

The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, August 10, 2021 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, Beverly Ficek; Council President, Ken Wells; Councilors Sandie Thomas, Sidney Washburne, Andrea Ceniga, John Gambee, and Karen Leach; City Administrator, Jason Knope; City Attorney, Ross Williamson; Police Chief, Bob Morris; Public Works Superintendent, Jeremy Tracer; Finance Director, Mike Crocker; 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. Changes to the Agenda

None.

3. Approval of Minutes – July 13 and 27, 2021

Councilor Ceniga noted a correction to the July 13th minutes, Item 14 Committee Reports, Public Safety Committee Chair should read Councilor Gambee.

MOTION: Councilor Washburne made a motion to approve the July 13, 2021 minutes. The motion was seconded by Councilor Thomas and passed by unanimous vote of the Council.

MOTION: Councilor Gambee made a motion to approve the July 27, 2021 minutes. The motion was seconded by Councilor Washburne and passed by unanimous vote of the Council.

4. Public Comment on Items not Listed on the Agenda

Mr. Darin Olson, 1715 W. 1st Avenue, Junction City, asked if the City could find out if the speed limit could be lowered on High Pass/1st Street, as the speed limit went up quickly going down High Pass. He noted that there were new housing developments going in and there could be a bad accident at the Oaklea Drive and Pitney Lane intersections. His second concern was that the traffic on Ivy Street was increasing and it was sometimes hard to make a left-hand turn. With the current and future growth in the City, the traffic would only get worse and he wondered if anyone at the City had talked with the state about doing something to address that.

Mayor Ficek thanked Mr. Olson for his comments and said she would look into both of those concerns and get back to him.

Senator James Manning stated that he wanted to provide a review on the recent legislative bill and ARPA (American Rescue Plan Act) funds. He continued that four million dollars in ARPA funds had been given to every senate district in Oregon, and the purpose of that funding was to do pet projects that were shovel ready. They were given one week to decide where these funds would go, and he reviewed the projects for his district that included north and west Eugene, Junction City, and Lancaster. He had one day's notice to reach out to Junction City for potential projects or they would lose the funding, so he contacted the Police Chief and they spoke about funding for the Police Department facility expansion and he contacted Mayor Ficek where they spoke about funding for a Community Center facility project. There were federal government guidelines as to what these funds could be used for; he vetted both of Junction City's projects to make sure they met all applicable criteria. He added that once submitted, the projects could not be changed. The legislative bill for this funding had been approved by the senate and house and was signed by the governor on August 6th.

Senator Manning continued that he had heard some Councilors talk about wanting a new City Hall, which he agreed with. What he would need the City Council to do first was make a formal request. He would then carry that request and work as hard as he could to ensure that Junction City got a new City Hall. Senator Manning expressed condolences to Mayor Ficek on the recent loss of her husband and shared that he was going through the same thing with the recent loss of his wife. He thanked Mayor Ficek for her willingness to be a public servant, as this was admirable and spoke volumes of her character and integrity. Senator Manning introduced his legislative director Kenzy Seifert and noted that she could assist the City on what was needed for any project requests.

Mayor Ficek thanked Senator Manning for taking the time and trouble to come and visit with the Council and thanked him for his kind words.

5. New Staff Introduction – Library Coordinator Michelle Schneider

Administrator Knope introduced new Library Coordinator Michelle Schneider. Coordinator Schneider shared that her background included 20 years working for the National Parks Federal Archives and National Archives. She had also worked at the University Valley Library at Oregon State University. She was excited to work with the community and develop programming for patrons.

The Council welcomed Coordinator Schneider.

6. Public Hearing – Zoning Code Text Amendment Regulating Mobile Food Units (File #AMD-20-19)

Mayor Ficek opened the public hearing and read the required public hearing script at 6:53 p.m.

