

CITY OF JEFFERSON
Regular Council Meeting
May 25, 2017
6:30 pm

Council Present: Mayor Hightower, Dave Beyerl, Bob Burns, Brad Cheney, Walt Perry, Stan Neal, Mike Myers

Council Absent: None

Staff Present: Greg Ellis, Deanna Donato, Jeff Buskirk

Legal Counsel: Ross Williamson

I. **Call to Order/Flag Salute:** Mayor called meeting to order at 6:30 pm followed by flag salute.

II. **OLD BUSINESS:**

2.1 Amending JMC Addressing Annexations (West Linn ordinance)

Greg started conversation stating that this had been on last agenda and several questions surrounding the different aspects of the ordinance. He asked legal counsel, Ross Williamson, to attend the meeting and present the ordinance as he worked on it and can then answer any questions that Council may have. Greg then turns it over to Ross.

Ross gave some background on how the ordinance came to be. Ordinance has been in effect in West Linn for about a year now, and came about because of SB1573. West Linn has a municipal code similar to Jefferson, so he used the West Linn ordinance as a model and then tailored it to Jefferson's particular code revisions. This ordinance breaks the decision into two pieces: one is a land use process that evaluates the annexation according to the development code and the criteria involved with that code and two is a policy decision that Council can use. This requires a report from staff giving information from part one and then a decision from Council to decide if the annexation would be good for the City of Jefferson or not. As part of the choice, Council can then choose to send this out to the voters for an advisory vote. It would go on the ballot, but it would be an advisory vote only. After the votes are in, Council could use the percentages of votes to help them decide on the annexation. Under this ordinance, there is also the option to NOT send it out for an advisory vote.

Mayor asks for any questions or comments from Council.

Councilor Beyerl: Stated he has concerns. What good is this ordinance as it does nothing to change SB1573. The SB1573 is state law and it says we do not have to do this advisory vote. Ross: Good question and his belief is that this ordinance is not risk free. If this Council chooses to take the risks involved with this ordinance and want to allow voters to have a say on annexations with the confines of SB1573, then this is how you would need to do it. Councilor Beyerl: He believes by allowing an advisory vote makes it even more confusing for everyone. Ross: It will certainly make things longer.

Councilor Neal: Declares potential conflict of interest before speaking. Had issue about when general elections are held cleared up by Ross.

Councilor Perry: Stated he has two major concerns. One is the funding of the election as written by the new ordinance and the funding of all the support work that goes into that. As written, the costs fall upon the property owner wishing to have their property annexed. He feels that would eliminate anyone wanting to be annexed in and Jefferson would be stuck with the City limits as they currently are. The second issue is if Council looks at the code that this ordinance would be replacing, we have added more wording to the code, made it more confusing and at best called it an advisory vote, puts an added burden on staff as currently it goes from Planning Commission to Council and then a decision. New ordinance would make it go Planning Commission to Council to the people then back to Council and then some sort of decision. The problem is that it changes nothing. He sees no purpose to this

ordinance. He feels it is bad for the City of Jefferson and the people who are trying to become incorporated into the City of Jefferson.

Councilor Burns: Declares potential conflict of interest before speaking. He asked Ross to clarify if SB1573 absolutely mandates that Council MUST approve an annexation if all criteria are met that there is no choice no matter what. Ross: He believes that this ordinance would allow Council to have the option as the current code does not allow them to have that authority. The current code was not written with SB1573 in mind, and this ordinance would allow Council the option to have a policy change added to allow the advisory vote. Councilor Burns: The argument of previous Council has been that there is no choice in annexations since SB1573 whether they agree with it or not. Ross: With SB1573 and the current code, Council does NOT have the authority to deny but this ordinance allows for the change and gives Council the authority. Councilor Burns: If the code was removed and all we had was SB1573. Ross: Hypothetically, if all you had was SB1573, it states you SHALL approve. Councilor Burns: Or MAY approve in another paragraph. Ross: That is under a slightly different context. Basically 1573 states if all criteria are met, Council SHALL approve. Councilor Burns: So basically SB1573 trumps the City code. Ross: In certain context, yes it does. There are a lot of questions being asked; boils down to the current code and then the proposal to change the current code. Under current code and SB1573 there is no choice allowed for Council to deny, but with the proposal, we are trying to allow the choice. Councilor Burns: He gives a summary of what he believes the West Linn ordinance would allow Council to do and asked Ross if that summation was correct. Ross: He believes Councilor Burns accurately described the intent of the ordinance. This would be creating a new law in Jefferson, as it explicitly allows the option for the policy to be allowed so Council may be allowed to option to deny an annexation.

