

The City Council for the City of Junction City, met in a work session at 6:30 p.m. on Tuesday, February 22, 2022 in the Council Chambers of City Hall, 680 Greenwood Street, Junction City, Oregon and in a virtual meeting format via internet and phone.

**PRESENT:** Mayor, Beverly Ficek; Councilors Sandie Thomas, Sidney Washburne, Andrea Ceniga, John Gambia, and Karen Leach; Excused Absence: Councilor Ken Wells; City Administrator, Jason Knope; City Attorney, Carrie Connelly; Police Chief, Bob Morris; Public Works Director, Gary Kaping; Finance Director, Mike Crocker; and Administrative Aide, Tere Andrews.

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

Mayor Ficek opened the meeting at 6:30 p.m., led the Pledge of Allegiance, and took roll call.

**2. LCOG Board of Director Report**

Councilor Gambia reported that the LCOG (Lane Council of Governments) Board met on January 27, 2022 and he was unable to attend that meeting. He expressed appreciation for all the work that LCOG did and encouraged everyone to refer to the minutes on the LCOG website.

**3. Lane ACT Report**

Councilor Leach reported that at their last meeting Lane ACT members: prioritized the top four projects in Lane County for potential funding from the state of Oregon: City of Eugene Airport, City of Creswell Airport, City of Florence Airport, and Pacific Recycling Spur track expansion; and reviewed the I-5 Coburg Interchange Improvement Project, which would be a \$35.7 million dollar project that they hoped could receive some Federal Infrastructure funding.

**4. Enforcing Parking Regulations/Homelessness Legislation**

Attorney Connelly provided information on the question of what enforcement tools regulated parking vehicles on public and private property under Junction City Municipal Code (JCMC), state statute, and recent state legislature. Discussion included:

**A. Junction City Regulations**

1. Discarded Vehicles on Private Property – JCMC referenced this and it fell under the nuisance abatement process.
2. Discarded Vehicles on Public Property – JCMC did not include code provisions that governed this. State statute authorized towing an abandoned or disabled vehicle that had been parked on a public street without authorization for more than 24 hours. The state's abandoned vehicle limits were not available unless and until a vehicle was parked illegally under the code provisions discussed in the next section.
3. Vehicles Parked Illegally
  - a. Public Streets: The City's current code prohibited vehicles and motorhomes from being parked on public streets for over 5 cumulative days per quarter or 72 consecutive hours. Violation resulted in a citation, fine, or possible warrant for arrest. There was no towing provision in this section of the City's code, so if the City wanted to tow, it would go under the state scheme to tow abandoned vehicles on public streets and would have to wait more than the 72 hours as set by code.

Chief Morris stated that the City's Prosecutor had said that the current regulations the City had to follow were if the vehicle did not move for 72 hours, they could put a tow tag on it and after 10 days the vehicle could be towed. Administrator Knope responded it would be important to find out what regulations provided this guidance, as the 10-day notice generally referred to nuisance abatement, and he asked Attorney Connelly to follow up with the City Prosecutor.

Attorney Connelly continued that under current code, vehicles could not be parked in alleys for more than 30 minutes, except for loading and unloading. She noted that the City's Code did not define the term alley, but the definition of streets did include alleys. There was a 72-hour requirement for streets but a 30-minute limitation for alleys, so the way the definitions were written did not make sense. Administrator Knope noted that as they looked at this, they needed to consider that many businesses used alleys for delivery and to ensure alleys were clear for emergency access.

- b. City Parks: The City's Code currently prohibited sleeping in any City park between 10:00 p.m. and 6:00 a.m. or the use of tents, vehicles, campers, or trailers as shelter for housing or sleeping in parks. She added that based on *Martin v. Boise*, the City should not be enforcing that. Chief Morris confirmed that they were not. Attorney Connelly continued that *Martin v. Boise* was a 9<sup>th</sup> Circuit Court case that said it was a violation of the 8<sup>th</sup> Amendment to criminalize sleeping or lying down in public if that person had no alternative place to go that was reasonable for them. Examples of not being reasonable, was a bed at a religious organization being available but the person was not religious and it was offensive for them to go there or someone had a dog and a place did not take pets.

#### B. 2021 Legislature

1. House Bill 3115: The Oregon Legislature adopted this bill, which would go into effect on July 1, 2023, to put in place for Oregon the decision of *Martin v. Boise*. The City would operate under *Martin v. Boise* currently and then would need to amend its code before that July 1<sup>st</sup> date.