Staff Report

Planning Technician Andrews reviewed that this was the second of two required public hearings for a Type IV land use to amend Title 17 of the Junction City Municipal Code (JCMC) Zoning and Land Use Code to regulate Mobile Food Units. On August 11, 2020, the City Council initiated a text amendment to the Zoning and Land Use Code to regulate Mobile Food Units as conditional uses in Commercial Zones, per JCMC 17.145.010. This would have been a Type 4 Land Use, requiring a public hearing only before the Planning Commission; the conditional use permit process would take approximately six weeks and an approved conditional use permit would be valid until that use was discontinued. Prior to scheduling that public hearing, the Planning Commission held discussions at several meetings between September 2020 and May of 2021. After extensive review of applicable code, Oregon Health Authority and Lane County guidelines on Mobile Food units, what other cities did, as well as current City practices with food units at Special Events and under a Temporary Business License, the Planning Commission made different recommendations than what had been initiated, and those recommendations were reviewed with the Council at their June 22, 2021 Work Session. The Planning Commission recommendations included that Mobile Food Unit permit applications be reviewed as a Temporary Use, Type I Land Use action, instead of as a Conditional Use. Type I actions were staff level review and required that the criteria be pretty cut and dried and not require interpretation or legal judgment. Many other cities regulated Mobile Food Units under the Temporary Use Permit process.

Technician Andrews stated that the Planning Commission held the first required public hearing on July 21, 2021. Notices were sent out as required and to local restaurant owners. Testimony was received from one Mobile Food Unit operator as well as the owner of the Beer Station, Nelson Rosales; both testified in favor of the proposed amendments. At the public hearing, the Planning Commission made four different recommendations:

1. Remove the definition of a Mobile Food Pod, because it was not applicable anywhere else, and the regulations for the placement of the Mobile Food Units would limit the number of units at any one location.
2. Remove that no parking spaces would be utilized by customers and employees of the Mobile Food Unit that are required for the property owner to meet their own minimum parking requirements. They felt that the remaining proposed criteria addressed parking through the property owner's permission because that was required for the Mobile Food Unit to locate on a location.
3. Add "it's placement" language to Criteria #7 so it would read, "the Mobile Food Unit and its placement will comply with building code and fire code requirements."
4. Add a section for modifications to modify an existing valid permit, so that the Mobile Food operator could change locations. They would need to provide an updated site plan, proof of the new commercial property owner's permission, and be able to show that the new location and placement met the criteria under the Temporary Use Permit for Mobile Food Unit proposed code.

Technician Andrews continued that a housekeeping issue came up during preparation for the Planning Commission public hearing in the City's Code for general Temporary Uses and not for the Temporary Use Permit for a Mobile Food Unit, and staff recommended that a

portion of a sentence at the end of Chapter 17.135 Exceptions for general Temporary Uses be removed and amended as follows:

The following category of uses shall be exempt from the requirements of this chapter:

1. Temporary uses that do not exceed one week per year and that have been recurring on an annual basis ~~for more than five years prior to adoption of the ordinance codified in this chapter.~~

Technician Andrews stated that this code section was written in 1991 when there was only one multiple day event occurring on a regular basis (Scandinavian Festival). Since then, the City has other multiple day events, such as the Function 4 Junction. By striking that language, it helped clean up the code, so the Function 4 Junction did not run into an issue in the future.

Technician Andrews continued that the Planning Commission also recommended that the following would be exempt from having to obtain a Mobile Food Unit Permit:

1. Mobile Food Unit operators on a single site that were invited by the property owner or business owner for less than 72 hours This would apply to a business having a grand opening or something similar.
2. Mobile Food Units operating on a single site for a maximum of 21 non-consecutive days per calendar year.

Councilor Thomas shared the example of the Beer Station adding three new carts and asked if the Fire Department would do an inspection before their permits would be approved. Technician Andrews responded that the Fire Department would be notified when an application came in and using the example of the Beer Station, they would have to submit a new site plan showing where the additional units would be located. Staff would review it for the criteria in the code and it would be given to the building official and Fire District for their review and comment and those comments would be given back to the Mobile Food Unit operator or the Beer Station.