Councilor Neal: The proposed ordinance seems to allow more flexibility when looking at potential annexations as it gives Council more discretion. Ross: Agrees with Councilor Neal.

Councilor Perry: Since we are talking hypothetically...why not have a scenario that lets the public vote on this ordinance. You want to allow them to vote on something after the fact, so why not allow them to vote on this ordinance. After all, we are making this big issue about voting right being taken away from them; now we are going to be making a decision for the people. That decision is going to clutter the whole thing, so let the voters read the ordinance in its entirety. He doubts if 10 people outside of the Council really even know what is in the potential ordinance. Ross: To clarify this whole issue, if this ordinance sounds like something Council chooses to do then the next step is to send this to Planning Commission as this is a land use decision. Once the Planning Commission has held a public hearing on this land use decision, then it would come back to Council for a vote. At the time of the public hearing, there would be time for the public to give their comments on this proposed ordinance. Secondly, Council can refer this ordinance to the electorate and abdicate the authority of the Council by giving it the electorate. If the electorate vote comes back with a no, then the ordinance would not be adopted. Councilor Perry: Would we be violating SB1573 if we did that? Ross: No this would be more a legislative process.

Councilor Myers: Stated he has two questions. Referring to section E2 of proposed ordinance, five lines down it reads "... request on a ballot for an advisory vote at any election..." Is his understanding that this means not only a general election, but also special election? Ross: Correct. Councilor Myers: Second part of that question then, in section F it states "... the applicant shall be responsible for all costs associated with the advisory vote..." His understanding is that if Council were to make the decision to hand this off to the electorate for an advisory vote, it may or may not be under a general or primary election where the general costs of the election are bore by the County elections office, not the City or the applicant. However, if one is making application for a land use annexation, and it is not inside one of those two time frames, then it would be considered a special election and those costs would be bore 100% either

by the City or the applicant. He then asked if anyone knew what the costs for that type of election would be and also is that fair to require an annexation applicant to bear not only all the current costs of doing an annexation, but now we would be adding the costs of an election. Special Elections are extremely expensive which is why most cities try to go with the general or primary elections. So in terms of thinking down the road, why would any applicant want to bear those costs? He feels this is potentially setting a wall up for future annexation opportunity. The second question he has is if Council makes decision to send it out for the advisory vote and the advisory vote comes back and regardless of what that advisory vote says, Council makes the decision to deny the application. Can the applicant appeal to LUBA as a violation of SB1573? Ross: Yes. Councilor Myers: So we adopt this and go through this process and it is denied, the applicant can still appeal and the way that the courts have been determining these cases has been in the favor of the applicant. The cost of the appeal would then come back on to the City just like we are currently going through. Putting this all together, he questions if the Council really wants to go down that road and are they prepared to bear these costs again. Ross: This ordinance is not necessarily an iron clad ordinance. It is untested as it has as of yet to be challenged in West Linn. The other thing he wants to point out is that the costs of election as Councilor Myers pointed out is an additional weakness to the ordinance because the way the ordinance is structured the advisory vote is a choice of the Council and the intent of that is to get a feel for how the electorate feel about the policy choice, therefore, the cost of the election should be a burden to the City not the applicant. He does not have the actual costs of a special election, but he knows that they are in the thousands of dollars. One way to cure the weakness would be for the City to bear the cost of the election if Council wants to send it out for advisory vote. This would also allow your legal counsel better standing in the event of appeal to be able to stand up and say that the City is bearing the cost of the election in order to get an advisory vote to allow Council a better understanding of what the public wants.

