

CITY OF JEFFERSON
Regular City Council Meeting
March 9, 2017
6:30pm

COUNCILORS PRESENT: Walt Perry, Brad Cheney, Cyndie Hightower, Stan Neal, Bob Burns, Mike Myers

COUNCILORS ABSENT: Dave Beyerl

STAFF PRESENT: Sarah Cook, Lissa Davis, Jeff Buskirk

I. **COUNCIL MEETING CALL TO ORDER/FLAG SALUTE** – Mayor Hightower called the meeting to order at 6:30pm and led in the flag salute, then reminded everybody of the rules surrounding conduct for public meetings.

II. **WORKSESSION TOPICS**

A. Landmark’s Advisory Commission Presentation

Chairman, Mark Manning introduced all the members of the LAC, including Ron Gilles, Linda Baker, and Cleda Dawson. He offered a brief explanation on the purpose of the LAC, noting the importance of historic resources in the community, educating others on the rich heritage of those historic resources, documentation and recognition. The Commission had been off and on over the years and not much had advanced; however, they were a very active committee more recently, meeting monthly since the new members came on in 2015. Mr. Manning noted one of the important components of having a LAC, was to be designated as a Certified Local Government (CLG), which makes them eligible for grants.

Mr. Manning went on to describe a survey of historic properties that was done by university graduates, who identified 20 properties they felt could go on to higher level recognition. 2 properties were on the national registry, including the First United Methodist Church and the Jacob Conser House, of course. They were beginning to plan a summer concert series for local talent to play at the Conser House, in addition to other things they were involved in, including a booth at the Festival of Flowers. He noted they were quite a way behind surrounding communities that had many things going in their historic districts, but they remained hopeful. Mr. Manning spoke about the Main St. program participation, which big and small grants were available for things to beautify their historic district or properties. He expressed concern about the Conser House and felt for its successful preservation efforts, perhaps the City would participate in hosting a brainstorming session for the adaptive use of the Conser House once the library was moved. Jefferson Historical Society had been waiting in the background for plans relating to the future of the Conser House. He shared with the Council that at one of their very first meetings a man from U of O gave a presentation on the Conser House, noting how impressive and very unique it was. The shape it was in was phenomenal for an 1800’s building, but even still, there was great concern surrounding its future.

Last, Mark Manning noted the LAC was requesting a small line item, separate from the Conser House fund in the annual budget, for small supplies, perhaps to have some signs and flyers made for various events through the year; some funds to assist with concerts this summer. Also, they just wanted to let the Council know the Landmarks Advisory Commission was present and active and excited about the community and all the treasures in it, and they hoped the Council appreciated what Jefferson had and would be a part of keeping it preserved for the future.

Questions? Mayor Hightower asked Mr. Manning to expand on what U of O said about the plans or ideas for the Conser House. Mark Manning indicated that they had just talked about the historic value, but no real plans for it; but it was historically very important and he spoke on the unique architecture of that period.

Councilor Burns asked of any specific ideas for the Conser House, to which Mr. Manning shared that he could see it as a museum, even a partial one. Perhaps, maybe a small venue place for meetings or social events. Councilor Burns understood the building was in a bad state of repair and would be costly. Manning noted that once it was vacated, there were grant opportunities available. He also explained the other 20 or so properties that had been identified during the inventory, if you will. They were not all residences; the Mason Hall was one. The LAC sent letters out to those property owners to see if they wanted to involve their properties with the next level. There was talk on what regulations would be in place if a homeowner did join the registry with their historic property, to which Mr. Manning explained there were some stipulations at the national registry level, but not at the local level generally.

Councilor Neal was interested in the brainstorming session and Mark Manning agreed, noting that part did not have to wait for the Library to vacate and involving the public sooner than later would be great. Councilor Myers inquired about any dialogue they'd had with the Historical Society regarding plans for the Conser House. Mark Manning knew they were hoping for a museum but exactly what their plans were, he wasn't sure and thought it was more broad ideas at that point. Linda Baker felt it should be a community decision, not a decision of any one person. Discussion took place regarding the best timeframe to hold a Town Hall style meeting regarding the future of the Library and everybody agreed it would be a good idea to do so prior to one of the summer concerts. July 19th was selected, the night of the first concert at the Conser House.

Chris Giffin 207 Main St. – wondered if the SHPO grants, or any grants required matching funds, to which Lissa Davis, City Planner noted most did but it didn't always have to be a money match. Councilor Myers agreed a line item should be added to the budget for the LAC, all agreed.

