



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT CITY COUNCIL
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

JULY 12, 2011

REGULAR MEETING MINUTES

1. CALL TO ORDER – 7:00 P.M.

Mayor Russell called the regular meeting to order at 7:00 p.m.

Council members present: Bob Russell, Alan Curriston, Kathy Sell, Mike Parker, Ruth Jenks, Jonathan Bilden and Bill Fierke.

Staff members present: David Hussell, City Administrator; Joe Kellerman, City Attorney; Vern Thompson, Chief of Police; Melissa Owens, Finance Officer; Robert Miller, Public Works Director; and Dena Roberts, City Recorder.

2. FLAG SALUTE AND INVOCATION.

Councilor Parker led the flag salute and Council President Curriston led the invocation.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA.

Don Skundrick, Jackson County Commissioner, addressed Council apologizing, on behalf of the Jackson County Board of Commissioners, for not being able to participate in Eagle Point's 100 year celebration on July 4th. He congratulated Eagle Point as a city for its past, present and future, noting that the Commissioners want to be partners. He advised he was able to attend the pancake breakfast and met the representatives of Eagle Point's sister city, Showa, Japan. Mayor Russell thanked Commissioner Skundrick, stating Eagle Point also appreciates its relationship with the Jackson County Board of Commissioners.

4. PRESENTATIONS.

4.1 Presentation of plaque of appreciation to Michael Parker.

Mayor Russell announced Item 4.1 and asked Councilor Parker to step to the podium. He then presented Councilor Parker with a plaque of appreciation. Councilor Parker thanked the Council, stating he would miss everyone and that it had been a pleasure to serve.

Mayor Russell called for a short break at 7:05 p.m. for refreshments in honor of Councilor Parker.

Mayor Russell reconvened the meeting at 7:16 p.m.

5. PUBLIC HEARINGS.

6. CONSENT CALENDAR.

6.1 Presentation of regular meeting minutes of June 14 and 28, 2011.

Mayor Russell announced the consent calendar and asked for a motion. Councilor Sell moved that Council approve the Consent Calendar as presented, including the additional changes noted on the hand-out. Council President Curriston seconded the motion. There was no discussion. Roll call: Alan Curriston, yes; Bob Russell, yes; Bill Fierke, yes; Ruth Jenks, yes; Jonathan Bilden, yes; Mike Parker, yes; and Kathy Sell, yes. The motion passed unanimously.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR.

8. PRESENTATION OF BILLS TO BE PAID.

Mayor Russell announced the bills to be paid and asked if there were questions. There were none. He then asked for a motion to approve the bills. Councilor Parker moved that Council approve the bills as presented including the additional bill list. Councilor Jenks seconded the motion. There was no discussion. Roll call: Kathy Sell, yes; Jonathan Bilden, yes; Bill Fierke, yes; Bob Russell, yes; Ruth Jenks, yes; Alan Curriston, yes; and Mike Parker, yes. The motion passed unanimously.

9. OLD BUSINESS.

10. NEW BUSINESS.

10.1 **Resolution 2011-49.** A Resolution authorizing the Mayor of Eagle Point to sign on behalf of the City Council its recommendation to the Oregon Liquor Control Commission that a limited on-premises liquor license for the Purple Parrot be granted.

Mayor Russell announced **Resolution 2011-49** and asked for the staff report. Chief Thompson reported the Purple Parrot has applied for a liquor license for a new location in Eagle Point. He advised there haven't been any problems with them at their current location and calls for service are very rare. He further advised they limit customers to one drink per person per hour

which is a good practice. Mayor Russell asked if they are planning on continuing at their current location, also. Chief Thompson responded they are and will thus have two locations in Eagle Point. Councilor Sell asked if there was enough parking at the new location. Dave Hussell responded all of Eagle Landing is under a parking restriction. He explained there were different uses for the space when the master plan went before the Planning Commission and City Council. He also advised Miguel's and Rogue Federal own the land their businesses sit on, but that the rest of the complex is owned by a bank. He explained the issue is really whether there is adequate parking for these new uses and staff has to monitor what types of businesses go into the center. Mr. Hussell advised the Purple Parrot does meet the parking requirement.

Councilor Jenks asked if the city receives any revenue from liquor and lottery sales. Dave Hussell explained the city receives state shared revenue that comes from liquor sales, but it is based on a per capita revenue basis. Councilor Jenks asked if it relates to the number of bars. Mr. Hussell responded it does not and is based on the total gross revenue of liquor tax. Mayor Russell asked the ramifications if Council did not pass the resolution. Attorney Kellerman responded the Oregon Liquor Control Commission (OLCC) makes the decision and they simply want to know if the city is supportive. The result of the city not approving it would be that the OLCC would take a closer look at the Purple Parrot, but that OLCC has complete authority. Councilor Sell asked if there is much drunk driving associated with the current Purple Parrot. Chief Thompson responded there is not.