Councilor Neal: Could the City recommend that the application and advisory vote be delayed until a general or primary election? Ross: That could be a possibility, but it would be setting up a potential of a pretty long delay. Councilor Neal: He likes the idea of getting input from the public in the form of an advisory vote. He feels people would like the opportunity to vote and have input into City decisions. He feels Planning Commission and Council can be intimidating for some and it's often hard for people to come before these bodies and speak how they feel. His question is if Council is to deal with this ordinance now, is the next step to send it back to Planning Commission? Ross: A good way to proceed would be to have a motion to refer it back to the Planning Commission. To be clear, as this goes back to Planning Commission, there will more than likely be another redrafting process of this ordinance before it comes back to Council.

Councilor Beyerl: As Councilor Myers pointed out, the applicant can sue the City if the annexation is denied because SB1573 still is the law. No matter what this ordinance does, the applicant will still have the upper hand. He sees no reason for this to go to an advisory vote when that vote means nothing. He would rather see pressure put onto the Legislature to change SB1573 to allow the cities that had the right to vote on annexations be allowed to continue to vote. As long as SB1573 is still valid he feels the proposed ordinance is just a waste of time.

Councilor Cheney: Declares a potential conflict of interest before speaking. He believed Councilor Perry had an interesting idea of sending it to Planning Commission and then letting the people vote. He feels the reason the proposed ordinance is in front of them is to uphold the voters' rights and SB1573 does not allow for that to happen.

Councilor Burns: He believes giving the community a chance to have a say in this type of thing is nothing more than a tool that might be used at some point for the Council to make an informed decision. He would like to motion that this be tabled until next worksession meeting when they meet with Planning

Commission so the discussion can continue. Councilor Cheney: In regards to the motion, he feels it should be referred to Planning Commission not tabled as that would just be delaying the inevitable.

Councilor Burns: Withdrew his motion.

Councilor Cheney: Motions to send proposed ordinance to Planning Commission. He also wanted it sent to vote by electorate. Councilor Myers: To clarify your motion, it has to go to Planning Commission, then to Council and then out to vote. Ross agreed that would be the cleanest way to handle it. Councilor

Cheney: Revised his motion to state that proposed ordinance be sent to Planning Commission.

Councilor Burns: Seconds the motion. Mayor asks for any discussion and there was none.

Councilors Beyerl, Myers, Perry voted no

Councilors Burns, Cheney, Neal voted yes. Mayor broke the tie and voted yes.

Motion passed.

Ross: Now the Planning Commission will post 20 day notice for evidentiary hearing. This may make it more than a month away before Planning Commission can actually hear the issue. Once they have met, heard the findings, heard from the public they will then issue a report for Council with this information and their recommendations.

Mayor declared a potential conflict and Ross explained that he is not sure what her involvement may be in the lawsuit but that there is no harm in declaring a potential conflict of interest as that will allow her to at least act if needed. Ross then announced he would be leaving the meeting due to some other issues on the agenda.

Some general questions and statements regarding questions to the attorney and audience asked if attorney could stay for visitor section as the Mayor stated all comments and questions would need to wait until then.

Councilor Myers: Asked Ross if he could ask a general question regarding the firm he works for. He asked that Ross give a broad general statement regarding what kinds of services they offer. Ross: Sure, he has two other partners and three associates and all they do is represent government entities. 100% of their practice is to represent cities and special districts. They currently represent 20 cities and about 80 special districts, most of them are fire and water districts. They can cover every aspect of government except for bonding work. They leave that up to the larger firms in Portland to handle that type of stuff.

