

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, March 9, 2021, in a virtual meeting format via internet and phone.

**PRESENT:** Mayor, Beverly Ficek; Councilors Sandie Thomas, Ken Wells, Andrea Ceniga, John Gambee, and Sidney Washburne; City Administrator, Jason Knope; City Attorney, Carrie Connelly; Public Works Director, Gary Kaping; Finance Director, Mike Crocker; HR/Admin Services Manager, Stephanie Moran; and City Recorder, Kitty Vodrup.

**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.

After receiving permission from Mayor Ficek to share a comment, Councilor Washburne stated that he had heard a lot of complaints from citizens about not being able to hear or make public comments during meetings and about the audio minutes not being posted on the website because of a technical glitch. He wondered if these things would impact their ability to have a public meeting by law. Mayor Ficek thanked Councilor Washburne for bringing that to their attention and said that she and staff would address those.

**2. Changes to the Agenda**

Attorney Connelly stated that it was very confusing to members of the public and members of the Council that Changes to the Agenda was on each agenda, and she apologized for not clarifying that in her training two weeks ago. She continued that the purpose of Changes to the Agenda was for staff to bring forward to the Mayor items that required emergency action. To get items on the agenda, the Agenda Process Guidelines would apply.

**3. Approval of Minutes – February 9, 2021**

**MOTION:** Councilor Thomas made a motion to approve the February 9, 2021 minutes. The motion was seconded by Councilor Wells and passed by unanimous vote of the Council.

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

Mr. Jack Sumner stated that at the January meeting, he had asked why the Police Department needed a bus and to expend funds to maintain it when they already had a command vehicle. He added that he had not received an answer.

Administrator Knope responded that he would follow-up with Chief Morris, who was not able to be at this meeting, and then email a written response to Mr. Sumner.

**5. Building Concrete**

Director Kaping presented the request to award the concrete pad work for the new Public Works metal building. The City obtained three bids, per the City's Public Contracting Rules 137-049-0160 for public improvements. The Public Works Committee reviewed on March 1, 2021 and recommended award to Boles Concrete.

**MOTION:** Councilor Thomas made a motion to award the Building concrete to Boles Concrete Construction in the amount of \$19,972.00 and authorize the Public Works Director to sign the necessary documents. The motion was seconded by Councilor Washburne and passed by unanimous vote of the Council.

**6. Lucas Street Closure Request**

Director Kaping presented the request from Corrie Lucas, President of the Junction 4 Junction Association, to close 12<sup>th</sup> Street from Ivy to Holly on April 16<sup>th</sup> and 17<sup>th</sup> for the annual Junction 4 Junction Swap Meet. This event was usually held at the High School, but they were unable to do that this year with COVID rules. The Community Development Committee reviewed on March 3, 2021 and recommended approval.

**MOTION:** Councilor Ceniga made a motion to approve the street closure request for Corrie Lucas on April 16<sup>th</sup> and 17<sup>th</sup>, 2021 as conditioned in Attachment B with the nonexclusive use of City streets for street closure from 5:00 p.m. on the 16<sup>th</sup> through 5:00 p.m. on the 17<sup>th</sup> of April 2021. The use of City streets will apply to 12<sup>th</sup> Street from Ivy Street to Holly Street. The motion was seconded by Councilor Thomas and passed by unanimous vote of the Council.

**7. Scandinavian Festival Association Street Closure Request**

Director Kaping presented the request from the Scandinavian Festival Association to hold the 60<sup>th</sup> Annual Scandinavian Festival, August 12<sup>th</sup> – 15<sup>th</sup>, 2021. The Fire District, Police, and Public Works had no issues, as long as emergency vehicles could get through and the association followed all of the Governor's and City's COVID rules. The Community Development Committee reviewed on March 3, 2021 and recommended approval.

