

The City Council for the City of Junction City, met for a work session at 6:30 p.m. on Tuesday, June 22, 2021 at 680 Greenwood Street, Junction City, Oregon 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 Administrator, Jason Knope; City Attorney, Mark Wolf; Planning Technician, Tere Andrews; 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.

2. Mobile Food Carts

Planning Technician Andrews stated that before the Council was a review of Planning Commission text amendment recommendations to regulate mobile food units in the Central Commercial and General Commercial zones.

Background

Junction City Municipal Code (JCMC) does not specifically allow mobile food units. On August 11, 2020, the Council initiated a zoning code amendment to permit mobile food units as Conditional Uses in Commercial Zones. This was then sent to the Planning Commission to begin the land use code amendment process, which requires a public hearing before the Planning Commission and then a public hearing before the Council. The Planning Commission decided to hold some discussions on this topic before scheduling the public hearing, as they wanted to review what the City had related to mobile food carts, look at what other cities were doing, and review how the county and state regulated food carts. After many months of review, on May 19, 2021, Planning Commission recommended that the City's code be amended to permit mobile food units as a Temporary Use instead of a Conditional Use.

Related City Policies

- Junction City Comprehensive Plan, Chapter 4 Economic Element Goals and Policies, Policy 4.11.1 – Support activities that are likely to attract visitors to Junction City. Mobile food carts would be something that could attract visitors.
- JCMC 17.145.010 Authorization to Initiate Amendments.

Planning Commission Review

- Currently three ways the City reviews mobile food units:
 1. Special Events: Limited duration as part of a special event, such as the Scandinavian Festival or Function 4 Junction. The event organizer comes to Council, where conditions of approval are approved. The event organizer is responsible to make sure the mobile food units comply with the conditions of approval. Any fees charged are between the event organizer and the mobile food unit.
 2. Temporary Business License: Up to 30 days. Examples are fireworks stands or Christmas tree lots. Staff level review, based on JCMC set criteria; \$45 per month.
 3. Temporary Use Permit: For a use not specifically allowed in a zone. Requires Planning Commission public hearing. Permit for one year, with two one-year extensions. Type III process, which requires a Planning Commission public hearing; application fee was \$650 and there was a six-week processing time.
- Lane County
 - Lane County requires each mobile food unit to obtain a Mobile Food Unit Permit through them, and that application process was very thorough and included submitting a site plan, having restroom facilities within 500 feet for customers if seating provided, having restrooms for employees, and having trash cans on site. Could have an agreement with a local business for restrooms/trash.
 - Some of the questions the Planning Commission had were addressed through Lane County's process, and the Planning Commission did not feel the City needed to duplicate efforts to regulate those things.
- Planning Commission thought the City's Code should regulate:
 - Placement of the mobile food unit.
 - Have proof of Mobile Food Unit Permit through Lane County.
 - Unit should have property owner permission to locate on property.
 - Charge an annual permit fee that was affordable.

- Address signage, seating, access management, parking, unit orientation, trash/garbage, setbacks, and utilities.