Ross prepares to leave when Nancy Hamby informs Ross that the Mayor has advised several of the citizens to ask the City Attorney the questions they have and as of yet they have never had the opportunity to do so. She thought that since he was here at this meeting, that questions could be asked.

Ross states that he is the City's attorney and therefore can't provide the citizens with legal advice. His advice to Nancy is that the Council needs to take the citizens questions and pass them on to him as they are the only ones that can direct him to answer them. There were disgruntled comments from audience about how that will never happen; Greg stated that if the questions were given to him during the visitor section he would make sure they were passed on to the attorney.

Mayor calls for 5 minute break—no time stated to start or end break.

Return from break.

III. NEW BUSINESS:

3.1 OLCC Application-Guadalajara Grill:

Councilor Myers moved to approve application and Councilor Burns seconded.

Discussion:

Councilor Beyerl: He has concerns about the outside seating area being contained and controlled. The map they have does not show that. Application states that wait staff will supervise and as they are in and out of the building no way to control the walk up traffic to the empty tables that may have left over alcohol on them still.

Deanna stated that owners have stated they plan on enclosing the area eventually and are in the process of applying for permits. Councilor Beyerl: Until we actually see the permits or the enclosed area, he stated he has a problem with alcohol being served outside at this time.

Councilor Burns: Can Council stipulate that the area be enclosed for alcohol consumption before allowing this or outside seating allowed just no alcohol at this time allowed outside.

Councilor Beyerl: All we can do is make the recommendations to the OLCC, they will do what they want with the application. His recommendation would be that OLCC state the area needs to be enclosed if they choose to serve alcohol outside.

Councilor Burns: He would like to see the current motion withdrawn and a new motion made with those stipulations.

Councilor Myers: He withdrew the motion.

Councilor Beyerl: Motioned to approve OLCC application with the condition that the approval not come until the outside area is enclosed if they are going to serve alcohol outside. Councilor Burns seconded.

All were in favor, motion passed unanimously.

3.2 Repeal of Ordinance 590:

Councilor Myers moved to repeal Ordinance 590 and Councilor Perry seconded.

Discussion: none. All were in favor and motion passed unanimously.

3.3 Review of Itinerant and Transient Merchant Ordinance 682:

Councilor Beyerl: He stated that at the last meeting this came up and he asked that it come back as we have a food vendor who lives in town and does not wish to have to leave for the 30 days after his max of 120 days. The question is how can we grant him this and still protect ourselves from the other types of transient merchants.

Councilor Perry: His suggestion is to have them get some sort of licensing. It would be City specific so that at any time asked they can produce license that would state they have the right to be operating within the City. If they don't have the license, make it a healthy fine for violating the license rule.

Councilor Myers: This is probably not new for other cities, so his suggestion would be to send it back to the attorney and say here is what we want to do and have them make the changes on it and then we can move forward.

Councilor Burns: The current law is designed to protect the City and restaurant owners from having an endless line of roach coaches coming in and out of Jefferson. The gentleman asking for help, why not leave the law as it is, but because he is a resident of Jefferson, making the exception for him and others that live within Jefferson to not have to pay the fee or renew after the 120 days. He would like to see the amendment sent to the attorney also to see if that is something the City could do for those that are actual residents of Jefferson not having to pay the fee.

Councilor Perry: Is the coffee house next door considered brick and mortar? Jeff: yes, as it is hooked to sewer and water. Councilor Myers: Coffee house actually went through the Planning Commission.

Councilor Neal: When he first looked at this, he thought it seemed pretty simple. Now he does not seem to think that. He would like to see the length of time of the license extended if at all possible. He would like to hear from Michelle Nunes as she is a local restaurant owner. Michelle: Jefferson Station Café: She stated she is in support of itinerant businesses as she does not consider them to be competition. They each offer different types of food so they are not competitive. She does not have a conflict with food carts.

Councilor Perry: Do these food carts have to follow the same health regulations as restaurants and the answer is yes.

Councilor Cheney: We seem to be focusing on the food service side of this law and we need to take into consideration are local residents that are non- food carts. There was a gentleman that does handmade wood carvings that has some issues with the way the City has handled permitting.