Councilor Parker moved that Council approve **Resolution 2011-49**. Councilor Fierke seconded the motion. There was no further discussion. Roll call: Mike Parker, yes; Ruth Jenks, yes; Alan Curriston, yes; Jonathan Bilden, yes; Bob Russell, yes; Kathy Sell, yes; and Bill Fierke, yes. The motion passed unanimously.

10.2 **Resolution 2011-50.** A Resolution approving a new ten-year franchise agreement with Avista Utilities.

Mayor Russell announced **Resolution 2011-50** and asked for the staff report. Dave Hussell reported the city's previous franchise agreement with Avista Utilities has expired. He stated he and Attorney Kellerman have been working with Steve Vincent of Avista to develop a new agreement. Councilor Parker asked if this new franchise agreement could be used as a template for franchise agreements with other utility companies. Dave Hussell responded it could be used for some companies. He further explained that the city's agreement with Charter is much more complicated because of the nature of their business and the issues surrounding telecommunications in the state and nation. Attorney Kellerman interjected franchise agreements are form driven by the carrier rather than the municipality. Council President Curriston stated he was surprised that it is a 10 year agreement given the potential change in the air for franchise agreements in general. He asked if the city has recourse if laws change. Dave Hussell responded if the city decides to go with a privilege tax as opposed to a franchise agreement the franchise agreement will remain in place and a privilege tax can be imposed, however, it will not change the impact to Avista. Mr. Hussell stated, aside from assessing a value, it structures the use of the right of way in terms of notifications, etc. and creates a relationship more than anything. If there wasn't a franchise agreement the city could impose a privilege tax and then have a separate working management agreement between the city and the utility company. The

current franchise agreement is meant to be contemporary and recognizes there could be changes in the future.

Councilor Jenks asked if there were significant changes from the prior agreement. Dave Hussell responded there were significant language changes because the prior agreement was very general and the new one is much more specific, with detail being added where there was need.

Mayor Russell invited Steve Vincent of Avista to comment. Mr. Vincent commended Dave Hussell and city staff, stating Avista has a great working relationship with everyone at the City of Eagle Point. He stated the last franchise agreement was adopted in 1996 and much has happened since that time: an energy crisis and congress passed two separate major pieces of legislation that affect the operation of gas facilities. He stated there was an effort in drafting the language in the agreement to mitigate every possible future dispute or misinterpretation. Much of the language was drafted by Avista's legal counsel, but there are a number of sections that improve the city's authority. Mr. Vincent noted franchise agreements are often 10 or 20 years in length. Council President Curriston stated there is nothing egregious at all in this particular agreement. Mayor Russell stated he felt Avista great corporate citizens and was appreciative of the partnership.

Councilor Bilden moved that Council approve **Resolution 2011-50**. Councilor Parker seconded the motion. There was no further discussion. Roll call: Bob Russell, yes; Bill Fierke, yes; Jonathan Bilden, yes; Kathy Sell, yes; Mike Parker, yes; Ruth Jenks, yes; and Alan Curriston, yes. The motion passed unanimously.

- 10.3 **Resolution 2011-51.** A Resolution authorizing the City to enter into an agreement with Southern Oregon Education Service District for programming and media services to operate Charter Cable Channel 15 for public education programming.

Mayor Russell announced **Resolution 2011-51** and asked for the staff report. Dave Hussell advised city staff has been discussing an agreement with Southern Oregon Education Service District (ESD) to help manage Channel 15. He explained the city was granted the use of Channel 15 and another channel through the city's franchise agreement with Charter Communications. He explained the city is required to make full use of one channel at a time. He then went on to explain that originally the city was working with the school district and the head-end was at the high school; that didn't work out so the head-end has been moved to city hall. Mr. Hussell advised what is shown on the channel has to be for educational purposes and is typically information the city would want to share with the public, such as shows Southern Oregon Public Television runs. Mr. Hussell advised Southern Oregon ESD has the technical staff to run the channel as well as programming information such as nature hikes at Table Rocks, local sporting events, etc. already available. He explained the city is still the responsible party regarding what runs. Dave Hussell advised the schools have moved away from TV programming and are doing more web based work.