Planning Commission Recommendations

1. Add Code language defining Mobile Food Unit under JCMC 17.05.020: "Mobile Food unit" is any vehicle used to sell and dispense food to the general public that is self-propelled or can be pulled or pushed down a street or highway."
2. Add Code language regulating Mobile Food Units under JCMC 17.135.030, Temporary Uses:
 - Temporary use permit for mobile food units. Placement of mobile food units would be in General Commercial (GC) and Central Commercial (C2) zones and require an annual permit using a Type I procedure. Applicant would have to meet the following criteria:
 1. Provide proof of commercial property owner's permission.
 2. Unit would be located within appropriate setbacks.
 3. Ingress and egress are safe and adequate for unit and other uses on property, per City Code.
 4. No parking spaces would be utilized by customers and employees of mobile food unit that were required for the property owner to meet their minimum parking requirements under City Code. (There was a parking exemption for the downtown C2 area, but the commercial properties in the GC zone along the highway were required to have a certain number of parking spaces based on the type and size of business).
 5. Mobile food unit would not cause an impediment or hazard to pedestrians in the area of use.
 6. Mobile food unit would not create adverse off-site impacts, including vehicle traffic, noise, odors, vibrations, glare, or lights that affect nearby use.
 7. Mobile food unit would comply with all applicable Oregon Health Authority Mobile Food Unit License requirements as enforced by Lane County Health Department.
 8. Mobile food unit would comply with applicable building code requirements.
 9. Signage, other than information painted or written directly on the mobile food unit, shall comply with City Sign Code.
 10. Mobile food unit could be adequately served by City water and sewer services, if applicable (applicant would be responsible for obtaining any related permits).
 11. Temporary use permits for mobile food units would be effective for 12 months from the date of issuance. After 12 months, the applicant must remove the mobile food unit or renew the temporary use permit.
 12. Mobile food unit would be secured against unauthorized entry and protected from potential food contamination while not in use.
3. Add code language to JCMC Table 17.150.070 for the review process of "Temporary Use Permit for Mobile Food Unit" as Type I, which would be staff review only. The Planning Commission wanted this to be a fairly simple, straightforward process where it took a few days to issue a license with a Type I process instead of many weeks as would be the case with Conditional Uses or a Type III Temporary Use Permit.
4. Affordable annual application fee of \$100.00, pro-rated for a portion of one year. The Planning Commission wanted this fee to be affordable.
5. Exceptions to the permit process for Mobile Food Units:
 - a. Invited by a business owner for a period of 72 hours or less, and
 - b. Located on a site for 21 or fewer non-consecutive days in a calendar year.

Questions/Comments from the Council:

- Councilor Washburne asked if the unit would need to meet state fire code. Technician Andrews responded that language could be added to Criteria 2(8) that they have to meet building codes and state fire codes.
- Councilor Wells noted that in addition to the \$100 fee to the City, the Lane County fee was \$310 a year, so the food carts would be looking at a minimum of \$410. Technician Andrews confirmed that Lane County would charge a fee and said the City would be approving the placement of the cart and Lane County was approving the cart itself.

- Councilor Leach noted that Lane County covered all the bases for health and safety, food handler's licenses, etc., and the County would not approve the cart unless it passed all those requirements. Technician Andrews responded that was correct and the City would require proof of Lane County's approval with the unit's permit number.
- Councilor Wells thought Lane County did an excellent job on their 12-page application and he appreciated having that information.
- Councilor Thomas asked if there would be a limit on how many carts could be in the City. Technician Andrews responded no, but the Planning Commission felt that the City's criteria would limit the number of food units, because of location and parking requirements. If a business only had enough room in their parking lot for their own required parking, it would eliminate them as a candidate for a food cart. In the downtown area, there was a parking exemption, but food carts could not be on the street and would not be allowed on City parking lots or City property.
- Councilor Thomas asked if too many food carts would hurt the restaurants. Technician Andrews responded that the Planning Commission had discussed that, as that was one of their concerns. The Planning Commission did not want to create a lot of competition for existing restaurants and felt the criteria would limit the number of locations that would be good candidates for mobile food units. She cited the example of the large commercial center north of town possibly being a candidate for mobile food cart placement, as they had a fairly large parking lot and more parking there than required for the current businesses.
- Councilor Ceniga asked if a food unit located in that commercial center would need to work with a local business to use their restrooms. Technician Andrews responded yes.
- Councilor Ceniga noted that the cart would have to provide garbage cans and asked if there was anything in place for what they would do with that garbage. Technician Andrews responded that there was not, and garbage services should be added to City Criteria 2(10) along with unit could be adequately served by City water and sewer services. She added that in the written statement from the property owner saying that the mobile food unit had permission to be on their property, they could also include that they have permission to use their garbage services and they would have a private arrangement as far as how that was paid. This could be similar to an arrangement with the business to use their restrooms.
- Councilor Leach asked if staff had reached out to the local restaurants on this. Technician Andrews responded not yet, but Nelson Rosales, the owner of the Beer Station, was aware of the discussion. If the Council wanted to move forward on this, the next step would be to schedule a Planning Commission public hearing and part of that requirement would be notifying the local restaurants and allowing them opportunity to provide testimony. That would also occur for the public hearing before the Council.
- Councilor Washburne said one of his concerns was that too many food carts would take away from everybody else in town. He thought they should put a limit on how many could actually come into town. Councilor Wells noted that it might be difficult to come up with the right number and may legally be difficult to defend. Administrator Knope added that the number of carts at the Beer Station varied.
- Councilor Leach stated that the criteria would limit the number of carts that could come into town. Technician Andrews responded that was correct and carts would be limited by parking and location requirements; if a business only had enough required parking for their business, a cart could not locate there. In addition, units would be limited if the business was located fairly close to the sidewalk and there might not be enough room to locate a food cart, even if the business had enough parking. The General Commercial zones did not have setback requirements, but if they abutted residential areas, they did have to follow setback; that would involve some properties along Ivy Street. Administrator Knope added that many businesses that might have extra parking were restaurants and they might not be inclined to add a mobile food cart right next to their business.