In response to a question on a person sleeping at a park using drugs or drinking, Attorney Connelly stated that *Martin v. Boise* did allow cities to enforce other unlawful actions.

Chief Morris noted that the biggest problem the City currently had was people sleeping in cars and those people had found a way to work around the code by moving their cars/trailers on the 13<sup>th</sup> day.

In response to a question on who would pay for alternate housing, Attorney Connelly responded that the City was not required to provide this, but could partner with a local provider like Junction City Local Aid, a larger agency such as St. Vincent de Paul, churches, etc. She noted that she would not want the City in the business of operating a facility.

2. House Bill 3124: Required law enforcement officers to post notice 72 hours before they removed unhoused individuals from an established camping site, except to address illegal activities or an emergency.

Concerns were expressed about unsanitary conditions, trash, drug activity, and safety issues with camping in some public spaces in Eugene and not wanting that to occur in Junction City. Concerns were also expressed on the financial impacts of addressing these things. It was noted that state resources for mental health services had been cut, so that was also trickling down to the local communities.

In response to what the City needed to do, Attorney Connelly stated that the City would need to amend its code to comply with HB 3115 so it was not criminalizing sleeping or lying in public places, except if they had a reasonable alternative. For the other areas, she was giving the City more tools to move and tow vehicles, clarify the nuisance 10-day notice so it did not apply to abandoned and discarded vehicles located in the public right of way, and clean up the alley reference. At the end of her memo, she had talked about refining what an established camping site was. The League of Oregon Cities would be creating model language that she would be looking at before proposing any amendments to the Council. The Council could then discuss policy considerations on how they wanted to address this issue in Junction City.

Attorney Connelly noted that the next immediate step would be for her to work with the City Prosecutor and then come back with a short list of amendments that the Council could start looking at.

Attorney Connelly left the meeting.

#### 5. Sewer Treatment Plant Project

Director Kaping stated that staff was still waiting to hear back from DEQ (Department of Environmental Quality) on parameters to discharge into Flat Creek or to the Long Tom. The City's engineer was working on both concepts, and the City would not be able to determine which option would be best and more cost effective until receiving the parameters from DEQ. The City Engineer was also working on getting the 80 acres the City recently purchased into the Wetland Mitigation Bank. Cost to complete that work would be \$15,000 to \$30,000; the

City would use part of those wetland credits and then could sell ones that the City did not need.

#### 6. Goals Session and 2, 5, and 10 Year Goals

Mayor Ficek combined Agenda Items 6 and 7, and Council members shared the following goals:

- Traffic/Streets – Growth, safety, maintenance (Washburne, Ceniga, Thomas, Leach)
- Water – Continue Work in Progress (Ceniga)
- Sewer – Continue Work in Progress (Ceniga)
- New City Hall – Continue Work in Progress (Leach)
- Fully Staffed Police Department (Leach)
- Reserve Program – (Leach). Administrator Knope noted Public Safety Committee would be talking about the Reserve Program at their next meeting.
- Climate Change – Planting More Trees, etc. (Ficek). Director Kaping noted that this was in process, and Community Development Committee would be talking about this next month.
- New/Improved/Expanded Library (Ficek)
- Make sure City grows in the right way (Ficek)
- Future Staffing Needs (Ficek)
- Business Registry/License (Ficek)

Councilor Gambie requested that the unhoused discussion move out of Finance and Judiciary Committee to the Council, based on the earlier discussion. Mayor Ficek and Administrator Knope responded that would be fine.

Administrator Knope shared the following staff goals for consideration:

1. Branding/Communications Strategy for the City with focus on Digital Footprint.
2. How do We Grow Session (Impacts of future growth, staffing now and in future)
3. Review Master Plans and System Development Charges (Water, Sewer, Streets, Parks).
4. Create Stormwater Utility
5. City Facilities (Expansion, maintenance, etc.)
6. Impacts of Increasing Minimum Wage
7. West Side Water Treatment Plant/Bathrooms for Reserve Park

Administrator Knope noted that staff could bring back the list of goals to a future Council meeting and review. Then the Council could set recommended assignments, such as to a specific Committee or to a future Council Work Session, etc.

#### 7. Adjournment

As there was no further business, the meeting was adjourned at 8:27 p.m.

ATTEST:

APPROVED:

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Kitty Vodrup, City Recorder

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Beverly A. Ficek, Mayor