



SCIO CITY COUNCIL MEETING MINUTES  
MONDAY, September 13, 2021

**COUNCIL PRESENT:** Councilors Karen Eckhart, Tom Gray, Joey Ferguson, Debbie Nuber, and John Whalen were present at City Hall.

**STAFF PRESENT:** City Manager Ginger Allen, Assistant City Attorney Jeffrey Clayson, and Administrative Assistant Cathy Martin were all in attendance.

**AUDIENCE MEMBERS PRESENT VIA VIDEO:** Katrina Clouse, Brad Christopherson, and Nadji Vogel.

**CALL TO ORDER:** Council President Debbie Nuber called the Regular Session of the Scio City Council to order at 6:00 P.M., followed by the Flag salute.

**ROLL CALL:** Roll call was taken with Councilor Tom Meyer and Mayor Weaver excused.

**APPROVAL OF CONSENT AGENDA:** Council President Nuber asked for comments.

*Councilor Ferguson moved to accept and pass the Consent Agenda as presented; Councilor Eckhart seconded. Motion passed 5/0.*

**CORRESPONDENCE:** Letter from Pacific Power

**PRESENTATIONS:**

- **Linn County Sheriff's Report – Presented by Sgt. Steve Frambes, Linn County Sheriff** – Sgt. Steve Frambes introduced himself to the council, he is the new contact for the contract cities with the Sheriff's Department. He then reviewed the August Sheriff's Report (reports included in the council packet). Frambes highlighted a few things, there were several calls for service regarding mental health. These calls take time to get the individuals the service they need. There were a few calls regarding vehicle burglary, unfortunately all of the vehicles were left unlocked. One of the items stolen was a handgun. Frambes stated that he will try to stay on top of the nuisance vehicle calls. Eckhart asked if the break-ins were occurring on Saturday nights. Sgt. Frambes stated that he had not checked the dates, only noted that all of the vehicles were unlocked.

Sheriff Yon addressed the council regarding the communication with the cities and the tax levy that will be on the ballot during the November general election. The levy they are asking for is \$2.98/\$1000 assessed value. He discussed several of the issues that they would like to focus on: Mental health, hiring, etc. Councilor Ferguson asked if the Sheriff's office was facing losing staff due to the required vaccinations. Sheriff Yon stated that people still have choices, and doesn't feel it is his role to question those that file for exemptions.

## **REGULAR SESSION:**

### **1. Public Works Shop Bid Award – Presented by Ginger Allen, City Manager**

Ms. Allen introduced City Engineer Ryan Quigley, who was in attendance via ZOOM. She stated that City Attorney Jeffrey Clayson will be the first to address the council. Mr. Clayson reviewed a handout on ORS 279B.110 Responsibility of bidders and proposers, with the council.

Ryan Quigley, City Engineer, presented the staff report. Mr. Quigley stated that on July 13<sup>th</sup> they received and opened bids for the Public Works Shop. A total of 5 bids were received, the low bid was from Baldwin General Contracting in the amount of \$1,160,690.20, the high bid was \$1,686,249.00 from Wildish Building Company. The engineer's estimate was \$1,183,330.00. The Dyer Partnership opened the bids. The bid packages were reviewed and the normal procedure is to recommend the low bidder if they have submitted a responsive and complete bid package and have completed the pre-qualification requirement. They found that this was the case on this project and sent a recommendation letter to the city on July 15<sup>th</sup> recommending the award to Baldwin General Contracting. After Dyer issued that letter an issue came that needed digging into. A supplemental question, was asked to all the submitting contractors who originally submitted a bid: Has your company been involved in any litigation during the last five years? Quigley indicated that all five contractors stated, "No". With hearing this Quigley recommended awarding the contract to Baldwin General Contracting for the amount of \$1,160,690.20

Allen interjected that this amount does not include the contingency it is only the contract bid. Quigley confirmed this statement. Allen stated that the city would need to add an additional 20% contingency to the amount it borrows, so if the council awards the contract to Baldwin, the city would need to borrow \$1,392,690. She recommended rounding this up to \$1.4M. She further explained that the council would be awarding the bid tonight, but would be borrowing more than the amount of the bid.

