



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

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

NOVEMBER 28, 2017

## REGULAR MEETING MINUTES

### 1. CALL TO ORDER – 7:00 P.M.

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

Council Members Present: Bob Russell, Jonathan Bilden, Bill Fierke (via Skype), Ruth Jenks, James Mannenbach, Kathy Sell, and Michael Stanek.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Vern Thompson, Police Chief; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Bob Strosser, Jackson County Commissioner; Bob Horton, Fire Chief District 3; Suzi Collins, Planning Commissioner; Millie Wewerka, Planning Commissioner and Budget Committee Member; Jerry Zieman, Budget Committee Member; and members of the public and press.

### 2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance; and Jerry Zieman offered the invocation.

Following the flag salute and invocation, Mayor Russell and Attorney Kellerman discussed the Mayor's attire which recognized the Oregon Duck's win of the Oregon Civil War Football Game.

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

There were no audience questions or comments.

### 4. PRESENTATIONS

#### 4.1 Recognition of City Attorney's 25 Years of Service to the City of Eagle Point.

Mayor Russell announced Item No. 4.1 on the agenda, a presentation in recognition of Joseph Kellerman's 25 years of service to the City as its City Attorney. Henry

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Lawrence, City Administrator, shared a couple of attorney jokes but acknowledged that Joe Kellerman is not the typical attorney. Mr. Lawrence went on to share the following:

- Attorney Kellerman is a historian of the City as he has outstayed everyone. Similarly, the City has been with the same law firm for at least the last 70-80 years.
- Attorney Kellerman is not typical in that he looks out for the community and has kept the City out of trouble with only two instances of litigation over the years.
- Attorney Kellerman is straight forward, giving honest advice, and doesn't nickel and dime the City, while charging about half of his regular rate.
- Attorney Kellerman showed up in the fall of 1992 along with the City's Attorney, Dan Thorndike, and was introduced as a new associate.
- Attorney Thorndike announced his retirement in December 1992 and Attorney Kellerman became the City's attorney in January 1993.

Councilor Sell noted being in business in Eagle Point for nearly 38 years and while she vaguely remembered Attorney Thorndike, felt fortunate to have Attorney Kellerman representing the City as he remembers everything and gives really good guidance.

Attorney Kellerman responded that it had been a pleasure to serve the City and he had learned a lot. He also reported the City Councilors were unsung heroes and liked the fact that every year the town gets better and it had been good to be a part of that.

Following the discussion, Mayor Russell presented Attorney Kellerman with a plaque to commemorate his 25-years of service with the City.

### 5. PUBLIC HEARINGS

#### 5.1 Public Hearing to consider adoption of Updated Comprehensive Plan and Zoning Maps.

Mayor Russell announced the Public Hearing had been advertised and all legal notifications were made in compliance with state and local laws. Mayor Russell went on to explain that in addition to a presentation from Staff, all persons interested in offering testimony would be allowed to speak at the appropriate time.

At 7:12 p.m., Mayor Russell opened the Public Hearing regarding adoption of the Updated Comprehensive Plan and Zoning Maps.

Mike Upston, Planning Director, reported that the last maps were the City's first attempt at the maps. However, the changes as proposed in the agenda statement are needed. Mr. Upston reviewed the most significant changes and noted the following:

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- All public schools and parks identified as “Public Uses” to clear inconsistencies that are corrected in the proposed Maps. However, it was noted that the School District could request a future zoning change.
- Changes to the Color Coding to improve the reader’s ability to differentiate between land use designations.
- Single Family Residential (R-1) properties on the Zoning Map now includes subset designations with a number after “R-1” i.e. R-1-6, for all properties.
- A change to the designation on the LDS Church property at 11175 Highway 62 from Residential to Commercial to be consistent with the adjacent zoning.

On a final note, Mr. Upston reported the Planning Commission recommends approval.

Mayor Russell invited public testimony in favor of the proposal and then in opposition; however, there was no public testimony. Councilor Fierke commented in favor and there being no further comments, Mayor Russell closed the Public Hearing at 7:20 p.m.

Mayor Russell reported the proposed Ordinance No. 2017-07 was scheduled later in the Agenda as Item No. 10.1. Further, there being no objection to changing the order of business, Mayor Russell asked to discuss and deliberate the proposed Ordinance No. 2017-07.

