

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, March 12, 2013, in the Council Chambers of City Hall, 680 Greenwood Street, Junction City, Oregon.

PRESENT: Mayor, David Brunscheon; Councilors Karen Leach, Bill DiMarco, Jim Leach, Randy Nelson, Herb Christensen, and Laurel Crenshaw; City Attorney, Carrie Connelly; Interim City Administrator, Melissa Bowers; Police Chief, Mark Chase; Public Works Director, Jason Knope; Finance Director, Mike Crocker; City Planner, Stacy Clauson; and City Recorder, Kitty Vodrup.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Brunscheon called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

II. CHANGES TO THE AGENDA

None.

III. CONSENT AGENDA

MOTION: Councilor Nelson made a motion to approve the consent agenda, consisting of the bills from February and the minutes from February 12, 20, and 26, 2013. The motion was seconded by Councilor Christensen and passed by unanimous vote of the Council.

IV. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

None.

V. STATE MENTAL HOSPITAL UPDATE

Ms. Jodie Jones, Project Administrator, reviewed that they will present the Capital Construction budget to the legislature in April. Ms. Jones distributed pictures of work at the site, which included installation of 1600 feet of pipe. Nearly half of the 10 million dollars so far in the project has been awarded to local contractors in Lane County.

VI. COURT PRESENTATION

Municipal Court Judge Don Loomis presented an update on the Municipal Court operations. He acknowledged the excellent work of Court Clerk Sandra Mills. The Court convenes on Thursdays, and he invited the Council to attend anytime. Judge Loomis shared the following statistics:

- July 1, 2012 – Feb. 28, 2013: 772 total cases filed to date. (538 traffic violations - 70% and 123 criminal cases filed).
- July 1, 2011 – June 30, 2012: 1,624 total cases filed in the court. (1220 traffic - 74% and 200 criminal - 12%).
- July 1, 2010 – June 30, 2011: 1,946 total cases filed. (1366 traffic and 138 criminal).

The Court spends about 70 to 80% handling and enforcing criminal matters, yet collects only about 20 to 25% of criminal fines. 75% of the Court's revenue comes from traffic fines, which has been the case for many years. In 2011 – 2012, there were 60 DUIs filed and 83 cell phone violations. Judge Loomis provided some legislative updates and ODOT quick facts. He added that the Presumptive Fine Schedule took effect on January 1, 2012, as well as a new law where the first \$60 of each fine must now be sent to the state. A bill is before the legislature to reduce this amount to \$45.

Judge Loomis requested the following for Council consideration: Hire a part time Probation Officer and utilize a scanning system to check for weapons before people can enter the court room.

VII. PUBLIC HEARING – AMENDMENT TO JUNCTION CITY ZONING ORDINANCE FILE NO. AMD-12-01 – ALLOWING CHICKENS, DUCKS, AND BEES IN THE CITY LIMITS

Mayor Brunscheon opened the public hearing and asked if there were any exparte contacts or conflicts of interest. There were none.

Public Testimony

Mr. Jack Sumner, 1061 Quince Drive, Junction City, asked the Council to think about the time and effort that had been put forth to change something that had received no complaints, except for 2 tickets written for people having fowl in their yards. He noted that

the City tries to be a community where you get along and can be a good neighbor. He added that the City was looking at changing an ordinance that was not necessary and was a waste of time. He stated that if his neighbor wanted to have chickens and it was not of concern, the neighbor should be allowed to have them. He noted that the proposed ordinance reads that you cannot have more than 5 chickens and he asked who would be checking on that or enforcing that. He added that if people were good neighbors, you would not have to amend the ordinance and he felt that it should be left as it is.

Phil Moffitt, 899 W. 17th Avenue, Junction City, stated that the Council should pass the ordinance, and he did not think the City would see an increase in the amount of chickens or bees in addition to what is already in the City. He thought the ordinance was well written and it was a good thing that you would need to notify your neighbors as part of being a good neighbor. He added that as far as enforcement, why not let this be like other code enforcement issues and allow it to be complaint based.

