

Regular Council Meeting
June 22, 2017
6:30 pm

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

Staff Present: Deanna Donato, Jeff Buskirk

- I. Call to Order/flag salute: Mayor called meeting to order at 630 pm followed by flag salute.
- II. Old Business:
 - 2.1 Ordinance 655: Vehicle for Hire: Mayor Hightower asked Scott Bittick to step up and answer questions. Mayor Hightower asked if Uber was considered a taxi service and how do they handle if someone were to call for a ride from Albany to Jefferson. Scott: All trips have to originate out of Jefferson, so they would leave Jefferson, pick the person up and then return them to Jefferson. Uber is not considered a taxi service; it is a ride share program. Mayor: How are customers charged? Scott: It's done as an 80/20 split where the Uber drivers would get 80% and rider would get 20%; no real rate chart.
Councilor Perry: will it be cash transactions? Scott: no all done by credit or debit transactions. Councilor Beyerl: Even though it's a ride share it still transacts with money. How does insurance work? Scott- insurance is under gap so always under insurance no matter where they drive. Councilor Beyerl: Is there a way to have proof of insurance on file with the city. Scott: yes he can bring proof down. Councilor Beyerl: How are vehicles checked to make sure they are safe? Scott: Cars are checked before the drivers are hired and they have to be taken to an Uber checkpoint once a year for inspections. Councilor Perry: Uber doesn't come under classification as a taxi more of private car service. Riders can't flag down an Uber driver for a ride. Councilor Beyerl has concerns about making sure the passenger(s) is covered and wants something on record to fall back on. Only Uber drivers in Jefferson at this point are Scott and his wife, most others would be coming out of Salem. Councilor Burns: Is there a district manager in Salem that we could ask questions of to verify that Jefferson is indemnified? Scott: Yes. Councilor Perry: So are we asking them to do more than what Uber and the State are asking of them? Councilor Beyerl: Direct staff to look and see what Salem and Portland and other cities are doing and then adopt something. He wants to make sure passengers are protected and the City. Let's make it a fair playing field for them to operate. Councilor Cheney: If this is stopping him from working, we should grant him permission to start as long as he can provide proof of insurance. Councilor Beyerl: That would be setting precedence he would be leery of granting. Councilor Myers: The ordinance as written covers a lot of the things Dave is questioning. His concern is the ordinance was written (2005) prior to Uber, so it should go to legal to see if it meets code. Legal can tell us quickly. He wants to know if it is up to date with current standards. He assumed that staff would have already sent to legal before it ever came to Council to review so that Council would have been able to make an informed decision. Mayor Hightower: The current ordinance spells out what he needs to do, so shouldn't he just fill it out and get started? Councilor Myers: He isn't trying to slow them down from starting business; however, there has been a change in the way business is being conducted since the ordinance was written. He suggests sending it to legal to see if ordinance still complies with current law and if so, then let them start with applying for permit. This shouldn't take legal more than a day to look at and get an answer to staff on

how to proceed. Councilor Burns: Since we will not have an answer to this ordinance until the next Council meeting can we grant a temp 30 day permit to operate before the legal changes happen? Councilor Beyerl: Let staff handle this with legal; If legal says all is fine then get him started, even if the change is minor, staff can make the change and get him his permit, Council can vote to accept the change at next meeting and still allow him to start right away as long as all requirements are met. This is something staff should have done before it ever got here. He does not want to start bending the rules and setting precedence for this type of thing.

2.2 Ordinance 682: Itinerant Merchant Permit:

Councilor Cheney: he looked at it and doesn't feel this ordinance fits food carts. He feels this should be given back to staff to find out what other cities have done about allowing food carts to stay for longer periods of time.

Councilor Beyerl: He feels this ordinance needs separated from door to door sales. He spoke with Lissa and she seems to think that she can split multiple levels of itinerant merchants.

Mayor Hightower: In section 6 of current ordinance, is there a place to continue without having them stop after 120 days? Lissa: Not currently, she could check with other cities of similar size and see what they are doing and what has worked for them. Councilor Beyerl:

This is something that he recommends staff do and should have done; not something

Council should be trying to decide on at the table without the current information in front of them. Councilor Burns: So is this something staff would again put changes together and if all is ok with legal allow the merchant to continue and we vote on later? Councilor Beyerl: yes.

