

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, February 10, 2015, 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 Attorneys, Carrie Connelly and Christy Monson; City Administrator, Melissa Bowers; Police Chief, Mark Chase; Public Works Director, Jason Knope; Finance Director, Mike Crocker; City Planner, Jordan Cogburn; Community Services Director, Tom Boldon; and City Recorder, Kitty Vodrup.

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**II. CHANGES TO THE AGENDA**

Mayor Cahill presented Administrator Bowers with a plaque of appreciation for her devoted and outstanding service to the City of Junction City, serving 15 years in the roles of City Administrator (2013 to 2015), Community Services Director (2009 to 2014), and Senior Center Coordinator (1999 to 2009).

Councilor DiMarco noted that he would like to provide a Community Development Committee report on marijuana deadlines that the Committee would like the Council to be aware of under "Other Business."

**III. CONSENT AGENDA**

**MOTION:** Councilor Nelson made a motion to approve the January bills. The motion was seconded by Councilor DiMarco and passed by unanimous vote of the Council.

Planner Cogburn noted for the record that at the December 23, 2014 Council meeting, he had incorrectly cited a date under the staff report in Item V. Public Hearing for the Ivory LLC Rezone. He had stated at the meeting, "The TIA was submitted and Oregon Department of Transportation (ODOT) had submitted comments on July 19<sup>th</sup> regarding this proposal and their recommendations for conditions on future development." The date cited should have been December 19<sup>th</sup> and not July 19<sup>th</sup>.

**MOTION:** Councilor Christensen made a motion to approve the December 23, 2014 and the January 27, 2015 Council minutes. The motion was seconded by Councilor K. Leach and passed by unanimous vote of the Council.

**IV. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA**

Mr. Tyler Mikkelsen, 276 Knight Avenue, Eugene, stated that he was a member of the Junction City Police Department and read a statement in support of the work, quality, and commitment of the Police Department, the officers, and dispatchers. He asked the Council to stand with and trust the officers and dispatchers and noted that even though there were ongoing personnel issues, the Police Department would still be the best that it could be for the City. He added that the officers and dispatchers were united, strong and standing together for what was right for everyone.

Mr. Gary Crum, 25534 Hall Road, Junction City, expressed his support of the Police Department staff and of Chief Chase. He encouraged the Council to take positive steps to start the healing process at the department, including possible use of an outside consultant or facilitator.

**V. LANE COUNTY HEALTH – E-CIGS PRESENTATION**

Ms. Karen Gaffney and Dr. Patrick Luedtke of the Lane County Health Department presented information on e-cigarettes. The Lane County Board of Commissioners serves as the County's Board of Health and passed an ordinance that took effect on January 15, 2015 which prohibits the sale of e-cigarettes to minors and requires stores that sell tobacco and e-cigarettes to obtain a license in the unincorporated areas of the county. Currently, e-cigarettes are largely unregulated in Oregon and the county wanted to begin discussions with cities in Lane County and encourage communities to address this issue through City policies.

The Council thanked them for the presentation, and Mayor Cahill noted that he would like to wait and see what that legislature was going to do, before the City looked at adopting regulations.

**VI. PUBLIC HEARING – CPA-14-02 (COMPREHENSIVE PLAN AMENDMENT) AND RZ-14-04 (REZONE) 1701 JUNIPER STREET**

**A. PUBLIC HEARING**

Mayor Cahill opened the public hearing at 7:14 p.m. and asked if there were any conflicts of interest. There were none.

**Staff Report**

Planner Cogburn reviewed that before the Council was a Comprehensive Plan Amendment and Rezone for a property located at 1701 Juniper Street. This was a City Council initiated Comprehensive Plan amendment and Rezone based on discussions at the October 28, 2014 City Council meeting. The site is currently designated as High Density Residential and is within the Multi-Structural Residential Zoning District. The parcel is currently occupied by a mini-storage facility, which is a non-conforming use in the residential zoning designation R4 as well as R3. The Planning Commission held a public hearing on January 20, 2015 and recommended approval of the proposed Comprehensive Plan amendment to redesignate the subject property to Commercial and the zoning map amendment to rezone the property from multi-structural to General Commercial. The application request complies with Chapters 1 and 3 of the Junction City Comprehensive Plan, as well as statewide planning goals 1, 2, 5, 6, 7, 9, 11, 12, 13, and 14. An ordinance was before the Council for review and consideration.

