

CITY OF JEFFERSON
Council Worksession
May 11, 2017
6:30 pm

Council Present: Walt Perry, Dave Beyerl, Bob Burns, Brad Cheney, Stan Neal

Council Absent: Mike Myers, Cyndie Hightower

Staff: Greg Ellis, Deanna Donato, Jeff Buskirk

I. **Call to Order/Flag Salute:**

Greg Ellis, Interim City Manager/Recorder, called meeting to order at 6:30 pm. He announced that since both the Mayor and Council President were absent it would be up to remaining Council to appoint a Chair to run the meeting. Councilor Neal nominated Councilor Beyerl and Councilor Perry seconded. No other nominations were made. All were in favor. Councilor Beyerl moved to Mayor's seat and then led in the flag salute.

II. **City Administrator/Recorder Report:**

Greg Ellis then asked Councilor Beyerl for a few minutes to show Council and visitors the new City website that had been under construction for about the last month. The new website is jeffersonoregon.org. He maneuvered a few of the pages to show how much staff has been able to expand on the new site over the old one. This one allows for more pictures, more departments, and is very user friendly for both staff and the public. It is still in the making, so bear with us as we continue to add things.

- A. **Letter from Peak:** The letter from Peak states that they will not be pursuing fiber internet within Jefferson. Disappointing, however, Greg stated he has been in contact with a couple of other companies that are interested in coming into Jefferson. These companies are serious about coming in; it's just a matter of timing and funding. One of the companies is MINET, ADT, and Visor. He thought that Visor was more of a line of sight internet, but visitor Audrey Webster stated that they also have fiber and at the town hall meeting a few months back stated they would be bringing actual fiber into the town. Visor is in process of franchise agreement with City now.

Councilor Burns asked if the City would award a franchise agreement to one of these companies. Greg stated that any company that comes into town wanting to provide service can do so; the City can't give an exclusive award to one company over another. Basically they turn in an application, pay the fees, it goes to attorney, and attorney says if the application is complete. Probably wouldn't see more than two companies come in otherwise everyone would be fighting for the same slice of pie.

Councilor Burns: Did Peak decide not to come in due to the up-front cost of putting the fiber in? Greg: Could be, but he doesn't think that is the reason. Councilor Burns wondered if the smaller companies would have the funds to be able to put in the fiber.

Greg stated again that at least two of the companies are currently looking for funding to allow them to come into Jefferson. There were some grants out there for funding, but most have dried up. USDA Rural Development has funding available and is willing to loan these companies money to come into the small towns.

Councilor Burns: So you are saying that once they get the funding they would come in and make a pitch to the City? Greg: Yes, they would get the funding but they would not make a pitch to the City, they would apply for the franchise agreement. The City couldn't say no, but they could dictate some of the terms in the agreement. The City already has a telecommunications ordinance that the companies would need to adhere to.

- B. **Oberson Property DEQ Report:** Councilor Neal and Councilor Myers have been working on this. It is currently in foreclosure. There is a report from 2000, Bergeson-Boese & Associates, that contains some pretty positive information. States that the contamination is contained to one area. Problems begin when contamination is traveling. Approximately 763 tons of dirt has been removed from site already. Greg has spoken with Mary Camarata, Oregon DEQ, who indicated that if the City were to buy the property now, the liability follows the property. The exception to that is if the County were to foreclose on it- a forced purchase- then no liability to the County. Greg would like Councils approval to start talks with DEQ to get some technical assistance grants to do a Phase I Environmental. He then would talk to the County and ask if he could get them resources to help clean up would they sell it to the City of Jefferson so that we would have no liability.

Councilor Burns: No discussion then between the City and Mr. Oberson? Greg: Not once the County has foreclosed.

Councilor Beyerl: the safest route for the City would be to let the county take it and let them clean it and then we try to get it from them. Greg: Yes, and it would probably help things along if he could find resources to help them get it cleaned up.

