

The City Council for the City of Junction City, met in a work session at 6:30 p.m. on Tuesday, April 25, 2023 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, Kenneth Wells; Council President, Karen Leach; Councilors Sandie Thomas, Sidney Washburne, John P. Gambee, and Ken Hancock; Excused Absence: Councilor Andrea Ceniga; City Administrator, Jason Knope; City Attorney, Carrie Connelly (joined at 7:18 p.m.); and City Recorder, Kitty Vodrup.

### 1. Call to Order

Mayor Wells called the Work Session to order at 6:30 p.m.

### 2. Transportation Concerns on Highway 99

Vidal Francis, ODOT Region 2, Area 5 Manager and Bill Johnston, ODOT Planner, presented a Power Point on Road Reallocations (or Road Diet), in response to vehicle and pedestrian safety concerns that the Council had expressed on Highway 99.

#### Conditions Today and Challenges

- 1<sup>st</sup> had dedicated turn lanes, whereas 6<sup>th</sup> and 10<sup>th</sup> did not and had a higher rate of crashes.
- There were 4 lanes of traffic with no space for bike facilities.
- Pedestrian crossing not at traffic signals would require a pedestrian refuge island.

#### Why Communities Pursue Reallocations

- Widening a street to add a turning lane and safe space for crossings was very expensive and unlikely to secure funding.
- Road reallocation would be within the existing roadway width and primarily change striping (low cost).
- Road reallocation would improve safety and would go from four lanes to three (two traffic lanes and one turning lane).
- It would reduce vehicle to vehicle conflicts from 19 to 47% and support all modes of transportation, including people biking and walking.

#### Recent Safety Improvements Done with Current ADA Project

- Adjusted walking signals and added audible pedestrian signals at 6<sup>th</sup> and 10<sup>th</sup> for improved pedestrian safety.

#### Importance of Planning

- Before ODOT would invest any money in a construction project, the City would need to do a Refinement Plan, which would provide all the analysis, public input, and other requirements needed over a 20-year planning horizon. Cost to do the plan: \$200,000 to \$250,000 and would take 18 months to two years to complete.
- An adopted Refinement Plan would be reflected in the City's Transportation System Plan.
- There were various ODOT and FHWA (Federal Highway Administration – Transportation) grants for construction.
- Road reallocations were effective up to 20,000 vehicles per day.
- Potential Funding for the Refinement Plan: Transportation Growth Management Grant - \$200,000.
- The Regional Planning budget would be another potential for funding, but funds would not be available in that budget until 2025.

In response to how many vehicles per day Junction City had, Mr. Francis stated he would find out and email that number to the City. Mr. Francis added that he would also email video links on feedback from other communities who had done road reallocations.

### 3. Amended Council Agenda

Administrator Knope presented draft language that would be included on each agenda, to better clarify public comments.

After discussion, the Council consensus was to amend the Council rules to add the following language on each agenda, "Members of the public wishing to submit comments shall state their name and address for the record. The Council will not respond to commendations or complaint made for or against individuals. The City will not engage in discussion with members of the public during this time, it is for public comment only. The City may reflect on public comment at the end of the meeting. Please limit comments to 3 minutes."

**4. Options for Adding Additional Citizens Members to Committees**

Administrator Knope presented options for adding more than two citizen members to the Council Committees. This was in response to a comment that some committees may receive more than two citizens who were interested in serving on a Committee and it would be nice to utilize their assistance.

Administrator Knope stated that another option was a Committee could develop a sub-committee to work on specific tasks as needed, which would achieve the objective of utilizing the assistance of extra citizens members who had applied. He added that this ability was already included in the current bylaws.

The Council consensus was to keep the bylaws as is with three Council members and two citizen members and to utilize sub-committees for special topics, when needed.

**5. Homelessness/Code Audit**

Attorney Connelly stated that she had prepared a memo to Council on potential code amendments, in response to House Bill 3115 that was now codified as ORS 195.530 and would become operative on July 1, 2023.

