

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, May 11, 2021, in a virtual meeting format via internet and phone.

PRESENT: Mayor, Beverly Ficek; Councilors Sandie Thomas, Ken Wells, Andrea Ceniga, John Gambee, Karen Leach, and Sidney Washburne; City Administrator, Jason Knope; City Attorney, Carrie Connelly; Public Works Director, Gary Kaping; Police Chief, Bob Morris; Deputy Chief, Eric Markell; Finance Director, Mike Crocker; and City Recorder, Kitty Vodrup.

1. Call to Order and Pledge of Allegiance

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

2. Changes to the Agenda

Mayor Ficek asked if there were any changes to the agenda. Councilor Thomas stated that she had called and sent an email to Mayor Ficek on why they did not have an April Work Session but had not heard back. Mayor Ficek apologized and noted that she had not received the messages; she had moved the one item for the April Work Session to tonight's meeting.

Councilor Washburne noted that he had reached out to a Council member over two weeks ago and never heard anything back. He felt this was disrespectful for everyone on this Council and was not the proper way to be if one was going to be a Councilor.

Mayor Ficek responded that this was not the time to discuss these items and she would get back to both Councilors.

3. Approval of Minutes – April 13, 2021

MOTION: Councilor Ceniga made a motion to approve the April 13, 2021 minutes. The motion was seconded by Councilor Leach 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 last meeting he had asked a question about Committee chairs and the Mayor said she would get back to him, but he had not heard from her. Mayor Ficek apologized and said she would get back to him.

5. Public Hearing – Proposed Uses of State Shared Revenue

A. Public Hearing

Mayor Ficek called the public hearing at 6:40 p.m.

Staff Report

Director Crocker stated that this was the second of two state required public hearings. He had included a League of Oregon Cities (LOC) summary in the Council packet. These revenues included gas, liquor, and cigarette taxes, as well as general state revenue. Distribution was mostly based on population. The State Shared Revenue total in the proposed budget was \$498,000, and he had attached various worksheets in the packet to show where the funds coming in would be in the budget. The Council would see a resolution at their June meeting to certify that Junction City provided the necessary services to receive these funds.

Public Testimony

None.

Questions or Comments from the Council

Councilor Thomas asked if the City had to use this money for anything specific. Director Crocker responded that the gas tax would have to be used for street related items, but the other ones like general state shared revenue or cigarette taxes could be used for general government services.

Councilor Gambee asked what some of the services were the City needed to certify that they had in order to receive these funds. Director Crocker responded things like police, planning, and other general government services.

Councilor Washburne referred to the LOC summary and asked if the City was losing any money by not having a dispensary in town. Administrator Knope responded that the City

prohibited dispensaries in town and that was done by an ordinance of the Council. When looking at the restrictions for where dispensaries could be located at that time, there could only be one dispensary in town. While the City might lose a very small amount of revenue, it was determined at that time that the amount would not offset the impact or cost that would be created by having a dispensary.

Councilor Thomas asked if they could save this money and use it for the purchase of a new City Hall. Administrator Knope responded that much of the State Shared Revenue money went into general revenue in various places in the budget. In addition, some of State Shared Revenue money went into the State Shared Revenue Fund, and the Council made the determination every year on what it would like to do with the money in that fund.

Mayor Ficek closed the public hearing and the record at 6:47 p.m.

6. School District Report

Mayor Ficek stated that she had invited the School District, Tri-County Chamber, and Fire District to provide reports to the Council, so they could know what was going on in each entity and work together towards what was best for Junction City. She added that she hoped each could come back and provide additional updates in the future.

Brian Young, Junction City High School Co-Principal, provided a School District report that included: Challenges, impacts, and successes in dealing with COVID over the last year; Superintendent Kathleen Rodden-Nord would be retiring after 18 years and new Superintendent Troy Stoops would start July 1st; district goals and funding strategies; students had been attending school in person since February, and the east wing of the old High School was being used temporarily for 5th graders; they would have the largest summer school program to help students with recovery learning; modular buildings would be added at Laurel Elementary and Oaklea Middle School, to accommodate anticipated growth, and the old high school could be used if the high school needed to expand further; the School District owned the property next to Oaklea Middle School for a potential new school in the future; in 2016, a 10 year, 14.6 million dollar bond was passed and the district raised 10 million dollars for a total of 24.6 million. By the end of 2022, they would be looking at a facilities assessment for the future; prom was scheduled for May 29th; and graduation would be held at Peden Field on June 12th. He thanked the Council for the opportunity to share and noted the district would be happy to provide future reports.