- Administrator Knope stated that a lot of this code would fit with the Beer Station business model. Technician Andrews stated that one thought she had in reference to the limit would be to add a definition for a food pod and set a minimum and maximum number. Councilor Washburne responded that would help.
- Councilor Gambie asked about the type of process this would be. Technician Andrews responded it would be a Type I which was a staff level review with the objective that the criteria would include all the necessary requirements that staff would follow. The Planning Commission recommended using a Type I review process, to expedite the application process, instead of other types of review that required Planning Commission involvement and/or hearings. She added that the Planning Commission had looked at examples from the cities of Veneta and Cottage Grove, both of whom use a Temporary Use Permit process that was also done by staff review.

Summary of Council Discussion

- Add language to the criteria that the unit would have to meet building and fire codes.
- Add definition of a food pod that would have an upper limit on number of carts.
- Add language on garbage services to City Criteria 2(10)...can be adequately served by City water, sewer, and garbage services.

The Council consensus was to have Technician Andrews make the changes as noted by the Council and then to proceed with the hearing before the Planning Commission. Council members noted that the public hearing process would allow public input and further discussion by the Planning Commission before it came to Council, so additional changes could be made if necessary.

3. Council Policies and Rules

Councilor Wells shared that he had requested this item to find out where the Council rules were located, so Council members and citizens could readily access and be aware of them.

Administrator Knope responded that the City Charter laid out the ability for the Council to have rules and there were some rules in the City Code. He continued that over the years, various Councils had talked about creating more specific Council rules that would include things like guidelines on Council conduct during meetings, but that had never occurred for a variety of reasons. He noted that Attorney Wolf was gathering some Council rules examples.

Attorney Wolf responded that was correct, and he had looked at some other city's rules, including Cottage Grove's. The idea was to get some basic ground rules for the process and procedures during the meeting, such as setting agenda items, roles of the Mayor and Councilors, etc.

Councilor Wells stated that a few meetings ago they had an issue with Revolving Loan Fund (RLF) Committee appointments and Mayoral and Councilor responsibilities, which ended with no decision being made. He noted that if they had rules in place, they could have addressed that then and not had to delay those appointments. Administrator Knope responded that was a bit different, as the rules for RLF appointments were already established and in writing, but they could add language on the steps to take if nobody agreed on the appointments.

COUNCIL CONSENSUS: Attorney Wolf would gather Councilor Policies and Rules examples from other cities and bring those to a future Council Work Session for the Council to review. It was noted that the Council could discuss and then come up with what they wanted the City of Junction City's Council Policies and Rules to be.

The Council then briefly discussed other types of rules, such as a Councilor missing 3 meetings and other guidelines for the Council that were already in writing and that it might be nice to have a cheat sheet of where these items could be found. Administrator Knope noted that it sounded like there was interest in a Council version of something like an employee handbook, where the different rules would be referenced in one location.

4. Discussion of City Administrator's Job Description and Responsibilities with City Attorney per Charter.

Administrator Knope handed out copies of the City Administrator job description and his contract with the City.

Councilor Ceniga noted that Administrator Knope had not received an evaluation from the Council in the six years that he had been City Administrator and she felt this needed to be done. She added that it was not fair to Administrator Knope or to the current Council that it had not been done.

Attorney Wolf stated that the best place to start would be to look at the City's current performance evaluation guidelines and for the Council to choose a process that they would prefer. He noted that the Administrator Knope's employment agreement referred to an annual performance review being done in February.