Obligations Imposed on Junction City by State and Federal Law:

1. The City could not prohibit camping on all public spaces in the City. The City was obligated to cease imposing sanctions for camping, sleeping on public property when no alternative shelter was available. Junction City had no city-wide camping ban, so no code provision would need to be repealed by July 1, 2023.
2. The City was obligated to examine any existing code provisions regulating sitting, lying, sleeping, or keeping warm and dry outdoors on public property open to public to ensure that they were "objectively reasonable" in relation to those experiencing homelessness.

**Public Safety Committee's Recommendation**

Add to City public space a few parking spaces to allow RV Parking at Lyle Day Park.

Pros:

1. Adding space where unhoused individuals were free to lie, sleep, keep warm and dry allowed the City to enforce its public space and parking regulations elsewhere.

Cons:

1. Liability. League of Oregon Cities advised that government created or sanctioned shelter spaces could subject entities to liability pursuant to State Created Danger doctrine. The City would need to monitor the conditions at Lyle Day to ensure that residents were not exposed to a known or obvious danger that they would not face elsewhere.
2. Insurance Coverage. Attorney Connelly asked that the City check with the City's insurer, CIS, prior to proceeding. CIS generally required an entity to carry specific coverage addressing such exposures.
3. Availability. Public Safety Officers would need to monitor available spaces.

Councilor Leach asked if the 72 hour parking provision would apply here. Attorney Connelly responded that would be up to the City and could be part of the program.

Councilor Gambie asked how many spaces were there. Administrator Knope responded 8 to 10 but they would be opening up 2 to 3 spaces based on the number of unhoused. The number used could go up or down, depending on what was truly needed.

Councilor Leach asked if they would have the ability to hook up. Administrator Knope responded that the City would not require them to hook up, but the City would have the ability to offer that.

Councilor Thomas noted that there were seven or eight vehicles parked around town on the road with people living in them. Administrator Knope responded that there were two different pieces: the unhoused that were in an RV versus someone who had parked on their RV on the street because they had family or friends over.

Councilor Hancock brought up an example of a resident parking a camper on the street and allowing people to stay in it for several days at a time. Attorney Connelly responded that she wanted to make sure everyone was clear that whatever rules were put on the books, would be

uniformly enforced across the board, whether it was a resident or unhoused person parking on the street. If the City prohibited RVs being parked on the street, that eliminated that resident's opportunity to let people live there. Conversely, if the City allowed people to park for 72 hours in any location, whether in an RV or vehicle, they would be freeing up everybody. While only unhoused individuals would have access to some of the City's public space, the laws that the City was using to move those unhoused individuals would need to be applied uniformly to other City residents.

Administrator Knope noted that the number one complaint the City received regarding RVs was a neighbor parking their RV on the street and allowing someone to live in it, as opposed to the unhoused in an RV, which was a minor problem.

Councilor Leach noted that Attorney Connelly had shared with the Public Safety Committee that the City would not be obligated to share where the public places were. Attorney Connelly responded that was correct, but Interim Chief Larson had brought up having a map that would be available.

Attorney Connelly said that beyond any code amendments, there would be longer term discussions for internal policy on how the City would monitor its inventory available for public space and unhoused numbers, etc. going forward.

Councilor Washburne asked if the City would need to provide portable toilets in the public spaces. Attorney Connelly responded that if the City had a wide variety of space around the City that anybody could go to and set up a tent for a period of time, then no. If the City would be telling people that there were one or two places in the City they could go, then she would recommend having sanitary facilities there. There was a statute on the books that read that if the City was creating a campsite, then they would be required to have some garbage and sanitation facilities. She did not know that allowing someone to park in certain spaces in a park would rise to that level.

Councilor Gambee asked if there was a land requirement per person for developing the inventory needed. Attorney Connelly responded no, and this was called Transitional Housing Accommodations and could include a bench, tent site, etc. Cities were defining this differently, but what the City was concerned about was the ratio; if the number of unhoused individuals was going up and the City's available space was going down, the City would want to have a relief valve somewhere to make other areas available.