Mayor asks Greg what are his thoughts on this. Greg: He likes the idea Councilor Neal presented about extending the time frame for locals but not sure if that would be considered discrimination. There should still be some sort of cost involved as far as administrative costs as staff is required to make sure permits are filled out and on file but the costs could be minimalized.

Councilor Beyerl: He agrees with sending it to the attorney to make sure that however we decide to do this, that it's all legal and no legal challenges later on down the road.

Councilor Myers: He liked what Councilor Neal had to say about extending the time from 120 to 180 days and would like to know what the attorney has to say about giving the privilege to residents only. He also wants to know how to tweak the law so that residents can stay but regular itinerant merchant are required to get new permit after time frame is up.

Councilor Beyerl: One thing to consider maybe is making different levels for those that want and plan on being around and those itinerants that just blow through town.

Councilor Perry: He had some general questions of Jessie Crisanti about his business.

Councilor Myers: Food carts are becoming quite popular in all communities. There has got to be some different rules in other cities on how they handle this or we could be ahead of the game but definitely need to run by legal to see what our options are. We may have to make this into two separate ordinances or split the current one into different levels.

Councilor Burns: He would like to add to Councilor Myers statement that legal investigate what can be done in terms of giving some sort of preference to Jefferson residents.

IV. DISCUSSION/INFORMATION:

4.1 TGM Grant Letter of Support:

Greg explained that Lissa Davis is applying for the TGM grant. She is looking to get money for a transportation system plan. The letter is just a statement from the Mayor and Council stating that you are all in support of Lissa applying for this. Councilor Beyerl added that he was at the AAMPO meeting the day before and they were 100% behind the City of Jefferson doing this. Councilor Myers wanted to clarify that the City does currently have a transportation plan—2001—and this would be updated if the grant were received. Council consensus was to move forward with the TGM grant.

4.2 Consideration of New Legal Counsel:

Mayor asked for background on this subject. Greg stated that he had spoken with Ross Williamson about this subject and Ross stated that this type of thing happens occasionally and stated that if Council wanted to look into this further, he would be willing to help as much as possible. Greg stated his opinion is that the City has lots of subjects they need legal advice on and with the current firm they have all the bases covered and it's all on one bill. There is no need to have this firm contact another attorney to do the work and then get separate bill. Ultimately the current firm or any firm you hire has a specific job and that is to protect the City. Greg also stated that for staff it is much easier to make one call to the current legal firm and get all the questions answered rather than trying to figure out who was the referral for every separate topic. Councilor Burns: Sounds like staff is pretty favorable with the firm we have now, so is it even worth us discussing this any further. He did have a question about the cost. Greg stated that \$188 is pretty good compared to some that start at \$250.

Consensus of Council is to stay with what we currently have.

V. CONSENT AGENDA:

Councilor Beyerl moved to approve the consent agenda as presented and Councilor Perry seconded.

Discussion: Councilor Myers: He has a question about the minutes. He also had questions about Public Works report. First question was about Dollar General. Jeff stated that all was going well with their project as all permits are in and hold harmless agreement signed and we should see actual building progress soon. Councilor Myers: It appears that Kyle is up for level 1 certification and Jeff confirmed. Councilor Myers: He asked Jeff how the new lighting for the City was progressing. Jeff stated the newest pole was added at Fairfield Ct and is working. Councilor Myers: He had question about City Planner/Code Enforcement report. He noted that Lissa wasn't there but asked if Deanna could get the answer back to Council. Under Marion County Planning Valuations for April is 1.1 million, is that correct? Deanna stated that probably is correct as the school district, library, and Dollar General all had permits in about the same time. Councilor Myers: Ok, that explains a lot. He then asked Greg to pose a question to the Librarian about the volunteer hours. He has noticed that the numbers have been declining; last month was under 20 hours and he was wondering if that was a concern for the Librarian. That was all the questions he had at this time.