**Public Testimony**

Mr. Bob Nelson, Pac West Real Estate Investments, 711 Country Club Road, Eugene, stated on behalf of the owner that they requested that the petition be granted, which would bring the property into compliance with zoning, allow financing of the property, and provide the ability to operate the property legally in the future.

Mr. Jeff Haag, 27430 8<sup>th</sup> Street, Junction City, shared that this had been an ongoing project for the Planning Commission for several years, and Planner Cogburn had helped them reach a resolution. The Planning Commission unanimously recommended approval.

**Council Questions**

Councilor DiMarco noted that there had been much discussion on this over the years, and the owners had nothing to do with any of the issues or confusion on the zoning, etc.

Mayor Cahill closed the public hearing at 7:19 p.m.

**Council Deliberation and Decision**

Councilor K. Leach stated that the Planning Commission had worked hard on this issue and she was glad to see this finally finished and done right. Councilor Nelson asked that the ordinance be read in full.

**B. ORDINANCE NO. 1- AN ORDINANCE AMENDING THE CITY OF JUNCTION CITY'S COMPREHENSIVE PLAN MAP RE-DESIGNATING TAX LOT 601 OF T15S R04W FROM HIGH DENSITY RESIDENTIAL (H) TO COMMERCIAL (C), AND AMENDING THE OFFICIAL ZONING MAP TO REZONE TAX LOT 601 OF T15S R04W S32 FROM MULTI-STRUCTURAL RESIDENTIAL (R4) TO JUNCTION CITY OFFICIAL ZONING GENERAL COMMERCIAL (GC).**

Planner Cogburn noted a few changes to the ordinance: add "and Section 17.145.030" to 2<sup>nd</sup> WHEREAS and change "Common" to "City" in Section 2. Attorney Connelly read Ordinance No. 1 in full.

**MOTION:** Councilor DiMarco made a motion to read Ordinance No. 1 by title only. The motion was seconded by Councilor Nelson and passed by unanimous vote of the Council.

Attorney Connelly read Ordinance No. 1 by title only.

**MOTION:** Councilor Nelson made a motion to adopt Ordinance No. 1. The motion was seconded by Councilor K. Leach and passed by unanimous vote of the Council.

**VII. PUBLIC HEARING – AMD (CODE TEXT AMENDMENT ) 14-01 BREW PUBS**

**A. PUBLIC HEARING**

Mayor Cahill opened the public hearing at 7:29 p.m. and asked if there were any conflicts of interest. There were none.

**Staff Report**

Planner Cogburn reviewed that before the Council was a proposal for a text amendment to the Junction City Municipal Code (JCMC) Chapter 17.30.010 as well as 17.45.010 relative to the Central Commercial Zone as well as the Light Industrial Zone. These changes include language under the C2 zone including uses outright: a Brew Pub, Public House, Micro Brewery, Winery, Cider House, Tasting Room, or similar use as well as a proposal to strike language from the Light Industrial District regarding distillation and fermentation in the processing and packaging to be permitted outright. Recent inquiries from the community have brought attention to the prohibitive nature of the JCMC and prohibiting potential economic interests in commercial as well as industrial areas. Some of those interests were expressed to City Council as well as Planning Commission and City staff. Councilor Hitchcock brought this to staff's attention at a previous meeting where it was directed to take the issue to Planning Commission. The Planning Commission held discussion on topic on November 18, 2014 where interested members of the community provided positive testimony and support of the code text amendment. The consensus amongst the Commission at that time was to draft potential code changes and return to Planning Commission with those amendments. On January 20, 2015 the Planning Commission voted unanimously to recommend approval of the amendments to the zoning ordinance as presented in Exhibit A. This City initiated process is authorized under 17.45.010., and an ordinance was before Council for review and consideration.

**Public Testimony**

Mr. Joseph Land, 1105 Green Meadows Avenue, Junction City, shared that he had brought this issue to the attention of the City and would like to start a small business that would ultimately become a production brewery. He wanted it to be a family and community oriented place and something positive for Junction City.

Mayor Cahill closed the public hearing at 7:33 p.m.