Ms. Barb Moffitt, 899 W. 17th Avenue, Junction City, stated that she agreed with Mr. Sumner on being good neighbors, and they were asking that this ordinance be passed so they would not be engaging in an illegal activity that is currently not allowed by the City's code. She noted that the other cities around the state were not experiencing problems as a result of passing similar ordinances. She added that this was a country community, and she did not understand why it had taken so long to consider passing this.

Ms. Judy Scher, stated that she was the past president of the Lane County Beekeepers Association and provided information on the difference between honey bees and the more aggressive yellow jackets. She noted that urban beekeeping helped to preserve feral honey bees, which were dying off from pesticides and diseases and also to control swarms. Honey bees pollinate fruit trees and vegetable gardens, as well as produce honey and beeswax. Honey bees are not aggressive and do not sting unless threatened. She noted that she liked the way the ordinance was written, as it required beekeepers to take educational classes and provide water for the bees. She added that beekeepers could have their names placed on the County Beekeepers website.

Mr. Jamie Hooper, 449 Laurel Street, Junction City, distributed copies of a letter that he had written to The Tribune News, as well as a chart on stinging insects. He noted that honey bees were docile, produced honey and beeswax and provided other benefits as well. He added that there was nothing in what the Council would read in his submittals that made half as much sense as what Mr. Sumner had said.

Mr. Seth Roval, 485 Laurel Street, Junction City, stated that he thought the ordinance was well written and he was in support of the Council passing it. He noted that if no one was really complaining about existing chickens and bees, they shouldn't be illegal, as that seemed like a violation of people's rights. He complimented the Planning Commission and staff on writing a very thorough and comprehensive ordinance. He agreed with Mr. Sumner's statement that this was a waste of time and that too much time had been spent on this. He urged the Council to pass the ordinance and move on to more important issues.

Staff Report

Planner Clauson stated that staff's analysis was that the proposed ordinance was consistent with the criteria used to evaluate the amendment in Section 17.145, and the Findings were included in Exhibit B of the Council packet. Comments received beyond the public testimony have been in support of the amendment. Additional comments received that were not included in the Council packet were from Mr. Jamie Hooper, Ms. Shannon Turrentine, Ms. Jodie Smith, Ms. Katherine D.E. Hunt, and Ms. Judy Scher.

Mayor Brunscheon closed the public hearing.

Council Deliberation

Councilor DiMarco asked if details of the amendment would be provided. Planner Clauson provided an overview of the proposed amendments to Section 17.05, which would allow chickens, ducks, and bees on single family residences in the R-1 and R-2 zones.

Councilor J. Leach read some statements against allowing chickens in the City limits that had been documented in past minutes. He added that he could not support this unless there was a way to poll the people in town and find out whether they would want chickens or not.

Councilor Christensen stated that this would be complaint driven and what he heard people say is that they did not want to break the law. If there were currently few complaints, then passing this to allow citizens to have chickens and bees legally should not cause a problem. He added that the Council should pass this and move on to other issues.

Councilor K. Leach stated that the Council needed to consider that there were many people in the community that were dead set against this. She understood that other cities had passed this, but noted the example of the City of Veneta allowing chickens and bees, but only on a lot of .75 acres or more. She noted that the City's lots were small here and she didn't understand why people would want to keep animals in such a small space. Citizens had told her that they had spent hundreds of thousands of dollars for their homes in the City and did not want to live with livestock of any kind in town. She expressed agreement with Mr. Sumner and Councilor Christensen and noted that this was complaint driven and she thought it should be left as it is.

Councilor DiMarco stated that he would like to see the Council have a discussion on code enforcement and to send a clear message to staff on how the Council would like these things to be addressed. He noted that there were two approaches: Either an ordinance and its penalties were a last resort after you've tried to deal with someone and did not get a solution, which was what the City used to call "complaint driven." Or you could use the ordinance to enforce violations and collect fines as a revenue generator.