Attorney Connelly reviewed the proposed code amendments from her code audit:

**17.100.020 Parking.** This was in the zoning code, so law enforcement did not enforce this. Recommendation to remove B; Council consensus was in favor.

A. No person shall use a trailer house for sleeping or living purposes or both sleeping and living purposes within the city of Junction City for any period exceeding 72 hours except in a mobile home park or trailer park.

~~B. No trailer house may be parked within the city of Junction City, except upon the premises of the owner thereof in areas which provide vision clearance for street corner lots of a minimum of 15 feet and for an intersection of an alley and a street a minimum of seven and one half feet, and in mobile home parks and trailer parks.~~

**17.100.040 Sewer Connections.** This was in the zoning code, so law enforcement did not enforce, and this language did not take into account self-contained vehicles. This also seemed to target unhoused individuals who did not have the ability to connect to a sewer when traveling in their RV on the street. Recommendation to repeal this section; Council consensus was in favor.

~~It shall be unlawful for any person occupying or using any trailer coach or trailer within the city of Junction City to use any toilet, sink lavatory or similar equipment therein unless and except the same be connected with the public sewer or an approved septic tank, in accordance with the ordinances of the city of Junction City relating thereto.~~

**10.05.220 (D) Prohibited Parking and Standing.** Law enforcement did not enforce subsection D, and the City had a 72 consecutive hour parking limit, which was easier to enforce and would be retained in the code. The five-day language in D was also problematic from an unhoused individual perspective because they were supposed to be able to be in your

City and you could not make them leave your City. They were supposed to be able to move from space to space or place to place where it was legal to park and the five-day language in a calendar quarter would arguably make them leave town. Recommendation to remove D; Council consensus in favor.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand....

~~D. For more than five days, cumulative or consecutive, in any calendar quarter, a motor home used to transport or house, for nonbusiness purposes, the operator or the operator's family members or personal positions.~~

**10.05.230 Prohibited Parking.** Attorney Connelly suggested adding a new Section E.

A. No operator shall park and no owner shall allow vehicles, motor homes, campers, and boats or trailers to be parked upon a street for the principal purpose of:

5. Storing the vehicle longer than 72 consecutive hours.

D. No person shall park or stand any vehicle upon any residential parking street without a residential parking permit or guest parking permit, prominently displayed on the vehicle, at any time during which the residential parking street is limited to residential parking.

*E. Once a vehicle has been parked for the designated maximum parking time limit, the vehicle must be moved at least two blocks from the original parking location.*

Councilor Hancock stated that they had talked about a resident being able to have their RV on their property and not being able to park it on the street and have people living in it, but this new language read that as long as a person continued to move their RV around the block, people could continue to stay in the RV. Attorney Connelly responded that was correct. She continued that it did not matter if the RV was occupied or not, the property owner would still need to keep moving their RV every 72 hours or bring it onto their private property.

Councilor Gambia noted that the Police Department was having a hard time tracking how many days were cumulative; he cited an example of someone moving their trailer on the street, onto their property, and then back on the street again. Attorney Connelly responded that they could add temporary storage language (could be moved two blocks for a certain period of time). The intent of the new subsection E language to move a block or two or however the Council would want to specify that would address the issue of people moving their vehicle one inch to reset the 72 hours. Councilor Gambia added that he thought moving a block face would be a better term than moving one or two blocks.

Councilor Hancock shared that many trailers and other types of vehicles were parked on the streets and being used as storage with no one living in them. He added that in the past, the department enforced the 72 hour parking limitation and residents were not able to just move their vehicle one inch to restart the clock. He did not feel the City was under an obligation to allow storage of those vehicles on the streets after 72 hours. Attorney Connelly expressed her agreement and noted this was more of a question for law enforcement and the municipal judge on how they were interpreting that. Councilor Hancock responded that the judge did not have any issues enforcing the code as written concerning storage of vehicles.