No further discussion and Mayor called for the vote. All were in favor and consent agenda passed unanimously.

VI. COMMITTEE/DEPARTMENT UPDATES:

Greg stated that most of the reports were already in the packets; however he and Deanna were going to give some oral reports/information updates to Council.

Greg: The sound system is coming in piece by piece. It was supposed to have been here last week and we are still waiting on some pieces. The rest of the shipment should be here by next week at the latest so we can have it all up and ready by next meeting. He then shared that Bike MS wants to come through town and have an event on August 5. They are looking at about 200 riders coming through town. They will be having lunch on the library lawn and have insurance naming the City as an additional insured so there will be no problems for the City. Greg feels this could be an opportunity for some of the local restaurants/food carts to make some money. The bike club will provide sack lunches for the riders, but doesn't mean that locals couldn't offer up some other options for them. This could be an opportunity for the locals to "sell" Jefferson and entice these people to come back again and again. He noted that he had spoken with City Manager of Independence and was having problems with learning Caselle software and City Manager of Independence offered up their finance director for assistance. He also noted that everything was set with the City of Independence for the June 3rd Councilor training. Greg will be meeting with Mary Bosch who works with rural development and community visioning projects and would like to invite her to Council to bring some ideas into the community. On June 12, Deanna and Greg will be going to some training in Silverton for the Caselle software, Lissa will be out that day so City Hall will be closed at noon that day in order for us to attend the training. Greg acknowledged Sgt Parise as he did not do it last time. He asked Sgt Parise to give an update on the drug bust/warrant that was served along with other agencies on a home in Jefferson.

Sgt Parise: The DEA/Linn County agency asked Marion County Sheriff's to assist on the bust/warrant as it was located in this community. We were back up for them; this was just a low key warrant service and one of many that was served. Councilor Burns asked if this was one case that was being worked on or several cases. Sgt Parise: His understanding was it was one case that covered a few areas. This was not an MCSO case; they were only involved as one of the warrants needing served involved Jefferson.

Greg then asked Deanna Donato to present some information she had.

Deanna: She stated she wanted to inform Council as most of the community, via Facebook, already knows that last night the 7th St Park was vandalized by some "tweens". They tore up the last picnic table, wrote graffiti on the building, tried to break into the City pump house. Someone did notify the Sheriff's office to let them know what happened and gave description of the kids that were seen there. The community then

started talking about what they could do to fix the park. A local citizen who owns his own construction company stepped up and offered his services to repair the park. He contacted some of his people that he buys supplies from and they have offered to donate a few items also. Some of the people surrounding the park have offered to help and have offered to donate their children to help out. Most of the parents felt that it would be a good learning experience for the kids to understand that when people destroy things and there is no money to repair it then they should help donate their time to repair so they can take a little pride in their town and hopefully have a little more respect for other people's property. Public works has donated some of the paint for them to use as well. Once the project is done, Deanna has asked that the gentleman that is offering his expertise in redoing the park give her a list of any kids and adults that volunteer along with any other companies that donate so that the Council could at least send them all a thank you letter. Councilor Beyerl stated that a thank you letter from the Council is more than appropriate and supports the idea. Councilor Neal agrees with the idea of sending thank you letter, but would like to see them come to the next Council meeting so they could also be recognized personally. Deanna stated that once the list of names of volunteers came in she would have letters drafted for the Mayor's signature. The second item she let Council and community know about since they were looking for some positive subjects within and about the community was that Caselle, the software company the City uses, is having a calendar contest. They want every City/company that uses the software to turn in pictures of their town and show them how wonderful the town/company is. This will be for 2018 calendars. Caselle will choose 13 cities/companies dividing them into four categories of spring, summer, winter, and fall. Deanna spoke with Greg about opening this up to the community to allow them to enter photos that they have taken and he agreed that this would be a great idea. Depending on how many photos are turned in, could end up being an opportunity for nonprofits to do their own fundraiser. Jefferson has a lot of wonderful talented photographers in this town. If Jefferson is chosen, not only will photos of Jefferson be seen across the U.S, but the City could also win either \$250 off of their support payment of \$500 off of the purchase of a new module. Deadline is June 30th to get the pictures in to the City and they do have to be a certain size requirement so that when enlarged the picture will not be distorted. Councilor Beyerl recommends Deanna move forward with this and see what happens; Council agreed.

