



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

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

MARCH 25, 2014

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, Wayne Brown, Bill Fierke, Ruth Jenks, Aaron Prunty, and Kathy Sell.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Robert Miller, Public Works Director; Melissa Owens, Finance Officer; Vern Thompson, Police Chief; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Jerry Zieman, Budget Committee; Michael Stanek, Budget Committee and Parks & Recreation Commission; Suzi Collins and Millie Wewerka, Planning Commissioners; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

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

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

There were no questions or comments regarding items not on the agenda.

4. PRESENTATIONS

There were no presentations.

5. PUBLIC HEARINGS

There were no public hearings.

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6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of March 11, 2014.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Brown seconded the motion. There was no discussion. Roll call: Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, abstention; and Bob Russell, abstention. The motion passed with five ayes and two members abstained.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items considered for removal from the Consent Calendar.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid. There were no questions or discussion. Councilor Bilden moved to approve the Bills to be Paid including the additional bills list (Submission No. 1) in the amount of \$10,512.90. Councilor Jenks seconded the motion. There was no further discussion. Roll call: Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; and Bob Russell, aye. The motion passed unanimously.

9. OLD BUSINESS

There was no old business to discuss.

10. NEW BUSINESS

10.1 Ordinance No. 2014-01. An Ordinance of the City of Eagle Point declaring a moratorium on Medical Marijuana Facilities, and declaring an emergency.

Henry Lawrence, City Administrator, requested Attorney Kellerman to address this Ordinance, and Mr. Kellerman began by acknowledging the Council's request to present an Ordinance for adoption. Mr. Kellerman provided general background information about steps taken by the Oregon Legislature, and discussed the League of Oregon Cities (LOC) initial support. The LOC supported Senate Bill 1531 with the understanding that local jurisdictions would have the right to regulate more strictly than State law. There was another debate in Legislature resulting in a compromise of allowing for a moratorium through May 1, 2015. Mr. Kellerman further explained that the City of Eagle Point already had a law regulating business license approval to businesses in compliance of all State and Federal law. Eagle Point's home rule status was also discussed and Mr. Kellerman noted the agenda statement contained a full background regarding the Ordinance.

The City Council discussed various points regarding the Ordinance, including:

- Timeframe for adoption;

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- Eagle Point's Home Rule Status and rights under that status;
- The 5th Whereas, addressing the best interests of the health, safety and welfare of the citizens of the City, which was part of LOC's model (proposed language to assist smaller cities);
- Eagle Point's business license Ordinance and authority of the Ordinance;
- Benefit of Ordinance No. 2014-01, as an additional authority regulating Medical Marijuana Facilities, and whether or not it was necessary.

Mayor Russell called for public comment. Milicent Wewerka, of Eagle Point, commented on Phoenix, Oregon's experience with a business it had not issued a business license to. Phoenix had an Ordinance in place that restricted issuing licenses to businesses that defied Federal law. The end result was a ruling that Phoenix could not fine the business for not having a license. There was no additional public comment.

Mayor Russell asked for a motion to adopt **Ordinance No. 2014-01**. Councilor Jenks made a motion to adopt **Ordinance No. 2014-01** and Councilor Bilden seconded the motion. There was no further discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Kathy Sell, aye; Jonathan Bilden, aye; Bob Russell, aye; and Aaron Prunty, nay. The motion passed with six ayes and one nay.

- 10.2 Ordinance No. 2014-02. An Ordinance of the City of Eagle Point, Oregon, authorizing the issuance of Water Revenue Bonds to finance construction and improvements to the water system for a total of not to exceed \$2,500,000.

Melissa Owens, Finance Officer, noted the topic of financing water projects had been discussed at several meetings and reported the City is currently working with the Rural Development Program to borrow \$2,500,000. Adopting this Ordinance is one of many steps in securing financing and it basically authorizes a bond sale. Ms. Owens went on to explain how financing works with the Rural Development Program. Rural Development doesn't provide financing until the projects are complete, and the City is responsible for seeking interim financing. Once the projects are complete, the City will proceed with a bond sale in the amount of \$2,500,000. The Ordinance will go into effect 30 days after adoption. During that period, Citizens can object to the Ordinance.

