

Mon 7/21/2025 14:45

This e-mail is to correct inaccurate information posted in a public comment record, concerning a serious conflict-of-interest accusation.

In his email in opposition to the Ditch Restoration Project that the City sent out for comment to the Same Old Road area landowners, Tim Sunday cites this information:

In an attempt to get more information regarding this project, I spoke with the Mayor and the City Administrator. They both informed me that this was Mike Taylor's project. I then spoke to Mike Taylor at length, and he told me that this is actually John Barry's project. I have come to find out that the City hired John Barry to be the City Engineer. And he is apparently being paid as a contractor on this project. John owns the subdivision where the End of the Trail cul du sac is located and where Segment 1 is proposed to end. John Barry being involved in this project is a Conflict of Interest.

John Barry/Neval Engineering is in fact contracted to perform certain city engineering services as needed and as requested by the City. Absent of a public works department, the city needs expertise in this area to support approved projects. He was under contract for the initial RFQ. - **Project: RFQ FY25-03 -Same Old Road Drainage Project.**

John did the work to produce the original RFQ as informed by the City Council's actions to support and fund the project that had been submitted and approved via the Project Development Process.

- The CIP Project Development Form for Same Old Road Project was calendared for the April 2024 Worksession. It was then brought before Gustavus City Council at a public meeting on April 15th and at that General Meeting it was unanimously approved.
- At the May 2024 General Meeting an NCO for project funds was introduced for the Same Old Road Drainage Improvement Project and was passed unanimously by the City Council.
- Following the introduction at the May meeting the same NCO was calendared and noticed for the June meeting and it passed unanimously.
- All meetings were posted to the public according to required timelines and venues for posting City information. No public comments were offered regarding any of these actions.

<https://mccmeetings.blob.core.usgovcloudapi.net/gustavusak-pubu/MEET-Minutes-370170fe85b74c799f7fd3ac8b0e6dc1.pdf>

<https://mccmeetings.blob.core.usgovcloudapi.net/gustavusak-pubu/MEET-Minutes-f74698bbd580464b8b8d3377277b21fe.pdf>

<https://mccmeetings.blob.core.usgovcloudapi.net/gustavusak-pubu/MEET-Minutes-949fbbfdef7d40f9840a1affdcff4f72.pdf>

Even though no comments of opposition were provided on the project's agenda items at any of the 3 noticed meetings, the City *did not proceed with the first proposal/RFP*, which John Barry had been asked to prepare under his general Professional Services Agreement. This project was long in the works before John Barry was involved, or his services engaged to write the RFQ. It was not "his project" as construed - he was providing guidance for and managing the RFQ based on the approved Project Development Form. The original project was initially suspended, anticipating that it would resume after addressing a few concerns voiced by a couple of the residents and then was postponed indefinitely under Mayor Owens.

The City recognized that further communications soliciting public comment from the neighborhood property owners was needed beyond duly posted regular city meetings and agendas. As a result, I was recently directed to communicate the updated proposed ditching restoration project to solicit comments from the project area residents.

John Barry/Neval Engineering, who is not a City employee, has not been paid for his input that he recently offered detailing a different project proposal – an approach that was provided with the intent to mitigate the drainage concerns of a few residents regarding the initial RFQ. John Barry/Neval Engineering has not received any compensation for this input and provision of historical photos and maps for the Ditch Restoration Project. All of his time and communications on that has been voluntary and therefore no conflict of interest exists. Incidentally - others who live in the vicinity had also provided input for the *initial* project that would have benefitted their property – the intent of the project was always to benefit all the property owners in the area by reducing road damage and property flooding.

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