:	
Project Location:	
Project Description:	
Contact Person #1 Name:	
Contact Person #1 Firm Name:	
Contact Person #1 Phone, Email:	
Contact Person #2 Name:	
Contact Person #2 Firm Name:	
Contact Person #2 Phone, Email:	

Failure to submit the above-required information to the satisfaction of the City may render the Bid non-responsive.

To be completed on the QuestCDN vBid Portal

**Bidder Name: Stellar J Corporation**

6. Ability to perform within time specified

Project Name	Original Contract Completion Date	Change Order Extension	Change order revised contract date	Actual Completion Date
82nd Drive Pipe/Pedestrian Bridge	March 2020	Yes - 1	October 2020	September 2020
US 97 Spanish Hollow Creek & Trout Creek Bridges	October 2020	No	NA	October 2020
Terminal 46 Dock Rehabilitation	January 2020	No	NA	December 2019

**Bidder Name: Stellar J Corporation**

21. Bidder References for Comparable projects in size and scope

Project Reference #1
Name and Dates of Project: 82nd Drive Pipe/Pedestrian Bridge   June 2019 – September 2020
Project Location: Gladstone, Oregon
Project Description: Removal of the north approach span of the existing 82nd Drive Pipe/Pedestrian Bridge, constructing a new north approach span, temporarily supporting (and maintaining service of) all existing utilities on this bridge, rock anchors and other seismic improvements to bridge piers and structure, relocation of existing 12” forcemain and high-pressure gas line installation of a new 30-inch ductile iron forcemain and appurtenances, installation of additional flexible connections in existing 12” and 20” forcemain, grading and paving work.
Contact Person #1 Name: Joel Howie
Contact Person #1 Firm Name: Clackamas County
Contact Person #1 Phone, Email: 503-742-4658; jhowie@clackamas.us
Contact Person #2 Name: Stan Monte
Contact Person #2 Firm Name: Clackamas County
Contact Person #2 Phone; Email: 503-742-4658; smonte@clackamas.us

Project Reference #2
Name and Dates of Project: US 97 Spanish Hollow Creek & Trout Creek Bridges   March 2018 - October 2020
Project Location: Biggs, Oregon to Willowdale, Oregon
Project Description: Removal and Replacement of two bridges including new drilled shafts and columns over an existing fish bearing stream. In addition to the two new bridges, scope includes the seismic retrofit and rehabilitation of 5 additional existing bridges on US97. Structural demo of girders, bents, and bridge framing members and assorted concrete.

Contact Person #1 Name: Riley Skov
Contact Person #1 Firm Name: ODOT
Contact Person #1 Phone, Email: 541-980-7254; riley.skov@odot.state.or.us
Contact Person #2 Name: Jon Heacock
Contact Person #2 Firm Name: ODOT
Contact Person #2 Phone; Email: 541.388.6468; jon.w.heacock@odot.state.or.us

Project Reference #3
Name and Dates of Project: Terminal 46 Dock Rehabilitation   May 2018 - December 2019
Project Location: Seattle, Oregon
Project Description: Concrete seismic retrofit and repairs beneath Seattle's T46 terminal, a terminal that spans 260,000 square feet. 2564 LF of concrete pile cap beam enlargement, 5140 SF of concrete soffit and 4,748 LF of corroded rebar was demo and repaired. The project was on an active shipping terminal with a project requirement of no shutdowns or interference with any terminal operation. The work also needed to be completed at low tide as the work area was inundated by tides at high tide, with access points only being 200' on center. Critical scheduling and sequencing around existing Port of Seattle operations. Despite nearly 4 million in additional unit price work, project was completed prior to original completion date.
Contact Person #1 Name: Matthew Weiss
Contact Person #1 Firm Name: Port of Portland
Contact Person #1 Phone, Email: 206-787-7305; weiss.m@portseattle.org
Contact Person #2 Name: Andre Sidler
Contact Person #2 Firm Name: Port of Seattle
Contact Person #2 Phone; Email: 206-787-5181; sidler.a@portseattle.org