- C. **Regional Solutions Team:** Greg stated that before coming here he read the prior minutes that mentioned a lot about goal setting, ideas and such. He would like to bring Regional Solutions in to meet with Council. Regional Solutions gives a presentation and talks about the agencies out there such as ODOT, DSL, Land Conservation and Development, etc., and find out what these places have done or are doing in your community.
- D. **Community Visioning Project:** The Objective is to bring everyone together and see what they want to see done. No wrong answers but need to start somewhere. This is community driven. Goals and visions to find out where the community wants to go.
Councilor Burns: How does something like this go along with the Comprehensive Plan?
Greg: A vision plan can be an addendum to the Comprehensive Plan. There are 19 state goals in the Comp Plan so if one of the projects you want to do conforms to one of those state goals it will help to advance the City. Councilor Burns: So parks plan for example if something from visioning was to see more or fewer parks, how does this work. Can you pursue something outside of the Comp Plan at same time? Greg: yes, you would be

doing something the Comp Plan says you need to do. These are mainly to supplement the Comp Plan or to carry out Comp Plan.

Greg would like to have Rural Development Initiatives (RDI) facilitate this program because they bring grant money.

Councilor Perry asked how they would work with Jefferson's LAC. Greg: they will work with the LAC, one way might be to start a historic district.

Greg also stated he just got an invitation today from Ford Family Foundation to be on a panel to develop a Rural Community Visioning Plan. The Plan would be developed over two or three meetings and then presented as a break-out session at the Conference of Communities which is held in mid-October. The Ford Family Foundation is very generous and could give Jefferson money.

III. WORKSESSION TOPICS:

- A. **Eclipse:** Councilor Beyerl: eclipse is August 21 at about 10:21 am. It's about a 2 hour event but only about 2 minutes of total eclipse. Councilor Beyerl issues warning of eclipse dangers and to make sure proper eye protection is used.
- B. **OLCC license for Tommy's for Summer Bash:** Councilor Beyerl gave some background info on what the Summer Bash event will be and where it would be located. It's a community event. The application is extensively thorough. Councilor Beyerl opens it up for discussion and notes that manger of Tommy's, Kim Sanders, is present to answer questions.

Councilor Burns: why seed store rather than tommy's? Kim: because it is part of summer Bash and we are working in conjunction with that. Councilor Burns: nothing going on at Tommy's? Kim: no, business as usual there and this would be a special event. Beer and wine only, no hard alcohol. There would also be security checking ID.

Jack Brawn: what is the time line for this event? Kim: 2pm – 10 pm. Jack Brawn: how much of the street will be closed? Kim: Just from Hwy 99/2nd St. back to the alley on Church St.

Councilor Perry noted this is an event for the whole family, not just an alcohol event.

Councilor Burns motioned to accept application for temporary permit and Councilor Neal seconded. Councilor Beyerl noted the final decision on this permit is up to OLCC, Council just gets to have a say on whether they approve or not.

All were in favor, APPROVED Unanimously.

- C. **Temporary Street Closure Request-Summer Bash:**

Councilor Beyerl stated that related to Tommy's OLCC permit is the closing of the street for Summer Bash. They want from Hwy 99/2nd St. to the alley on Church St.

Councilor Perry motioned to approve the street closure and Councilor Cheney seconded. All in favor. APPROVED Unanimously.

- D. **Draft Ordinance: Revised West Linn Ordinance with Jefferson Verbiage:**

Councilor Beyerl stated the topic and then turned discussion over to Councilor Neal.

Councilor Neal stated that before discussing the topic he needed to declare a potential conflict of interest. He then explained that Council had seen this a few weeks ago,

however at that time it did not have Jefferson wording inserted. This ordinance would allow the citizens of Jefferson to have an advisory vote on annexation procedures. Legal counsel has looked at it and said it was solid but needed more discussion by Council. He explained how ordinance would change it from a three step process for land use annexation to a two-step process with the second step being an advisory vote. The City Council, at its discretion, could allow the citizens to have an advisory vote on annexations. The positives are it allows the citizens to participate and the Council has input from the citizens without violating SB1573. This ordinance would stand until some sort of outcome regarding SB1573 happens.

Councilor Beyerl has a concern with this ordinance. It does not change SB1573 in any way shape or form. Instead, he sees it as confusing the public because they will be voting on something and it doesn't really mean anything. So essentially what you are doing is making a vote on something that has no meaning because SB1573 has never been changed. Until that happens; then the piece of paper the ordinance is written on is worthless.