Mayor Russell asked for a motion to adopt Ordinance No. 2017-07. Councilor Bilden made a motion to adopt Ordinance No. 2017-07, an Ordinance amending the City of Eagle Point Comprehensive Plan Map and Zoning Map; and Councilor Sell seconded the motion. There was no discussion. Roll call: Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; and Bob Russell, yes. The motion passed unanimously.

### 5.2 Public Hearing to consider adoption of Updated Floodplain Management Regulations.

Mayor Russell announced the Public Hearing had been advertised and all legal notifications were made in compliance with state and local laws. Mayor Russell went on to explain that in addition to a presentation from Staff, all persons interested in offering testimony would be allowed to speak at the appropriate time.

At 7:22 p.m., Mayor Russell opened the Public Hearing regarding adoption of the Updated Floodplain Management Regulations.

Mike Upston, Planning Director, reported the City had used Federal Emergency Management Agency (FEMA) maps for the last 40 years. FEMA’s new equipment for measuring underwater ground levels is more accurate than ever before. As a result, Eagle Point’s flood area has lessened and some homeowners may see a reduction in flood insurance premiums.

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Mr. Upston explained the maps will be accessible to the public after FEMA's new Flood Insurance Rate Maps and Flood Insurance Study becomes effective on January 19, 2018. Mr. Upston explained that the City's accompanying regulations are almost the same as before but acknowledge the new maps. Additionally, the proposed Ordinance was reviewed by Oregon's Department of Land Conservation and Development (DLCD), and the Eagle Point Planning Commission at its meeting in October.

Further, Mr. Upston explained that adoption of the Ordinance would also repeal and replace the old Ordinance and remove an obsolete chapter in the Municipal Code. The one downfall of not adopting the Ordinance would be that the community would not be able to participate in national flood insurance program.

Mayor Russell invited public testimony in favor of the proposal and then in opposition; however, there being no further testimony or final comments, the Public Hearing closed at 7:25 p.m.

Mayor Russell reported the proposed Ordinance No. 2017-08 was scheduled later in the Agenda as Item No. 10.2. Further, there being no objection to changing the order of business, Mayor Russell asked to discuss and deliberate the proposed Ordinance No. 2017-08. Councilor Jenks reported reviewing the Flood Plain Maps in 2011 and expressed it is nice to have updated and accurate data.

Mayor Russell asked for a motion to adopt Ordinance No. 2017-08. Council President Jenks made a motion to adopt Ordinance No. 2017-08, an Ordinance establishing regulations to prevent flood damage within the City of Eagle Point, Oregon, adopting related Flood Insurance Rate Maps and the Flood Insurance Study for Jackson County and Incorporated Areas, and repealing Ordinance No's. 2011-01 and 9-62A. Councilor Stanek seconded the motion. Councilor Sell commented about regulations and flood damage. There was no further discussion. Roll call: James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; and Bob Russell, yes. The motion passed unanimously.

### 6. CONSENT CALENDAR

#### 6.1 Presentation of Regular Meeting Minutes of November 14, 2017.

Mayor Russell announced the Consent Calendar. There were no questions or comments. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Sell seconded the motion. There was no discussion. Roll call: Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; and Bob Russell, yes. The motion passed unanimously.

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7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items considered for removal from the agenda.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid including the Additional Bills List. Council President Jenks requested information about the credit card bill. Henry Lawrence, City Administrator, reported that about one-half of the expenses were for Public Works repair, and the rest was a mixture of miscellaneous expenses. Mr. Lawrence stated a full report is available. There being no further questions, Councilor Bilden moved to approve the Regular Bill List in the amount of \$264,734.03 and the Additional Bills List in the amount of \$6,624.53 (Submission No. 1). Council President Jenks seconded the motion. There was no discussion. Roll call: Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; and Bob Russell, yes. The motion passed unanimously.

9. OLD BUSINESS

9.1 Continuation of discussion from November 14, 2017 regarding Eagle Point's System Development Charges (SDCs).

Henry Lawrence, City Administrator, reported this item had been brought back from the previous Council meeting to allow for the Council's review of the project list to develop the System Development Charges (SDCs) for parks, street improvement programs, water projects, and stormwater management.