The Council expressed appreciation to Principal Young.

7. Tri-County Chamber of Commerce Report

Rick Kissock, Executive Director of the Tri-County Chamber, provided a Chamber report that included: Challenges with COVID; Chamber was receiving a lot more inquiries from people around the U.S. regarding relocation and visiting the area; Two years ago, they put together an agri-tourism package in conjunction with Travel Lane County, and he sent a lot of those packets out; an RV Club from Chico, California would be doing a rally here in September; the Chamber held a lot of zoom board meetings and had recently done some in person breakfast and lunch forums; would have the first annual Taste of Tri-County on July 15th at Harrisburg Fire Hall and this would replace the annual Showcase. This event would rotate each year in Junction City, Harrisburg, and Monroe; would hold a fall golf tournament in September; Distinguished Service awards would occur in November; last year's Light Parade was cancelled, but they held a successful Christmas lighting contest for businesses and residences as well as a drive by Santa in each community. Had several hundred entries on the map, and planned on doing that again this year, as well as hold the Annual Light Parade; Chamber Board would hold a retreat in the next three weeks to plot the course coming out of the pandemic; would be important for the Chamber and City to sit down and look at the economic impact that the new residences would have and determine what was needed in our communities to keep people spending money in town and support local businesses. He thanked the Council for the opportunity to share and noted he would be happy to provide future reports.

The Council expressed appreciation to Director Kissock.

8. Junction City Rural Fire Protection District Report

Brandon Nicol, Fire Chief for JC Rural Fire Protection District, provided a Fire District report that included: Challenges with the COVID pandemic, the fire department was not part of the

City but was its own special district that operated solely on property taxes; the department was a combination volunteer/career fire district and had 7 career employees and 30 volunteers; they averaged 1700 calls per year and had full fire and EMS capabilities; medical transporting was done by Lane Fire Authority; they were preparing for upcoming fire season and had concerns with not receiving enough rain; appreciated the public doing their best to keep abreast of changes via their social media on fire danger and good days to burn or not; Lane Regional Air Pollution Agency set the burn restriction for backyard burns; an academy of new recruits were in training and would be tested in the next couple of weeks to become brand new fire fighters and add to the volunteer force; working on a better ISO (Insurance Services Office) rating for rural areas – in City had a rating of 3 over the last 7 years. He thanked the Council for the opportunity to share and noted he would be happy to provide future reports.

The Council expressed appreciation to Chief Nicol.

9. Water and Sewer Rates Resolutions

A. Staff Report

Director Kaping stated that before the Council were two resolutions to do rate increases. He reviewed that in June of 2018, SCS Engineering was hired to do a five year rate study for water, sewer, and sanitation. The final rate study report went to Council in January of 2019, and two meetings were held to receive public comments on March 12 and April 9, 2019. On May 14, 2019, the Council unanimously passed the first set of rate increase resolutions (1212 and 1213). In 2020, the Council approved the second set of rate increase resolutions (1246 and 1247). The rate increases for this year for an average customer would be an increase of \$2.16 for water and \$2.68 for sewer per month. The rate increases were necessary for the City to continue the needed work on the Water Quality Program, Water Master Plan Program, Valve and Hydrant Maintenance, Sewer Master Plan Projects, replacing aged sewer lines, and saving more money to keep costs down for the new sewer treatment plant. The Public Works Committee reviewed on May 3, 2021 and recommended forwarding to Council for approval. The packet included SCS Engineering's recommendations on what rate increases should be done each year over the five year timeframe.

Councilor Leach asked if there would be another rate increase after this one. Director Kaping responded that there would be two more after this one to complete the five years.