Audrey Webster 170 8th St. – inquired about the ability to rent out the property as a way to generate funds, to which the City Recorder explained there was a policy in place that allowed for rental of the facility and gazebo and could be updated once the Library vacated. Mark Manning indicated a museum could also generate funds and bring people to the community where they would spend money in town. Going on, Mark Manning complimented Lissa Davis, noting she was so very interested in historic preservation and they appreciated her tremendously.

Councilor Burns said some of the Councilors had talked about the state of Main street and he felt it was most important and was all for the work they were doing and would be glad to help, as beautifying Main St. was certainly a focus of theirs coming on to Council. The Mayor thanked the LAC and expressed additional thanks to Mark Manning for his time spent at the elementary school reading to the kids. Councilor Myers added to that, explain Mr. Manning was the art teacher at the school for a tremendous amount of time and had inspired many.

B. Annual Rate Review

Sarah Cook provided explanation on the annual review, noting it was a task the City did annually, and while staff hadn't made any recommendations for change, she asked if anybody had any questions or felt there was a need for any changes. Councilor Burns commented that he didn't see anything at that moment but asked about meeting personally with the City Recorder later if needed. Councilor Myers noted that if there were substantive changes that any of them wanted to make, Council should make those points very soon because budget time was right around the corner and staff would need to know. The City Recorder went on to explain there were no recommendations for changing anything this year, as a lot of updating to rates had occurred last year. Councilor Myers provided an explanation on what System Development Charges (SDC's) were for the Mayor and offered some historical data on when those rates were increased and the initial push back the City felt by upset developers.

III. APPROVAL OF ACCOUNTS PAYABLE – 1st half for March

Councilor Myers moved to approve. Councilor Perry seconded. All in favor: Ayes – 5, Opposed – 0. **APPROVED.**

IV. VISITORS

Nathan Hightower, 664 High Ct. – Announced it was his 3rd reminder about the SunShot solar project application that still had not been processed and was due on March 17th, which there would not be another Council meeting before then. If there was no direction from the Mayor or Council, then he won't process it; however, he had it about 95% complete. He reminded the Council that if they went forward with the application, they had the possibility to receive up to \$100k in grants. He needed to know the City's decision sooner than later so he had at least a day or two to finish the application; noting the only thing needed at that point was a video session of the bridge, and to make it more appealing, to include the Council members and staff as part of the video as well.

Councilor Neal said the information had been presented before, it sounded great, and there was no expense to the City, so he thought they should go forward with a recommendation and wondered if it needed a formal vote or resolution. Councilor Perry asked again if he had permission of the owners of the bridge, indicating Mr. Hightower was talking to the wrong people as far as seeking permission. Secondly, if the bridge was on the historical registry it had to go through that process as well. Nathan Hightower responded that the bridge was being recorded as owned by ODOT and maintained by Linn County; however, Linn County maintained about 335 bridges with a \$5 million dollar budget and felt the request to both entities and the historical society could come later down the road, as this was a preliminary application. His primary point was that without the application, it will be too late. To Councilor Burns' question about what he needed from them specifically, Mr. Hightower indicated he didn't feel comfortable submitting to the Dept. of Energy without approval of the City Council and he needed some direction, further expressing that they could kill the application later for whatever reasons, but to not even apply would be unfortunate. Councilor Burns asked who the applicant was, to which Nathan explained it had to be a City or a low income housing district; therefore, Mayor Hightower's name would be on it.

Edna Campau 609 E Union – she felt any action on the bridge project was premature, asking if adjacent land owners had been surveyed to find out how they felt about night time lighting. She felt there was too much to be considered and no background work had been done.

Michelle Nunes, 296 N 2nd – agreed with Edna, noting that beautification of downtown Jefferson was a must and agreed it needed to happen. However, before they jump to a bridge lighting project, she felt there were more important things that needed attention than a bridge that didn't even belong to the City. Also, she noted that Mayor Hightower had said they thought of holding a town hall and would have an architect design it and she wondered if the architect would be drawn from a pool and not from somebody she knew personally.

William Brobst, 675 High Ct. – wanted to see the project get started; he said he's heard Council talk about wanting to draw people into the town and felt a lighted bridge would be a gateway into Jefferson. He felt it was just an application at that point, and could be stopped anytime.

Linda Baker, 1287 Filbert - questioned the process taken by Council, referring to how they could pass a resolution or perform some other form of action when it was not even an agenda item. Nathan Hightower indicated he didn't necessarily need a decision right then, but before the 17th and there was no meeting before that. He said he could submit the application as it was, but knew it would be denied and felt it would be better to have some form of direction from staff, Mayor or the Council, otherwise he will just let it sit. Councilor Myers asked the City Recorder for clarification on process, to which Sarah Cook explained there really were no examples she could offer because it was not standard practice for somebody else, with no authority, to apply for a grant on behalf of the City, as that was what staff was for.

