

City of Jefferson
Regular Council Meeting
July 27, 2017
6:30 pm

Council Present: Dave Beyerl, Mike Myers, Stan Neal, Brad Cheney, Walt Perry, Cyndie Hightower
Council Absent: None
Staff Present: Greg Ellis, Deanna Donato, Lissa Davis, Jeff Buskirk
Guests: Scott Shepherd-Jefferson Fire Department, Sgt. Don Parise-MCSO

- I. **CALL TO ORDER/FLAG SALUTE:** Mayor called meeting to order at 6:30 followed by flag salute.

Agenda item change: Mayor announced an agenda lineup change as the Fire Department and MCSO would be going first in the event they would need to leave for an emergency.

- II. **DISCUSSION/INFORMATION:**

- 2.1 Jefferson Fire Department-Planning for Solar Eclipse (August 21, 2017):**

Scott Shepherd presented the JRFD's Incident Action Plan for the August 21st Eclipse. They plan on staffing all EMS vehicles during the operational period; all stations (Jefferson, Millersburg, Talbot) will be staffed, using Incident Command System including an Area commander, monitoring traffic so crews will be kept updated. The operational period is set for 5:00 am until 6:00 pm on the 21st. The JRFD is also asking those that live in Jefferson to make sure they are prepared for the event by stocking up ahead of time on food, water, gas, medications, etc. (Recommended a 7 day supply) They are asking that everyone be patient as traffic may be heavy from the expected large influx of visitors from all over in the area. The one thing they are stressing the most is STAY HOME if you do not need to travel anywhere. Scott gave handout of the JRFD plan for the record.

- 2.2 MCSO-Plan for Solar Eclipse:**

Sgt. Don Parise spoke on behalf of the Sheriff's Department regarding the plan for the Solar Eclipse. He stated that the MCSO is also asking everyone that does not need to travel to STAY HOME. They are expecting large volumes of visitors and traffic is going to be heavy; all EMS offices are expecting delays and difficulty with response times to various areas, so the more people that stay off the road during this time the better. MCSO is also urging people to treat this as preparing for a disaster situation; asking people to be prepared by stocking up on food, medications, batteries, etc. Cell phone service may be down along with electricity. They also are warning this could start before the actual eclipse event and last a few days after as people will be arriving ahead of time and then allowing for time for them to leave.

III. OLD BUSINESS:

3.1 Vehicle for Hire- Ordinance #655:

Lissa Davis explained the ordinance was brought up in May and in June, Scott Bittick asked that Council review the ordinance for updates to cover Uber and Lift. Lissa has researched and found that the City of Albany has repealed their ordinance and turned it over to COG as Albany has learned that the more they control vehicles for hire such as cabs and Uber drivers, the more the City is financially liable. Lissa also spoke with City of Salem about their rules and regulations and Salem has given it over to Uber as they already have pretty strict rules.

Councilor Beyerl: Asked how she recommends amending the ordinance. Lissa- Some of her recommendations would be to not require a separate vehicle inspection/check list as Uber already requires a pretty extensive one; list the City as additional insured; a similar licensing requirement with a renewal every year. Councilor Beyerl: So instead of creating a checklist for them, the City would ask to see what they have already done for Uber or Lift. Lissa: yes, basically any submittals given to Uber or Lift would be required to be given to the City when they applied for a license along with the proof of insurance naming the City as the additional insured. Councilor Beyerl: So a formal change will be made so Council can make a vote correct? Lissa: yes, she will work on amending the code and ordinance and then send it to legal for the final revision.

Councilor Perry: He had two questions. Is there any cost factor to the City? Lissa- There is always a liability when regulating any type of business or industry; that's why the City would be listed as an additional insured. Councilor Perry: Second question had to do with cost of City licensing vs. COG licensing. General discussion between Lissa and Councilor Perry over which COG would manage before coming to conclusion that Lissa could check with COG and see about coming up with another way to regulate so Council could see the differences. Councilor Meyers: So we will be looking at an option A and an option B when this comes back. Lissa: yes.