Discussion was held by the council on the bid recommendation. The council discussed each of the contractor submittals and qualifications. Concerns were raised by Councilor Ferguson regarding Baldwin Construction stating that she has information about a construction job performed by Baldwin where the roof was compromised and began caving in; in addition, she knew of a situation where Baldwin ran short on flooring product and tried to finish the job with a cheaper product. Councilor Eckhart also shared concerns about Baldwin stating that she did online reviews of all of the companies and that Baldwin came in the lowest in her reviews. Councilor Eckhart also stated concerns about Baldwin's job on the Scio Fire Station.

After further discussion, Quigley stated that the council had two options. (1) Award the bid to Baldwin. (2) Throw out the bid from Baldwin, based on any legal issue

that the council sees, and award the bid to Andy Medcalf. He stated that the caveat is that if Medcalf decline to accept the bid, that he did not know if the city could then move to the third bidder or would need to throw out all of the bids and re-bid the project. There would be added cost to re-bid, \$6-10K for his company cost during the bid period. The unknown is the market, everything is changing. With this construction market, we don't know if the city could get better figures.

Further discussion was held. Councilor Whalen stated that it was important to have confidence that the selected builder will give the city the desired product. Clayson stated that the council just needed to go on the record as to why you are making the decision you are.

Ferguson asked for some clarification as to why the contingency figure is not included in the bid from the contractor. Allen stated that generally, the contractors just bid the project, they do not put in a contingency amount. The city always wants to add an additional 20% to the amount borrowed as there are always change orders or something that can go awry and the city wants to be able to have that money available. Quigley stated the contingency is set aside for unforeseen events that should occur during construction.

Eckhart asked if Baldwin built the Scio Fire Station. Nuber stated that they did. Nuber further stated that the board told her that they had resolved all of the issues. Ferguson asked what those issues were. Nuber said, faulty roof and cracks in concrete. Allen stated it was her understanding that the Scio Fire District and Baldwin ended up in mediation with verses litigation and they found resolution. Eckhart stated that she heard there were lots of problems. Whalen stated that this should be enough to warrant moving on to another contractor, in this little town, they don't have a good reputation.

Clayson advised that if Medcalf came back and said that they would need to re-bid, then the city would need to start the bid process over. If Medcalf says that they decline the bid, the city could move to the next bidder in line. He did say that it may be in the cities best interest to re-bid. Ferguson asked for clarification. Clayson restated that if Andy Medcalf Construction put it in writing that they could not honor the bid, then the city could move to the third bidder. Councilors were concerned with how long it would take to re-bid the project.

*Councilor Ferguson moved to award of the bid on the Public Works Shop to Andy Medcalf Construction and if they do not accept the bid to move on to Pacific Excavation, Inc. Councilor Eckhart seconded. Motion passed 6/0 - The council was asked to go on record as to why they considered Baldwin General as not a responsible bidder. Ferguson stated word of mouth, based on feed back received from people that have worked with Baldwin in the Industry and that they choose not to work with them based on experience of trying to slip in cheaper product and an instance of a business in Albany where they had a collapse of a roof on a project after it was completed. Eckhart stated that she had heard about problems with the Fire Station from people in town, and that they were not happy with Baldwin.*

Clayson stated that these reasons should be sufficient. Quigley will contact Medcalf and let the city know.

## **2. Discussion of Letter to Governor Brown – Presented by Ginger Allen, City Manager**

Ferguson apologized for missing the previous work session on the letter. She stated she did attend the Scio School District meeting regarding the same topic. They did send a letter that voiced the opposition for not having local control over what was best for the students.

Allen's memo stressed that the letter wasn't about wearing a mask, but about freedom of choice.

Nuber stated that the city is representing everyone. That people should have the right to make decisions for themselves.

Martin stated that she has received a Question via Zoom Chat from Katrina Clouse. Ms. Clouse asked "Would that leave local control forming mandated vaccinations as well as mask required?" The council asked her for clarification. Ms. Clouse stated that people are moving away due to the requirement for vaccinations, so would the letter asking for local control of mask requirements also pertain to the vaccination requirement as well.

Clayson stated that the mask mandate is one thing, the vaccinations are different. Nuber stated that the letter is only to know what we think. Nuber stated that it would be better if people wrote letters individually.