Councilor K. Leach added she had been against allowing bees, but after receiving excellent information on the topic, she could be in favor of that.

Councilor Nelson stated that he had polled citizens and they were 5 to 1 against having chickens, and he still received complaints about citizens not wanting chickens. He added that this had gone on for too long and he wanted to see closure.

Mayor Brunscheon asked for a show of hands from the Council for those in favor of having the ordinance read. No hands were raised.

Planner Clauson responded there were two options available to the Council at this point: Let the ordinance die or send back to the Planning Commission for additional review and discussion.

Mayor Brunscheon asked for a show of hands from the Council on if they wanted this to go back to the Planning Commission. No hands were raised.

Councilor DiMarco stated that he thought there might be a third option and that would be to explore other possibilities that would allow chickens and bees that would be more customized to the City and could be included in discussions on the local food movement, community gardens, and economic and community development. He noted that the ordinance also excluded low income people, and the City could also explore providing variances or other options. He offered to have these reviewed by the Community Development Committee.

Mayor Brunscheon asked if the Council wanted to send this to the Community Development Committee for further discussion. No support was given to do that.

Mayor Brunscheon expressed appreciation to the public for attending the meeting and providing testimony.

Mayor Brunscheon announced the convening of a joint meeting of the City Council and Local Public Contract Review Board.

VIII. PUBLIC HEARING – PUBLIC CONTRACTING RULES AMENDMENTS**A. PUBLIC HEARING**

Mayor Brunscheon opened the public hearing.

Staff Report

Director Knope stated that before the Council and Local Public Contract Review Board was a proposed amendment to the City's current public contracting rules. It has been several years since the City has updated its rules and in that time there have been some significant changes to several divisions, especially Division 48, which pertains primarily to the City engineering services and how it procures those services. The changes included using a Qualification Based Selection (QBS) process.

Attorney Connelly added that the City would be sending out Requests for Proposal for various engineering services in the coming months and it was necessary for the City to comply with state law. She noted that the legislature was currently considering elimination of the QBS approach, but that was irrelevant to the City's action tonight.

Public Testimony

None.

Questions from the City Council

In response to questions, Attorney Connelly stated that the state public contracting rules had been changed in 2011 but hadn't impacted the City, as no engineering RFPs had been done; however, it was now important for the City to review its rules and bring them into compliance with the Attorney General's rules, as engineering RFPs would soon be occurring.

Mayor Brunscheon closed the public hearing.

B. ORDINANCE NO. 2 – JOINT ORDINANCE OF THE CITY COUNCIL AND LOCAL PUBLIC CONTRACT REVIEW BOARD FOR THE CITY OF JUNCTION CITY, AMENDING JCMC 2.55, TO CONFORM TO 2011 OREGON PUBLIC CONTRACTING CODE LEGISLATIVE AMENDMENTS.

Attorney Connelly noted that no changes were made to the Exemptions, except for a title change to E-17 to add Photogrammetrists and Transportation Planners to reflect changes in Division 48.

Attorney Connelly read Ordinance No. 2 in full.

MOTION: Councilor Nelson made a motion to read Ordinance No. 2 by title only. The motion was seconded by Councilor K. Leach and passed by unanimous vote of the Council.

Attorney Connelly read Ordinance No. 2 by title only.

MOTION: Councilor DiMarco made a motion to approve Ordinance No. 2, as revised and read. The motion was seconded by Councilor K. Leach and passed by unanimous vote of the Council.

IX. SPECIAL EVENT REQUESTS**A. BUS RODEO**

Interim Administrator Bowers reviewed that this was a request from First Student to conduct a Bus Rodeo on April 13, 2013 along 6th Street from Timothy to Nyssa. This is the second year that the event has come before the Council. Community Development Committee reviewed and recommended approval.

