

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, March 25, 2014, in the Council Chambers of City Hall, 680 Greenwood Street, Junction City, Oregon.

PRESENT: Mayor, David Brunscheon; Councilors Karen Leach, Bill DiMarco, Jim Leach, Randy Nelson, Steven Hitchcock; and Herb Christensen; City Attorney, Carrie Connelly; City Administrator, Melissa Bowers; Police Chief, Mark Chase; Public Works Director, Jason Knope; Finance Director, Mike Crocker; and City Recorder, Kitty Vodrup.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. CHANGES TO THE AGENDA

None.

III. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

None.

IV. PUBLIC HEARING – (A-13-01) IVORY LLC ANNEXATION

Mayor Brunscheon opened the public hearing for Ivory LLC Annexation and asked if there were any exparte contacts or conflicts of interest. There were none.

Staff Report

Administrator Bowers reviewed the proposal to annex 40.66 acres of undeveloped land at the southwest corner of Highway 99 and Highway 36. The property was included in the recent Urban Growth Boundary expansion, and a rezone is not being requested at this time. The property is designated as Commercial in the City's Comprehensive Plan, and the annexation is contiguous with the City limits. The Planning Commission held a public hearing on February 12, 2014 and made a unanimous recommendation to the Council to approve the annexation with the condition that the annexation agreement be signed prior to the effective date of the annexation.

An updated annexation agreement was distributed and reviewed by staff; this included clerical and clarity updates, revisions to retain the Measure 49 waiver, and the two policy related questions below for the Council:

1. **Change from 3 to 5 years:** Staff supports changing language from 3 to 5 years in Section 4 to read: "In the event Ivory fails to seek any development approval, or such approvals are delayed or withheld for a period of longer than 5 years (from the date of this agreement, the public improvement obligations of Ivory under this Agreement as set forth in Section 1..."
2. **Dolan Waiver Language Removed:** In Sections 4 and 7. The Dolan Waiver has been included in past City annexation agreements. Mr. Bill Boresek, applicant for Ivory LLC Annexation, was not in favor of having this language in the agreement and it has been removed from the draft.

Applicant Testimony

Attorney Bill Kloos, 375 W. 4th Avenue, Suite 204, Eugene, spoke on behalf of Mr. Bill Boresek and expressed appreciation to the City for its support. He noted that Mr. Boresek was fine with the annexation agreement as presented tonight, with the requirement to waive Dolan rights being removed. He noted that the City of Eugene did not require an annexation agreement when properties were annexed into their city limits, as property owners were subject to the same benefits and burdens of the U.S. Constitution, including the requirement to comply with all zoning and planning laws. After annexation approval, their next step would be to apply for commercial zoning that is consistent with the City's planned designation, after Council approves the TSP (Transportation System Plan) update. The TSP should be based on the assumption that this property was going to be developed for commercial uses and they wanted to wait until the TSP was approved by the City before applying for a rezone; otherwise, they would have to hire consultants and conduct a large traffic study on transportation and start from ground zero. He explained why they fine with retaining the Measure 49 waiver.

Proponent Testimony

Mr. Gary Crum, 25534 Hall Road, Junction City, noted that he had been involved in the process like many present at the meeting over the last four or five years and it seemed like things were moving in the right direction. He referred to visioning processes that showed the desire of the community to have this area developed as commercial property. He added that everyone would benefit from this property being annexed and developed, and he expressed his support of the annexation.

Mr. Jeff Haag, 27430 8th Street, Junction City OR, expressed his support of the annexation and referred to the many years of hard work and meetings spent to come up with a good proposal that everyone liked. He noted that only one anonymous person had expressed objections to a Walmart being developed in the city, but no other objections had been expressed on development of this property to commercial. He encouraged the Council to take out any unnecessary language in the annexation agreement/requirements and voiced support for the City of Eugene's approach.

Opponent Testimony

None.

Applicant Rebuttal

None.

Questions from Council

Attorney Connelly explained the Measure 49 waiver.

It was noted that after the Lane County Boundary Commission was dissolved in 2008, the City began processing annexations, and the annexation agreements since that time and even some prior had included the Dolan Waiver language. In reference to the City of Eugene not using annexation agreements, Attorney Connelly stated that unlike Eugene, the City of Junction City's annexation code requires that an annexation agreement be completed.

Attorney Connelly explained the Dolan waiver considerations, and Attorney Kloos provided responses that Dolan was just a federal law that applies to everyone all the time and a person should not have to give up their Dolan rights in order to be annexed.

Director Knope noted that this property was different than what the City typically dealt with, as most properties do not already have utilities extended to it. With the utilities being in place, what was left was on site and he was comfortable with the agreement.

Administrator Bowers and Attorney Connelly shared that they were working on a standard annexation agreement, which would be brought back to the Council.

Mayor Brunscheon closed the public hearing.

City Council Deliberation and Decision

The Council consensus was to approve the draft annexation agreement as presented at the meeting, which included the update in Section 4 of 3 to 5 years and removing the Dolan waiver language.

B. ORDINANCE NO. 1 – AN ORDINANCE APPROVING THE ANNEXATION OF TAX LOT 400 OF LANE COUNTY ASSESSOR'S MAP 16-04-078-31 AND TAX LOT 700 OF LANE COUNTY ASSESSOR'S MAP 16-04-08-00.

Attorney Connelly reviewed three minor revisions and read Ordinance No. 1 in full.