Councilor Ceniga noted that the water resolution listed that a ½ inch meter size would be \$11.46, and she asked if the water rate would go up by that amount. Director Kaping responded that it would not go up by that much and currently the ½ inch meter size was around \$10.75 (he did not have the exact number at hand) and would be \$11.46.

B. Public Comment

Cindy Montgomery, 1215 Oak Street, Junction City, stated that the water rates going up would be the highest utility bill she would have with two people living in her house. She noted that in the past, the City of Junction City had an assistance program and they had gotten rid of. She continued that these rates were going up higher and higher, and she was curious as to how many delinquent accounts they had. Director Kaping responded there were currently 20 delinquent accounts, and all were on a payment plan; this was out of 2250 accounts.

Councilor Ceniga asked if the City was doing shut offs. Director Kaping responded that they were doing shut offs and currently did not have anyone shut off, as everyone that was past due had paid a partial payment and were on a payment plan.

Councilor Washburne stated that he would like to bring this back to the Committee and discuss rate assistance. He added that right now with the pandemic and so many people being laid off, he thought it was something they needed to bring back to Committee and then if everyone agreed bring that to Council. Director Kaping responded that he could put this on the Committee Agenda Forecaster.

Mayor Ficek asked how the rest of the Council felt about that. Councilor Gambee responded that he was 100% fine with discussing a rate assistance program and asked if that was what the Mayor was asking about.

Mayor Ficek responded that there were three options and they could approve the resolutions, provide staff with other direction or deny the request. She noted that a suggestion had been made to provide staff with other direction. Director Kaping responded that the rate resolutions were a completely separate topic from the assistance program, and he would be happy to bring it back to the Public Works Committee under the agenda forecaster as a separate item.

Mayor Ficek asked if everyone understood that and noted that they had an assistance program in the past but did not have one now.

Mark Crenshaw, 1280 Oak Street, Junction City stated that he wanted to speak to Resolutions 1 and 2, establishing water and sewer rates for the City. He encouraged the Council to move forward today and approve these resolutions. He noted that the work that went into this was quite an extraordinary amount and very scientific. He had a lot of faith that even though there would be an increase in rates and that was always an uncomfortable thing, they were absolutely necessary to move the City forward. He encouraged the Council to move forward on these issues and then consider ratepayer assistance as a separate issue.

Councilor Gambée stated that it was widely known in town that the things the citizens were most concerned with were water, streets, and the police force and making sure they were adequately funded. The resolutions were connected to a five year process plus two years of study that were set up in order to address water. He thought it would be short sighted to put a halt to this in the middle of the five year process and that would make it a longer term project to resolve the water issues in town. He thought Director Kaping and Public Works had done a great job of implementing steps thus far to improve the water quality; they still had more steps to go in order to finish the course and needed the funds to do that. He hoped they could move forward with these resolutions.

Mayor Ficek noted that Director Kaping would have the rate assistance program be discussed at the Public Works Committee and they had options before them on these resolutions.

- C. Resolution No. 1 – A Resolution Establishing Water Rates for the City of Junction City and Repealing Resolution No. 1246.
- D. Resolution No. 2 – A Resolution Establishing Sewer Rates for the City of Junction City and Repealing Resolution No. 1247.

MOTION: Councilor Gambée made a motion to approve Resolutions No. 1 and 2. The motion was seconded by Councilor Wells.

Mayor Ficek asked if there was any discussion. There was none.

VOTE: The motion passed by a vote of 4 to 3, with Councilors Thomas, Wells, and Gambée voting in favor, Councilors Ceniga, Leach, and Washburne voting against, and Mayor Ficek voting in favor to break the tie.

10. Budget Contingency and Transfer Resolution

Director Crocker presented the information to do four contingency transfers.

- A. Resolution No. 3 – A Resolution Transferring Contingency Appropriations for the Fiscal Year Commencing July 1, 2020 and Ending June 30, 2021 within the General, Public Works Administration, and Water Funds.

MOTION: Councilor Wells made a motion to approve Resolution No. 3. The motion was seconded by Councilor Leach and passed by unanimous vote of the Council.