Mr. Lawrence also noted Eagle Point's Municipal Code which requires a review of the SDCs every five years; and discussed noticing requirements and a public hearing to make changes. A 90 day notice is required for the public hearing and materials prepared for the public's review within 30 days of setting the public hearing.

Next, Mr. Lawrence reviewed the current and preliminary SDC rates based on 20 year projections:

	<u>Current</u>	<u>Preliminary</u>
Water	\$3,324	\$2,990
Transportation	\$3,529	\$3,242
Storm Water	\$2,164	\$1,858
Parks	\$2,304	\$4,573

While existing projects like Linn Road and Stevens Road help in formulating the SDCs, the City also forms estimates based on what will likely happen in the future. Projects are categorized by how soon they are anticipated i.e. 0-6 year, 6-10 years, and 10-20 years.

Discussion focused on various aspects of Parks which is proposed to go up substantially, almost doubling SDCs. There was also discussion about the amount

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for future Park land acquisitions which some expressed as being high. The timeframe for Highland Park was also a concern.

Other highlights of discussion regarded:

- Acquiring additional water rights. Future purchase from the Lost Creek Reservoir, and determining when a new water tank will be necessary.
- Linn Road access.
- Comparing SDCs with the County's SDCs.
- Accuracy of population statistics.

Overall discussion led to the Council's request for a study session in January.

### 9.2 Continuation of discussion from October 10, 2017 regarding Eagle Point's density.

Mike Upston, Planning Director, reviewed highlights of the agenda statement and deferred to the Council packet for additional background data dating back to the 1990's. Mr. Upston went on to report the most recent estimate for expansion into the Urban Reserve Areas is eight to ten years. At that time, it is currently expected that the City will hold with the agreed upon density thresholds, unless offset with higher density elsewhere in the City.

Mr. Upston discussed a draft Resolution for the Council's consideration which would express their intention to set density controls within City limits; however, it would not impact the Regional Problem Solving (RPS) agreement. Mr. Upston further explained the Regional Plan Element's direction for proceeding with an amendment, which is a long and politically heavy thing to do. Eagle Point would be the first plan participant to request that kind of change.

Council discussion ensued about:

- The Eagle Point City Council providing a favor to other cities within the Regional Problem Solving process as it passed densities that it did not want with the understanding they could get relief from that.
- Following up with other participants for their support.
- The draft Resolution presented not reflecting the Council's intention.
- Not going along for the next 10 years towards a goal the Council does not support.

Henry Lawrence, City Administrator, discussed the importance of understanding the process to change the density levels. It was noted the City had agreed to a 50 year plan with densities at 6.5 units per acre in the Urban Growth Area until 2035, and increasing to 7.5 units per acre thereafter. Mr. Lawrence reported the Council was free to pass a Resolution but that it would not change the agreement. Amending the agreement or backing out of it would come with different consequences in terms of time, costs, consultant efforts, and the like. Basically, the County would be the lead agency on any changes to the agreement and a super majority vote would be required

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by the other cities. Additionally, Mr. Lawrence reviewed the 2009 Greater Bear Creek Valley Regional Problem Solving Agreement's Section XII. Termination Process, and Section VII. Incentives and Disincentives to Achieving Goals. One disincentive is that if the City is not in compliance, it may be used as a rating factor by the Rogue Valley Metropolitan Planning Commission's transportation funding for projects such as Linn Road and Stevens Road. Mr. Lawrence encouraged the Council to take its time in coming to a decision and noted the process is extensive.

Joe Kellerman, City Attorney, weighed in, noting this had been one of the better presentations on RPS. Attorney Kellerman further noted the passion around the subject and expressed that the market will never allow for it unless something like a large plant is opened nearby. More importantly, he reported there are other cities, Talent and Medford, considering amending the Agreement. All in all, Attorney Kellerman recommended the City Council be tempered in its approach and to gain as much political support as possible. A comment was added about no future growth.

There was additional discussion about the City Council being under tremendous pressure at the time it adopted the Ordinance to approve the RPS Agreement. Discussion focused on staff as well as Council discussions with other agencies when opportunities are presented that may benefit the City. Mayor Russell concluded with a comment about bringing this up again after the first of the year.