Mr. Hussell advised the city's new website will be going live in August and thus the city will have two mediums for communicating with the public. He explained Channel 15 serves Charter

Communication customers in Eagle Point and White City. Mr. Hussell advised the agreement was the city's basic personal services contract which outlines the services on Exhibit A. He then advised the city receives PEG fees from each of the Charter customers and that the money would be used to pay for programming services. Any extra monies would be used for programming work the city might do independently. The fund contains \$50,000. Out of that amount \$7,000-\$9,000 will be used to purchase equipment to bring the system online.

Council President Curriston asked if the city could do a promotional video. Dave Hussell responded it could, but that private business cannot be promoted. Councilor Fierke asked what city staff would be involved. Dave Hussell responded he and Melissa Owens. Councilor Sell expressed her concern that the programming be fresh and not run the same program for months and months. Dave Hussell responded there will be some degree of repetitiveness but the ESD has the ability to make it fresh and that is what they would be paid to do. Councilor Sell stated the information she had noted the school district would pay for programming they wished to run. Dave Hussell advised that if the school district wanted to run football games, etc. on Channel 15, they would need to pay for it. If they are interested, staff will bring an agreement with them to Council for approval. Councilor Jenks stated she applauded the idea of different kinds of media but was concerned with staffing pressures. She further expressed her concern that only one segment of citizens, Charter customers, have access to this. There are an increasing number of citizens moving toward satellite. She suggested if timing is not critical, staff focus first on the new website. Melissa Owens responded that Charter customers pay the fee and that is why they are receiving the benefit and others are not. Dave Hussell stated he agreed that staffing is inadequate and that the ESD would be doing most, if not all, of the work. City staff would simply have oversight. It would give the city an opportunity to put specific city related information on it, such as the Little Butte Creek and museum videos. Melissa Owens interjected the ESD already has much content ready to go and this would be positive from a regional tourism perspective. Nancy Leonard stated she served on the school board for 17 years and they have a very good technical staff member who might be willing to explain the process. She further advised she thought Council would find they will have very little to do.

Council President Curriston moved that Council approve **Resolution 2011-51**. Councilor Parker seconded the motion. There was no further discussion. Roll call: Ruth Jenks, no; Mike Parker, yes; Kathy Sell, yes; Bob Russell, yes; Alan Curriston, yes; Bill Fierke, yes; and Jonathan Bilden, yes. The motion passed unanimously.

10.4 **Resolution 2011-52.** A Resolution authorizing the reallocation of funds from the Recreation Coordinator position to the Account Clerk 1 position.

Mayor Russell announced **Resolution 2011-52** and asked for the staff report. Dave Hussell reported Sherry Bailey's doctor has told her she cannot return to work and she has, therefore, resigned. He further advised that leaves an open position in the budget for a Recreation Coordinator. Mr. Hussell explained that, for the past two years, Ms. Bailey had been serving most of her time at the front counter, which is where the need is. He stated staff was requesting that the funding for the Recreation Coordinator be redirected to allow the hiring of an Account Clerk I. He stated there would be some savings remaining and suggested that cover some of the cost of the temporary assistance Council had previously approved hiring. Councilor Parker asked if staff would fill the position with a temporary person prior to hiring a permanent

person. Dave Hussell responded there is a temporary person who has been filling the role for several months and that she might be interested in applying or she may want to stay on as temporary help. Councilor Parker asked if she did end up with the permanent position would staff still hire a temporary person. Dave Hussell responded during layoffs a few years ago two administrative staff had to be let go and the goal is to gain two people back. He further advised that there have been requests to have City Hall open during the lunch hour but that it can't be done without two more staff members. Councilor Sell asked for clarification of the number of people being hired. Dave Hussell responded there would two additional people. Councilor Sell asked if more money was being spent. Dave Hussell responded there would be no more money spent.

Councilor Jenks expressed her concern that there would be no one to run the summer parks and recreation program next summer if there is not a half time recreation coordinator. Dave Hussell responded there will need to be some fee based revenue to keep the recreation programs going if the city services them. He stated if that occurs the city will need to move into a higher level parks and recreation program than what it currently has. Sherry Bailey was spending 8-10 hours a week on the programs and there is no justification to hire a recreation person for that amount of time. He advised there needed to be a discussion among Council.