Mayor Hightower: Lissa would like to know time frame to have completed. General discussion was that this should be done by the first July meeting. Mayor Hightower: any other discussion on this? Councilor Myers: Neither of these needed to come to meeting tonight; staff should have done some back ground work before it came to this level.

Applicant is being delayed and now Council is giving it back to staff to do the work; this would have saved a lot of time.

III. NEW BUSINESS:

3.1 IGA- MCSO: Councilor Beyerl: It's basically the same contract with new dates and dollar amounts so he moves to accept it as written. Councilor Perry seconded. Mayor: asked for any discussion. Councilor Beyerl: The new contract is actually a few bucks under what is currently budgeted for this year. Mayor: What do communication fees cover? Councilor Beyerl: He explained it is calls to its dispatch, calls to 911, any and all communication hookups that connect all aspects of the MCSO to everything. This is an independent contractor separate from MCSO that does all the work to get and keep them connected; we are helping pay for a portion of that fee charged to MCSO. No other discussion. Mayor called for vote: All in favor; none opposed. Motion passed unanimously.

3.2 STREET CLOSURE REQUEST-LINDA BAKER 8/21/17:

Councilor Myers moved to approve Councilor Beyerl seconded. All were in favor.

3.3 STREET CLOSURE REQUEST-TRACY VAUGHAN 6/24/17:

Councilor Beyerl moved to approve Councilor Cheney seconded. Discussion: Councilor Burns asked Tracy Vaughan if all neighbors that would be blocked in were aware and in agreement with this and she stated yes. Mayor called for vote and all were in favor. Motion passed unanimously.

IV. DISCUSSION/INFORMATION:

4.1 MCSO MONTHLY REPORT –MAY 2017:

Councilor Beyerl: Great job! The MCSO does a fantastic job spelling out what is happening. Councilor Myers asked if it's on website. Deanna stated she could put it there; but only the chart showing they types of calls nothing stating addresses of where calls originated from. Council agreed.

V. CONSENT AGENDA: Councilor Beyerl moved to approve Councilor Perry seconded.

Discussion: Councilor Beyerl: He asked for the name of software company. Deanna stated it was Caselle and explained that bill would not be paid until July as it is for annual support for the upcoming budgeted year. Check was pulled and will not be printed until next month. No other discussion. All in favor and approved unanimously.

VI. COMMITTEE/DEPARTMENT UPDATES:

LIBRARY: Councilor Burns: Meeting was last night. Katherine has a lot going on with summer reading program; she is getting a lot of really good feedback from the schools and loving it. The library received permit last week and we should start seeing some building happening soon.

PLANNING: Councilor Burns upon legal advice did not attend the meeting.

CHAMBER: Councilor Perry: nothing

BUILDING COMMISSION: Councilor Beyerl: no meeting

LANDMARKS ADVISORY: Councilor Perry: No quorum

MPO: Councilor Beyerl: Meeting next week

FIRE BOARD: Councilor Myers: Chief Zeilman's last day is June 30th; retirement party from 3-5, so swing by and congratulate him

SCHOOL BOARD: Mayor: Bond passed by 15 votes. Dewy Robbins is the new director of school board.

FOL: Councilor Myers: About June 26 real equipment should be arriving to start construction. Small town throw down this weekend; there is a need for cookies and ice delivered down by pool. National night out will be last time for free toy giveaway from the FOL. Concerts at Conser begins in July which is also a Council meeting at the gazebo.(July 19, 2017 6-730pm)

PARKS & REC: Councilor Myers: Derick Mendiola's term ends June 30 after 22 years. He has done a lot of things for parks and rec. but the call to fish is growing stronger.

MWACT: Councilor Perry: Next meeting is first part of July.

VII. VISITORS:

Audrey Webster: 170 8th St: topic is Caring: quick story leading up to her comments. She then reads her statement that covered a few topics and entered her written statement in for part of the record.

Don Russell: Corvallis: Jefferson Summer Market: He and his wife will be starting this Saturday June 24th. They will be starting out small; classes will be offered from their studio. He has questions about permits. Councilor Myers: Where is the physical location of the market going to be? Don: On his property at 254 Mill Street in Jefferson. Councilor Myers: His understanding is this would then be considered private. Don: He stated it's on our property but we will be following what Salem does for a Saturday market. They will be featuring home grown fruits and vegetables, fresh eggs and local handmade craft items. Councilor Cheney: So then you are questioning if vendors need to have permits? Councilor Beyerl: He stated he has been asking some questions and has found that only ones that fall under the ordinance that need a permit are food and beverage trucks. So as long as it's only homegrown or handmade then no permit needed. Councilor Burns: Mint Festival charges vendors a tent fee but no permit but that is one day event. Councilor Myers and Cheney: Asked if he had worked with staff. Lissa: Advocates for