Councilor Thomas noted that there would be a lot more propane tanks. Technician Andrews responded that had been one of the Planning Commission concerns, and criteria was added to address that.

Councilor Ceniga stated that she wanted to check on the garbage requirements. Technician Andrews stated that garbage services were added to the criteria after the Council Work Session under 17.135 that the Mobile Food Unit could be adequately served by City water, sewer, and garbage services. She added that the Lane County permit for the Mobile Food Unit stated that they had to offer garbage service to their customers, but this addition would require them to have garbage services, whether that be through the property owner that they would be working with, etc.; they would have to show how they were going to get rid of their garbage.

Proponent Testimony

Ms. Tess Gardner, 810 Birch Street, Junction City, stated that she was a proponent of the proposal to change the municipal code; however, she wanted the Council to understand that there were no regulatory agency that oversaw liability insurance for food trucks. She continued that she was a food truck owner, so knew this. She asked the Council to please consider requiring liability insurance proof as part of the application process to ensure public safety for everyone involved.

Neutral Testimony

None.

Opponent Testimony

None.

Questions from the Council

Mayor Ficek asked about the liability insurance. Ms. Gardner responded that it could be added to the criteria and they would have to show proof.

Mayor Ficek asked how the Council felt about that.

Councilor Thomas responded that she was in favor and that made sense.

Mayor Ficek noted that she was seeing other Councilors nod their heads in agreement so there was a consensus. She asked if legal counsel had any input.

Attorney Williamson stated that he did have one concern on that issue, and it might be worth having staff do a little research and come back to the Council on this. He continued that the City of Eugene had been sued a few decades ago; they had required taxi drivers to have insurance and if staff did not follow up and make sure that they actually had insurance, there was some potential liability on the City. He stated that he understood that requirement and the need and want for it, but the flip side of that issue was that if staff did not follow up and ensure that the insurance was obtained and maintained, there could be a problem for the City.

Ms. Gardner stated that there was a program called FLIP (Food Liability Insurance Program) and all food truck owners should have that. This protected the public, the food owner, and the business/property owner from any and all type of liability like an awning falling down and causing injury or to a food borne illness causing injury. It also had provisions for fire hazards and other things of that nature. It cost approximately \$300 a year and was an annual policy. The reason she suggested it was because you had to pay for it for the entire year. If the proof were shown, the City would not have to follow up with it until the renewal process, in which case they would have new information that they had renewed their policy.

Mayor Ficek thanked Ms. Gardner for that information and asked how the Council would like to proceed.

The Council consensus was to continue the public hearing, have staff look into this and bring back to the next regular meeting.

Councilor Leach asked if any feedback was received from the restaurants in town. Technician Andrews responded that none was received. Technician Andrews had mailed notice to the restaurant physical address, the business owner registered with the state, and to the property owner.

Mayor Ficek stated that this public hearing would be continued to the September 14, 2021 Council meeting at 6:30 p.m.

7. Pacific Power Franchise

Administrator Knope presented the Pacific Power franchise agreement. The Finance and Judiciary Committee reviewed on July 1, 2021 and recommended approval.

A. Ordinance No. 2 – An Ordinance Approving a Non-Exclusive Franchise with PacifiCorp for the Operation and Maintenance of a System to Provide Electric Services, Delegating to the City Administrator the Authority to enter into Said Franchise, and Declaring an Emergency.

Administrator Knope read Ordinance No. 2 in full.

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

Administrator Knope read Ordinance No. 2 by title only.

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

8. NW Natural Franchise

Administrator Knope presented the NW Natural Gas franchise agreement. The Finance and Judiciary Committee reviewed on July 1, 2021 and recommended approval.

A. Ordinance No. 3 – An Ordinance Approving a Non-Exclusive Franchise with Northwest Natural Gas Company for the Operation and Maintenance of a System to Provide Natural Gas Services, Delegating to the City Administrator Authority to enter into such Franchise, and Declaring an Emergency.