MOTION: Councilor Nelson made a motion to read Ordinance No. 1 by title only. The motion was seconded by Councilor DiMarco 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.

V. PUBLIC COMMENT – TRUCK FUNCTION IN JUNCTION

Administrator Bowers stated that this was the second review of the July 19th Truck Function in Junction. Notice was given to the public on providing comments on the proposed event, and no comments were received prior to the meeting. Mr. Dan Alley, applicant, had contacted Papa Murphy's about providing better signage and said that Papa Murphy's owner was satisfied with the arrangements made. Mr. Alley would be notifying and working with impacted businesses at least 30 days prior to the event.

Public Comment

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

Administrator Bowers referred to staff concerns listed in the Agenda Item Summary, which included impact to streets and infrastructure, staff time, and impact to businesses.

Councilor DiMarco asked about the costs of the event to the City. Administrator Bowers responded that costs were absorbed into the City's budget, and last year's estimated cost to the City for this event was \$5,000.

MOTION: Councilor Nelson made a motion to approve the street closure request and conditions for the Truck Function in Junction for July 19, 2014. The motion was seconded by Councilor K. Leach and passed by a vote of 5 to 1, with Councilors K. Leach, J. Leach, Nelson, Hitchcock, and Christensen voting in favor and Councilor DiMarco voting against.

VI. PUBLIC COMMENT – BUS ROAD-E-O

Administrator Bowers stated that before Council was a second review of the proposed street closure conditions for the Bus Rodeo on Saturday, April 26, 2014. The applicant provided notice to residents on the opportunity to provide comments. No comments were received, prior to the meeting.

Public Comment

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

MOTION: Councilor Hitchcock made a motion to approve the street closure request and conditions for the Bus Rodeo for April 26, 2014. The motion was seconded by Councilor Christensen and passed by unanimous vote of the Council.

VII. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA FACILITIES

Staff reviewed that the ordinance places a moratorium on medical marijuana facilities until May 1, 2015, but this could be repealed at anytime during the year, if the Council desired.

A. ORDINANCE NO. 2 – AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA FACILITIES WITHIN JUNCTION CITY AND DECLARING AN EMERGENCY.

Attorney Connelly read Ordinance No. 2 in full.

MOTION: Councilor K. Leach made a motion to read Ordinance No. 2 by title only. The motion was seconded by Councilor Nelson and passed by unanimous vote of the Council.

Attorney Connelly read Ordinance No. 2 by title only.

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

VIII. TRANSPORTATION SYSTEM PLAN INTERGOVERNMENTAL AGREEMENT

Administrator Bowers stated that before the Council was an Intergovernmental Agreement (IGA) with Lane Council of Governments (LCOG) for contracted planning services to complete planning review work and present a draft of the Transportation System Plan (TSP) to Council. The IGA was not reviewed by the City Attorney, as their firm also represents LCOG. The City could use an alternate legal firm to review, if desired. It was noted that ODOT (Oregon Department of Transportation) had offered to pay for a portion of the cost the City would incur for contracted planning services.

MOTION: Councilor Christensen made a motion to direct staff to have alternative legal review on behalf of the City of Junction City of the proposed IGA. The motion was seconded by Councilor Hitchcock and passed by unanimous vote of the Council.

IX. BUDGET COMMITTEE VACANCY

Director Crocker reviewed that Ms. Alison Lee had recently resigned from the Budget Committee, and he asked for Council direction on whether to post for the vacancy.

MOTION: Councilor Nelson made a motion to waive the 60 day notice requirements, to direct staff to advertise the position by the means described in Resolution No. 1013, and to present any applications received at the April 8th Council meeting. The motion was seconded by Councilor K. Leach and passed by unanimous vote of the Council.

X. STAFF REPORTS

Chief Chase provided information on the Police Department involvement in a recent shooting case outside the City limits.

Administrator Bowers noted that with the recent Urban Growth Boundary expansion, it was expected that a number of annexations would be coming forward. She strongly recommended that the Council review a standard annexation agreement in the future, so the process could be streamlined. She thanked Director Knope for his assistance in providing annexation information to her.

XI. COUNCILOR COMMENTS/QUESTIONS

Councilor K. Leach thanked Director Knope for a tour of the new Water Treatment Plant and thanked Administrator Bowers for her work on the annexation.

Councilor DiMarco expressed appreciation to Administrator Bowers for her excellent work and encouraged the Council to address the standard annexation agreement and process, to minimize planning and legal costs on future annexations.

Councilor J. Leach thanked staff for all their hard work

Councilor Hitchcock thanked staff for providing well defined information.

Councilor Christensen complimented everybody on doing a fantastic job in the UGB process and the Ivory annexation.

XII. MAYOR'S COMMENTS

Mayor Brunscheon thanked staff for their outstanding work and complimented the Council on the discussion and decisions that were made at the meeting.

XIII. OTHER BUSINESS

Mr. Bill Boresek thanked the Council and staff for their support and hard work. He noted that he had spent the last 8 or 9 years working on this project and everyone had pulled together and got it done. He added that this was a very important deal for Junction City and would not have been possible without everyone's efforts. The next step would be pushing forward towards development.

Mr. Jeff Haag, 27430 8th Street, Junction City, referenced the LCOG contracted planning estimate on mileage reimbursement of \$400 and encouraged the City to look more carefully at the numbers.

XIV. ADJOURNMENT

As there was no further business, the meeting was adjourned at 8:50 p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

David S. Brunscheon, Mayor