Councilor Fierke stated he hoped there would be summer day camp next year. He suggested, with the help of the additional staffing, that someone devote 8 of their working hours to the program. Dave Hussell advised the biggest problem with the recreation program is the ability to keep continuing staff (coaches, referees, counselors, etc.) If they are hired, trained and stay on everything is fine, but last year they all left and there wasn't enough time to hire, train and manage new staff. Organizing the junior eagles and summer day camp took 8-10 hours a week. He stated everyone wants to keep the program going but there needs to be enough staff to do it. Dave Hussell stated staff is trying to bide some time in order to discuss and think through it and come up with a plan for next year. Mayor Russell suggested a local church or other organization might be able to run the program for the city at less cost. Councilor Fierke asked for clarification of the after school program and summer day camp. Dave Hussell responded they are the same.

Council President Curriston moved that Council approve **Resolution 2011-52**. Councilor Parker seconded the motion. There was no further discussion. Roll call: Jonathan Bilden, yes; Kathy Sell, yes; Alan Curriston, yes; Mike Parker, yes; Bill Fierke, yes; Bob Russell, yes; and Ruth Jenks, yes. The motion passed unanimously.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES.

Councilor Fierke reported he attended a school board meeting last night at which Scott Grissim was re-elected chair and Ted Dole vice chair. They discussed their budget and are trying to close out their year. Their fund balance has gone down by approximately \$1.5M and they are projecting a \$2M decrease over the next couple of years. Councilor Fierke next reported he and Council President Curriston met as a subcommittee with regard to recruiting for a new city administrator. They briefly reviewed previous agreements, job descriptions, the city charter, etc. They will be working on it over the next week or two and will hopefully have something for the next meeting. He advised they have worked out a timeline, with the goal of having the new person on board a

few weeks prior to Mr. Hussell's departure. He stated they are hoping to get Mr. Hussell more involved as he has knowledge in placing advertisements, etc. He explained they hope to get Council agreement on a firm timeline by mid-September. The next step will be to review material and meet with Mr. Hussell. Councilor Fierke then reviewed the timeline that he and Council President Curriston had developed. Mid-September everything defined and plans set, October advertising campaign, mid-November receipt of applications, pre-finalize group, and phone interviews; mid-December bring group of individuals down to two to four individuals; December and January for interviews, references, home community visit, February 1 selection complete with acceptance and a 30 day window for them to give notice.

Councilor Jenks stated in talking with individuals at the MPO RVACT meeting it was suggested the city contact the League of Oregon Cities for information and options. It was also suggested utilizing a search firm as it might provide a better opportunity of looking on a national level. Councilor Jenks suggested Councilor Fierke and Council President Curriston talk with other councils for input and tips.

Councilor Bilden thanked Mayor Russell for coordinating the meeting with Congressman Walden. He then reported he spoke with Senator Atkinson and Representative Richardson last week and hopes to have them visit Eagle Point in the fall; both want to get involved with Eagle Point. Councilor Bilden thanked Commissioner Skundrick, noting that during his campaign, Commissioner Skundrick had promised to get around to the cities and he has held true to his promise and been to Eagle Point already three or four times.

Councilor Jenks reported she attended a RVACT meeting. They discussed evaluating and prioritizing recommendations of expenditures of ODOT funds on local projects. There is a trend not to just look at them as transportation projects but also to evaluate the impact on economic development areas. There was also discussion of the recommendations on amendments to Transportation Planning Rules 060. The focus on the changes was to have more flexibility to balance congestion versus economic development when planning transportation projects in local communities and Eagle Point has some issues relative to the Highway 62 corridor and land use.

Council President Curriston noted he, Councilor Fierke and Dave Hussell plan to rewrite the job description for the city administrator and put together a list of selection criteria that can be used for advertising. He advised they would be brought before Council for approval before September 15.

Councilor Sell reported the Parks & Recreation Commission meeting was cancelled due to a lack of a quorum; it is being rescheduled for July 28.

Councilor Parker advised RVS believes they are not subject to a franchise fee and it has been tested by a legal suit with Phoenix. The judge ruled that RVS is wrong and they are subject to franchise agreements. Councilor Parker stated if the opinion is upheld, he would suggest Eagle Point apply a franchise fee to RVS. He further advised Eagle Point wait to hear final judgment before moving forward. Mayor Russell asked if he knew the timetable. Councilor Parker stated he did not. Attorney Kellerman advised it will take approximately 1 ½ years to conclude.

Mayor Russell reported he enjoyed spending time with the Showa delegation, despite the communication difficulties. He further stated it couldn't have been done without Mr. and Mrs.