Attorney Williamson read Ordinance No. 3 in full.

MOTION: Councilor Gambie made a motion to read Ordinance No. 3 by title only. The motion was seconded by Councilor Wells and passed by unanimous vote of the Council.

Attorney Williamson read Ordinance No. 3 by title only.

MOTION: Councilor Leach made a motion to adopt Ordinance No. 3. The motion was seconded by Councilor Thomas and passed by unanimous vote of the Council.

9. **Petersen Street Closure Request**

Superintendent Tracer presented the street closure request from Jackie Petersen. The Community Development Committee reviewed on August 4, 2021 and recommended approval.

Because of increased COVID concerns, the Council consensus was to add the following to the Street Closure Conditions: Applicant will follow all state and local health guidelines.

MOTION: Councilor Ceniga made a motion to approve the street closure request for the Petersen Street Party on August 21, 2021 as conditioned in Attachment B with the nonexclusive use of City streets for street closure from 6:00 p.m. to 11:00 p.m. The use of City streets will apply to the section of 13th Street between Oaklea and Tamarack Street, and applicant will follow all state and local health guidelines. The motion was seconded by Councilor Washburne and passed by unanimous vote of the Council.

10. **Future Wells**

Superintendent Tracer presented the request to have HBH Engineering solicit bids to drill two to three test wells on the west side of Highway 99. The Public Works Committee reviewed on August 2, 2021 and recommended forwarding to Council for approval.

MOTION: Councilor Ceniga made a motion to authorize the Test Well Project and to have HBH Engineers solicit 3 bids for this project. The motion was seconded by Councilor Washburne and passed by unanimous vote of the Council.

Mayor Ficek called a break at 7:43 p.m. The meeting reconvened at 7:51 p.m.

11. **Accountant Job Description**

Director Crocker presented an updated Accountant job description. The Finance and Judiciary Committee reviewed on August 5, 2021 and recommended approval. Director Crocker noted that Accountant Dallice Drake would be retiring at the end of this year after 18 years with the City. Councilor Ceniga stated that she appreciated everything that Accountant Drake had done for the City and would be sad to see her go.

A. Resolution No. 2 – A Resolution to Update the Accountant Position Pursuant to Personnel Policy Section 4.2 and Assigning a Range within the City's Compensation Schedule.

MOTION: Councilor Ceniga made a motion to approve Resolution No. 2. The motion was seconded by Councilor Leach and passed by unanimous vote of the Council.

12. **Municipal Judge Pro Tem Appointment**

Director Crocker presented the request from Judge Wiese to appoint Cathy Ouellette as a Judge Pro Tem. He noted that Michael Vergamini would be removed as a Judge Pro Tem, as he was no longer available.

Mayor Ficek appointed Cathy Ouellette as Judge Pro Tem.

MOTION: Councilor Gambie made a motion to approve Mayor Ficek's appointment. The motion was seconded by Councilor Washburne and passed by unanimous vote of the Council.

13. **Revolving Loan Fund Committee Appointments**

Mayor Ficek asked staff to distribute copies of a Revolving Loan Fund (RLF) Committee application from Jon Edwards.

Mayor Ficek stated that she would like to appoint Kara McDaniel, Ethan Nelson, Craig Carpenter, and Jon Edwards to the RLF Committee.

Councilor Washburne stated that he thought the terms should be changed so that they were staggered and not all ending at the same time.

Councilor Gambie responded that the Finance and Judiciary Committee would be talking about this at their next meeting and would bring something back to the Council.

Mayor Ficek noted that she would like to see the RLF Committee up and running and then the Council could consider what the Finance and Judiciary Committee would bring back.

Councilor Washburne stated that he would like to see them vote on each person individually. Discussion followed on why the Mayor had appointed a new citizen member this time. Mayor Ficek responded that her previous appointments had not been approved by the Council, so she was bringing forward a different name. Per the RLF Criteria, the Mayor made the appointments, but the Council needed to approve those.