**Council Deliberation and Decision**

Councilor Nelson asked that the ordinance be read in full.

**B. ORDINANCE NO. 2 – AN ORDINANCE AMENDING CITY OF JUNCTION CITY MUNICIPAL CODE CHAPTER 17.30 CENTRAL COMMERCIAL ZONING TO PERMIT BREWERY RELATED USES AND CHAPTER 17.45, LIGHT INDUSTRIAL ZONING TO ALLOW THE PROCESSING, PACKAGING OR STORAGE OF FOOD OR BEVERAGES, INCLUDING PROCESSES INVOLVING DISTILLATION FERMENTATION.**

Planner Cogburn noted that there were some revisions to the ordinance. Attorney Connelly read the revised Ordinance No. 2 in full.

**MOTION:** Councilor Hitchcock 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 adopt Ordinance No. 2. The motion was seconded by Councilor K. Leach and passed by unanimous vote of the Council.

**VIII. TRANSPORTATION SYSTEM PLAN DRAFT UPDATED**

Planner Cogburn presented information on the Council forming a Council TSP (Transportation System Plan) Task Force. He added that he had contacted ODOT and

DKS to let them know that the Council was willing to accept the extension proposal with the condition that any future work would be directed by the City Council.

The Council consensus was to form a Council TSP Task Force and to waive the 60 day posting requirement for committee vacancies to two weeks, beginning on Monday, Feb. 16<sup>th</sup>.

**Members:** Total of 5 Members:

- 1 Council member, who will serve as chair
- 2 Planning Commissioners
- 2 members of the public

**Purpose:** To review the TSP draft, based on Council direction

**Meetings:** Will meet as needed

**Appointments:** Council will appoint the Task Force members.

**IX. MILLIRON ROAD SURRENDER**

Director Knope reviewed that before the Council was a resolution requesting the surrender of Milliron Road from Highway 99 to just past Drea's Ways. The request was part of the Intergovernmental Agreement (IGA) between the City and Department of Corrections (DOC). DOC improved the road to City standards and the warranty period has expired under Lane County's jurisdiction. Approval of the resolution was the first step in submitting the request to Lane County. Sewer and Street Committee reviewed in November and recommended approval.

**A. RESOLUTION NO. 1 - A RESOLUTION REQUESTING THE BOARD OF COMMISSIONERS OF LANE COUNTY TO SURRENDER JURISDICTION OF PORTIONS OF COUNTY ROAD NO. 339, MILLIRON ROAD IN JUNCTION CITY, OREGON.**

**MOTION:** Councilor Hitchcock made a motion to approve Resolution No. 1. The motion was seconded by Councilor K. Leach and passed by unanimous vote of the Council.

**X. CHECK SIGNATURE AUTHORITY**

**A. RESOLUTION NO. 2 – A RESOLUTION AUTHORIZING THE SIGNING OF CHECKS BY MICHAEL J. CAHILL, JASON KNOPE, AND KITTY VODRUP AND THE USE OF A FACSIMILE SIGNATURE OF CITY RECORDER KITTY VODRUP, WITH THE UNITED STATES NATIONAL BANK OF OREGON, JUNCTION CITY BRANCH; AND REPEALING RESOLUTION NO. 1111.**

**B. RESOLUTION NO. 3 – A RESOLUTION AUTHORIZING SIGNATURE AUTHORITY BY MICHAEL J. CAHILL, JASON KNOPE, AND KITTY VODRUP AND THE USE OF FACSIMILE SIGNATURE OF CITY RECORDER KITTY VODRUP WITH CITIZEN'S BANK, JUNCTION CITY BRANCH; AND REPEALING RESOLUTION NO. 1112.**

**MOTION:** Councilor K. Leach made a motion to approve Resolution No. 2. The motion was seconded by Councilor Hitchcock and passed by unanimous vote of the Council.

**MOTION:** Councilor K. Leach made a motion to approve Resolution No. 3. The motion was seconded by Councilor Christensen and passed by unanimous vote of the Council.

Councilor DiMarco asked about the status of the 6<sup>th</sup> Street road surrender. Director Knope responded that the Council passed that resolution and the county staff was waiting for the Milliron Road resolution so they could present to the Board of Commissioners at the same time.

