

The City Council for the City of Junction City, met in regular session and for a work session at 6:30 p.m. on Tuesday, May 25, 2021, at the Community Center, 175 W. 7th, Junction City, and in a virtual meeting format via internet and phone.

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

REGULAR SESSION

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. Proclamation

Mayor Ficek read the proclamation to express appreciation to School Superintendent Kathleen Rodden-Nord for her three decades of service to the community and to declare June 18, 2021 as Kathleen Rodden-Nord Day.

3. Property Offer Discussion

Chief Morris stated that there was a potential piece of real estate for Police Department use. He introduced Senator James Manning, who had information on funding available to the City.

Senator Manning stated that the state was receiving a substantial amount of money through ARPA (American Rescue Plan Act), and he had 4 million dollars for his district. The legislature had passed a number of regulations this year that dealt with police reform, and he had asked Chief Morris to be a part of a number of work groups because he had known him for years and knew of Chief Morris' resourcefulness and integrity. He had visited Junction City Police Department on a number of occasions and saw an opportunity for expansion. He had two police departments in his district – Junction City and Eugene. He would be providing funding for the Eugene Police Department to purchase a crisis intervention command van, and he would like to offer funding to Junction City for the police department expansion and purchase of property.

Senator Manning continued that he had visited with Mayor Ficek, and she had shared her aspirations for a Community Center. He wanted to surprise her tonight and share that he would be appropriating \$300,000 for the City to build the Community Center. This would be one time funding with no strings attached. His job was being a state representative for this district and to the people in Junction City whom he adored and was always thinking about. He noted that Representative Julie Fahey also would have some funding from ARPA funds for Junction City, with the portion allotted to her.

Senator Manning noted that there was something like \$800,000 for the two projects of the Community Center and Police Department, but there would also be an additional \$800,000 or something like that coming to Junction City for the City Council to use as they needed. Lane County would also receive some ARPA funding, and he hoped they would share some of that with Junction City as well. He asked the Council to please let him know if they had another project they wanted to get done, shovel ready, that needed funding. He thanked the Council for the opportunity to share this information and noted that it was an honor to represent Junction City in Salem.

Chief Morris stated that an opportunity to purchase the property next to the police department had suddenly come up; this was the building that the PD was currently leasing a portion of for the new patrol room. In order for Chief to be able to gather more information, he would need the Council to appoint him as the person designated by the Council to negotiate real property transactions. He would merely compile information and then bring that to the next Public Safety Committee for review.

Councilor Thomas asked about using some money for a new City Hall. Senator Manning responded that he had also put in a request for Junction City to build a new City Hall to the Senate Ways and Means Capital Construction and this would be separate funding funded through public dollars. Councilor Thomas thanked Senator Manning.

Mayor Ficek asked if there were any questions for Senator Manning or Chief Morris.

Shannon Nill, owner of Guaranty Chevrolet, thanked Senator Manning for taking time and interest in Junction City and noted that he appreciated any funding the City would receive from his efforts.

Councilor Washburne asked if this was a grant and if the money was guaranteed. Senator Manning responded this was not a grant and the money was guaranteed and already approved.

Councilor Ceniga thanked Senator Manning for everything he had done and was doing. She asked when the money would be received for the Police Department project. Senator Manning responded they would finalize everything by June 30th and funding would be no later than September.

Councilor Thomas asked why this did not begin in Committee first. Attorney Connelly responded that it was her recommendation, as the City was not able to conduct real property negotiations without having an appointed negotiator who would explore the options and bring back information to vet at the Committee.

Councilor Thomas asked if it should be the City Administrator who would be designated to do this. Attorney Connelly responded that it was up to the Council, but usually the person most familiar with the circumstances and parties involved would be appointed.

Councilor Leach expressed appreciation to Senator Manning for attending the meeting and for all his work for Junction City.

Mayor Ficek asked Attorney Connelly to review what was needed tonight. Attorney Connelly responded that there could be a motion or consensus from the Council to designate Chief Morris or another staff member as the negotiator for the City on this property investigation and direct him to report back to the Committee and ultimately the Council.

Councilor Gambee thanked Senator Manning for all his work for the City and for the funding for the City. He supported this going to Public Safety Committee for review. Senator Manning responded that he was happy to do something for the great people in Junction City.

Councilor Wells asked for confirmation that Chief Morris would not be negotiating but would just be gathering information for the Committee to make a recommendation to Council. Mayor Ficek responded that was correct. Attorney Connelly added that designating staff to negotiate allowed the Committee and Council to go into Executive Session to privately discuss and protect negotiating abilities.

MOTION: Councilor Wells made a motion that the Council appoint Chief Morris to be the City's representative for this property negotiation. The motion was seconded by Councilor Leach and the motion passed by a vote of 5 to 1 with Councilors Ceniga, Wells, Washburne, Gambee, and Leach voting in favor and Councilor Thomas voting against.

Mayor Ficek thanked Senator Manning for joining them and bringing such wonderful news for the community. She thanked him for all he did for Junction City and added that they appreciated him being their senator. Senator Manning responded that it was an honor and he would be back to find out what the City was thinking and how he could help them at the state level. He added that Junction City was a great city with great people, and he would stand with them and work for them.