Cathie Harrington, 229 Tanglewood – asked how much it would cost to have the design drawn up, to which Mayor Hightower explained seed money would be sent if the application was approved and that money could be used for architectural design.

Nancy Hamby, 664 Alder Ct. – felt if this project was important enough that Mr. Hightower wanted to move forward with it that they should form a 501c3 and do it himself; that it was not an item for the City Council to move forward with. She felt the process was strange, how they knew all about it, but nobody else did.

Tim Groome, 216 Faith Dr. – summed up the concerns he had heard, which included a citizen proposing a business proposition that was the Mayor’s husband, nobody did that kind of work for free, Council hadn’t said it was the direction they were going, no RFP’s had been filed for an architect, engineering, or solar company, most grants couldn’t be applied for on an idea without permission to do so. There was a weight restriction on the bridge, and he was sure Mr. Hightower hadn’t looked into that.

Audrey Webster – expressed concern about the issue not being on the agenda, noting its importance in allowing the public to know what would be discussed and decided upon. People in the community did not have the opportunity to be present because they weren’t informed it was on the agenda. If there was such a time concern it might have been prudent to have had the City Recorder put it on the agenda and it would have been more of a consideration.

Chris Giffin, 207 N. Main – questioned if there would be another opportunity the City could apply. Nathan Hightower responded that the application deadline was the 17th of March and SunShot would not open another opportunity again, as it was all dependent on the Dept. of Energy budget, which was being severely slashed. Chris Giffin was concerned it hadn’t been vetted by the public at all. She believed in private initiatives, and suggested they create a 501c3, which would likely get more grant money. She didn’t think the bridge project was suitable for a City to take on, and needed to be vetted by the community anyway. Nathan again explained the application had to come from a City. He reminded them it had been on the agenda before and he had brought it up twice since then, and there would be nothing in it for him except more work, all on a volunteer basis. As for somebody’s comment on RFP’s, Nathan explained he would want to utilize free money first if an architect was willing to work for free. Councilor Burns, to sum things up, we are talking about a project that would not cost the City any money, to which Nathan agreed, noting it should make the City money with all the power that would be made.

Ron Bilyeu, 272 North Ave, – Questioned once the money was received from the grant, how long the City had to put solar panels on the bridge, and since the bridge belonged to Linn County, wouldn’t the solar panels too. He doubted they’d give all that power to Jefferson.

Bill Stam, Cemetery Hill – didn’t believe it was a matter for the City and wondered what they’d do with the rusty railroad bridge beside it.

Nancy Hamby – clarified the cost to the City because at an earlier meeting it was stated it would cost the City about \$5k. Mayor Hightower noted it was free to the City.

Lisa Paul, Parrish Gap Rd. – was curious if the solar panels had to go on the bridge, perhaps a field instead so as not to burden the bridge. Nathan Hightower indicated there were many different ways to approach it, noting they could have a separate area for solar panels, but they would be easy to wrap the arch of the bridge with them because of their new light weight design. Ms. Paul confirmed whether or not the application said they had to be on the bridge, to which Mr. Hightower noted it was just an application to start with and could be modified.

Ron Gilles, 868 Marion Rd. – bridge is outside City limits and asked why the City Council was even dealing with the issue. Councilor Burns responded that it was a way to put some make up on the City so to speak, and whoever owned it was immaterial, as the goal was to light it. Mr. Gilles reminded them a City Council deals only with matters inside the City; outside the City was not their jurisdiction, so he was unclear why permission was being sought from the City Council of Jefferson.

Councilor Perry had been listening intently and wondered that since the application had to come from a City or from a low to moderate income housing district, was it for the purpose of lighting a bridge or for the purpose of lighting City streets, which Nathan indicated it was for both. Councilor Perry went on to talk about the last couple of years the Council had been working on a street light inventory and identifying dark places in town in the hopes to add more lighting as the budget would allow. He expressed frustration in that during all that time he'd never heard one word about having this opportunity, noting if he had come in and said there was a way to resolve some of the lighting problems in the City, he would have had ears perking up.

Chris Giffin – agreed with Walt Perry, explain that if that was the information they had received the first night, she certainly would have got behind it too. She encouraged the Council to try to focus on the problems at hand, and not frivolous projects like a bridge the City didn't own.

Councilor Neal felt the bridge was a safety issue at night and did not see anything negative about lighting it if possible. Councilor Burns deferred to the City Recorder on what the process would be, to which she explained that typically a standalone citizen would not be charged with applying for anything on behalf of the City; that if the Council chose to apply for something, they would have directed staff to proceed with it. Mr. Hightower commented that he would be willing to sit down with Sarah Cook and work with her to complete the application; he simply wanted somebody to make the application.