### 10. NEW BUSINESS

- 10.1 Ordinance No. 2017-07, an Ordinance amending the City of Eagle Point Comprehensive Plan Map and Zoning Map, was discussed and adopted following the Public Hearing listed as Item No. 5.1.
- 10.2 Ordinance No. 2017-08, an Ordinance establishing regulations to prevent flood damage within the City of Eagle Point, Oregon, adopting related Flood Insurance Rate Maps and the Flood Insurance Study for Jackson County and Incorporated Areas, and repealing Ordinance No's. 2011-01 and 9-62A, was discussed and adopted following the Public Hearing listed as Item No. 5.1.
- 10.3 Discussion regarding changing the meeting time to begin at 6:00 p.m. instead of 7:00 p.m.

Mayor Russell reported initiating informal discussions about this item after attending a City of Jacksonville Council meeting that always start at 6:00 p.m. Mayor Russell noted that at least one staff member does not live close to City Hall. Another staff member comes in at 7:00 a.m. staying through the meeting which makes for a long day. Attorney Kellerman provided the history of Council meeting days which used to be held on Monday nights at 7:30 p.m. and were then changed to Tuesday at 7:00 p.m. because of football. Mayor Russell noted that such a change would require the Council Rules to be amended and the end time of meetings to be 9:30 p.m. unless agreed upon by the Council. Discussion ensued about the instances when a Work Session may be needed and that starting a Work Session at 5:00 p.m.

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would be difficult for some to attend. Mayor Russell proposed an evaluation period beginning at the first meeting of the first quarter of 2018. There was no objection stated. It was noted that a meeting time for a Work Session on System Development Charges would need to be determined.

### 11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES.

Council President Jenks reported attending a Metropolitan Planning Organization (MPO) Policy Committee meeting earlier in the day.

Mayor Russell reported on an excruciating Civil War Game, and also attending another Branding Meeting. Later in the meeting, Mayor Russell commented on Main Street looking fabulous and invited everyone to attend the caroling event at the Mill on December 9. Henry Lawrence, City Administrator, added that the tree lighting ceremony would be held on December 1.

### 12. STAFF REPORTS

Mike Upston, Planning Director, reported on development including Sienna Hills in the last phase, Greenview Subdivision, Tabor Avenue Triplex, dental office under construction, Barton Road Subdivision, and Lane Duplex property near Little Butte Park. Staff is currently wrapping up on an Urban Growth Boundary analysis, and revisiting the Downtown Grant Program. Mr. Upston also announced the next Branding Committee meeting on December 21 and the Community Development Commission meeting on January 2<sup>nd</sup>.

Vern Thompson, Police Chief, reported on Item No. 13.1 regarding OLCC licensing and there were no issues or concerns. Next, Chief Thompson reported on Officer Cody Mabee providing first responder assistance while off duty. Oregon State Police Troopers on the scene let Chief Thompson know that Officer Mabee had explained he was in training and calmly assisted with providing first aid.

Attorney Kellerman expressed appreciation for recognition of his service to the City, and reported on a lawsuit to be filed against an engineering firm. He further reported plans to be away for the next meeting and would see everyone next year.

Henry Lawrence, City Administrator, reported on the Finance Director being ill but the Financial Report would be sent soon. Mr. Lawrence also announced an open house by the engineering firm on December 12 for the Linn Road Project.

### 13. INFORMATION

#### 13.1 OLCC License Renewal Notification.

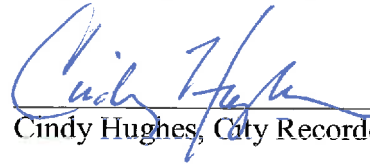
Vern Thompson, Police Chief, reported during the staff report that there were no issues to report.



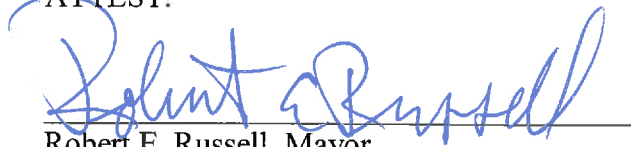
14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 8:32 p.m.

Respectfully submitted,

  
Cindy Hughes, City Recorder

ATTEST:

  
Robert E. Russell, Mayor