

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, August 11, 2020, in a virtual meeting format via internet and phone.

**PRESENT:** Mayor, Mark Crenshaw; Councilors Sandie Thomas, Robert Stott, Andrea Ceniga, John Gambee, Dale Rowe and Bill DiMarco; City Administrator, Jason Knope; City Attorney, Carrie Connelly; Public Works Superintendent, Jeremy Tracer; Finance Director, Mike Crocker; Planning Technician, Tere Andrews; and City Recorder, Kitty Vodrup.

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

Mayor Crenshaw called the meeting to order at 6:31 p.m. and led the Pledge of Allegiance.

**2. Changes to the Agenda**

Add Staff Reports before Councilor Comments.

**3. Approval of Minutes – July 14 and 28, 2020**

**MOTION:** Councilor Rowe made a motion to approve the July 14 and 28, 2020 minutes. The motion was seconded by Councilor Thomas and passed by unanimous vote of the Council.

**4. Public Comment on Items not Listed on the Agenda**

None.

**5. Mobile Food Unit (Food Cart/Trucks)**

Planning Technician Tere Andrews stated that before the Council was a request to initiate a text amendment to the zoning code, specifically Sections 17.30.030 Central Commercial zoning and 17.35.020 General Commercial zoning. The proposal would permit mobile food units or food carts/trucks in the General Commercial and Central Commercial zones under a Conditional Use Permit process. The related City policies would be JCMC 17.145.010 Authorization to Initiate an Amendment, which permits the City Council to initiate an amendment to the zoning code.

Councilor Rowe asked for clarification on how this would work once this was zoned for food trucks and would the Planning Commission set special requirements for the food truck vendors, such as dealing with gray water. Technician Andrews responded that as shown in the attachments to the AIS (Agenda Item Summary), a Conditional Use Permit would require application and that application would go to the Planning Commission at a public hearing to provide an opportunity for public input as well as the applicant showing how they would meet the zoning, Public Works Design Standard requirements, if applicable, and any other zoning code requirement that may apply to their proposal.

Councilor Rowe asked if it would come back through Council. Technician Andrews responded that it would not and that the Planning Commission would be the decision maker in a Conditional Use Process.

Councilor Rowe noted that they already had a very successful model for food trucks in town and asked if they would be grandfathered in under this or would they have to reapply and start over again. Technician Andrews responded that would be a decision that the Council would probably want to take under discussion and was not covered under the AIS before the Council this evening.

Councilor Thomas asked if the health restrictions and requirements would go through Lane County and not the City. Technician Andrews responded that was correct and that would go through Lane County.

Councilor DiMarco asked if there would be any new criteria attached to this kind of Conditional use or would they just be going with the design standards that already existed elsewhere in the code. Technician Andrews responded that as presented this evening, it would be covered under code that already existed. One of the criteria that an application would have to meet was, “the proposed use will prove or can be made to be through imposing conditions reasonably compatible with the surrounding properties.” She noted that this was pretty broad language because it was intended for lots of different applications, but they could certainly look at adding additional criteria to a future proposal for a code amendment.

Councilor DiMarco stated mobile units were not permitted in any zone right now without a Temporary Use Permit, which the City granted to the Beer Station. When this first came up a few years ago, they talked about creating a framework for this particular use because there was concern among the existing restaurants on how this would play out if it were kind of a broad experiment where it was broadly interpreted by the Planning Commission without any adjustment to the code. He wanted to flag that there were concerns and noted that there could be more comfort in the Planning Commission not having to reinvent the wheel every time an application came before them and businesses would not have to come out in force every time to oppose having random food carts from Eugene coming out and setting up for a week next to them, etc. He did not know if anyone wanted to think about possibly creating some customized code to fit this use or just embark on it without doing that.

Technician Andrews responded that there was a \$650 application fee for the Conditional Use Permit process and there were design standards within the code under both General and Central Commercial that would need to be included with the application. She cited an example that under the R1 section of the zoning code for Manufactured Homes, there was specific criteria that they would be permitted as long as they met those specific criteria and asked if that was what Councilor DiMarco was thinking about having in the City's code.

Councilor DiMarco responded sort of, but he was not sure if food carts could even meet those standards or if those general standards for the zones really addressed what they were trying to enable for a small food cart that was not necessarily permanent. Existing code might encourage some more permanent long term situations and he did not know if that was really going to satisfy the original need or limit how many places or spots that could accommodate those standards. When this first came up, they talked about more fine tuning of the code might be necessary to make it turn out for what people wanted, which was some variety to come into town but not to hurt the existing businesses. He did not know if changing the code to allow the use and then going forward and seeing how that worked out would be good. He noted that he appreciated the discussion and just thought the discussion was merited. He was not advocating one way or the other. In the past, they were going to try and look at other cities and see how they were handling this.