Councilor Neal: Disagrees with that statement. It would not be worthless. The public would be able to participate and express their opinions through advisory vote that the Council would take into consideration during the hearing process. Some people think a hearing is intimidating to come into and testify or give their opinion, whereas a vote would not need to be that way. Again, he stated that the ordinance does not violate SB1573.

Councilor Perry: he feels there is plenty of opportunity for public to voice their opinion on annexations; starting with the Planning Commission meeting and public hearings at the Council meeting. He thought the ordinance was going to form an advisory committee that would limit the number of citizens that would vote. Councilor Neal corrected Councilor Perry and said it would not be a committee but an advisory vote from the public.

Councilor Perry asked who will be paying for this vote. Councilor Neal stated that if it were on an even year on a regularly scheduled election, then there would be no cost to the City as the County would handle it. If not on an even year, then the applicant of the annexation would pay for it. Greg confirmed no cost on even year, but not sure about other times to charge the applicant. Councilor Neal thought that it could be written in however the Council chose but would need to discuss with legal for sure.

Councilor Burns tried to explain who would pay for the cost of the vote during an odd year and then asked if there even was a cost involved. Greg confirmed there was a cost, but usually not known until after the election. Councilor Burns then stated he needs to first declare a potential conflict of interest; he then agreed with Councilor Neal that citizens should be given right to vote on annexations as it is a good thing. Council will know what the public is thinking. Vote is not mandatory but rather at the discretion of the Council.

Councilor Beyerl stated that he did not get the impression the vote was at the discretion of the Council. He believed ordinance is saying it WILL be held. Councilor Burns read the

ordinance section regarding the vote out loud and proved it said “discretion of Council”. Councilor Beyerl still feels this is confusing as people will be voting on something that means nothing.

Clare Troutman, 309 High St., Jefferson, OR: Feels there is no reason to bring this to Council right now. SB1573 has not been resolved yet, and this only muddies the waters.

Councilor Cheney: When he was campaigning for election and even now, the people he talked to wanted to vote. People want the right to vote and he thinks a vote matters.

Councilor Beyerl: His perspective on this subject is that Council should be working on getting the Legislature to change SB1573.

Councilor Neal: Regardless of any changes to SB1573, the public should still be given the right to do an advisory vote.

Michelle Nunes- Jefferson, OR: directs comment to Councilor Neal- at the beginning of this discussion he stated he had a conflict and she wanted to know what the conflict was. Councilor Neal: Potential conflict of interest is that if ordinance is implemented and it affects the number of annexations that are accepted; then property values, including his, would be reduced or if less annexations were accepted then property values would increase and property would be in higher demand. Michelle Nunes: What is the connection to West Linn? Councilor Neal: Not a connection, other than they have already done what we want to do and rather than reinvent the wheel we just copy and paste the ordinance to fit Jefferson. Less expensive this way, and it is done all the time when cities are looking to create an ordinance.

Tim Groome- 216 Faith Dr., Jefferson, OR: What does Council have to do with development? Development starts with the Planning Commission and if approved does not go to the Council. Only time Council sees development is if PC denies it and applicant appeals, then it would go before Council. Councilor Neal: this is specifically regarding annexations only. Tim Groome: so you will pick and choose which annexations will go to voters for the advisory vote? Councilor Neal: The process can still be appealed after Council has made it decision.

Marsha Studer- 453 Oakdale Ct, Jefferson, OR: she sees several things wrong with this ordinance. One is if you decide to send one annexation to the voters for an advisory vote and the next annexation you don't, how are the people supposed to know or understand what is going on. Why does one get an advisory vote and one would not? Also, if voters say no, but Council decides they will allow annexation, don't you think that will tick off the voters? One more thing, if an annexation meets all the required criteria and Council turns it down, they you would be going against State law. Councilor Neal stated that isn't exactly true. An annexation can meet all the criteria required by the State and then when it comes to Council we could say that we have reservations regarding passing of the annexation so therefore we are not allowing it at this time. The applicant can appeal.