Whalen shared letter from the Federated Tribes to the Pendleton Roundup regarding participation, requesting people to take safety precautions and to be respectful to others. He said that his take on this is that he agrees with what they are asking. He said he was not in favor of sending a letter to the Governor.

Eckhart stated that she also doesn't think that a letter from the city will make a difference. Ferguson stated that the letter from the school was to say that the school wanted to make that decision. Ferguson stated that it is an overreach.

After discussion, the council decided to table the matter.

**CITY MANAGER REPORT:** Allen asked if there were any questions regarding her report. Allen briefly reviewed the report that was included in the council packet. American Rescue Plan – more information will be forthcoming on the needs of the city and a staff recommendation on how this money should be spent. We will be working with Engineer Ryan Quigley to come up with a plan on repairs to the sewer system. Information on moving forward with the Data Center.

Rapid Response/Safe Routes to School Grant – city is waiting for the intergovernmental agreement from the state. The upgrades will be on NW 1<sup>st</sup> Avenue, cross-walks, bulb-outs, etc. The city will contribute \$25K to the matching funds.

Lagoons – They are back to normal. The city needs to discuss what the future looks like when it comes to the lagoons and the cost of upgrades and what the cost increases means to the rate payer. While this particular anaerobic flip was shorter in duration than two years ago, but it was hotter and the air stagnation created a more potent occurrence. Allen stated that the council will need to make a decision as to what kind of improvements the city needs to make at the lagoons and how it will be paid for.

Allen stated that we will also be getting the \$235K from Representative Cate for the restrooms and park improvements.

**BUSINESS FROM THE PUBLIC:** Nadji Vogel, 38932 NW 2<sup>nd</sup> Avenue, stated that everyone was doing a good job, keep it up. Katrina Clouse, W Scio Road, she thanked the city for placing the speed sign on NW 4<sup>th</sup> Avenue, it makes a difference. She updated the council on the upcoming Bridges, Bikes and Brews Festival to be held on Saturday, September 18<sup>th</sup>. She announced that the Lamb & Wool Fair will be hosting a Christmas Light Parade the first weekend in December.

#### **ITEMS FROM THE COUNCIL:**

- Whalen: None
- Ferguson: Flags on 9/11 were not at half-staff on 9/11, Mike at the hardware store did help someone lower the city's flags. Allen asked if the council wanted to pay a staff member to come in on a weekend to raise and lower flags. The last time the council discussed flags, it was decided that the public works staff would take any directives from the governor that came in before the end of their work day on Friday's and implement them, and would take care of them on Monday. They would not come in special on a weekend, just to do flags. Allen said that she was not opposed to having someone come in, if the council wants to make adjustments. Ferguson asked if it is offensive to have them lowered in advance. Allen commented that she did not know if it would be offensive, and further stated that we get calls in the office frequently wanting to know why a flag is either lowered or not lowered. At that time, the council had said that if someone wanted to volunteer to adjust the flags for those occasions it would be welcome vs. paying overtime. When the Governor gives the directives to lower flags, they have a specific timeframe for when it is lowered and when it is raised back up. Eckhart asked if it is possible to find a volunteer. It was suggested to contact the local Cub Scout group. Katrinia Clouse commented that she had been speaking with Mike (Schofield) and Levi (Eckhardt) about this with the flags on Main Street, that since they are always here, they will hold the street flags at their offices and with the other flags around town, and each person take a specific day – they will help get people to help, and are all on board with getting volunteers for that. Allen stated that the city can set up a meeting with her and the two gentlemen to set something up. Ferguson stated that her nephew was upset with the flags on Main Street falling over. She asked how they city can

help get them fixed. Allen stated that she prepared an email to the Linn County Road Department regarding the sidewalk and the flags. Ferguson also brought up the intersection of Highway 226 and Richardson Gap, this was the third accident in the last few weeks. Can we do anything about the intersection. Allen stated that in previous discussions about the intersection with ODOT they indicated that there have not been enough incidents. Allen said that we did include this intersection as a concern when the Linn County Transportation plan was update.

- Eckhart: Thanked the city staff for putting up the neighborhood watch and speed signs they are making a difference.
- Gray: None

There were no additional comments

The meeting was adjourned at 8:00 pm

The next regular meeting is scheduled for October 11, 2021 at 6:00 p.m.

Cathy Martin  
Administrative Assistant