Payne and Mr. and Mrs. Quering; they did a tremendous job. Mayor Russell advised he was going to put a thank you in the *Upper Rogue Independent* this week. He stated they are great people and the community needs more like them. Mayor Russell advised the Hellgate trip was great and Councilor Parker participated. He thanked Suzi Collins, Bunny Lincoln, and Edith and Leon Sherman and the entire Community Association for their efforts with regard to the 4th of July events. They did a fabulous job and the bar is now set at a new level for next year. Mayor Russell stated Greg Walden was in Eagle Point and it was nice to have that kind of presence. He advised he and Dave Hussell met with Jeff Griffin, Governor Kitzhaber's Southern Oregon representative, yesterday about sidewalks, roads and what the governor's office can do to help Eagle Point. We'll keep working with such people with the hope that they can help us with future projects. Mayor Russell then thanked Robert Miller and the Eagle Point Public Works staff for working so diligently on Centennial Plaza; the flowers look wonderful. Robert Miller responded the contractor's crew put in a good stable foundation and the public works crew has been trying to keep it up. He then thanked Mike Parker for his dedication to the City of Eagle Point. Mayor Russell stated he wanted to briefly discuss Mike's replacement and deferred to Council President Currison for advice. Council President Currison suggested advertising the open position for 2-3 weeks and then pick someone from that pool of candidates. That person would fill Mike's position until the end of his term and then they would need to run for office to continue serving on City Council. Councilor Jenks stated she thought the position should be advertised for 30 days. The Council discussed dates for advertisement and decided to run the first advertisement in the *Upper Rogue Independent* next week and continue advertising each week until the deadline of Friday, August 5.

12. STAFF REPORTS

Melissa Owens reported the Finance Department has been working on closing out the old financial year and opening the new budget year. She further reported she will have statistics in the financial report at the next meeting of fund balances and the ending of the year as well as any new changes expected for the new year. Ms. Owens reported staff recently sent out renewals for business licenses and will have statistics at the next meeting of how many of those will continue. She then advised staff is in the process of cross training and updating procedural manuals because of the shifting of duties, especially the front counter.

Rob Miller thanked Mayor Russell for the compliment on Centennial Plaza, noting staff has received three complaints this summer. He advised he has had staffing issues due to vacations, emergencies and sickness. The crew does their best but is not always able to get all the parks mowed on schedule. Mr. Miller stated now that he has funding he will be working on obtaining an outside contractor to help when needed. Mr. Miller then reported PRVs have been completed for 190 homes, which leaves 12 to be done and of those seven have promised to get a PRV, two are in foreclosure and three there has been no contact. He stated he would bring legislation to Council at their next meeting to allow staff to turn water off at those locations so that the system can be brought online. Councilor Jenks suggested contacting the homeowners' board in an effort to get in touch with the owners of those remaining homes. There was a brief discussion of how long ago the notification process began.

Chief Thompson reported the 4th of July event went very well and there were no problems. He stated he drove the city the next day and was very impressed that the community did such a good job at cleaning up behind themselves.

Attorney Kellerman advised he saw the fireworks and he felt it was the best fireworks show in a long time.

Dave Hussell reported the Economic Development Commission held a long discussion on volunteerism. He advised the discussion was very beneficial and there will likely be much more discussion. They are trying to formulate ideas of how volunteer services can be solicited and better used. There has also been discussion of ways to use the city's new website to obtain volunteers.

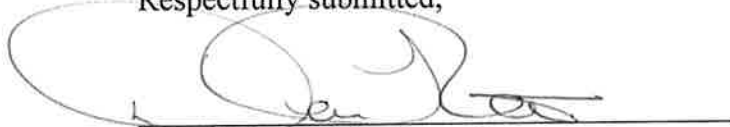
Dave Hussell stated Council needed to decide what they were going to do about recognition of PremierWest and Floral Source with regard to the time capsule. The Commission held a brief discussion at the conclusion of which they decided there would be the main circular plaque in the center covering the time capsule with a smaller round plaque in the upper right and left corners of the concrete square, one stating "sponsored by PremierWest" and the other "sponsored by Floral Source" and all of it being of the proper size to be done in a tasteful fashion.

13. INFORMATION.

14. ADJOURNMENT.

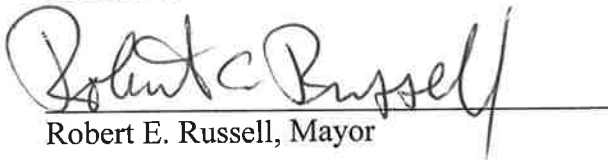
There being no further business to come before the Council, Mayor Russell adjourned the meeting at 8:50 p.m.

Respectfully submitted,



Dena Roberts, City Recorder

ATTEST:



Robert E. Russell, Mayor