Councilor Beyerl: There seems to be a bit of a misconception here. SB1573 states that if an annexation meets ALL the criteria then you have to pass it. It can't be rejected unless there is proof that it does not meet the requirements of the State. Councilor Neal: He spoke with the person that drafted SB1573 and he said that even if annexation meets all the requirements it does not take away the City Council's right to say no to an annexation. It says Council has the liberty to do this. Councilor Beyerl stated they would end conversation on this topic for now until legal counsel could be present to clarify.

E. CONSIDERATION OF NEW LEGAL COUNSEL:

Councilor Beyerl asked Council what the justification for this to be up for discussion was.

Councilor Burns made a motion to table the discussion until the next meeting. Councilor Chaney seconded.

Councilor Beyerl stated they could make a motion to do so, however, he still wants to know what the rationale for bringing this up is. Councilor Chaney stated he would like to know also and had no idea who even asked to have this on the agenda. Greg Ellis explained that the Mayor had asked to have it added.

Councilor Beyerl stated rather than table it, he would like to see it dropped. Any other discussion on this topic since there has been a motion with a second. Hearing none, he called for vote. Councilors Neal, Burns, Cheney, all voted aye and Councilor Beyerl and Perry voted nay.

Councilor Beyerl noted after the vote, that he would like to bring something up regarding this topic but since they already voted he can't. He did state his opinion that he thought the whole idea was ludicrous and just needed to be dropped.

Councilor Perry interrupts Councilor Beyerl as he is about to move on to next agenda item. He says he has something to say and discuss and it can't wait to be done under Council comments. Councilor Beyerl allows him a few minutes.

Councilor Perry stated that something has been on his mind since the last meeting and he feels it needs to be addressed. He is calling (motioning) for a censure of Councilor Burns. His reason for the request is that during the last Council meeting on April 27, 2017, Councilor Burns showed willful indifference towards a staff member during a presentation. It doesn't stop there, Councilor Burns publicly engaged in an openly harsh and insulting exchange with a citizen after the meeting. His attitude is unprofessional and uncalled for. Councilor Beyerl asked if they really needed to vote on this or was the point made. Audience member mumbled something about executive session and Greg stated no executive session needed as it does not fall under the rules allowing executive session. Council member issues like this are to be handled in open meeting. Council can handle this in a couple of ways; 1. Vote now; 2. Ask to bring it back at another meeting; 3. Bring it back at another meeting with an investigation.

Councilor Beyerl asked Council since hearing the options on how to handle this situation, what do they want to do. Councilor Neal motions to bring it back at another meeting with investigation. Greg then asked who are they wishing to do the investigation; if the attorney does it there will be a cost involved and if he does it, he is not sure he would be the appropriate person to do so.

Councilor Perry asks if they knew what a censure was. Councilor Burns: enlighten me. Councilor Perry: it means no comments from him as not allowed, he can't vote. A censure is merely a warning; it is stating that your current/past practices and behaviors are not acceptable to the Council and to the City.

Councilor Beyerl: based on the current balance of the Council I would say that the message has been sent. Is that acceptable, and Councilor Perry said no he wants a vote. Councilor Cheney then adds point of order—this is not even on the agenda. Councilor Perry states it doesn't have to be on the agenda. This is a violation of the City Ordinance 882 section 4. He states Council should be here for the citizens of Jefferson to discuss their issues and concerns and should not intentionally make a citizen feel bad.

Councilor Beyerl states that he has a motion to set it over to another meeting but he has no second. Councilor Perry said there was also a motion to have him censured but no second. Greg commented that since there was no second to the first motion then it dies and there is no need for the second motion. Councilor Beyerl: then for the time being it is dropped and goes nowhere. Greg confirmed.

IV. APPROVAL OF CONSENT AGENDA:

Councilor Perry motions to approve and Councilor Burns seconded. All were favor. APPROVED Unanimously.

V. VISITORS:

Bill Stam- Cemetery Hill, Jefferson, OR: raised \$2000 for K9 for MCSO. They had a style show in Albany and only 6 people showed up from Jefferson. On June 10th there will be another fundraiser –it will be a buffalo chili and fry bread feed. There will also be a mule and wagon train available for rides. At style show 3 K9s showed up – Proud that we've been able to raise \$2K and looking to raise \$5K total. The new K9 will also be wearing beaded coat to represent Native American people.