Technician Andrews responded that she would be happy to gather additional information and bring that back here or wherever directed.

Councilor Rowe referred to his question about whether the Council felt that they would grandfather in the Beer Station or whether they would have to start again. He noted that his question might be premature at this point and Councilor DiMarco might be right that they needed to fine tune their end point and take back to Committee to present a little clearer pictures of what they were doing to Council. He noted that he would like a little direction from the rest of the Council.

Mayor Crenshaw stated that they should ask the question more specifically about where they were in the process and then answer Councilor Rowe's question at a later point. He asked if Attorney Connelly or Administrator Knope could explain what the decision was that they were being asked to make tonight and where they were actually at in that process.

Attorney Connelly responded that she had not been involved with this process, but what she was understanding from various Councilors was if the Council wanted to initiate this amendment process, what exactly were they asking staff to bring back as the amendment to the Planning Commission. She thought everybody understood this was going to go through a honing, fine tuning process through public hearings in front of the Planning Commission and the Council, if it were initiated. She was hearing that they did not want to just provide no direction, to just say yes we want food carts and instead they wanted to be able to say here is what we want for food carts, now start that amendment process. She noted that she could be wrong, but that was what she was hearing.

Administrator Knope added that he would not disagree with what Attorney Connelly had said and basically they were coming to Council to ask permission to begin the process on the City's behalf. If given the nod tonight, they would begin the text amendment process and work from there.

Mayor Crenshaw stated that attached to the AIS was Attachment A that included draft changes to the code highlighted in red which simply added mobile food units to the list in

both zones. What he was hearing in response to the previous question was that after they initiated that process, they may be inserting additional language to consider for that final draft. He asked if that was accurate. Councilor Rowe responded that was how he would interpret that.

Mayor Crenshaw asked Councilor Rowe about answering his question on whether the Council intended to allow past practice to exist in an established institution or facility. Councilor Rowe responded that he thought his question was premature and would be answered after they went through the process. He more clearly understood what they were doing tonight, after Attorney Connelly's comments and he thanked her for that.

Councilor DiMarco noted that they were being asked to approve this by motion and asked if they were specifically approving the highlighted text in the code that the Mayor had referred to. When they were looking at this before, the planner at the time was working up the specific code and that planner seemed to feel it was pretty complex and was going to be a new code, not just allowing the use and initiating. The way the suggested motion was written, they could be initiating the changes and approving the two highlights to be brought back via ordinance; he did not think that was staff's intention, but he was not understanding the process here.

Mayor Crenshaw stated that as he read the suggested motion, it simply gave direction to staff to move forward. Many times in the past, they had given direction to staff with simply a consensus and not put it in an official vote. He asked Attorney Connelly to respond on how this circumstance might be different.

Attorney Connelly responded that the staff report referenced related City policies in the City's code regarding Authorization to Initiate Amendments; the process to amend the City's code could be initiated by the Council, the Planning Commission, or a property owner. So staff wanted to be really clear about this amendment being initiated by the Council and the easiest way for them to document that was by Council motion.

Mayor Crenshaw asked Councilor DiMarco if that satisfied his question.

Councilor DiMarco responded that it helped refine it. He understood that part and the history of that, yet he thought the different options gave them the chance tonight to provide feedback about drafting amendments and having additional research. If the attachments had not been included, then he would be thrilled to vote for a motion to initiate a text amendment to deal with food carts because they had been wanting to do that for several years. He thought the other things that were hanging on this could make this confusing in the future. The Council options kind of suggested that tonight was an opportunity to provide feedback if they wanted more or different types of amendments other than what was highlighted or to request that staff do additional research and bring back information.

Mayor Crenshaw stated that the process was the necessity of the Council demonstrating that it was this body that was initiating the work to be done on the text amendment. The steps to come would include public hearings that would shape the final draft of these documents. He did not believe at all that there was any language that was being approved within the draft of the attachments as shown here. The highlighted portions were simply an illustration of where these items would fit into the code. His interpretation of what they were being asked to do tonight was say whether or not the Council was interested in including mobile food carts as businesses that could operate under these codes and if it was then it was time to move forward with the rest of the process in developing that language.

Mayor Crenshaw asked if there were any public comments. There were none.

Councilor Ceniga stated that she was a little confused on what she read in the packet and what she was hearing tonight. She supported having food trucks, but wanted to make sure that going forward they did not make mistakes by not having proper language in the code on food trucks, similar to what the cities of Eugene and Springfield did with the marijuana shops, which basically allowed them to come in on every corner, building next to building next to building. She did not want to hurt their small businesses, but at the same time she did want to have food trucks. She thought it was important to have clear verbiage on how many they could have in the City at any given time or how far apart, etc. so they did not have so many that they put each other or the small businesses out of business.