Mayor moves onto other department updates.

Library Board- no

Planning Commission- no

Chamber- Councilor Perry- Had a meeting noted that there were two \$500 scholarships winners will be announced August 31.

Building commission- no

Landmarks Advisory- no

MPO- Councilor Beyerl- they met yesterday. They had a public hearing on TIP(transportation improvement program). They approved some changes to the TIP. Not a whole lot will be happening now, more towards the future. Looked at getting a rep for OMPOC for MPO, they made a recommendation and now they will need to find out if the person they are wanting is interested in representing MPO at OMPOC. Also looking to hire a coordinator for MPO as the one they had left. The ad has been out there, but they have only received two applications back and neither met the criteria for hire. They will be re advertising soon. Councilor Perry also added they have been trying to keep the projects moving forward. General discussion about MWAC and the projects they are considering.

Fire Board-Councilor Neal- Fire board will be interviewing for new fire chief soon. They have a bond for \$1.4 million that they plan on putting on ballot soon.

School Board-no

FOL-Councilor Myers did not attend meeting. Mersha Studer stated two events coming up-Disc Golf in June and
Parks & Rec-no
MWACT-cover under MPO

VII. VISITORS:

As Mayor announced visitor section, Councilor Burns made announcement that due to visitors at his home he needed to excuse himself from the rest of the meeting and left.

Dennis Person-1878 Talbot Rd Jefferson, OR- He knows that Dave and Walt are working on transportation issues, but his main concern is increased traffic on the main road in town (2nd St). With the truck stop in Millersburg, Winco in Albany, and the Jefferson school bond passing is there current discussion going on now on how to get ahead of the traffic issues that will be coming. Councilor Beyerl: This subject has been brought up at meetings with ODOT at AMPO meetings in the past, but ODOT has been elusive on the answer. ODOT acknowledges there may be some problems, but then they don't say anything. Councilor Perry: On the MWAC part of this, ODOT is reevaluating 237 as an exit. They are only evaluating at this time to see if they are going to keep it, expand it, or do away with it. Councilor Beyerl: We will continue bringing this up to them until we get the questions answered; we have brought up the truck traffic even before the truck stop was planned in Millersburg.

Scott Paul-14886 Parrish Gap Rd Jefferson OR- He welcomed Mr. Ellis and then stated that the last meeting he was at he understood that this would be a temporary position for Mr. Ellis and wanted to know what type of transitional planning has been started for when Greg leaves. He wanted to comment on the ordinance from tonight. He wanted to know if they were setting precedence for every ordinance that the Council looks at. What he heard tonight was that if the community wants to do something like an annexation or whatever and it comes before Council then you say it has to go to an advisory vote and negated by the public but Council can approve it. Council has the right to approve something negative or deny something positive and he does not like that part of the ordinance. He feels that the advisory vote is going to lend to possible future bias on what gets approved or not approved. He also commented that he agreed with Councilor Burns who wanted to look at extending time for Jefferson citizens for the itinerant merchant permit as he too thought that was a good idea, but does believe the ordinance should be fair for anybody that wants to come to Jefferson to do business. He also asked for an update on the contingency fund balance and the pending lawsuit against the City.

Nancy Hamby-664 Alder Ct Jefferson, OR- She wanted to address a judgement. On March 16, 2017 Judge Armstrong issued a ruling and sent it to all the attorneys involved in the lawsuit. The motion was for attorney fees. She reads letter, and then asks how is the City going to collect money? Can liens be placed on homes? Is the Council going to direct the City Manager to look at what to do? Mr. Burns has put his house up for sale, once it sells, and then how will the City collect? Mayor asks if she plans on turning her documentation in for the record and she said yes and gave it to Mr. Ellis.