Councilor Cheney: So the City attorney, Ross Williamson, already stated the City didn't have to make any changes if it didn't want to, is that correct? Lissa: That is correct, you could leave it as it is, but current ordinance is "vehicle for hire" and Uber and Lift do not fall under that category; need to allow for things other than a cab.

Mayor Hightower: One thing that would need to be amended is the rates as cab companies' post rates on the door or inside and Uber does not. General discussion follows. Lissa- At the least, the City needs to add a section for TNC's into this ordinance/code. More general follows.

Councilor Neal: What is down side to not regulating? Lift does pretty good job of vetting drivers; is there a problem with just getting information for drivers based out of Jefferson? Lissa- Depends on what the City wants to do. Councilor Beyerl: The problem with doing nothing is that there is currently a code for taxis. So if it is to be fair, then the City either needs to drop this code or amend the code to include TNC's; either way, something has to happen with the current code. Councilor Neal: He personally thinks it

would be easier and less liability if the regulations were dropped as Lift and Uber are regulating them.

Mayor Hightower: Asked if the City should follow what Salem did and Lissa thinks they should.

Councilor Cheney: He would like the current code to go away since likely hood of a cab company opening in Jefferson is slim; just update to what Uber standards are.

Councilor Beyerl: He agreed with Councilor Cheney on making it simple. The current City code/ordinance is archaic and needs to be updated to current standards.

Lissa: Informed Council she would draft the ordinance that would basically state, whether it was a taxi cab or vehicle for hire (Uber/Lift), the company/driver would need to fill out the City application/licensing form, provide required documents and proof of insurance with City listed as additional insured and pay the fee. Councilor Beyerl: Just make it simple and fair for either type of company—shouldn't be more than half a page at the most is his thought.

Councilor Neal: Claimed he may be a little naïve, but wanted to know why there would be an application fee for Uber driver that lives here but not one that comes in to drop off? Lissa- that is up to Council. A cab company is usually housed within a City. Councilor Perry: This would be one reason we should see about going with COG. Lissa: Except we don't know which COG we would go with—we are in Marion County, but our transportation plan is out of Linn County. Councilor Perry: It comes down to one thing—ask them! More general discussion continues.

Councilor Neal: His opinion is to make it simple and those that live in Jefferson should not have to pay more than those that don't live here; it would be like saying we are managing this but we're really not and could put us at risk for liability plus it seems like it would be micromanaging. Mayor Hightower: Does Salem charge application fee to their drivers? Lissa: Did not know, but will be checking into it.

Councilor Myers: He is hearing two different things: 1. is to drop it all together or 2. make it fair. So how does Council want to go so that we can give Lissa some direction?

Councilor Neal: He would like to see it simple and equal for both so that there would be level playing field for everyone. All other Councilors agreed.

Councilor Beyerl: Asked Lissa if an administrative fee were charged, what would be the cost. Lissa- Just a matter of looking at their documents to verify they have what we are requiring of them. There would need to be some sort of system set up in order to flag the renewal dates. The fee would probably be minimal since getting it started would be the longest part. She doesn't foresee the City being flooded with applications. Councilor Beyerl- Asked if Council thought there was any need for a fee and they all agreed no need. Lissa also agreed there was no need for a fee. Councilor Beyerl: Draft an amended version of this ordinance to update to current standards, state what we need to see from the company and get it sent to attorney for review so Council can vote. He asked Council if that was direction enough for Lissa to move on this and they all agreed.

III. NEW BUSINESS:

3.1 Resolution 1021- CPI Adjustment to water/sewer & employee salaries:

Greg: Stated he went back to 2004 and found a resolution setting increase for sewer rates. After that, another resolution was created that was adding CPI increase annually. He then let them know about the spread sheet City Engineer, Steve Ward, did to show why the City needed the increase. Greg continues to give general information on the subject and dates each occurred. Mayor mentioned Resolution 997. Greg then stated that Steve Ward had also written in his spread sheet a statement that shows if the City does not watch out for inflation, the rate increases they have done or will be doing will erode and no progress made. Greg showed Council that in Steve's spreadsheet he estimated over 10 years the CPI increase to be 2.5%; however, the actual average predicted of the CPI increase is 3.2% over next 10 years. Greg continues to give general information on the subject and how it came about and why it is needed.