Mayor Crenshaw asked Councilor Ceniga if she saw that the opportunity for that input and including language that did protect those interests would come at a later portion of this overall process and that tonight's action was simply to initiate that process. Councilor Ceniga responded that it was made a lot clearer tonight and she would like to move forward with trying to come up with a good clear plan of how they wanted to go about this.

Councilor Rowe thanked Councilor Ceniga for her comments. As he understood it, the suggested motion was simply to initiate the text amendments to the City's code. He asked for more information on the process and if it would go back to Planning Commission or Committee. He asked if the Council would be given more opportunities to revise this.

Attorney Connelly responded that this was a legislative amendment, which under the City's Code, gave a minimum of two public hearing opportunities – one in front of the Planning Commission and one in front of the Council. While it would not necessarily go back to a Council Committee, it would go to the Planning Commission who would look at this and take testimony; they would direct staff to modify proposed text amendments until it got to a point that they thought it addressed City and constituent concerns, at which point the Council would hold one or more hearings to hear from affected business owners and potential applicants. The Council could then continue to craft language that they thought addressed interests and testimony that was being provided. At the very end of that, with at least two hearings and possibly more hearings process, then the ordinance encapsulating the Council's directed code language would be brought back to the Council in the form of an ordinance for adoption and then at that point the Council would amend the code.

Councilor Rowe thanked Attorney Connelly for clarifying that, as that made a great deal of difference.

Councilor DiMarco stated that the burden of crafting the language was falling on the public body in session to be planners and they were taking a different approach than they did three or four years ago when they acknowledged there were a lot of concerns in the community and they needed to craft language that the current code would not address. He thought there would be some preliminary work that could happen in a Council Committee or Council Work Session to try and figure out what they were trying to attract, look at the City's current code, and get some examples of what other communities were doing. He added that he would vote to move this forward but was just warning that he thought they were doing this the hard way.

**MOTION:** Councilor Rowe made a motion to initiate text amendments to Junction City Municipal Code Sections 17.30.030 and 17.35.020 to permit Mobile Food Units as Conditional Uses in the Central and General Commercial zoning districts. The motion was seconded by Councilor Thomas and passed by unanimous vote of the Council.

#### **6. Oregon Coronavirus Relief Fund Grant Agreement Update**

Director Crocker stated that this agreement was approved by the Council on June 23<sup>rd</sup>, and at that time it was stated that there would be an amendment to the agreement when the City submitted the second application for funds. The City originally applied in the 1<sup>st</sup> round for \$101,746 and that was received at the end of June. The 2<sup>nd</sup> application was for the period of May 16<sup>th</sup> to June 30<sup>th</sup>, and the request was for \$181,372, which would bring the City to their total allotted amount of \$283,118. The only changes to the agreement were in Section 6, which included changing the reference to the maximum amount of \$283,118 that the City was able to receive at this time.

Mayor Crenshaw asked if there were any public comments. There were none.

**MOTION:** Councilor Stott made a motion to accept the State of Oregon updated grant agreement for CARES Act funding and authorize the City Administrator to sign the necessary documents. The motion was seconded by Councilor Ceniga and passed by unanimous vote of the Council.

#### **7. Intergovernmental Agreement – Klamath County**

Superintendent Tracer presented the Intergovernmental Agreement to have the City of Junction City provide A Level Electrical Inspections and A Level Electrical Plan Review for Klamath County with inspections done virtually at a rate of \$70 per hour with a half hour minimum. Klamath County reached out to City staff to ask if the City would provide these

services. The Public Works Committee reviewed on July 3<sup>rd</sup> and requested that this go to Council for final approval. Legal Counsel reviewed the contract and made some modifications that Klamath County was fine with. It was noted that in the event a virtual inspection was done and something was wrong, Klamath County would accept liability.

Mayor Crenshaw stated that he saw this contract as a way for Junction City to lend its expertise to this other governmental agency, with minimal impact to the City of Junction City at fair compensation for its time. He asked for the motion to be clarified to indicate that they were approving the agreement before them.

**MOTION:** Councilor Rowe made a motion to enter into an Intergovernmental Agreement for Building Inspection Services with Klamath County as presented for A Level Electrical Inspections and A Level Electrical Plan Review services and authorize the Public Works Director to sign the necessary documents. The motion was seconded by Councilor DiMarco and passed by unanimous vote of the Council.

#### 8. Purchase of a Roller

Superintendent Tracer presented the request to purchase a 2014 roller for the Projects Crew to use for compaction of rock and asphalt on top of water and sewer line repairs. Staff followed the City's Procurement rules and received 3 bids. This equipment purchase was in the budget and would be funded out of Water and Sewer Capital Projects Funds. The Public Works Committee reviewed on August 3<sup>rd</sup> and requested that it go to Council for final approval.

It was noted that purchasing this roller would save money on future expenses, as renting a roller was roughly \$2,000 a week.

