

The City Council for the City of Junction City, met for a work session at 6:30 p.m. on Tuesday, July 26, 2016, in the Council Chambers of City Hall, 680 Greenwood Street, Junction City, Oregon.

**PRESENT:** Mayor, Michael Cahill; Councilors Karen Leach, Bill DiMarco, Jim Leach, Randy Nelson, Steven Hitchcock, and Herb Christensen; City Administrator, Jason Knope; Attorney Lauren Sommers; Attorney Carrie Connelly; and City Recorder, Kitty Vodrup.

**1. Call to Order and Pledge of Allegiance**

Mayor Cahill called the Work Session to order at 6:30 p.m. and led the pledge of Allegiance.

**2. Marijuana Facilities Discussion**

Administrator Knope reviewed that the Council had requested this item be discussed at a work session, as there had been some concerns with the language in the resolution and attached explanatory statement.

Discussion followed and included:

- Council members noted that it was important to them that the language was neutral and simple. They were not promoting one way or the other and wanted to let the voters decide on if they wanted commercial marijuana facilities or not.
- Attorney Sommers stated that the explanatory statement was only needed, if Lane County was going to publish a voter's pamphlet, and she was pretty sure the county would not be doing that. She would get this confirmed in writing.
- Attorney Sommers noted that if the voters approved prohibiting commercial marijuana facilities, the City would not be eligible to receive the state shared marijuana tax or be able to impose a local tax.
- It was noted that state taxes would be distributed to cities, based on the number of facilities in that city; therefore, if the voters approved having commercial facilities but there were no facilities, the City would not receive any state shared marijuana tax revenue. It was anticipated that the state shared marijuana revenue would not be distributed until October 2017.
- If the voters approved having commercial facilities, the City would have the option of referring to the voters at the next General Election in 2018, if they would like to impose a local tax.
- Attorney Sommers noted that Ordinance No. 1233 that the Council had adopted included the labels for marijuana facilities that the state uses and that was why she included that in the resolution and ballot title. Council members noted that they wanted to simplify the definition by adding that these were "commercial facilities."
- The resolution would not ban, nor does the City have the authority to ban under state law, medical marijuana grows, home grown marijuana, or possession of marijuana. All the voters would be prohibiting would be commercial facilities - commercial grows, commercial processors, commercial wholesalers, commercial retailers, medical processors, and medical dispensaries.
- Attorney Sommers noted that the Council had the ability to continue dialogue with the voters of Junction City, after the resolution was passed and the paperwork filed with Lane County Elections. Staff had restrictions on what they could do after the resolution was approved and it becomes an election mater, but the Council did not. The Council could talk freely to voters and even campaign for one result or another if desired, but it was her understanding that the Council wanted to remain neutral.
- If the Council approved the resolution, the City Recorder would post a notification in the newspaper of the ballot title and citizens would have 7 business days to challenge the ballot title language. If a challenge was made, it would go to Circuit Court for a judge to make a decision, and then it would go to Lane County Elections.

The Council consensus was to:

- Not have an explanatory statement. If one was needed, Attorney Sommers and Administrator Knope would work on the language, based on the work session discussion.
- Change the resolution title and Section 1 of the resolution to add "...ban on Commercial Marijuana Facilities" and put the various types of facilities in parentheses.
- Change the ballot caption to: "Prohibiting Commercial Marijuana Facilities in Junction City."
- Change the ballot question to: "Shall Junction City prohibit commercial marijuana facilities in Junction City?"
- Change the ballot summary to: "If adopted by the voters, this measure would prohibit the establishment of commercial marijuana facilities" and then list in parentheses the types of facilities.
- Change the ballot summary to remove the part of the last sentence that reads, "nor would the City be eligible to adopt a city tax on recreational marijuana sales."
- The revised resolution would come before the Council for consideration at the August 9, 2016 Council meeting.

Attorney Sommers left the meeting.

### 3. Utility Code Discussion

Administrator Knope stated that the Sanitation, Recycling, and Water Committee and the Sewer and Street Committee had been working on revising the Utility Code Language and there were some policy questions that the Committees wanted the Council to provide direction on.