Councilor Myers: This is two separate issues: 1 is CPI annually and 2 adjusting rates to cover any shortfall for building. This resolution has been around for quite some time to simply account for any rise in inflation so the City stays ahead of the game. Council reviews this every year, doesn't mean it gets raised every year. His recollection was that if the CPI was under 2.1% then usually no increase is made. Councilor Neal: Asked whether or not, since sewer already at 5% every six months, if Council could split up employee from water /sewer and not increase sewer as it is already increasing. Greg: Reminds Council that the 5% on sewer is because of the upcoming new construction needed for sewer plant and the CPI increase for inflation is to ensure that the increase for the plant does not get eroded due to inflation.

Councilor Neal: question to Councilor Meyers: You stated that this has not always been increased correct? Councilor Myers: General rule of thumb in the past has been that if the CPI is under 2.1% then usually not increased. This is reviewed annually and Council can choose to adopt the Resolution or not. Councilor Neal: Wanted to know if the resolution could be split to adopt salary but not rates. Councilor Myers: Council can amend and adopt any way they want to. Councilor Beyerl: Council is looking at two things but everyone wants to combine them; one is CPI increase to finance for infrastructure and the other is for daily operation. Councilor Cheney: if Council decides that the increases that were done were more than what was needed to cover infrastructure loan payments, could we lower rates? Councilor Beyerl: no, we would drop the last few step increases at the most but we don't go backwards. Jeff- the City won't know the whole picture until all the bids come in and that is at least six months out. Councilor Beyerl: His recommendation is status quo until we know. The City has always played it safe and that is how we keep out rates lower than most cities in the state. Mayor asked for any other discussion on the topic, hearing none she asked for a motion.

Councilor Myers moved to adopt as presented and Councilor Perry seconded. All were in favor and motion passed unanimously.

3.2 City Manager/ City Recorder Analysis Presentation:

Greg said he would show the power point in a minute as they are mainly financial. He wants to discuss his plan some.

Currently there are three people in the office which creates an issue when trying to do anything. He would recommend giving some of the planning to COG and he stated Lissa doesn't like that idea. He said everyone in the City Hall office is going to have to work at doing more within the office (learning how to do others tasks) with some restricting of

positions and hiring of at least one more. Meaning that as City Manager that person would need to know how to do not only their position, but also that of the City Clerk and at least know some basic answers when it comes to planning and/or code enforcement. He then started PowerPoint for the financials on how to fund the positions.

His recommendation is to hire city admin/recorder, move city clerk to deputy city recorder, and give some planning to COG. His Power Point showed the financials what had been budgeted vs the actuals since 1998/99. He stated there has been quite a bit of carryover in three funds so this carryover could fund the positions. More general discussion on where money could come from. (See attached report for more information)

Councilor Beyerl: wanted to make a point that the City is up for a 1% loan ONLY because we have saved. And if you look at other cities when they build, they are paying way more because they had no money set aside. The State often will step in and have them raise rates and keep increasing rates just so they can make their loan payments. Greg stated that he and Jeff attended a meeting on this same subject last week. The reason they are getting the 1% rates has to do with the average income of residents of the city and the other has to do with the safe drinking water program. Jeff stated that since the State has not done a very good job at dispensing the funds for the safe drinking water program, the Federal government has stepped in some to make sure the State is dispersing it. Greg: Jefferson is considered a disadvantaged community because the average income is pretty low.

Greg: General discussion on where money to fund all these positions would come from and for how long.

Councilor Neal: So basically Jefferson's budget is 9 million and about 1% is going to city manager is that correct? Greg said yes. Councilor Neal: 1% isn't that much. Councilor Myers: What you are failing to factor in is, when looking at a 9 million dollar budget, the amount of money for a 4-6 million dollar plant about to be built and then the 2-4 million being saved to build for the next plant. So really that money isn't there to pay for employees, it's there to save for projects for the City. Councilor Neal: For the value you can get for an employee to work with state agencies it's worth the money spent. There are a lot of smaller towns, with smaller budgets that have a city manager.