MOTION: Councilor Gambie made a motion to approve the Mayor's appointments. The motion was seconded by Councilor Wells and failed by a vote of 2 to 4, with Councilors Gambie and Wells voting in favor and Councilors Thomas, Washburne, Ceniga, and Leach voting against.

14. **Schedule Date to Discuss Council Goals and 5, 10, and 20 Year Plans**

Mayor Ficek asked for potential Saturdays for the Council to schedule a Council Goals Session and 5, 10, and 20 Year Plans.

The Council consensus was to meet on Saturday, September 11, 2021 or possibly Saturday, October 2, 2021. Councilor Wells noted that he was not sure if October 2nd would work for him.

15. **Council Agenda Forecaster**

Administrator Knope presented the forecaster. No changes made.

16. **Committee Reports**

Public Works Committee (August 2, 2021): Councilor Washburne reported:

- Discussed 3 test wells.
- Front Street had recently been paved, and Knife River did a great job.
- A lot of chip sealing being done in town to improve the streets.

Councilor Thomas asked how the Police Department back parking lot was recently paved. Chief Morris responded that River Bend had extra asphalt and had donated time and materials.

Public Safety Committee (August 3, 2021): Councilor Gambie reported:

- Reviewed parking on the wrong side of the street/wrong direction. The Police Department (PD) did some enforcement on that.
- Discussed people running lights at intersections on the highway. PD staff reported on technology measures that were already in place at some traffic lights and the possibility of installing some motion sensor cameras in the future that could potentially ticket violators.
- He invited everyone to come to Committee meetings or listen to the audio online.
- The Committee changed their standing meeting date to the last Thursday of each month.

Community Services Committee (August 3, 2021): Councilor Washburne reported:

- Talked about equipment purchase for the Reserve Park. Costs were higher than anticipated.
- Talked about the Raintree Parkland expansion.
- Hoped to have the pool open soon.

Community Development Committee (August 4, 2021): Councilor Ceniga reported:

- Talked about the new downtown streetlights and that they looked great. Had received a lot of positive feedback on them.
- Discussed having reader boards at each end of town and looked at various pictures for those. Hoped to get those up and utilized soon, especially with the City's 150th birthday right around the corner.
- Discussed whether they would like to have planter boxes downtown.

Finance and Judiciary Committee (August 5, 2021): Councilor Gambée reported:

- Discussed the Donation Policy that Council had directed the Committee to review.

Mayor Ficek expressed appreciation to the Committees for all the work and time they donated.

17. Staff Reports

Superintendent Tracer reported: Front Street was paved last week. Slurry sealing was done at 4th and Front. Public Works staff was installing a new sewer line in the field behind Christ's Center, setting up for the Scandinavian Festival, and issuing parking permits. The new building at Public Works was nearing completion; just waiting on Pacific Power to come out. Parks crew was getting caught up on maintenance and getting the pool ready to go.

Chief Morris reported: The department took the Public Safety Committee's direction to enforce wrong way parking and they had been very busy.

Director Crocker reported: Busy with recruiting; upcoming positions were HR Assistant, Accountant, and Senior Center Aide.

Attorney Williamson reported: Happy to attend the meeting.

Administrator Knope reported: The Community Services Committee was beginning the process to update the 2008 Parks Master Plan, which would be a very big project with a lot of community involvement. The Senior Center Advisory Board indicated that they were looking to start their programs again, and the City would be recruiting for the part time Senior Center Aide position. Finding people to volunteer had been difficult, and they had been experiencing that at the Library. In Internal Services, a roofing project would be occurring at the Community Center to address some leakage issues. In IT, the City would be looking at a local firm to assist with IT services. He expressed appreciation for what Public Works was doing; he and Director Kaping had worked a long time on getting a Projects Crew to be able to do more work inhouse and it was nice to see what they had been able to accomplish this summer.