**XI. PLANNING COMMISSION APPOINTMENTS**

Planner Cogburn shared that an alternate vacancy occurred when Cheryl Glasser declined the alternate appointment. Planning Commission reviewed and unanimously recommended appointment of Kevin Cross.

Mayor Cahill appointed Mr. Kevin Cross to fill the alternate Planning Commission vacancy.

**XII. FACILITIES TASK FORCE UPDATE**

Administrator Bowers provided the Compilation of Findings for Funding Sources for Civic Facilities in Oregon that was researched and prepared by the Facilities Task Force. She added that Slattery-Johnson was in process of doing a facility assessment of the Police Department and City Hall facilities.

**XIII. COUNCIL COMMITTEE APPOINTMENTS**

Mayor Cahill made the following committee appointments:

**Sanitation/Recycling/Water**

Jim Leach – Chair  
 Randy Nelson  
 Steven Hitchcock

**Sewer and Street**

Randy Nelson - Chair  
 Jim Leach  
 Herb Christensen

**Community Services**

Karen Leach – Chair  
 Herb Christensen  
 Bill DiMarco

**Public Safety**

Steven Hitchcock - Chair  
 Bill DiMarco  
 Randy Nelson

**Community Development**

Herb Christensen-Chair  
 Karen Leach  
 Jim Leach

**Finance/Judiciary**

Bill DiMarco - Chair  
 Karen Leach  
 Steven Hitchcock

Lane ACT – Mayor Cahill

Chamber of Commerce – Mayor Cahill will attend morning meetings and Councilor Christensen will attend noon meetings.

Lane Council of Governments Board of Directors – Mayor Cahill and Alternate Councilor Nelson.

**XIV. STAFF REPORTS**

Director Boldon reported that ARP tax aide was occurring at the Community Center and 44 individuals/families had been served so far; it is planned that they will serve 450 people over the 10 week period. Norma Matson was named Senior Center Volunteer of the Year at the 37<sup>th</sup> Anniversary breakfast. The parks seasonal position will soon be posted. Have received 95 returned parks surveys so far; 912 were mailed on Jan. 28<sup>th</sup>.

Planner Cogburn shared that throughout his studies and life in general, ideas and principles of effective leadership and change really intrigued him, but he never really understood the whole true definition in practice of authentic leadership until working with Administrator Bowers.

Director Crocker provided a General Fund update:

- Current Ending Fund Balance = \$2,635,000; last year at this time was \$2,552,000.
- \$23,000 in property taxes were received in January, which to date brings the total to nearly 2 million dollars; last year was at \$1,877,000.
- Operating revenue at January 31<sup>st</sup> was \$2,661,000 or 75.2%; last year at 78.35%.
- Personnel Services are at 55.34% of budget, which puts us 3% ahead (\$72,000).
- Materials and Services is at 53.2% and is 5% ahead of budget (\$44,000 buffer).

Director Crocker also presented a quarterly court report.

Director Knope reported that the installation of 260 disks for the aeration at the lagoon should be completed tomorrow, which is the substantial completion milestone that was called out in the mutual agreement order. He invited the Council and public to take a tour of the lagoons with Superintendent Kaping.

Chief Chase read an email from Chief Carl Perry, commending Communications Officers Myrria Jones and Crystal Riley and Fire Fighter Rhett Powers for doing a great job helping a citizen in need.

Attorney Connelly shared that Speer Hoyt has developed ordinances for other cities on e-cigarettes, if and when the Council is interested in considering any prohibition on the use of e-cigarettes by minors or any kind of smoking or vaping ban, separate from business licensing. She expressed that it had been a pleasure to work with Administrator Bowers.

Recorder Vodrup wished Administrator Bowers well in her future and thanked her for all her wonderful years of service and the example she had set for the rest of staff.

Administrator Bowers shared that she had received notice from Building Code Division (BCD) that BCD had assumed authority for issuing the final certificate of occupancy for the state hospital. She had notified them that the City would like all of the documentation that gave them that authority. Clair Company had also sent notice to BCD that they would like all of that documentation. The Director had indicated that they were opening up a state agency review process into their authority to administer the project in the way that they did in Junction City, and she had indicated in writing that the City wanted to be involved in that review process and receive documentation related to that review process. She also indicated that the City would not issue the letters from the City's Planning or Public Works Departments until receiving payment on all outstanding fees due to the City that they have been previously invoiced. She added that she and Director Knope anticipated meeting with BCD to further assert the City's position moving forward.