Director Kaping reviewed the following updates to the conditions in Attachment B:

- 2 (G): "clean up through Tuesday, August 116th" should read, "clean up through Tuesday, August 17<sup>th</sup>."
- 5: "contact Matt Nelson" should read, "contact "Chris Dodson and Sue Huntley."
- 7(A)(a): "Friday, July 31<sup>st</sup>" should read, "Friday, July 30<sup>th</sup>."
- 14 (A) and 14(B): "Friday, July 26th" should read, "Friday, July 23<sup>rd</sup>"
- 17(A): "Thursday, August 8 through Saturday, August 10, and Sunday, August 11<sup>th</sup>" should read, "Thursday, August 12 through Saturday, August 14<sup>th</sup> and Sunday, August 15<sup>th</sup>"
- 17(C): "Wednesday, August 9<sup>th</sup>" should read, "Wednesday, August 11<sup>th</sup>"

**MOTION:** Councilor Ceniga made a motion to approve the street closure request for the Scandinavian Festival Association as conditioned in the updated Attachment B, with the nonexclusive use of City streets. The motion was seconded by Councilor Thomas and passed by unanimous vote of the Council.

**8. Filling Councilor Vacancy**

Mayor Ficek stated that this item was to discuss the filling of the Councilor vacancy, which came about with Councilor Rowe's resignation.

Administrator Knope noted that in looking at the history of filling Councilor vacancies, the Council had traditionally advertised the position, took applications, and then set a time frame for how long to advertise. On one occasion, the Council made a direct appointment to the person who had been next in line for the Councilor position at the last election. He added that the Council was free to do what it would like.

Mayor Ficek opened the floor for discussion. There were comments on how long they could advertise the position, and it was noted that the Council could chose to advertise for however long it would like; 60 days was the length of time for regular Committee/Commission vacancies, but 30 days or less could be used for Council vacancies.

Councilor Thomas stated that the Charter did not say the Council needed to wait to appoint and she had spoken to Karen Leach, who said she would be interested and glad to represent the City.

**MOTION:** Councilor Thomas made a motion to nominate Karen Leach for filling the Councilor vacancy position. The motion was seconded by Councilor Washburne.

Councilor Gambee asked why they were moving to a motion, as he thought they were still discussing. He continued that with all due respect to Karen Leach, he thought it would be worthwhile to open it up for at least a couple of weeks to see if there were other interested parties before jumping right into it. He understood that Darin Olson, who came in fourth for the position of Councilor, would also be interested.

Councilor Ceniga stated that she was in favor of voting for Karen Leach but was also in favor of opening it up. She knew Ms. Leach was active in listening and up to date on City meetings, and if choosing one option over the other, she would vote to appoint Ms. Leach.

Mayor Ficek noted that the Council had a choice and could advertise for 30 days. Administrator Knope added that the Council also had the option of advertising for two weeks if they wanted and to bring this back to the Council at the 2<sup>nd</sup> meeting in March.

Mayor Ficek asked how the Council felt about that.

Councilor Thomas noted that there was a motion on the floor.

Councilor Gambée stated that Ms. Leach had ran for Mayor and Darin Olson had ran for Councilor, and he thought they should open this up to give all interested parties a chance to apply. He continued that he did not know why they would make a decision to appoint tonight, rather than open it up for a couple of weeks. He noted that what it seemed like to him was this decision had already been made by certain members of the Council and they were not deliberating in public about this but pushing the appointment. He added that when the Council jumped right into a decision in a meeting, it gave the appearance that there had been deliberation outside of a public meeting.

Councilor Thomas responded that was not the way it went.

Councilor Washburne stated that a motion had been made and seconded. He felt that the Council's position at this time was to vote yea or nay on that issue.

Mayor Ficek noted that an alternative could be for the motion and second to be withdrawn and then they could advertise and appoint someone in two weeks. Attorney Connelly responded that was an option but there was a motion and a second on the floor and those Councilors who believed they should advertise and appoint at a later date would simply vote no on the motion, but that would not mean that Ms. Leach would be out of the running.

Councilor Wells stated that he did not partake in talking to people and making a decision before this meeting, so did not appreciate the comments from Councilor Gambée. He noted that they were losing a very experienced Councilor in Councilor Rowe and he felt it was important to make the appointment and fill the Committees. He continued that Ms. Leach was experienced and had been listening to meetings, so he would be ready to vote for her.

Councilor Ceniga stated that she did not appreciate Councilor Gambée saying that Councilors might have done something prior to the meeting and stated that she did not partake in anything like that. She expressed her support for bringing Ms. Leach on as a City Councilor.