4. Adjournment of Work Session

Regular session was adjourned at 7:11 p.m.

Break was called at 7:11 p.m.

WORK SESSION

1. Call to Order

Mayor Ficek called the Work Session to order at 7:19 p.m.

2. Council Training

Attorney Connelly provided Council training on Public Contracting and Land Use and reviewed a Power Point document.

Public Contracting

Types of Contracts

Attorney Connelly noted that there were different procedures for different types of contracts:

- Goods and Services – i.e., janitorial services, personal property item.
- Public Improvements Contracts – Construction contracts. BOLI got involved and there were prevailing wage issues. Much lower limits that required formal procurement procedures.
- Regulated Personal Services – Primarily known as architect and engineering contracts.
- Exempt Personal Services – i.e., attorney services and services that required exercising of judgement, a high level of training, and specialized expertise.
- Flow Chart included in packet and showed the various types of contracts and the threshold requirements for direct award, quotes, or formal bids.
- If someone was unsure where something might fall, check with the City Administrator.

Types of Procurements

- Direct Award – Could do under a certain dollar threshold and had to make sure the product or service provider was qualified. Goal was to promote efficiency. Example, Goods and Services under \$10,000 could be directly awarded.
- Informal – Within a certain dollar threshold range. Three quote process.
- Formal – Over a certain dollar threshold required a formal procurement process that required public notice, a written solicitation, bid packets, timeline for bid submittal, protest time period, formal review, awards on price or weighted criteria, etc. Usually over \$100,000 or \$150,000, depending on the kind of contract.

Exemptions

- Section in the back of the City's Public Contracting Rules on Class Exemptions. Had sections describing the kinds of contracts that have a different procurement process or no procurement process.
- By Contract – City could adopt an exemption on a case by case basis.

Spending Authority

- The City Administrator's spending threshold was up to \$15,000 and in an emergency up to \$25,000, so anything over that had to have Council approval.
- Department Heads spending threshold was up to \$5,000 and in an emergency up to \$10,000.

Land Use Procedures

Heavily Regulated by State Law

- Substantively – State statutes told the cities what to adopt and how to adopt. The state and federal constitution weighed in here as property rights were an incredibly valuable commodity in the United States and you did not mess with people's real property rights without a good reason and the right to process supporting it. The state of Oregon really valued rural land uses, so our land use system was set up to ensure that we built up and not out and if you were going to expand your City Urban Growth Boundaries, there was a much tougher process to go through that involved statewide planning goals, county approval, and a standard land use process at the local level. If you wanted to expand your UGB, you had to show a need.
- Procedurally – The constitution, state law, the City's code provides the regulations on how to conduct land use decisions.
- Sources of Law Chart – Constitution, State Statutes, Statewide Planning Goals, Oregon Administrative Rules, Comprehensive Plan – City and County, and City's Zoning Map and Development Code.

Legislative Actions

- Make policy decisions that applied to many.
- If the application satisfied all applicable criteria, even if it were not liked by some, the Council would approve it.

- Land development and land division would be done through ordinance that would amend the City's code.
- Planning Commission recommended and Council took the action.
- Discretionary within the limits of state law.
- LUBA (Land Use Board of Appeals) is where an unhappy applicant or someone who did not like an amendment that the Council made to the City's code would go to make an appeal of that decision.

Quasi-Judicial

- Council was essentially sitting as a judge on a land use matter. Important to ensure that process was very fair, and Council needed to be impartial, fair, unbiased and the decision needed to be based solely on the record and not from people talking to a Council member out on the street.
- Fact finding and application of established law/standard to a specific land use proposal that would apply to one or a few.
- If the application satisfied all applicable criteria, even if it were not liked by some, the Council would approve it.
- If an applicant did not like a decision of the Planning Commission, they could appeal to the Council.
- Must apply criteria in City Code – limited discretion.
- Usually applicant initiated and required notice to public, public hearing, script for Mayor, and written decision and findings required. 120-day deadline. Applicant could extend the 120 days to a time and date certain, but City could not require them to waive the 120 days.
- Impartial Decision Making
 - No Bias – Be able to be fair and impartial. If not able to, announce on record and recuse yourself from participating.
 - No Ex Parte Contacts – Meant outside the record and included any verbal, written, visual contact not on the record, i.e., newspaper articles, site visits, conversations with neighbors. Any exparte contacts must be disclosed at the beginning of the hearing. Contact with or questions to staff was not an exparte contact.
 - No Conflict of Interest
- Decision must be based on information in the record.
- Practical Tips for Handling Ex Parte
 - Think of yourself as judge
 - Develop your own script to politely turn folks away from the topic and that they could share their comments at the public meeting.
 - Keep track of any contacts
 - After hearing was closed, but a final decision would come back at another meeting, that was when a Council member needed to be extra vigilant to not have any exparte contacts, as a decision had not yet been made.
- Planning staff kept track of and maintained all records and prepared a staff report that included all the applicable documents and criteria.
- Findings would be developed to explain why a decision was made and tied the applicable criteria to the evidence.

The Council thanked Attorney Connelly for the training.

3. Adjournment of Work Session

The Work Session was adjourned at 8:19 p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

Beverly A. Ficek, Mayor