The City plans to lock in the interest rate at 3.25% next quarter. The only other time the interest rate can be changed is when the bond sale takes place; however, it is not anticipated that a lower rate will be available at that time. Council President Fierke initiated additional discussion about the projects and financing. Robert Miller, Public Works Director, stated the projects will include a new tank, moving the Bellerive Pump Station, as well as the possibility of a generator or moving an existing generator. One other point was that the entire amount borrowed had to be used, even if it meant starting the next project on the list. The City will request

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quotes from banks to get the best interest rate on interim financing. Mayor Russell acknowledged staff for their numerous months of work on this process.

In addition, Ms. Owens responded to Councilor Jenks' inquiry about funding to repay the Revenue Bond. Basically, it can be repaid with any revenue from Water Funds, including Water SDCs or the General Fund. It cannot be repaid with funding from other sources such as Street SDCs or a gas tax. Typically, the General Fund is tied to a loan in case there is not enough revenue.

Mayor Russell asked for a motion to adopt **Ordinance No. 2014-02**. Councilor Bilden made a motion to adopt **Ordinance No. 2014-02** and Councilor Prunty seconded the motion. There was no further discussion. Roll call: Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.3 Resolution No. 2014-07. A Resolution proclaiming Arbor Week as April 6-12, 2014, and April 11, 2014, as Arbor Day in the City of Eagle Point.

Robert Miller, Public Works Director, announced Arbor Week is April 6-12. The City of Eagle Point earned the honor of being a Tree City USA community for the twenty-second consecutive year. The Arbor Day celebration will be held on Friday, April 11th at 2:00 p.m., at Mattie Brown Park. Mr. Miller and Mayor Russell encouraged everyone to attend the ceremony.

Mayor Russell asked for a motion to approve **Resolution No. 2014-07**. Council President Fierke made a motion to approve **Resolution No. 2014-07** and Councilor Sell seconded the motion. There was no further discussion. Roll call: Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Council President Fierke reported on the School Board meeting, with two main topics of discussion being: Approval of numerous policies (mostly state mandated policies); and approval of the consolidation of two White City elementary schools. In regard to the School Safety Committee Meeting, he did not attend the meeting but commended the Upper Rogue Independent for a good article about the meeting. While out of town, Council President Fierke noticed dog waste stations, like the ones in Eagle Point. In a couple of towns in Nevada, he noticed a steel cut-out replica of an eagle of approximately 12-15', and a bronze Eagle at the entrance of a private drive. Council President Fierke and Mayor Russell agreed it would be worth looking into decorative items like these. Mayor Russell encouraged everyone to take photos of items of interest. Council President Fierke also reported seeing two domes that had dulled or were painted gray.

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Councilor Bilden reported the Economic Development Commission had not held a meeting since the last Council meeting; however, he reported the LOC's Policy Committees are in full swing and updates will be forthcoming.

Councilor Jenks reported on the Rogue Valley Metropolitan Planning Organization (RVMPO) Policy Committee meeting earlier in the day wherein they approved Eagle Point's Stevens Road Project of nearly \$2.5M.

Councilor Prunty commended Robert Miller, Public Works Director, for the presentation of the Stevens Road Project to the RVMPO. A number of projects were presented but Councilor Prunty stated that Mr. Miller's presentation of Eagle Point's project was outstanding and very well presented. Councilor Prunty also reported on the Parks & Recreation Commission meeting held earlier in the month which covered similar information to that of the Joint Meeting. Mayor Russell made favorable comments on the Joint Meeting with the Parks & Recreation Commission.

Councilor Brown reported Rogue Valley Sewer Services (RVSS) is functioning well, and commended its crew members on resolving the issue with the Luthy Pump. In an attempt to stimulate the economy, Councilor Brown reported RVSS's donation efforts to the Britt Festival regarding new bathrooms and expansion of its food service areas to make it more handicapped accessible. Last, RVSS is continuing efforts with resolving Gold Hill's sanitation issues.

Councilor Sell reported attending part of the Mayor's meeting with representatives of The Church of Jesus Christ of Latter-Day Saints (LDS Church), and encouraged everyone's participation in volunteering for the community work day. Regarding the Planning Commission meeting held on March 18th, Councilor Sell commended Planning Director, Mike Upston, for a lesson to the Commission on quasi-judicial decision making. On a separate note, she mentioned seeing bronze eagles in Montana, and that the Chamber was looking into something along those lines.

Mayor Russell stated it was great to be back and apologized for missing the last meeting. Since then, he attended a Medford Water Commission meeting and a Water Coalition meeting. Comments about the proposed water agreement were submitted to the Medford Water Commission, and Mayor Russell anticipates a response within the next month or so. In addition, Mayor Russell plans to attend the upcoming meeting of the Rogue Valley Council of Governments (RVCOG), and receiving an update on the most recent Legislative session.