Attorney Connelly and Administrator Knope reviewed the following items:

**Should the landlord remain responsible for unpaid tenant utility bills and having these unpaid bills become a lien against the property?** The Council consensus was to make the tenant solely responsible and to remove the landlord being responsible and filing liens against the property.

**Would the Council like a deposit to be collected for new accounts?** The Council consensus was yes. A deposit fee would be charged and outstanding bills would be turned over to collections. A customer would not be able to set up a new account, if there was an outstanding bill at another location. If a customer was shut off, their deposit could be applied, but before they could be turned back on, they would have to pay an additional deposit plus the amount they owe. Deposits would not be retroactively charged to existing customers, but would be applied if an account was shut off or the customer moves to a different address in town. It was noted that as part of the new application process, the landlord would be required to sign off on the application. The Council consensus was that no interest should be charged on the deposit and the customer would only get that back, once they move. Administrator Knope noted that he would have Director Crocker set up a separate fund for these deposits.

**Should the landlord receive copies of the tenant late notices, even though the landlord would no longer be responsible for the account?** The Council consensus was no.

**Should the City charge a posting fee for staff and materials costs when delivering shut off door hangers to customers?** Council consensus yes, as this was the second warning and the customer had already received a notice via mail. It was noted that Public Works delivered 60 to 100 shut off door hangers per month.

**Should utility bills become delinquent if not paid within 10 or 15 days?** The Council consensus was 10.

**Did the City want to continue to allow service to be voluntarily discontinued for customers who take extended vacations or live in another location for a time?** Council consensus yes. It was noted that if the City added a water or sewer debt fee to the bills, that base amount could be required to be paid each month, even if the service was voluntarily discontinued for a period of time. It was noted that there were about 12 accounts out of 2,000 that annually do this.

**Should the Finance Director make payment arrangements with customers?** The Council consensus was that it should be the Public Works Director.

**Should the City continue with its practice of not shutting someone off the day before a holiday, on Fridays, weekends, or after 2:00 p.m.** The Council consensus was yes.

**Should the City only allow one payment plan option?** The Council consensus was yes. Customers who violate a payment plan agreement would not be able to enter into a second payment plan agreement.

**What should the interest rate be for reinstatement of service for accruing on all accounts from the date of delinquency?** Council consensus was this was up to staff. Administrator Knope noted that he would like to see a fixed rate.

**Should the City allow a water credit when there was a leak inside the house?** The Council consensus was no. This would discontinue a longstanding City practice. Attorney Connelly noted that Sub B under Adjustment of Water Bills would be the only language that would remain in that section, as it noted that if the City made an error in overbilling an account, the amount could be retroactively corrected for a period not to exceed one year.

**How should the City set up the nonrefundable cleaning fee for landlords?** The draft language included that the landlord could pay a set flat fee in advance and get up to 8 consumption units of water for a period of 30 days; this would be in lieu of having to pay a deposit. Further discussion included having landlords pay a flat fee for certain amounts of water, such as 2, 4, or 6 consumption units. Another option was to have the landlord pay some sort of deposit fee that could be calculated based on number of units and then pay for actual use. The Council consensus was for Administrator Knope and staff to further discuss and come back with a proposal.

Attorney Connelly left the meeting.

#### 4. **Budget Discussion**

Councilor Nelson suggested tabling this discussion. Administrator Knope noted that from a timing standpoint, it would be important to not wait until the August Work Session, as there were some bigger picture budget discussion items that staff needed direction from the Council on.

The Council consensus was to discuss at the August 9, 2016 Council meeting.

#### 5. **2015 Administrative Task List**

Administrator Knope presented the revised task list review, which had the completed items removed, per Council direction at the last Work Session.

#### 6. **Other Business**

None.

#### 7. **Adjournment**

As there was no further business, the meeting was adjourned at 8:25 p.m.

ATTEST:

APPROVED:

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Kitty Vodrup, City Recorder

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Michael J. Cahill, Mayor