11. AFSCME Contract Renewal

Administrator Knope presented the AFSCME contract renewal that would begin on July 1, 2021 for three years. Minor changes included: Language clean up on call back/standby; extend probationary period to 90-day extension; and Cost of Living Adjustment (COLA) change from 2% to 2.5%.

Councilor Ceniga asked if she would have a conflict of interest, as her brother in law worked at Public Works. Attorney Connelly determined that she would have an actual conflict of interest. She added that any conflicts Council members had should always be announced at the very beginning of a discussion.

Councilor Ceniga declared an actual conflict of interest, due to her brother in law being an employee who would receive this COLA and recused herself.

Mayor Ficek asked if she would have a conflict of interest, as she might not be needed to vote on this topic. Attorney Connelly determined that she would have an actual conflict of interest and this topic should be led by the Council President.

Mayor Ficek declared an actual conflict of interest because her daughter was an employee of the City of Junction City and she recused herself.

Council President Wells took over as chair on this agenda item.

Councilor Washburne noted that there was no language in the contract on requiring a urine analysis if an employee had an accident. Administrator Knope responded there was language on that in the City's Personnel Manual; anything not covered in the contract would be covered by the Personnel Manual. Director Kaping added that all of his CDL drivers were randomly drug tested throughout the year by a different agency.

MOTION: Councilor Leach made a motion to approve the AFSCME contract as presented and authorize the Mayor and City Administrator to sign the necessary documents. The motion was seconded by Councilor Thomas and passed by unanimous vote of the Councilors participating in this discussion: Councilors Thomas, Wells, Gambee, Leach, and Washburne.

President Wells turned the meeting over to Mayor Ficek. Mayor Ficek and Councilor Ceniga rejoined the meeting.

Mayor Ficek called for a break at 8:06 p.m. The meeting reconvened at 8:13 p.m.

12. Discussion on the Release of Information of the People/Businesses who received Pandemic Relief Funds

Councilor Gambee asked whether he would have a conflict of interest, as he was a business owner in Junction City that had applied for this funding. Attorney Connelly determined that Councilor Gambee would not have a conflict on this topic.

The Council discussed that a public records request had been made to release the names of the people/businesses that received Pandemic Relief Funds and the amount each received. Administrator Knope noted that previous Council direction had been to keep that information confidential. A letter from Attorney Connelly outlined that these types of records had not been deemed to be exempt and were therefore disclosable.

It was the Council consensus to release this information to the requestor.

13. City Administrator Evaluation Discussion

Attorney Connelly stated that Administrator Knope's contract required that performance evaluations be done once a year in February. Administrator Knope was to administer, schedule, and provide sample performance evaluation materials to the Mayor and Council prior to budget adoption. Her office had prepared evaluation materials, and she would forward those. She noted that it was up to the Council to determine what forms and process they would use, and the evaluation would be done in Executive Session, unless Administrator Knope requested that it be done in open session.

After discussion, the Council consensus was to do Administrator Knope's evaluation in Fiscal Year 2021-22, to have the employees he supervises participate in the evaluation, and to discuss the process and forms to be used in an upcoming Council Work Session.

14. Media Policy

Administrator Knope presented the draft media policy that the City Attorney's office had prepared which was intended to address qualifications of media attending Executive

Sessions. Attorney Connelly added that this policy included definitions from the Oregon Attorney General, which had broad allowance by the public meetings laws, and their office did not recommend making the policy more restrictive.

After discussion, it was the consensus of the Council to have Administrator Knope bring back this draft in final form at the next regular Council meeting.

15. Revolving Loan Fund Committee Appointments

Mayor Ficek made the following appointments to the Revolving Loan Fund Committee: Craig Carpenter, Ethan Nelson, and Kara McDaniel as the Financial Industry Professionals, Winn Wendell as the member of the Public at Large and herself as the Council representative.

It was noted that the Council needed to approve the Mayor's appointments, and discussion followed on what to do if the Council did not agree with some of the appointments. It was noted that the Mayor could appoint separately and then the Council could vote on those.