Administrator Bowers continued that the Council did not make it through the 69 project items, but she wanted to call attention to a couple of items: Council Process for Setting Agenda, additional time for City Planner, and HR/Risk Management position, of which Director Knope had some great thoughts on. She thanked the Council and City for an amazing 15 years and stated that it had been wonderful working with everyone. Council members responded that it had been their privilege to work with her.

#### **XV. COUNCILOR COMMENTS/QUESTIONS**

Councilor Hitchcock thanked Administrator Bowers for her service and noted that he wanted to add discussion on increasing hours for the planning position under "Other Business."

Councilor Nelson commended the Public Safety Committee on their recent decision and noted that he was very proud and honored to be a part of the Council.

Councilor J. Leach thanked Administrator Bowers and encouraged everyone to tour the lagoons.

Councilor K. Leach thanked Planner Cogburn for his Community Development Committee work, Director Boldon on Viking Sal event work on Saturday, and Superintendent Kaping for the lagoon tour. She shared that she would miss Councilor Nelson and his expertise on the Community Services Committee. She noted that it had been a privilege to know Administrator Bowers and she had learned so much from her and considered her to be a friend.

#### **XVI. MAYOR'S COMMENTS**

Mayor Cahill read a letter to the Council from Michael R. O'Connell Sr., who would like to build an upscale apartment structure at the corner of 3<sup>rd</sup> and Juniper and requested that the City pay for the required alley paving and reduce the System Development Charge (SDC) fees by 15 to 20%. It was noted that the City had not granted a similar requests, and Planner Cogburn added that the way the buildings are oriented, they would need to use the alley as the sole access to their parking area. Director Knope added that SDC fees are based off the meters, and he had notified the applicant that they could have a single meter with submeters instead of 7 meters, but the applicant was not interested.

The Council consensus was to continue to do business as usual and not grant the request.

Mayor Cahill shared that he had recently attended a meeting on marijuana in Eugene with Planner Cogburn and a Habitat house opening. Valentines Days would also be Oregon's birthday. He met with a Joe Gibson, DariMart owner, on the possible impacts

of e-cigarette rules that may not be consistent with state laws that are likely to be forthcoming. He reminded everyone of the reception for Administrator Bowers on Thursday at the Senior Center, 6 p.m.

**XVII. EXECUTIVE SESSION PER ORS 192.660 (2)(H) TO CONSULT WITH COUNSEL CONCERNING LEGAL RIGHTS AND DUTIES REGARDING CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED.**

Mayor Cahill announced Executive Session at 8:34 p.m. Regular session reconvened at 9:42 p.m.

**XVIII. OTHER BUSINESS**

**Community Development Committee Report**

Councilor DiMarco reviewed that the Community Development Committee had been discussing the marijuana issue with Planner Cogburn for several months, and there was one critical deadline that they wanted to make everyone aware of that happens if the legislature currently in session does not combine recreational rules with medical and leave medical the way it is. The City’s current moratorium expires in May on medical marijuana, and the Council would need to consider taking action, if wanting to do anything to regulate medical beyond the state minimums. Planner Cogburn has researched what other cities have done in Washington State on zoning code amendments for where facilities can be located, etc.

Councilor DiMarco continued that the Committee talked about needing public input to decide does the community want the Council to try to prohibit licensing entirely for all these activities and/or how strictly does the community want to regulate.

Councilor K. Leach added that as the issue is somewhat complicated that it would be beneficial to have Planner Cogburn share information with the Council.

Director Knope stated that as this is another issue that impacts the City Planner’s time, he could bring back a proposal to the Council on increasing the planner’s time before July 1<sup>st</sup>. The Council consensus was to have Director Knope share as a regular session item on February 24<sup>th</sup>.

**XIX. ADJOURNMENT**

As there was no further business, the meeting was adjourned at 9:55 p.m.

ATTEST:

APPROVED:

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Kitty Vodrup, City Recorder

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Michael J. Cahill, Mayor