Tim Groome-passed
Margaret Robbins-passed

Clare Troutman- High St Jefferson, OR- Mayor asked she turn in documentation to Mr. Ellis for the record and she did. Her topic was issues to improve the community. She then read her report.

Michelle Nunes-Jefferson Station Café- She introduced Scott and Stacy Bittick as Mint Festival coordinators. The Mint Festival is coming back to the downtown area. Since the car show is going to be involved they need to make an addendum to the street closure they requested for Main St; rather than having Main St. closed for just the parade, they are requesting Main St be closed for full day like festival of flowers did. Councilor Myers asked where location would be. Michelle stated from Church and 2nd down and around to about Tommy's. They will leave City parking lot open for parking. Councilor Beyerl asked if there was a map of location where streets would be blocked off for the record and she said yes. Councilor Beyerl asked if the people living along those streets have been notified and Stacy Bittick said yes. They also asked the Mayor and Councilors if they were interested in being part of the parade and they said yes.

Audrey Webster-170 8th St Jefferson OR- She had questions about City Manager, but believes the Councilor Myers will answer under Council Comments and will wait on that topic. She did have comments on some of the word choices from councilors. When talking about the West Linn ordinance and voting councilors used words like "public meetings are intimidating" and "all you need to do is vote"...if you think that your civic engagement involves paying taxes, serving on jury duty then that is a pretty abysmal look at the way government works. You need to think about how you represent the community. You need to think about COSTS not just VOTES. When it comes to the City Manager, she feels Mr. Ellis is doing a good job as he has had to jump in with both feet, but she would like to not use his full 6 months as this is expensive and hopes that the timeline is expedited in order to reduce the cost to the City.

Matt LaCrosse-passed

VIII. COUNCIL COMMENTS:

Councilor Myers: he has three items. First item was the Oberson property. He thought at the last meeting that the decision was to wait until property was foreclosed upon by the County and then we would look at it. He said if that is the route Council chooses to go, then that will set the timeline back by years because Marion County is not in the real estate business. Councilor Beyerl: At the last meeting he presided over the meeting, it was discussed but no formal vote was taken at that time. PWD Jeff Buskirk: We did find out that if we take it over by taxes, then the liability comes with it. Councilor Myers: He is aware of that, but he is looking at it from when you enter this town that is the first thing you see. Councilor Beyerl commented that the cost associated with the fuel tanks is going to be large and there is no way the City could absorb those costs. Greg asked the Council if they would like for him to invite Carrie Camarata from DEQ or Karen Homolac the guru of brownfields to hear the options available for that property. Councilor Myers believes that would be good but also believes Westech needs to be there as they would be doing the design and he does not want to see this project inch along. General discussion on when this meeting could happen and they were going to look into June 22 meeting or the August 10th meeting. Councilor Myers second issue is the process for the selection for new City Manager or City Recorder and the time frame. A clear financial analysis of what the 2017-18 budget is going to look like for the position and can the City pay for it. He wants to see that by the first of July. Greg stated he has already started working on it and should have it ready by next meeting. The third item is consolidating the questions from the community that they had for Council or the City attorney to answer. He then explains any questions that citizens have previously asked of the Council or may have to turn them into the City and they will consolidate them and send them off to the attorney for answers. The answers will be brought back as soon as we get them answered.

Councilor Perry- No comment tonight.

Councilor Neal-no

Councilor Cheney-no

Councilor Beyerl-no

IX. ADJOURNMENT:

Councilor Perry motioned to adjourn and Councilor Beyerl seconded. All in favor, motion unanimous.
Meeting ended 8:40pm.

MINUTES APPROVED this 27th day of July 2017.

Cyndie Hightower, Mayor

ATTEST:

Greg Ellis, Interim City Administrator/Recorder