Attorney Connelly noted that she was not recommending changing the Code Language in 10.05.203 A.5 that prohibited storing a vehicle longer than 72 hours but recommended adding a new subsection E that once parked for the maximum time limit of 72 hours, the vehicle must be moved. She added that they could include language to move onto private property or around a block face, etc. Councilor Hancock responded that he thought it should read onto private property, which would solve the issue of not using streets for storage.

Councilor Gambia noted that the unhoused did not have private property within the City. Councilor Hancock responded that was a separate issue.

Councilor Gambia asked what the definition of vehicles was. Attorney Connelly responded the code definition of vehicle was vehicle, motorhome, camper, boats, and trailers.

Councilor Gambia asked for confirmation that if anyone parked any vehicle on the street for more than 72 hours, they were breaking the law. Administrator Knope responded that was correct.

Discussion followed on the need to educate the public on the 72-hour parking code language, which the SCOPS could assist with. Also noted was the Police Department had been interpreting that someone had the ability to move their vehicle one inch to restart the 72-hour clock for a number of years. It was added that it would important for the Police Department to begin enforcing the 72-hour parking as written in the code.

Attorney Connelly clarified that the 72-hour prohibited parking language and any additional language added in a new subsection E would apply to all parking on City streets, whether it was for vehicles occupied or not or vehicles owned by residents or the unhoused.

Administrator Knope suggested that the Council not worry about adding a new subsection E at this point and let the Public Safety Committee continue this discussion. The Council consensus was in favor of that. Attorney Connelly noted there was no problem in doing that, as it was not needed for the July 1, 2023 deadline.

**10.05.010 Applicability of state traffic laws.** Housekeeping amendment to remove reference to amendments adopted by the Oregon Legislature, which were out of date. Recommendation to remove; Council consensus in favor.

**Chapter 9.10 Curfew.** Recommendation to repeal this code section on curfew (10:30 p.m. to 6:00 a.m.) and default to state statute language (12:00 a.m. to 4:00 a.m.); Council consensus in favor. Attorney Connelly noted that all the code recommendations were reviewed by the Police Department.

**9.25.020 (2) (9) City Park Regulations.** Recommendation to clarify the term “park” and to remove 2. Natural Resource Area and 9. Undeveloped Parkland to increase the available public space; Council consensus in favor.

Mayor Wells asked about the undeveloped parks. Administrator Knope responded there were two: at the Reserve and at Raintree Meadows. The areas were not fenced in and one could be driven to and one was foot traffic only. Administrator Knope added that the intent was to protect the developed parks which were in heavier residential areas.

Attorney Connelly noted that regarding requirements on campsite removal notice, the Police Department used Lexipol policies, so already had a policy in place to meet ORS 195.505 requirements, which required posting 72 hours notice, storing personal items for 30 days, and retaining them within the boundaries of the City. She would bring back an amending ordinance to the May 9, 2023 Council meeting.

## 6. Amended Council Rules

Attorney Connelly reviewed that at the April 11, 2023 meeting, the Council had asked staff to bring back amended rules that would require Council members to attend executive sessions in person. Section 3.4 Executive Sessions would have a sentence added, “Council members must attend executive sessions in person, not electronically, virtually, or by telephone.” The Council had previously noted that if this caused a lack of quorum, the executive session would just be rescheduled. Attorney Connelly added a housekeeping amendment in Section 12 that amendments, deletions, and additions to the Council Rules shall be by Ordinance instead of by resolution, as the City’s Charter read that Council Rules would be adopted by ordinance and should also then be amended by ordinance.

The Council consensus was in favor of these amendments and to have Attorney Connelly bring back an amending ordinance to the May 9, 2023 Council meeting and also include the public comment changes on the agenda noted earlier in the meeting.

## 7. Adjournment

As there was no further business, the meeting was adjourned at 9:00 p.m.

ATTEST:

APPROVED:

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Kitty Vodrup, City Recorder

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Kenneth Wells, Mayor