Councilor Nelson noted that the Bus Rodeo was initially going to be moved to a different location each year, but since they liked how the event went last year, they are planning on holding it in Junction City every year. He expressed appreciation to the Council for allowing this.

MOTION: Councilor K. Leach made a motion to approve the First Student Street Closure Request and conditions for a Bus Rodeo on April 13, 2013. The motion was seconded by Councilor DiMarco and passed by unanimous vote of the Council.

B. PET PARADE

Interim Administrator Bowers stated that before the Council was a street closure request for the annual Pet Parade. This has been an annual community event since 1953. The Community Development Committee reviewed and recommended approval.

MOTION: Councilor Christensen made a motion to approve the Junction City Business and Professional Women's Street Closure Request and conditions for a Pet Parade on May 4, 2013. The motion was seconded by Councilor DiMarco and passed by unanimous vote of the Council.

X. WATER TREATMENT EQUIPMENT PURCHASE DISCUSSION

Director Knope stated that before the Council was an opportunity to purchase some used water equipment. The City of Veneta has connected with EWEB for their municipal water supply, and the treatment plant that they had put in operation in 2006 was auctioned off and purchased by The Automation Group. The equipment is in good condition and has everything necessary to set up 2 filters that would be able to treat 800 gallons per minute and filter out iron and manganese, which are the City's primary concern for its drinking water. For the City's ultimate footprint needs this is not big enough, but it gets the City well on its way. The used equipment price is \$223,000 and would cost \$475,000 new.

The purchase is allowed under the City's Class Exemption in the procurement rules, E-15, and competitive bids for comparable used equipment was not found. The Sanitation and Water Committee reviewed and recommended approval of this purchase and approval of the interfund loan from the Sewer System Improvement Fund to the Water System Improvement Fund. Director Knope noted that currently the Sewer System Improvement Fund is approximately 2 million dollars ahead of what was projected, and the interfund loan would not impact requirements that the Sewer fund has or complying with the DEQ MAO and getting construction of a Wastewater Treatment Facility.

In response to questions, Director Knope stated that currently the City has the capacity to produce 1200 gallons per minute of water. In the proposed scenario, that would take 3 filters. The location at 1171 Elm Street can fit up to 6 filters. That would give the City the ability to produce 2400 gallons per minute of treated water, which is the number that is forecasted in the City's Master Plan. It was noted that the wells at 11th and Elm and 3rd and Cedar are currently not being used, but jointly could produce an additional 1000 gallons per minute.

It is planned that any future purchases would also be funded by an interfund loan from the Sewer System Improvement Fund. For a 3 filter option, including an \$80,000 contingency, the project budget would be \$785,000 (that includes the \$223,000 purchase). A 6 filter option with an \$80,000 contingency would cost approximately \$1,078,000. What has been recommended by the Sanitation and Water Committee is a 4 filter option, with an \$80,000 contingency and for a total cost of approximately \$850,000. An action to purchase the used equipment tonight would not negatively impact any choices for the future, at this point. Discussions will be ongoing on future filter and equipment purchases.

MOTION: Councilor Nelson made a motion to approve the purchase of the used equipment from The Automation Group under City Public Contracting Rules E-15, based upon the above findings, and authorize the Interim City Administrator to sign the necessary documents, including a purchase agreement to this effect, subject to attorney review. The motion was seconded by Councilor DiMarco and passed by unanimous vote of the Council.

XI. WATER TREATMENT PLANT AND INTER-FUND LOAN BUDGET RESOLUTION

A. STAFF REVIEW - Director Crocker stated that before the Council was a resolution for the Water Treatment Plant project. This will be an interfund loan in the amount of

\$223,000 from the Sewer System Improvement Fund to the Water System Improvement Fund. The loan has no interest and needs to be paid back within 10 years.