**MOTION:** Councilor Rowe made a motion to approve the purchase of a roller from Herc Rental for \$20,700 and authorize the Public Works Director to sign the necessary documents. The motion was seconded by Councilor Stott and passed by unanimous vote of the Council.

#### 9. Purchase of a Metal Building

Administrator Knope presented the request to purchase a prefab metal building kit that would be placed at the north end of the Public Works yard at 1395 Elm. The building would be used as a workspace for the Projects Crew and store needed water, sewer, and street supplies and equipment. Public Work staff would be assembling the building. Additional costs for cement and wiring would be around \$10,000 and Public Works staff would also be doing that work. Staff followed procurement rules and two bids were received. The building would also replace storage space that was now being used for Citywide computer systems, and the Administration department had set aside \$25,000 in the budget to fund this purchase. It was noted that the life expectancy of the building was at least 50 years with proper maintenance, and steel prices would only continue to rise in the future.

Councilor Thomas stated that they had talked about tightening their belts and had just spent \$20,000 on a roller and were now looking at a building.

Mayor Crenshaw asked if there were any public comments. There were none.

**Motion:** Councilor Stott made a motion to approve the purchase of a metal building from the Steel Factory for \$23,396 and authorize the Public Works Director to sign the necessary documents. The motion was seconded by Councilor Ceniga and passed by a vote of 5 to 1 with Councilors Stott, Ceniga, Gambee, Rowe, and DiMarco voting in favor and Councilor Thomas voting against.

#### 10. Business Pandemic Impact Support Program Update

Councilor Gambee recused himself from this discussion.

Administrator Knope reviewed that there was still a lot of interest in the program and a few non-profit groups had applied. The City had awarded 82 grants of just over \$122,000 to date this fiscal year, and in total the City had awarded grants to 78 approved businesses. There was currently a little over \$92,000 left in appropriations for this fiscal year, which would be used within the next 4 to 6 weeks.

Administrator Knope asked if the Council would like to consider allocating \$168,000 of the \$181,000 of the Oregon Coronavirus Relief Fund Grant that the City received towards the Business Pandemic Impact Support program. The Council consensus was in favor of doing that and having staff bring back a resolution.

**11. Staff Reports**

Superintendent Tracer reported: Public Works recently finished up the Laurel Park parking area project and were working on maintenance projects. They were also finishing up the Water Quality installation and roughly 80% had been installed.

Councilor Thomas stated that Laurel Park looked really nice and the cameras were doing a good job.

Councilor DiMarco noted that the park looked very sharp and it made a big difference down there.

Administrator Knope stated that he wanted to let the Council know that he would be bringing back a proposal for Council consideration on a piece of real estate on Holly Street that could be a benefit to the City and community. Bushnell University had shown some interest in the property and staff would be working with them on a potential partnership. Councilor DiMarco noted that he had become aware of this opportunity and brought it to Administrator Knope. The actual parcel was one that Mary Pitney donated 50 years ago, intending to build a museum. Councilor DiMarco added that he felt there could be a benefit for the City and community through partnering opportunities, and possibly not cost the City anything; his intent was that this not have a budget impact to the City for the essential bottom line.

**12. Councilor Comments/Questions**

Councilor Thomas stated that they needed to tighten their belts and be aware until the pandemic was over, because it was lasting a whole lot longer than anticipated. She added that they needed to be cautious.

Councilor Gambree stated that he loved it when Public Works and other organizations in town said they had funds set aside for projects that they had planned for. He tipped his hat to the gentlemen and hardworking ladies on staff for doing that, both with the roller and the metal building. He added that there were so many examples over the years of City staff doing a great job with saving money and improving the services in town, and he thanked staff for that.

Councilor DiMarco thanked the Council for the detailed discussion on the food trucks. He continued that as Councilor Thomas had noted, this pandemic would last awhile as far as it's impact to our businesses, and he thought they would want to make sure that the adjustment to the code to allow food trucks did not add another burden to local businesses.

**13. Mayor's Comments**

Mayor Crenshaw reminded everyone what time of year it was and what that meant to the City of Junction City that they would usually be seeing the downtown area closed and a bunch of volunteers working diligently to prepare for the Scandinavian Festival which brought a lot of identity to our town. Happily, there were some of those volunteers who figured out a way to recognize tradition, even though they were not having a live event. They spent quite a bit of time recording images and sounds bites from things that you might have been used to seeing at this time of year, and he encouraged everyone to seek those out on You Tube and enjoy the fun that the those people were wanting to share with everyone. He expressed appreciation to those volunteers.

**14. Adjournment**

As there was no further business, the meeting was adjourned at 8:18 p.m.

ATTEST:

APPROVED:

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Kitty Vodrup, City Recorder

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Mark Crenshaw, Mayor