**BUSINESS DETAIL**

Licensee : **STELLAR J CORPORATION** Address : 1363 DOWN RIVER DR STE E WOODLAND WA 98674  
 License No. : 127903 License Status: Active  
 Date First Licensed : 2/3/1998 Expiration Date: 2/3/2024  
 Entity Type : Corporation Phone : (360) 225-7996  
 Endorsement Type :  
 Commercial General Contractor Level 1  
 Workers' Compensation/Independent Contractor Status : Nonexempt

**ADDITIONAL BUSINESS LICENSES AND CERTIFICATIONS**

**CERTIFIED LEAD-BASED PAINT RENOVATION (LBPR) CONTRACTOR LICENSE: NO**  
*Required to bid and work on pre-1978 residential structures.*

**OTHER BUSINESS INFORMATION**

**WORKERS' COMPENSATION INSURANCE INFORMATION**

<u>Coverage</u>	<u>Carrier</u>	<u>Policy No.</u>
Employee	SAIF CORP	523915
Personal Election	None	None

*The CCB does not receive automatic notification of changes to workers' compensation coverage status. Current Oregon coverage status can be confirmed through the [Oregon Workers' Compensation Division](#).*

**LIABILITY INSURANCE INFORMATION ([History](#))**

<u>Company</u>	<u>Amount</u>	<u>Expiration Date</u>
ZURICH AMERICAN INSURANCE COMPANY	\$1,000,000.00	7/3/2023

**SURETY BOND INFORMATION ([History](#))**

<u>Type</u>	<u>Company</u>	<u>Amount</u>	
Residential	None	None	None
Commercial	LIBERTY MUTUAL INS CO	\$75,000.00	Continuous until cancelled

**PUBLIC WORKS BOND INFORMATION ([History](#))**

<u>Company</u>	<u>Effective Dates</u>
LIBERTY MUTUAL INS CO	12/02/2009 - (UNTIL CANCELLED)
<u>Exemption</u>	<u>Expiration Date</u>
N/A	

**ASSOCIATED INDIVIDUALS**

Corporate Officer KINGHORN, ROBERT E  
 Corporate Officer WALKER, JEFFREY R  
 RMI Owner KINGHORN, ROBERT E

Click [here](#) to see past associated individuals' names.

**ASSUMED BUSINESS NAMES(S)**

None

Click [here](#) to see past assumed business names.

[BACK](#)