Councilor Beyerl: This isn't just about money. If you go with the City Manager position, and the City Manager is gone all the time to meetings and so forth, there will be more stress added on remaining staff so another employee will need to be hired and costs are going to go even higher. We haven't been able to sustain this in the past and he does not think it will work now.

Councilor Myers: Let's see some numbers that show reductions into enterprise funds, rate increases and such. If you are looking at long time sustainability then you also need to look at the costs to the customer. Lot of things not shown here tonight; been down this road twice and similar arguments have been made and position was not able to be sustained. Another factor needing to come into play is the legal fees for this last year and that cost is not going to go down. That is a reality that needs to be factored in. He sees tremendous value in city manager, but getting one with all the experience for the pay Jefferson can afford may be tough; then the added stressors on the remaining staff. Stress on street fund as all we get is gas tax and it takes 3-5 years to be able to save for major street repair. He thinks several things need to be really addressed with different

figures. What does this do to rates? He doesn't have an answer tonight and wants to see this continues.

Councilor Perry: Looking at the numbers something doesn't make sense. To him it looks like robbing Peter to pay Paul; seems like it's going in a vicious circle. One item missing here is the recorder/treasurer position that we had. He doesn't like the changeover just to move funds around, when the only change taking place is change in title of employee.

Councilor Neal: wants to see this conversation continue. Wants to know can each employee do more than what they are already doing?

Councilor Beyerl: Financially and legally emphasis better be on recorder/treasurer or else in trouble with audits.

Councilor Cheney: How much does a normal city manager spend outside the office?

Greg: You would need somebody that is already connected within the state. He has had most people meet him here, rather than him leave the office. He would like the opportunity to come back with the numbers that Councilor Myers would like to see.

Councilor Cheney: It seems like some decisions have already been made and hopes everyone keeps open minds.

Councilor Beyerl: Even when here with meetings, it still puts stressors on remaining staff.

Councilor Myers: He gave Greg some numbers to add in as factors for next projection. His big thing is sustainability. Councilor Beyerl: wants to see this come back as Greg has put a lot of work into it but Council needs to digest. Greg: at next meeting he will only have 2 months left, so time is running short.

IV. **DISCUSSION AND INFO:** moved to beginning of meeting.

V. **CONSENT AGENDA:**

Councilor Beyerl moved to approve consent agenda as presented and Councilor Perry seconded. Mayor asked for any discussion. Councilor Myers: under May 25 minutes, status of itinerant permit? Lissa: said she will have it back at end of August. Also on those same minutes under visitors section, there was a request that all visitors' questions be consolidated and turned into the attorney to get answers. Where are we on that? Greg: he asked that those with question please hand them in, and the only person that actually gave him questions was Nancy Hamby.

All were in favor and motion carried.

VI. **COMMITTEE/DEPARTMENT UPDATES:**

Library Board: No meeting

Planning Commission: No meeting

Building Committee: No meeting

Landmarks: Councilor Perry: good input on discussion about the Conser House use after Library moves. Lissa took down a lot of good ideas from the community followed by a music concert.

MPO: cancelled

Fire Board: Councilor Neal: spoke with Scott Shepherd the fire bond is on hold and being reevaluated by interim chief.

School Board: Mayor Hightower: nothing

FOL: Councilor Myers: footings were poured today for new library. Coming up: National Night out is last night that free toys will be handed out. Down side: Burgerville fundraiser

won't be happening as not doing it any more. Costume exchange- if anyone has good Halloween costume's not being used anymore; donate to library for exchange program as it's a way for them to raise funds. Fundraising continuing.

Parks & Rec: no meeting

MWAC: no meeting.

VIII. VISITORS:

Linda Baker: 1287 Filbert St Jefferson OR- Just wanted to recognize a staff birthday today- Happy Birthday Deanna!