Audrey Webster- 170 8th St, Jefferson, OR: She has a lot of frustrations--has offered to help Council get connected with community; get on Facebook and see what the community is talking about. There are two Facebook sites. As for the fiber service: don't sit back and wait; worry about subjects beyond your own doorstep; call fiber provider and ask them to come to the community; tell them we are looking forward to their service within this community. Tells ALL of the Council to figure it out and do your homework.

Keith Rude- 510 Delores, Jefferson, OR: if she is so concerned about internet go out and get signatures and ask people if they want it. He is sick and tired of hearing about this and all the badgering. If you want something then get out there and do it.

Linda Baker-1287 Filbert St. Jefferson, OR: stated that since Sarah is gone she has to suck up to the new guy, and gives Greg some chocolate. She then reads from a prepared statement about the first 100 days in office of new Council. She gave copy to Greg for the record.

Michelle Nunes- Jefferson, OR: owners of café – ask for more involvement in community from the Council – restaurant was broken into – talked about growth of business and history of how that happened. Why in a small town no one from Council reached out to matt and her. Some people felt the council had no care about us. Need to be active participants in this community. If they can't be participants then get off the council. (She read from prepared statement that she gave Greg for the record.) Councilor Beyerl commented that he was sorry about the break-in and for not contacting them.

Tim Groome-206 Faith Dr., Jefferson, OR: His concern is the budget – 3 new people did not come to budget meeting – how are you going to maintain a city manager with no money – how are you going to maintain your other promises. No comment from Council.

Jesse Crisanti- 768 Grice Loop, Jefferson, OR: His concern about ordinance pertaining to transient and itinerant merchants. The permit gives 30 days and can be renewed up to 120 days for additional fee. After the 120 days the ordinance states you must vacate the City for 30 days before coming to get another permit. He is a hot dog vendor currently set up next to Derek's Barber shop when the weather is nice. He believes it is against his constitutional right to work by limiting the length of time he can be around. He understands ordinance was originally designed due to door to door salespeople and he thinks that is great; he would like to see some more sort of separation between door to door sales and vendors like food carts that are for the most part stationary. Wants length of time they can operate be extended.

Council agreed to bring ordinance back to next meeting for discussion to see if it were possible to revise this to accommodate levels of vendors.

David Kellogg- 724 Salamander Rd, Jefferson, OR: passed a handout to all Councilors to follow along with and gave one to Greg for the record. He has asked at prior meetings and keeps hearing the same response of "We don't know who is suing the City". Councilors involved say they have stepped down from the SRCOJ. He and some others did some research. They contacted the Secretary of State and found out that the SRCOJ is suing the City. Those members were Bob Burns, Brad Cheney, Stan Neal. Are they still on SRCOJ? According to the Secretary of State as of today the current members are Bob Burns, Brad Cheney, Stan Neal. Other pages of document show that on December 13th you edited the members of the SRCOJ; so it's not that you don't know how to remove yourselves from this committee, it's that you HAVEN'T taken yourselves off. The only member of SRCOJ that is not one of you three is the treasurer, Dannette (Dani) Daniels. So would you have the community believe that she is suing the City? Based on this info will you drop the suit? No response, David said he didn't expect a response.

Bill Stam –needed to return the hat. An impromptu pass the hat fundraiser had started while he was speaking the first time unbeknownst to him. He thanked the audience for the \$136 collected for K9.

Tyler Webster-360 Fairfield Ct., Jefferson, OR: Do internet providers want to come into community and all the steps needed to complete the project? Audrey Webster replied that both Peak and Visor both wanted to come in and put in fiber.

VI. COUNCIL COMMENTS:

Councilor Perry: All Council should know the mission statement

Councilor Beyerl – thanked all who put new website together.

Councilor Perry motioned to adjourn and Councilor Cheney seconded. Meeting closed at 8:18 pm.

MINUTES APPROVED this 25th day of May, 2017

Cyndie Hightower, Mayor

ATTEST:

Greg Ellis, Interim City Admin/Recorder