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Report Criteria:  
 Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
09/22	09/13/2022	28008	1878	Brightside Electric & Lighting	Multiple	1	100.103.910.00	.00	5,889.32- V
09/22	09/13/2022	28052	329	Alexonet Inc	2323	11	105.105.705.30	.00	1,039.65
09/22	09/13/2022	28053	127	Baker & Taylor	Multiple	1	100.104.715.00	.00	169.61
09/22	09/13/2022	28054	1878	Brightside Electric & Lighting	Multiple	10	400.400.707.00	.00	5,799.26
09/22	09/13/2022	28055	125	Canon Solutions America	29178182	10	400.400.601.00	.00	517.04
09/22	09/13/2022	28056	1922	Cintas Corp	4129679646	6	400.400.616.10	.00	89.57
09/22	09/13/2022	28057	189	CIS Trust	Multiple	8	400.400.611.00	.00	50.00
09/22	09/13/2022	28058	105	City of Dayton	Multiple	1	300.301.707.00	.00	1,380.92
09/22	09/13/2022	28059	362	City of Newberg	AUGUST 202	3	100.106.716.00	.00	579.28
09/22	09/13/2022	28060	1865	Comcast Business	8778105130	1	400.400.705.30	.00	104.85
09/22	09/13/2022	28061	519	Comcast Cable - internet	8778105130	11	400.400.705.30	.00	143.35
09/22	09/13/2022	28062	1841	CyntrX	INV145526	5	400.400.614.00	.00	45.00
09/22	09/13/2022	28063	111	DCBS Fiscal Services	AUGUST 202	1	100.106.700.35	.00	14.40
09/22	09/13/2022	28064	861	Dept of Administrative Services	ARQ24566	12	500.500.706.00	.00	500.00
09/22	09/13/2022	28065	231	DOWL	2860.80185.	1	700.700.910.41	.00	20,057.50
09/22	09/13/2022	28066	789	Edge Analytical	Multiple	1	400.400.751.00	.00	809.58
09/22	09/13/2022	28067	542	Grainger	9420340425	1	100.103.619.00	.00	84.27
09/22	09/13/2022	28068	1924	Hilda Pardo Cruz	DEPOSIT RE	1	100.100.750.20	.00	650.00
09/22	09/13/2022	28069	134	Iron Mountain Records Mgmt	GVZD081	10	400.400.601.00	.00	117.25
09/22	09/13/2022	28070	845	John Deere Financial	Multiple	5	400.400.614.00	.00	85.76
09/22	09/13/2022	28071	108	Les Schwab	2020155952	6	400.400.614.00	.00	1,010.61
09/22	09/13/2022	28072	139	Lowe's	Multiple	1	500.500.752.60	.00	179.02
09/22	09/13/2022	28073	1923	Lucia Castro	DEPOSIT RE	1	100.100.750.20	.00	650.00
09/22	09/13/2022	28074	1572	McMinnville Commercial Cleaners	Multiple	1	100.100.707.30	.00	1,000.00
09/22	09/13/2022	28075	121	McMinnville Water & Light	67508 922	1	300.300.600.00	.00	201.60
09/22	09/13/2022	28076	124	Mid-Willamette Valley COG	1943	1	100.105.705.20	.00	4,241.00
09/22	09/13/2022	28077	758	OHA - Cashier	BILODEAU S	1	300.300.706.00	.00	97.50
09/22	09/13/2022	28078	173	One Call Concepts, Inc.	2080357	2	400.400.799.00	.00	30.87
09/22	09/13/2022	28079	163	Oregon Dept of Revenue	AUGUST 202	1	101.101.700.35	.00	55.00
09/22	09/13/2022	28080	103	PGE	Multiple	1	200.200.600.00	.00	7,927.54
09/22	09/13/2022	28081	116	Pitney Bowes	3316189879	10	400.400.601.10	.00	235.74
09/22	09/13/2022	28082	213	Pitney Bowes Purchase Power	POSTAGE R	10	400.400.601.10	.00	1,210.50
09/22	09/13/2022	28083	621	Portland Engineering, Inc	11282	3	400.400.705.10	.00	90.00
09/22	09/13/2022	28084	240	Print NW	22374	10	400.400.601.00	.00	97.00
09/22	09/13/2022	28085	1033	Pummel Truck Supply Co	74592	5	400.400.614.00	.00	4,006.00
09/22	09/13/2022	28086	1463	Quadient Leasing USA, Inc	N9564375	10	400.400.601.10	.00	459.15
09/22	09/13/2022	28087	106	Recology Western Oregon	19571371	2	200.200.603.00	.00	320.77
09/22	09/13/2022	28088	119	Sprint	414585229-2	10	400.400.602.00	.00	540.48
09/22	09/13/2022	28089	297	Suzanne R. Hurford and	SEPTEMBER	1	300.300.708.00	.00	2,000.00
09/22	09/13/2022	28090	1763	Terrence D. Mahr	22-007A	1	101.101.705.40	.00	250.00
09/22	09/13/2022	28091	785	TKE Corp	3006795475	1	100.100.707.30	.00	822.41
09/22	09/13/2022	28092	937	United Site Services	Multiple	1	100.103.619.00	.00	1,475.20
09/22	09/13/2022	28093	666	WCMA	ANNUAL JOI	11	400.400.611.00	.00	37.00
09/22	09/13/2022	28094	1577	Webster Heating	Multiple	10	400.400.707.00	.00	590.00
09/22	09/13/2022	28095	154	Westech Engineering, Inc	Multiple	1	600.600.920.40	.00	18,751.26
09/22	09/13/2022	28096	112	Wilco	Multiple	7	400.400.614.10	.00	2,049.60
09/22	09/13/2022	28097	865	Xylem Water Solutions USA	Multiple	1	700.700.930.30	.00	14,947.10
09/22	09/13/2022	28098	114	Yamhill County Sheriff	SEPT 2022	1	101.101.705.10	.00	15,324.12
09/22	09/13/2022	28099	115	Yamhill County Sheriff	22-007A	1	101.101.700.35	.00	27.00
09/22	09/13/2022	28100	117	YCOM	5004015	1	101.101.770.00	.00	2,296.67
09/22	09/13/2022	28101	614	Ziplyfiber	Multiple	1	300.300.602.00	.00	330.37
09/22	09/20/2022	28102	261	AUCA Western First Aid & Safety	3021800030	10	400.400.601.00	.00	270.24
09/22	09/20/2022	28103	151	Beery, Elsner & Hammond	Multiple	1	101.101.700.00	.00	1,054.50