William Brobst – wondered if the application could be changed to account for better lighting in town, or was it the bridge or nothing? Nathan Hightower wasn't sure if it could be changed or not, but how the City used the power that was generated was up to them. He explained the bridge would only require about 1000watts to light and the rest of the 55k watts could be used for City lights. In response to another question about timing, Nathan indicated construction had to be completed by the end of January 2019.

Linda Baker – commented that the purpose of a public agenda was for the public to know what the Council was discussing and for them to understand how they came to a decision. She cautioned the Council that if they took action at the meeting, without public notice, she would raise whatever stink she could to make them follow the public meeting laws and suggested they call a special meeting if it was that important to them.

Audrey Webster – a solar eclipse was coming in August and she was aware of other communities in the area that had started planning things to accommodate big crowds, such as portable toilets, allowing camping spots, etc, and wondered if Jefferson should consider something to make a profit off of it as well.

Cathie Harrington – asked 4 questions of the Council; who the chief petitioners were for SRCOJ, and pointed out that Councilors Stan Neal, Brad Cheney, Bob Burns were listed on the court documents, but was curious who legally represented that group now. Councilor Neal and Burns replied that they did not know. Ms. Harrington inquired about who was financially supporting it, to which they indicated they did not know and Councilor Burns advised her to call the attorney handling that case, David Coulombe. Cathie Harrington confirmed with Sarah Cook that the City was in fact spending money on legal fees defending itself against a lawsuit, to which Councilor Burns retorted that the City wouldn't be if the City Recorder would change her decision.

Chris Giffin – pointed out again that the 3 named Councilors were all identified as the chief petitioners on the court documents suing the City of Jefferson and Sarah Cook. Councilor Neal, explained how they were a part of it. At that time, they were petitioners trying to get signatures; however, as soon as they found out they were elected to the City Council they resigned from those groups and are unable to have their names removed from those court documents, according to the Secretary of State. He further expressed that they were not suing the City and had not done anything with that entity since the first part of December, and that he had no idea who was making any decisions for that group or who was involved.

Nancy Hamby – felt that as a City Councilor, it would be wise for them to know who was suing the City. She also recalled a past meeting where Councilor Neal had indicated the cities of Corvallis and Philomath hadn't spent hardly any funds on legal fees related to SB1573; however, she spoke with representatives of those cities and learned Philomath has the same attorney, David Coulombe's law firm, on retainer and had paid them \$37k. Further, the LOC was an intervener and was not providing legal fees for those cities.

Margarete Robbins 212 S 3rd – was hard for her to believe the 3 named City Councilors and Mr. Hightower had distanced themselves from those committees because she sat in on a meeting with them when they had first formed J4J and felt they all ran for office for their own personal reasons.

Councilor Neal disagreed, noting he respected Councilors who had been there before him and explained that they had gone around and found out citizens wanted to vote on annexations and that was why they were on the Council; because citizens voted them in. He noted they were all trying to void any conflict of interests and had been in communications with OGEC.

Tim Groome – expressed concern for the Love's truck stop that planned to come into Millersburg and encouraged the Council to act through their MPO, as he was concerned with the amount of traffic it would generate through town.

Chris Giffin, 207 Main St. – indicated she had grave concern and wanted to read an email she obtained through a public records request process, from Councilor Burns. She explained it was an email from Bob Burns to Cyndie Hightower, Brad Cheney, and Stan Neal and proceeded to read an email where Councilor Burns expressed his desire for hiring a new attorney and that it should be David Coulombe, further noting his belief that the City Recorder was doing everything in her power to stop the referendum. After reading that, Ms. Giffin questioned how they could sit up there after saying those things and still say they weren't involved.

V. COUNCIL COMMENTS

Councilor Myers provided an update on the City banners, bringing the new Councilors up to speed on a project from last year. He spoke on his thoughts to bring back banners on pole's down Main St., utilizing the talent from the high school art class, etc. As far as judging them, he would be asking Mr. Manning, Marti Cheek and a local artist who had done very well, Chris Giffin. When complete, there would be 3 prize winners, \$150, \$100 and \$50 and the art department would receive \$200 for supplies. The art would be displayed at City Hall and the selected one would be made into banners for the City.

Second, Councilor Myers indicated he and Councilor Neal had been working on obtaining information on the old gas station property and possibly the wetlands property on 5th street. They were meeting with MC Chief Financial Officer later in March to start that dialogue.

VI. ADJOURNMENT - Councilor Burns moved to adjourn. Mike Myers seconded. All were in favor and the meeting closed at 8:23pm.

MINUTES APPROVED this 27th day of April, 2017.

Cyndie Hightower, Mayor

ATTEST:

Sarah Cook, City Recorder