Administrator Knope responded that the intent was the review would occur no later than February, with the mindset that any pay increases would be decided before the budget process. Administrator Knope added that for budget purposes, it would actually be better for the review to occur in November or December. Councilor Ceniga added that would also give new Council members a longer service time, before doing the evaluation. Attorney Wolf stated that he did not see a prohibition in the contract or need to change the contract language for a review to occur at another time, such as in November or December.

Councilor Gambee stated that even though they had not done an official evaluation, he and other Council members had given hundreds of comments on the record about Administrator Knope's performance over the years.

Mayor Ficek called a break at 7:43 p.m. Regular session reconvened at 7:47 p.m.

Councilor Wells stated that he had asked for this agenda item and felt that it would be important to give Administrator Knope an appraisal, as it was an official document. He continued that while comments at meetings were valid, an appraisal was a legal document that pay increases and other important things were based off of. He noted that if the Council set an example that the City Administrator did not deserve an appraisal, than they were setting an example that the City Administrator's direct employees or other staff in the City did not deserve one either.

Councilor Wells stated that other than an appraisal, he wanted to discuss the City Administrator's job description and responsibilities and had some examples to review:

- If there were complaints against City staff by the Mayor, Councilors, community members, or other organizations like the School District, who responded to those.
 - Administrator Knope responded that there were two City complaint processes on personnel: One specifically for the Police Department, which went through the Police Department and were processed by Deputy Chief Markell, including review of body camera footage. The other process was for other City personnel. He gave some examples of complaint processes and resolutions. He noted that if police investigation body camera footage showed that an outside investigation was warranted, he would contact Oregon State Police. He added that he would never follow up on a complaint made on Facebook and that everyone needed to follow the complaint process, which started with submitting complaints on a specific form.
- City Hall was closed for a COVID issue, but the Council had not been notified in advance.
 - Administrator Knope responded that this was within the City Administrator's authority, but how things like this were reported out could be better flushed out within Council rules. He noted that the protocol on this was based on what had been done in the past, which did not work well in this case; consequently, he had made adjustments to make sure he was reporting out better to the Council so they did not get caught off guard.
- Since Administrator Knope's office was no longer at City Hall, how could he supervise the employees located at City Hall.
 - Administrator Knope responded that he moved his office down to Internal Services initially, as one staff member was new, the department was in transition, and they were working on important I.T. projects, so more direct supervision was needed. He felt comfortable doing this as he had good, long time employees at City Hall.

Now that Internal Services was more up to speed and he was supervising two Community Services employees, he would begin splitting his office time between City Hall and Internal Services.

- Without a Human Resources (HR) staff member currently, who did employees go to if they did not feel comfortable going to the City Administrator.
 - Administrator Knope responded that an employee needed to go to the direct supervisor first and then HR issues worked their way up the chain of command, if necessary. He noted that many employees had not felt comfortable going to HR, as the HR Manager position was new, and employees were not used to that. He noted there were many levels of HR, and the appropriate level would be hired to meet the needs of Junction City. He explained the processes more in detail and differences between complaints and grievances and noted that guidance on this was provided in the Employee Manual and Union Contracts.

Councilor Leach stated that she felt it was important to have some sort of HR staff, as the City was growing, and they needed to get back up to speed on staffing. She noted that they had lost a planner and Community Services Director. Administrator Knope responded that the planner and Community Services Director positions had been budget related.

Councilor Gambie noted that he was in favor of doing the City Administrator evaluation within the next six months. Mayor Ficek responded that Attorney Connelly was working on the City Administrator evaluation process and that would be brought back to the Council for review.

5. City Email Accounts for Elected Officials

Administrator Knope stated that staff had found licensing for emails only at \$6.00 per month and had purchased 15 licenses for the City Council and Planning Commissioners to have official City emails.

Councilor Wells thanked Administrator Knope for doing this, as there were concerns with using private emails for City business and having official City emails would be a great tool for citizens to use as well. Administrator Knope added that the City emails could also be given to LCOG and other entities that preferred not to use private emails for government business.

Mayor Ficek and other Council members thanked Administrator Knope for setting this up.

Council members expressed their appreciation for this Work Session and expressed how valuable it was to be able to discuss important topics in this type of format.

6. Adjournment

As there was no further business, the meeting was adjourned at 8:24 p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

Beverly A. Ficek, Mayor