Mayor Ficek called for the vote.

**VOTE:** The motion to appoint Karen Leach to fill the Councilor Vacancy passed by a vote of 4 to 1, with Councilors Thomas, Wells, Ceniga, and Washburne voting in favor and Councilor Gambée voting against.

Mayor Ficek opened the floor for public comments.

Ms. Karen Leach, 385 Timothy Street, Junction City, stated that she was honored to fill the position of Dale Rowe and looked forward to working with the Council. She noted that she was upset at what Councilor Gambée had to say about collusion or anything else. She added that she was honored to accept this position and looked forward to working with all of them.

Mr. Jack Sumner, 1061 Quince Drive, Junction City, stated that he agreed with appointing Karen Leach to the Council vacancy, as she was a good member of the community and would serve well as a Councilor.

## **9. Councilor Agenda Forecaster Review**

Administrator Knope presented the Council Agenda Forecaster. He noted that some Council Agenda Item Request forms had been submitted, for Council review:

1. "Discussion and Review of Property Tax Revenue" from Councilor Wells. Administrator Knope noted that the Council had previously tasked the Finance and Judiciary Committee to work through the Court before it came back to the Council on a recommendation for property tax allocations.

**COUNCIL CONSENSUS:** The Finance and Judiciary Committee would continue to work on this, and this item would be added as a Pending Business Item on the Council Agenda Forecaster.

2. "Proper Communication between the City Administrator and Council" from Councilor Wells. Administrator Knope noted that he would like to create a written policy that everyone could agree on, and a work session would be a great place to start.

**COUNCIL CONSENSUS:** Put on March 23, 2021 Council Work Session agenda.

3. "Discuss why as a Council member we have to fill out a request form to get answers we have about other departments" from Councilor Washburne.

Administrator Knope asked for more clarification on this request.

Councilor Washburne asked why he had to fill out a public records request form when asking a question like how many patrol cars the City had, as he felt that as a Council member he or other Councilors should be given those answers. Administrator Knope responded that this was a great topic, and he believed Attorney Connelly touched a little bit on this at the last training. He continued that if a Councilor called and had a question like how many vehicles does Public Works have and was just looking for a number, then yes it would be fine for staff to provide that answer to a Councilor. But as soon as a Councilor started asking for written documentation, then that was beyond their scope as an individual Councilor and they would have to go fill out a public records request form like a normal citizen would. If something was related to a Committee that the Councilor was on, then that was a little different if that were something that the Committee would be talking about. He suggested putting this on the work session in two weeks and having a more in-depth discussion.

**COUNCIL CONSENSUS:** Put on March 23, 2021 Council Work Session agenda.

4. "Discuss going to Public Meetings Again" from Councilor Washburne.

Attorney Connelly reviewed that she had previously shared that the Governor's Executive Order (EO) 20-16 required public bodies to hold public meetings electronically whenever possible and to ensure social distancing if electronic meetings were not possible. EO 20-16 was still in effect, as the Governor had extended the emergency declaration into May. A Councilor noted that they were hearing from the public that it was hard to join and hard to hear the meetings, but a public meeting was actually a meeting of the Council. And while they wanted the public to be involved and be able to participate, a public meeting did not involve public participation. She noted that this was a consideration but was not an absolute determination that the City was not able to hold public meetings. Because the City had been holding virtual meetings, it would be hard to show that they could no longer hold them, but if the Council were to come to that conclusion, then they would need to address distancing and other requirements.

Councilor Thomas said she had seen that it could be up to a certain number of people for a government body meeting and wondered about having meetings at the Community Center. Attorney Connelly responded that she could not make decisions for the Council but could provide the framework for the decision making. The Council would need to first show that they were unable to hold meetings virtually. Then they would want to make sure to keep the 35 square foot net area per person, in addition to the 6-foot distancing. After clearing those hurdles, her strong recommendation would be to check with the City's insurer, CIS (City County Insurance) because if there were claims associated, the City would not want to have waived coverage by doing something wrong from the get go.

Administrator Knope suggested that this be put on the next work session agenda for further discussion, and he would have Recorder Vodrup reach out to CIS.

Councilor Wells noted that other cities and school districts had been meeting in person, and he would also suggest getting clarification from the state on meeting in person. Administrator Knope responded that staff would be happy to gather this information.