Edna Campau: 609 E Union St Jefferson, OR- analysis presented tonight talked about ways to fund the city manager position. She passed out sheet for information. She gave the definition of an enterprise funds. She then directs everyone to Resolution 997 which sets rates for water & sewer system. Resolution 997 was set by Council in 2016 to raise rates over time to cover costs of water plant. As she recollected the rational for charging our own utilities franchise fees was to acquire funds necessary to pay for City Records salary and City Hall expenses. Her opinion, based on Resolution 997, it appears that the higher rates are now for city manager position rather than the intended water treatment plant.

Audrey Webster: 170 8th St Jefferson, OR—question that goes back to last week's hearing. Mayor used term wife hat and wants to know how that works for ex-parte communications. Mayor explained that she does not bring her Mayor work home and does not discuss it with her husband.

Nancy Hamby: 664 Alder Jefferson, OR- questions about minutes on website being six months behind. Deanna stated she must be going to the old website as the current website is up to date. Deanna stated the new web address of www.jeffersonoregon.org. Nancy asked if old website could be removed and Deanna stated the City had put in requests to state website moved to new address and when she had last looked that was the case.

Nathan Hightower: pass

Michelle Nunes: PO Box 583 Jefferson OR- Recall & Eclipse- she thought the address didn't have to be given based on Dani Daniels comments. But she gives it anyway. Michelle thanks Mayor for calling on Thursday. States she is going to state her opinion on the recall and she is in favor of it. Doesn't believe the Mayor is doing a good job connecting with the community. Councilor Cheney interrupts and a disagreement takes place and Mayor ends the conversation as it was going off of topic.

Keith & Fran Rude: 510 Delores Jefferson OR- Fran does not come up to table when called. Keith stated his first concern was with Dave Beyerl and Nancy Hamby who were seen hugging about a month ago. His concern isn't the hug, more about how can Councilor Beyerl be objective on voting when he has a relationship like that with an applicant. Then proceeds to state he has been in this town for 20 years, hasn't seen anything change in the town. He hears all this talk about new developments, new businesses that are supposed to be bringing all this money into the town, but what has it done for the citizens of the town? Not a darn thing.

Chris Giffin: 207 N Main St Jefferson OR- wants to make a comment to Mr. Rude real quick- he finds it hard to believe when residents say nothing has happened here in over 20 years. She lists things that have been done. Her topic is elephant in the room. There are very few qualified, interested candidates looking for rural positions in small towns in Oregon. Unrealistic expectation when you think you are going to find someone with tons of experience locally. She has at least 25 options for job description for Jefferson, and thanks Greg for the work he put into the spreadsheet, but she was hoping there was going to be some choices for Council to mull over. She would be happy if Greg came up with at least three options for Council to look at.

Fran Rude: 510 Delores Jefferson OR- She has tried to walk around town and upset no ramps on sidewalks. She went to flower festival and almost fell; the ADA law says you have to have ramps. She would like to see the sidewalk corners fixed so people don't fall. She can't cross High St because no ramps and has difficulty in many areas of town. She is not sure who takes care of this but would like to see it addressed. Sidewalk where new library construction is needs to be barricaded could be open to lawsuit.

VIII. COUNCIL COMMENTS:

Councilor Beyerl: Thanked everyone that show up to speak at these meetings, whether they like him or not, as it is part of community involvement.

Councilor Myers: Asked when the Council vacancy applications were due. Greg: August 1. Councilor Myers: When will council vote? Greg: August 10th. Councilor Myers: Encourages Council to review history and funds. Talk to staff and see what happens in city hall. Without that, they will not get the full picture of what they want to change.

Mayor Hightower: Thanks Greg for presenting and Deanna for doing minutes.

IX. CALANDER CHANGES:

Councilor Perry: In October, he would like to discuss what the plan for City Holiday dinner is in December. The City dinner that happened last year did not feel like the traditional Jefferson dinner, and he would like to start early rather than a week or so before the event.

X. ADJOURNMENT:

Councilor Beyerl moved to adjourn and Councilor Perry seconded. Meeting closed at 8:50 pm.

MINUTES APPROVED this 24th day of August 2017.

Cyndie Hightower, Mayor

ATTEST:

Greg Ellis, Interim City Manager/Recorder