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
09/22	09/20/2022	28104	1786	Bend Mailing Services	79111	10	400.400.705.00	.00	2,210.05
09/22	09/20/2022	28105	1064	Botten's Equipment Rental	1-628093	1	760.760.930.00	.00	67.00
09/22	09/20/2022	28106	1922	Cintas Corp	Multiple	6	400.400.616.10	.00	357.35
09/22	09/20/2022	28107	904	Consolidated Supply Co.	S011015425.	1	300.300.616.00	.00	280.79
09/22	09/20/2022	28108	466	Copy Cats	408395	1	100.105.601.00	.00	48.00
09/22	09/20/2022	28109	789	Edge Analytical	Multiple	1	300.300.751.00	.00	179.22
09/22	09/20/2022	28110	1810	Elizabeth Sagmiller	121	1	400.400.705.80	.00	1,834.00
09/22	09/20/2022	28111	513	Elizabeth Wytoski	SEPTEMBE	1	500.500.752.00	.00	50.00
09/22	09/20/2022	28112	1693	Fishbone Construction	DEPOSIT RE	2	400.400.750.00	.00	79.66
09/22	09/20/2022	28113	1326	Government Ethics Commission	AIE16662	1	500.500.752.00	.00	658.59
09/22	09/20/2022	28114	167	GSI Water Solutions, Inc	00107.025-2	1	300.300.705.00	.00	3,870.00
09/22	09/20/2022	28115	957	Haworth, Inc	PAY ESTIMA	1	770.770.910.70	.00	278,233.58
09/22	09/20/2022	28116	1925	Midwest Equipment Mfg	143433	1	100.103.903.00	.00	339.70
09/22	09/20/2022	28117	124	Mid-Willamette Valley COG	1977	2	100.106.717.00	.00	2,832.50
09/22	09/20/2022	28118	110	Northwest Logging Supply	Multiple	6	400.400.617.00	.00	224.96
09/22	09/20/2022	28119	948	NW Tree Care	4885	1	100.103.619.00	.00	2,850.00
09/22	09/20/2022	28120	871	ODP Business Solutions, LLC	Multiple	10	400.400.601.00	.00	142.69
09/22	09/20/2022	28121	103	PGE	2901721000	1	300.300.600.00	.00	463.92
09/22	09/20/2022	28122	1388	Pitney Bowes	1021546865	10	400.400.601.10	.00	101.98
09/22	09/20/2022	28123	240	Print NW	Multiple	11	400.400.601.00	.00	1,041.00
09/22	09/20/2022	28124	937	United Site Services	114-1333860	1	100.103.619.00	.00	498.00
09/22	09/20/2022	28125	1876	Western Rock Resources	Multiple	1	760.760.930.00	.00	556.78
09/22	09/15/2022	910022	1006	US Bank	Multiple	1	200.200.616.20	.00	14,216.84
09/22	09/19/2022	910023	190	AFLAC	283360	1	100.000.220.00	.00	.00 V
09/22	09/19/2022	910024	189	CIS Trust	AUGUST 202	22	400.400.594.00	.00	.00 V
09/22	09/19/2022	910025	256	Oregon Dept of Revenue	PR 073122	1	100.000.212.00	.00	.00 V
09/22	09/30/2022	910026	256	Oregon Dept of Revenue	PR 093022	1	100.000.212.00	.00	3,991.13
09/22	09/30/2022	922100	190	AFLAC	028199	1	100.000.220.00	.00	257.00
09/22	09/30/2022	922101	189	CIS Trust	OCTOBER 2	22	400.400.594.00	.00	15,233.55
09/22	09/30/2022	922102	1926	Simple Box of Oregon LLC	14710	1	760.760.930.00	.00	404.00
09/22	09/30/2022	922103	256	Oregon Dept of Revenue	OQ 2022 Q3	2	100.000.215.00	.00	305.79
Grand Totals:								.00	440,254.30