B. RESOLUTION No. 1 – A BUDGET RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS.

MOTION: Councilor Christensen made a motion to approve Resolution No. 1. The motion was seconded by Councilor DiMarco and passed by unanimous vote of the Council.

XII. STAFF REPORTS

Director Knope stated that the Utility crews are back working on the waterline in the area of 3rd and Maple.

Planner Clauson reported that today the Lane County Board of Commissioners voted unanimously to adopt the City's proposed changes for Customized Periodic Review and Expansion of the City's Urban Growth Boundary. Council members thanked Planner Clauson for her hard work on this.

Attorney Connelly congratulated the Council on the co-adoption.

Interim Administrator Bowers stated that Recorder Vodrup was planning on working on a Court Records project on Friday afternoons and anticipated that the Council packets would be delivered one hour earlier than normal. The Council goals will be brought back to the Council on March 26th. She noted that staff had been amazing and thanked them for their assistance in spending extra time with her and keeping her informed on issues. She added that this was very much appreciated and a big help during this time of transition.

XIII. COUNCILOR COMMENTS/QUESTIONS

Councilor K. Leach stated that today was a milestone and she thanked everyone for their hard work and specifically recognized Planner Clauson and previous Administrator Kevin Watson. She expressed appreciation to Police Officer Mike Bonner for being so visible to the community when he was on duty.

Councilor DiMarco expressed appreciation to Attorney Connelly and Director Knope on the procurement updates. He noted that he hoped the Council could have a discussion on what is meant by "complaint based", before they have to deal with another issue like chickens and bees. He added that a clear understanding of what the Council would like to see would be helpful to staff.

Councilor J. Leach thanked the Mayor and staff for their comments today at the County meeting and noted that all the hard work resulted in a really good product. He added that he was excited about the Water Treatment Plant.

Councilor Nelson thanked Councilors Jim and Karen Leach, the Mayor, and Interim Administrator Bowers for attending the Facilities Steering Committee last night. He noted that this was a positive effort to build relationships between the City and the School District, which was one of the recent goals at the Council goals session. He added that he was proud of everyone for their work at the goals Session and thought it was an outstanding event.

Councilor Christensen expressed agreement with Councilor Nelson's comments on the goals session. He noted that he believed the Council was coming together and would be a lot more functional than they had been in the past. He added that they needed to keep themselves in check and make sure that they were continuing to move forward.

Councilor Crenshaw noted that she thought it would be beneficial to have a discussion on code enforcement and to send a clear message to staff.

The Council consensus was to have the code enforcement discussion at their April 9th meeting.

XIV. MAYOR'S COMMENTS

Mayor Brunscheon expressed appreciation to everyone for their hard work on the Customized Periodic Review and noted that this was a significant accomplishment today at the county. He extended his gratitude to staff for their assistance to Interim Administrator Bowers and noted that this excellent team work made all of their jobs easier. He thanked the Council for their attendance and participation in the Council Goals Session, which went very well. He expressed appreciation to previous Administrator Watson for working hard to get that scheduled.

XV. OTHER BUSINESS

Mr. Jack Sumner expressed appreciation to everyone for their hard work on the UGB expansion. He referred to a community in South Carolina where the School District had provided an office for a police officer in the school building. He noted that it might be a good idea for the City to look at this possibility.

Mr. Bill Boresek expressed thanks to everybody involved in the UGB process and noted that there had been a lot of hard work and dedication over the last four years. He added that he was very impressed with the staff and how everyone worked as team to get this good product through the county. He noted that they had one step left to go.

Mr. Jeff Haag stated that the UGB did go very smoothly today and staff did a great job. He added that purchasing the used equipment for the Water Treatment Plant would not only provide a cost savings on the plant development but would also be a costs savings to citizens by not having to have a large increase in water rates.

XVI. ADJOURNMENT

As there was no further business, the meeting was adjourned at 8:26 p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

David S. Brunscheon, Mayor