12. STAFF REPORTS

Mike Upston, Planning Director, suggested to everyone to mark their calendars for a meeting on Saturday morning, May 3rd, to attend a public meeting about the potential development and use of the old fire station property. Mr. Upston anticipates that three options will be presented for community input. In the end, it is hoped that enough details will be put together to result in use at some point in the future. Staff continues to work on

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transit issues, coordinating documents for the ballot initiative, and a Resolution will be presented for Council approval sometime in June. Regarding the Planning Commission, a meeting was held earlier in the month which included two presentations. One presentation was about the Main Street Program and the other was training regarding quasi-judicial decision making. In addition, Mr. Upston announced a Public Hearing will be held in April which involves a quasi-judicial decision making process. The last item reported on was the Economic Development Commission working on its Strategic Plan. Good progress has been made on the Strategic Plan and work is currently in progress. The Economic Development Commission's next meeting will be held on Monday, April 7.

Melissa Owens, Finance Officer, noted the Financial Report was included in the Council Packet and everything is as expected. In working on the budget for the upcoming year, the City is evaluating where it will end the year and for the most part is on target. In addition, staff is working with Rural Development on funding approval, and also working with Auditors. The Auditors' first visit, for interim field work, will be the first week of May. The final field work visit hasn't be scheduled but will likely be in September. Ms. Owens also discussed an increase in the City's website subscriptions for email or text message notices about new items on the website. Subscription information is being included in the Friday Letter and Utility Billing Letter. Additionally, Ms. Owens planned to meet later in the week with the City's insurance carrier to receive quotes for next year's workers compensation, liability, and auto insurance policies.

Robert Miller, Public Works Director, expressed appreciation to the Council for the Joint Meeting with the Parks & Recreation Commission. Regarding Public Works, Mr. Miller was pleasantly surprised with the award on the Stevens Road Project. Other items reported included completion of an Environmental Document for the Rural Development loan; and the bid opening for the covered bridge painting project. It was noted there were no bids submitted; however, one company had contacted the City via telephone but was not able to submit a sealed bid before the deadline. A new bid opening will be pushed out several weeks and staff will attempt to get bidders. Mayor Russell commended Mr. Miller for the work on the Stevens Road Project.

Police Chief Thompson reported attending a functional exercise in Medford with the Bureau of Reclamation (out of Boise, Idaho), under the Department of the Interior. The purpose of the visit was to evaluate their emergency operation plan. They looked at area dams and lakes as part of their evaluation, and also conducted the functional exercise. The exercise tested local communications in the event of a series of catastrophic emergencies. Other than that report, Mayor Russell commented on the reduction in Year to Date Service Calls. Chief Thompson said it could be attributed to proactive Police Department work.

Joseph Kellerman, City Attorney, reported working with the City Administrator, Henry Lawrence, on franchises. Attorney Kellerman also reported working on drafting a ballot title for transit service but is waiting to learn more about a serial levy. Discussion ensued about the contents of the ballot item and Attorney Kellerman suggested combining the serial levy language within the ballot statement. Additionally, he is working on confidential items for the City.

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Henry Lawrence, City Administrator, announced the Friday Letter had been sent out and was available on the City's website. Upcoming City Hall projects include painting in the Ashpole Community Center beginning on April 9, and carpet will be scheduled for replacement soon. Regarding business licenses, Mr. Lawrence stated his plans to issue a free business license to the Saturday Market, as their proceeds go to support the Wood House. There was no objection stated to issuing the free business license for this specific situation.

Cindy Hughes, City Recorder, reported on recruitment for vacancies on the Economic Development Commission as well as the Budget Committee.

13. INFORMATION

There were no information items to discuss.

At 8:00 p.m., Mayor Russell recessed the meeting for a short break and announced that representatives of the news media and designated staff would be allowed to attend the Executive Session. All other members of the audience would be asked to leave the room and welcomed back afterwards.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e), To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

At 8:10 p.m., Mayor Russell opened the Eagle Point City Council Executive Session pursuant to ORS 192.660(2)(e). Following discussion, Mayor Russell closed the Executive Session at 8:48 p.m.


15. ADJOURN

There being no further business, Mayor Russell closed the meeting at 8:49 p.m.

Respectfully submitted,


Cindy Hughes, City Recorder

ATTEST:


Robert E. Russell, Mayor