**COUNCIL CONSENSUS:** Put on March 23, 2021 Council Work Session agenda.

## 10. Committee Reports

**Public Safety Committee** (March 2, 2021). Councilor Gambee reported:

- Started review of Police Department Budget. It was looking good and seemed like they were on target.
- Revised the Committee Mission Statement.

**Community Development Committee** (March 3, 2021). Councilor Ceniga reported:

- Looking at new lighting in the downtown area on 6<sup>th</sup> between Front and Holly and on Greenwood between 5<sup>th</sup> and 7<sup>th</sup>. Looking at two different light fixtures for more decorative lighting.

**Community Services Committee** (March 2, 2021). Councilor Washburne reported:

- Working on more repairs at Viking Sal Senior Center.
- A staff member from the Library would be retiring after 39 years of service to the City.
- Hoped to open the pool this year; but was still up in the air.

Councilor Washburne added that Manager Moran gave him a tour of Community Services, and he appreciated it very much.

**Finance and Judiciary Committee** (March 4, 2021). Councilor Gambee reported:

- Councilor Wells was appointed Vice Chair of the Committee.
- Reviewed the budget.
- Director Crocker's budget projections during the pandemic last year proved to be true. The City's resources continued to come in from property taxes and there was a healthy inflow of funds for City services. Staff was doing a great job budgeting and saving funds for capital improvement projects and building repair. This budget cycle would include discussion on a rainy-day fund.

**Public Works Committee** (March 1, 2021). Councilor Washburne reported:

- Approved getting a holiday banner that would be flying over 6<sup>th</sup> Street for President's Day, Memorial Day, 4<sup>th</sup> of July, and Flag Day. Price was way under so did not have to take it to Council.
- Discussed collecting money on utility bills that were outstanding at this time. Late notices and door knockers would resume in April.

Mayor Ficek noted that she had listened to all of the Committee meetings and would continue to do that. She put Committee Reports back on the agenda, so that everyone would know what was going on in the Committees.

## 11. Staff Reports

Administrator Knope reported that the posting of audio recordings of meetings on the City's website had been resolved, and he explained the technical issue with the vendor where the minutes had been stored. Recorder Vodrup added that all recent audio recordings had been uploaded and were up to date on the website.

Director Kaping reported that Public Works was doing maintenance, working on some hydrants and Waterline Master Plan Projects, and putting in infrastructure for the new Public Works building. They were still waiting to receive the Crack Seal machine, and the backhoe was being built. They were looking at an asphalt hot box, which would keep asphalt warm up to three days so it would not be wasted and that would be going to Committee and Council in the next month or so. Director Kaping was working on budget and that was presented to the Public Works Committee at their last meeting.

Director Crocker reported that the software conversion was going on in the background. The biggest project for him was the budget document, which would be distributed in a month; there were a few small changes and minor upgrades to maintain the City's GFOA (Government Finance Officers Association) designation. The City had received over 90% of property taxes at the end of February, and as he had shared before, he did not think this would be an issue for the City.

Manager Moran reported that the Community Center was prepping for Spring Break Camp which would occur March 22 – 26. Last year they had to cancel it when COVID hit but were

happy to be able to hold the camp this year. Tax aide was still using the Community Center on Fridays and Saturdays to assist people with filing taxes.

Attorney Connelly shared that she looked forward to the upcoming training, which would include public meetings and public records. She welcomed Karen Leach back to the Council and noted that she looked forward to working with her again. She continued that going back to her training topic, she thought that Councilor Gambia was parodying her past training comments tonight and she hoped his comments were not terribly misconstrued. She stated that the Council would hear in her training in a few weeks that public officials strive to avoid an impression of any public meetings violations.

Administrator Knope noted that there were updates on two court cases. Attorney Connelly stated that the Szerlip case had been dismissed, and this had been a case where Mr. Szerlip believed he had a contract with the City for over \$70,000. Mr. Szerlip's attorney contacted the City and offered to dismiss the case, which the City accepted. The trial was coming up at the end of the month and it would likely have been postponed, which would have cost the City around \$25,000 in defense costs.