Mayor Ficek appointed Craig Carpenter, Ethan Nelson, and Kara McDaniel as the Financial Industry Professionals.

MOTION: Councilor Gambee made a motion to approve the Mayor's appointments of the three financial industry professionals of Craig Carpenter, Ethan Nelson, and Kara McDaniel. The motion died for a lack of a second.

Mayor Ficek stated that she was not sure how to proceed. Attorney Connelly responded that she would take a look at this and report back to the Council at a different meeting.

16. Councilor Agenda Forecaster Review

Administrator Knope presented the agenda forecaster and noted that some Council Agenda Item Request forms had been submitted for review:

1. "1. City Council Policies and Rules and 2. City Donation Policies and Rules" from Councilor Wells.

COUNCIL CONSENSUS: Put Council Policies and Rules on June 22, 2021 Council Work Session. Administrator Knope stated that the Finance/Judiciary Committee would work on the donation policy and bring back to Council.

2. "Discussion of City Administrator's job description and responsibilities with City Attorney per Charter" from Councilor Wells.

COUNCIL CONSENSUS: Put on June 22, 2021 Work Session agenda.

3. "City Email accounts for all Elected Officials" from Councilor Wells.

COUNCIL CONSENSUS: Put on June 22, 2021 Work Session agenda.

Councilor Washburne stated that he would like to see review of expenditures be added back to each regular Council meeting agenda.

The Council consensus was to add that back on each regular Council meeting agenda.

17. Committee Reports

Public Works Committee (May 3, 2021). Councilor Washburne reported:

- There would be a lot of road work done in the City if weather cooperated, and he hoped everyone would pay attention to that.
- Director Kaping was working on the purchase of property that the City needed to extend the lagoon. This area would have walking paths for people to use.

Public Safety Committee (May 4, 2021). Councilor Gambee reported:

- Heard an update from Chief about some of the activities they had been involved in. The Police Department continued to do a lot of work in our City to try and keep us safe and help individuals who had been hurt by different crimes.

- Added some items to the Agenda Forecaster, including code review pertaining to some laws in the City.

18. Staff Reports

Director Crocker reported: Was busy working on the budget process and would be submitting the budget to GFOA (Government Finance Officers Association) for review.

Director Kaping reported: Public Works continued to work on putting up the new building at Public Works and were not quite halfway done. Shipping of the lights that were purchased for downtown had been delayed and would ship on June 23rd.

Chief Morris reported: Oregon Department of Justice took over the nursing home theft case with 22 charges (6 felonies and 16 misdemeanors). Deputy Chief Markell reviewed recent department activity: Arson investigation where a subject set an apartment on fire; domestic disturbances; animals being left in vehicles; suicidal and missing juveniles; and restaurant theft.

Attorney Connelly reported: She noted that there were two great learning opportunities tonight, and she reiterated that when a Council member had a potential or actual conflict of interest, it was very important to announce that the second after the Mayor announced the agenda item. If that was not on the record at the beginning when the topic was introduced, that was ineffective to protect a Council member from an ethics complaint. She continued that a Council member who had a conflict needed to be very clear on announcing what type of conflict (potential or actual), state the reason why they were declaring the conflict and who would be receiving the financial benefit or detriment. She added that she recently had an opportunity to speak to several individual Councilors to confirm that they were all on the same page and that a quorum of either a committee or Council did not meet outside of a public meeting and discuss committee or Council business. She noted the violation for an unlawful public meeting is that you had to have a quorum (Committee or Council) and be discussing City business; however, even if a quorum was together outside a public meeting and not discussing City business, it was safest to try and avoid the appearance of impropriety and to avoid any challenges to personal behavior.

19. Councilor Comments/Questions

Mayor Ficek did not call for this agenda item.

20. Mayor’s Comments

Mayor Ficek stated that in regards to what Attorney Connelly had just shared and so they did not have any question as to the propriety of actions, she would be the representative at all the Tri-County of Commerce functions from now on so that they would not have this brought into question again by the public.

21. Adjournment

As there was no further business, the meeting was adjourned at 9:56 p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

Beverly A. Ficek, Mayor