## City Day at the Capitol



**Event information will be emailed to registered attendees at the email address used for registration.**

The LOC invites *current* elected and appointed city officials to join mayors, city councilors, and city staff members for our City Day at the Capitol on January 25, 2023 starting at 8 a.m. in Salem. This event is your chance to stand with other city officials from around Oregon in support of legislative actions that will return greater local authority over local decisions. It is also the time to let legislators know how actions they take could impact our communities and the difficult decisions we make. By coming together, our collective voices will make a difference to advance our legislative agenda.

Highlights of City Day at the Capitol will include presentations from the LOC's government relations team on legislative priorities, and briefings from Oregon's new governor and legislative leadership about their priorities for the 2023 session. You will also have time for individual visits with your legislators, afternoon seminars and a legislative reception with legislators and staff. We expect nearly 200 people to attend.

The most important part of the day will be your individual visits with legislators. The LOC will provide transportation to the Capitol. You are encouraged to schedule your visits with your state Senators and Representatives during the afternoon (1 p.m. - 4:15 p.m.). More information on scheduling visits will be provided with your registration confirmation.

The Legislative Reception will be held that evening from 4:30 p.m. - 7 p.m. at the Salem Convention Center.

**Registration for City Day at the Capitol is due by 5 p.m. on Thursday, January 19.**

### Preliminary Agenda

#### 8 a.m. - 1 p.m. - **GENERAL SESSION**

Invited Speakers:

- Oregon Governor Tina Kotek
- Senate President
- Senate Republican Leader
- Speaker of the House

- House Republican Leader
- 

1. Welcome from LOC Board President and OMA President
  2. Messages from LOC Executive and Legislative Directors
  3. Legislative Landscape
  4. Capitol Construction Process
  5. Working with Legislative Staff - Paperless Offices
  6. LOC Legislative Priorities
- 

**12 p.m. – 5 p.m. - *AFTERNOON ACTIVITIES***

- Boxed lunches available at Salem Convention Center
  - Shuttle bus to Capitol for scheduled legislative visits and Local Government Center leaves every 15 minutes.
  - Meeting space available at Local Government Center.
  - State agency tables at Salem Convention Center
- 

**4:30 p.m. – 7 p.m. - *RECEPTION***

- Legislative Reception

**To register, visit: [https://imis.orcities.org/LOC/LOC/Event\\_Display.aspx?EventKey=CITYDAY22](https://imis.orcities.org/LOC/LOC/Event_Display.aspx?EventKey=CITYDAY22)**

TO: Honorable Mayor and City Councilors  
 Through: Rochelle Roaden, City Manager  
 From: Patty Ringnalda, City Recorder  
 Subject: Code Enforcement Activities Report  
 Date: November 28, 2022  
 Activity: November 1 – 28, 2022

2022 Code Compliance Report												
Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Animals	2	2	10				2	2	6	2		
Building/Dangerous Bldg			4					1	2	1	4	
Junk – Private Property										1		
Noise							1			1	1	
Noxious veg		1					2	1	1	1		
Parking – Right of Way	30	5	8				5	17	12	1	6	
Storing Junk - ROW	27	22	16					5	18	10		
Attractive Nuisance									1			
Posting - Signs		3	3					2	2	4	1	
Camping	8	3	5									
Sidewalks									1			
Vehicle Code/YCSO							2	1				
Other		1							4	4		
<b>TOTAL</b>	<b>67</b>	<b>37</b>	<b>46</b>				<b>12</b>	<b>29</b>	<b>47</b>	<b>25</b>	<b>12</b>	

Please Note: The monthly statistics are calculated from the Dayton City app, website complaints forms, phone calls, emails, written Notes, in person and code compliance officer observations.

There are no statics for April, May and June due to a vacancy in the Code Compliance Officer position.