Administrator Knope shared that the second case was round two of the street tree lawsuit by the Elizondos. The first one went to the 9<sup>th</sup> Circuit Court of Appeals and was dismissed by the judge. A few months later, the City removed the tree and then the Elizondos filed a second suit. The impacts of COVID delayed this, but the City was expecting to hear back from the courts and for things to start moving in May.

Mayor Ficek asked Administrator Knope if he had anything to report for the Police Department. Administrator Knope responded that the department were currently very busy with some major theft cases, which was why Chief Morris was unable to attend this meeting. There had also been a recent fatal fire and many other things going on that kept the department very busy.

## **12. Councilor Comments/Questions**

Councilor Washburne stated that he was happy that they had a full Council and that they could start working together in Committees the way they should be done. He felt that they had worked very well starting out the year on trying to get things accomplished.

Councilor Thomas asked Administrator Knope if the question of if he would be moving his office back to City Hall was something to put on an agenda or how she should go about asking that. Administrator Knope responded that this was not something that was in the Council's purview, but he had an office at City Hall as needed and did not have an intention of moving back to City Hall full time.

Councilor Thomas responded that she had had people ask her and thought she would ask that question. She continued that she had spoken to Administrator Knope about his not having an evaluation in a couple of years and asked how they would go about that. She asked if that would be something that would be done in Executive Session. Administrator Knope responded that it would be.

Councilor Wells thanked Administrator Knope for clarifying the Council Agenda Forecaster review tonight and thought the process went very well and was a good learning experience. Councilor Wells thanked Administrator Knope and Recorder Vodrup for their work and said they did a great job on getting the audio issues resolved. He added that it was nice to get those recordings back up online.

Councilor Thomas added that they were grateful that Administrator Knope could do a lot with computers and technical things, and she thanked him for that.

Councilor Gambia thanked Councilor Wells and Councilor Washburne for filling out agenda request forms, to provide a good example of how the process worked and so items could be addressed and not fall through the cracks or be forgotten; this also gave staff time to prepare to give a response that actually meant something. He noted that he was in favor of going back to in person meetings as soon as possible. He thought it was amazing to see the progress that had been made on COVID in the six weeks since the inauguration.

Councilor Gambee continued that he did not have any information to suggest that somebody did something wrong; he just simply stated his opinion, which was that when they went right to a nomination in the middle of discussing the process for filling a position, it gave a certain appearance. He thanked staff for their work and recognized Director Crocker and Administrator Knope for doing a tremendous job. He noted that he was very happy to see that the current financial numbers were coming in good like staff's projections. He was very pleased with the spot the City was in right now and the hard work that all these people had done over the last 5 to 7 years to put the City in this position, even though they were coming out of a pandemic.

Councilor Ceniga expressed appreciation to staff and noted that they had done a great job, especially through the hard times that they had had over the last year with keeping everyone safe, following all the COVID regulations, keeping the City running smoothly, and staying on top of the needs of the City. She welcomed Karen Leach to the Council. Councilor Ceniga noted that when she said that Ms. Leach was active in the Committee and Council Meetings, she knew that because she could see how active she was on social media. She noted that she felt a little bit accused with the comment from Councilor Gambee, but had a better understanding that was his perception and she just wanted it to be known that she had no participation in anything like that and tried to follow all rules.

Councilor Ceniga continued that she tried to encourage people to come to meetings and participate, as she wanted community involvement and did not like to go to social media to do that. She thanked staff for getting the audio recordings back up and hoped that they could get back to meeting in person soon. She wanted to make sure that if Darin Olson were listening, that there was nothing negative towards him in the Councilor appointment tonight, as he would also probably be a great Councilor and had ran in the last election. She hoped that Mr. Olson would still have interest and participate.

**13. Mayor's Comments**

Mayor Ficek reminded everyone that their next meeting would be a work session on Tuesday, March 23<sup>rd</sup> at 6:30 p.m. She also reminded the Council that they were not responsible for the day to day operations of Junction City and that was staff's job. She added that the biggest ticket item in the Junction City budget was staff time and she asked that they please not waste it.

**14. Adjournment**

As there was no further business, the meeting was adjourned at 8:04 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Kitty Vodrup, City Recorder

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Beverly A. Ficek, Mayor