18. Previous Month's Expenditures

Mayor Ficek asked if there were any comments or questions. There were none.

19. Councilor Comments/Questions

Councilor Wells stated that tonight they had a full agenda, had a lot of comments, and Council and staff had done a good job. He continued that one of the reasons he ran for Council was because of interactions at past Council meetings where there were terse conversations between Council members, Council members and staff, or Council members and the public. He felt that they let everybody down with how their last Council meeting had went. He noted that they all had to work together and remember to respect the input of everybody. He promised that he would do his best to present in a positive manner.

Councilor Gambée reviewed more specifics on the Public Safety Committee discussion on technology at 1st/Ivy and 18th/Ivy that calculated speed and mass as vehicles approached and would adjust the timing of the traffic signal lights based on that information. He added that Junction City was one of the only cities in Lane County with this technology, and he commended staff for pursuing this with ODOT (Oregon Department of Transportation). He expressed appreciation for Councilor Wells' comments. Councilor Gambée said that he left the last meeting with a different perspective, felt they had had a good American discussion, and he did not have any negative feelings towards anyone who voted differently. He did not expect everyone to agree and noted that they each represented a different part of the citizenry, of which there were different opinions. He appreciated the good discussions they were able to have as a Council.

Councilor Thomas stated that the Public Safety Committee was the only Committee that did not allow citizens to speak during the meeting and asked if Councilor Gambie would be willing to change that, as she thought it was important to allow the public to give their input.

Councilor Gambie responded that topic would be discussed at the Public Safety Committee, and he looked forward to talking about that. He noted that he would give it his full attention, the Committee would discuss, and then come to a conclusion that they all felt good about or at least that they had all voted on.

Councilor Ceniga encouraged the public to be a part of the meetings, and she expressed the importance of hearing from the public. She continued that it had been brought to her attention after the last meeting that there may have been some community members that were not happy with her after a particular vote and that they thought she might have committed an ethics violation. This was concerning to her, because if she had done something wrong, she would be the first one to step up and say she had done something wrong, apologize to the community, Council, and staff, and make it right. After this was brought to her attention, she immediately contacted City staff, who partnered with legal counsel, to find out if she had done anything ethically wrong or something she should not have done. She also called the Oregon Ethics Commission and told them what had happened, and they said there was no ethics violation. She continued that she was bringing this up, because it was important to her what the community said, and they had voted for her to represent them. She wanted the community to know that she was listening to what they had to say, wanted to hear from them, had the City’s best interest in mind, and would continue to represent the community the best that she could.

Councilor Washburne asked about the status of the banners that Jeff Curran from EJC (Energizing Junction City) had brought to the Council for review. Administrator Knope responded that he would need to reach out to Mr. Curran, to find out the status.

Councilor Washburne reminded the Council that the Scandinavian Festival processional and opening ceremonies would be held on Thursday, August 12th, and they were to meet at Washburne Park at 9:30 a.m.

Councilor Leach stated that it was a privilege working with these Councilors. She appreciated what Councilor Ceniga had said and noted that 50% were mad at you, 50% liked you, and you did the best you could. She expressed appreciation to Director Crocker for doing a great job. She loved this City and worked hard for this City. She agreed with Councilors Thomas and Ceniga that the audience should be allowed to speak at all Committee meetings. She expressed appreciation to all staff.

Mayor Ficek asked if a citizen present in the audience would like to speak.

Ms. Jo Dodd stated that she had owned a beauty shop in town for 50 years and provided some of her history. She had served on many boards and committees in the past and expressed appreciation to the Council for their hard work, time, and commitment.

20. Mayor’s Comments

Mayor Ficek encouraged everyone to go out and enjoy the festival. She noted that the Council could wear their name tags, so the public could know who they were. She thanked the Council for giving of their time and expertise and putting their own personal agendas aside to meet the needs of their growing City.

21. Adjournment

As there was no further business, the meeting was adjourned at 8:45p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

Beverly A. Ficek, Mayor