Mr. Russell so that market can be started. States it is on private property and Mr. Russell is doing so at his expense to see if this will even flourish in Jefferson. It is in the mixed use/main street area and is perfectly acceptable in this area. She stated she invited Mr. Russell to come to Council as she had been informed that a Councilor had an issue with food carts; since they are on private property they shouldn't need to have permits. Councilor Cheney: If staff has no problem then let it go. Don: He is trying to make this the same as other Saturday markets and they don't charge. Councilor Beyerl: He believes that they need to follow the ordinance that is currently in place; this means food carts need permits but no others will need permits. If any changes are made to the ordinances then change the rules. We should not be bending rules to fit the situation. Councilor Myers agrees that staff needs to follow current rules in place and until changes are made if fees are charged then that is what needs done. Councilor Burns: States Mr. Russell needs to work with staff, and if she makes any recommendations for changes to the ordinance then they will act upon it; until then work with the ordinance in place. Deanna: Asked Council to clarify what they are stating for the record. Are they saying that current ordinance states that as long as fresh produce, eggs, hand crafted items then no permit is needed but if he plans on having food/beverage carts then they need to get permit. Council agreed with Deanna. Councilor Myers: If it turns out that our ordinance is behind the times, then we need to fix the rules. We need to work with what is currently in place at this time. Lissa: The current rules states the fee is \$50 for 30 days or \$125 for 120 days; the permit does not say days need to be contiguous. As there will only be 8 Saturdays for this whole event is a 30 day permit ok as long as they can move the days around to be able to use for the duration of the summer market? Councilor Myers: Asks Lissa what her recommendation is. Lissa: Asks Mr. Russell if he thinks vendors would be willing to pay for 30 day permit if they can manipulate the date range to cover summer market duration. Don: He believes food/beverage cart people have a number of expenses as it is and he does not see them paying the \$50 for 30 days. They would barely make anything and other places don't charge. Mayor: work it out with Lissa and when she makes recommendations for changes then we can review it more.

- VIII. COUNCIL COMMENTS: Councilor Beyerl: Letter from Councilor Burns for resignation; he believes it has to be on next agenda to be official and wants info regarding ghost hunters to come back before decision is made to allow or deny. Deanna: Info for ghost hunters (Morbidity Militia) just came in that day and wanted to give Council a heads up so that at next meeting they could decide.

Councilor Myers: Going back to old business and then the visitors: It is not fair for those people asking about permits to have to wait but then these items should not be coming to council without being vetted first. Staff needs to be more on top of this and doing the research BEFORE it comes to Council. He asks that the Mayor relay this back to Greg so he can ensure the work is done before Council sees it. He also wants to give kudos to Deanna for getting the banners done for this year's Mint Festival; he was unaware that they would be done this quick and is impressed with her quick motivation

Councilor Burns: One thing discussed at library meeting was how the library is coming along. Linda Baker said there is enough money for walls and roof but not enough to furnish it so a lot of the old stuff will come over. Linda thought \$150,000 dollars might furnish it. He doesn't want to see old stuff moved over. His thought was if every water meter paid \$50 a year for 2 years then the money would be raised in no time. He wants to just throw it out for discussion to council.

Councilor Cheney: no comment

Councilor Perry: He wanted to have it noted that on first weekend of June the Council had training which he felt allowed a nice atmosphere to work things out. He started looking at City of Independence to see how they are doing so well. He found out that its cause they TALK to their citizens. He would like for them all to set aside an hour a week or so to sit down and have some coffee and talk. Councilor Burns agrees, Mayor also thinks this is good but not as a group more individually. Councilor Perry is going to try to set up something at Jefferson Station, or La Espiga or anywhere and buy some coffee. He is looking to start this in September.

- IX. CALENDAR CHANGES: Councilor Myers no calendar included in packet and wants to see a calendar included with timeline for Greg added at end of July meeting.
- X. ADJOURNMENT: Councilor Burns moved to adjourn. Councilor Beyerl seconded. All in favor meeting ended 7:41 pm

MINUTES APPROVED this 27th day of July, 2017.

Cyndie Hightower, Mayor

ATTEST:

Greg Ellis, Interim City Manager/Recorder