



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

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

July 22, 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: Fire Chief Dan Petersen and staff; Fire District Chaplain Lorin Myers; Millie Wewerka, Budget Committee and Planning Commissioner; Jerry Ziemann, Budget Committee; and members of the public and press.

### 2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance and Chaplain Lorin Myers provided the invocation.

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

Rebecca Graham of Eagle Point reported her questions had been answered.

### 4. PRESENTATIONS

#### 4.1 Jackson County Fire District No. 3: 2<sup>nd</sup> Quarter Performance Report – Fire Chief Dan Petersen.

Fire Chief Dan Petersen briefly reported on the process of preparing the 2<sup>nd</sup> Quarter Performance Report (Submission No. 1) and how doing so helped to accomplish the

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District's goals. Next, Chief Petersen shared the following highlights from the report:

- Chief Finance Officer Stacy Maxwell received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award and has received the award each year since 2004.
- Two new structural engines are going into service and one is assigned to Eagle Point. The new engines have a shorter wheel base than some pickup trucks and are expected to last 25 years with 15 years on front line service.
- Call volume are up 8.5%. Response times are still good, and staffing efforts are ongoing to ensure the District is not short staffed.
- Work is in progress to finalize dates for re-planning and inviting representatives from Eagle Point and other areas to come together to create a new strategic plan. 30 to 40 individuals will be involved in the process.
- Incident times with a spike in December which was weather related. Eagle Point Community had 1205 calls over the last 12 months, and 1047 of the calls were within the city limits. 80% of emergent calls are responded to in 7 minutes 40 seconds. The average response time is lower with many of the responses made to the retirement center next to the station in Eagle Point.

In addition to the quarterly report, Fire Chief Petersen discussed the study about merging with the Medford Fire District. It was discovered that the savings would not be as much as originally anticipated but there could still be benefits to merging. However, at this time, the agency felt it was best to take the step of cooperative service and to work together instead of merging. Last, Fire Chief Petersen introduced Jim Gillen, Chairman of the Fire District's Board of Directors, who has served for approximately eight years.

### 5. PUBLIC HEARINGS

There were no public hearings.

### 6. CONSENT CALENDAR

#### 6.1 Presentation of Regular Meeting Minutes of July 8, 2014.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Prunty seconded the motion. Council President Fierke proposed a revision to the Council Minutes of July 8 to revise the following sentence under Council Reports: *Councilor Bilden concluded by welcoming Mike Upston, Planning Director, as the newest member of the **Rotary Club of Eagle Point** ~~Upper Rogue and Eagle Point Chamber of Commerce~~.* There was no further discussion regarding the Consent Calendar. Roll call: Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; and Bob Russell, aye. 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 Consent Calendar.

### 8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were any questions regarding the bills to be paid. There being none, Councilor Bilden moved to approve the bills to be paid including the additional bills list (Submission No. 2) in the amount of \$13,947.18. 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, aye; and Bob Russell, aye. The motion passed unanimously.

### 9. OLD BUSINESS

There was no old business to discuss.

### 10. NEW BUSINESS

#### 10.1 Discussion regarding medical marijuana dispensaries.

Henry Lawrence, City Administrator, explained that at the June 10<sup>th</sup> City Council Meeting, Evan and Suzie Quan requested to lift the moratorium that is set to expire on May 1, 2015. Mr. Lawrence acknowledged audience members Evan and Susie Quan as well as Mr. Richardson. Mr. Lawrence noted that Mr. Richardson had previously requested a business license to operate a medical marijuana dispensary in Eagle Point. Mr. Richardson's business license was not issued due to the nature of the business not being in compliance with Federal law.

Mr. Lawrence further explained the purpose of the discussion was to determine whether or not the Council was willing to lift the Moratorium. The City of Ashland had done so and other cities including Medford and Central Point had or would be considering the matter. Mr. Lawrence noted there is fear by some cities that the ballot initiative may prohibit a city's regulations including taxation, and some cities are implementing taxation and other restrictions in an effort to have them grandfathered in before the November election. Discussion ensued in which City Attorney, Joe Kellerman, expressed there was a lot of grey area and he had not fully analyzed the potential impact related to the November ballot initiative. Additional discussion ensued about:

- Time, place, and manner;
- Taxation;
- Observing other agencies while the moratorium is in place;
- Home rule power;
- Business licensing;
- Possibility of future workshop;
- League of Oregon Cities (LOC) meeting in September;

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- Consideration of reviewing in another month or so; and
- Availability of Ashland's Ordinance on-line with a link to ballot initiative.

Mayor Russell welcomed audience comment. Evan Quan again requested the Council to lift the moratorium. He also discussed the potential medical benefits and tax revenues.

Millie Wewerka encouraged the Council to maintain the moratorium, noting the November ballot initiative could change things radically if it passes and that it is still illegal under Federal law.

Jerry Richardson discussed applying for a business license before the moratorium and stated he had not heard anything from the City until near the end of June. At that time, he received a letter about renewing his business license. Joe Kellerman, City Attorney, stated the City's business license regulation did not permit issuing a license to any business that violates Federal, State or local laws. Mr. Lawrence further reported he had sent a letter to Mr. Richardson with a refund check, to the same address that the license renewal had been sent to. Mr. Lawrence explained that a clerical error had occurred wherein Mr. Richardson's name was not taken out of the system but a license had never been issued. Discussion continued which resulted in Mayor Russell and Mr. Lawrence apologizing for the clerical error.

Discussion ensued about:

- Taking advantage of the time while the moratorium is in place;
- Oregon Mayors Association meeting in two weeks, and LOC in September;
- State/Federal conflict, and the possibility of enforcement by the Executive Branch; and
- Initiative on ballot, restrictions, and state revenue sharing.

Mayor Russell and a number of other Councilors voiced their agreement or nodded in agreement that they weren't ready to make a decision on lifting the moratorium.

Frank Quan of Eldorado Hills, California, asked about what kind of progress would be made at the next City Council meeting. Mr. Quan discussed setting goals and planning to move forward. Mayor Russell assured Mr. Quan that the matter would continue to be considered.

- 10.2 Resolution No. 2014-31. A Resolution to include an Explanatory Statement as part of the City's upcoming ballot measure asking voters within the Eagle Point City Limits to decide whether or not the City should annex into the Rogue Valley Transit District.

Mike Upston, Planning Director, provided a brief history and reported that while making the final preparations of the application to Jackson County, it was determined that state law requires a 500-word explanatory statement. Two versions

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were attached to the Agenda Statement for Council review. Councilor Jenks provided an additional version (Submission No. 3) with an example of cost per \$1,000 of assessed value.

The Council continued deliberation and discussion of the language for the explanatory statement which ultimately led to their agreement to revise the first version with 453-words to include an example of cost per \$1,000 of assessed value for the approximate median home average with and without the levy. The revised explanatory statement will be presented to the Council at its next meeting.

### 10.3 Discussion regarding League of Oregon Cities Priorities.

Henry Lawrence, City Administrator, led a discussion with Council to identify the top four priorities for the League of Oregon Cities (LOC) to determine its 2015 legislative agenda. The Council selected the following items:

- D. Reform the Post Acknowledgement Plan Amendment: Changing the appeals requirements – keep decision making for land use policy at the local level first;
- J. Reform Oregon's recall procedures;
- L. Clarify and enhance medical marijuana dispensary regulations; and
- R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of public rights of way (ROW).

### 10.4 Resolution No. 2014-32. A Resolution accepting a resignation by Steve Hunter from the Planning Commission and appointing James Mannenbach to fill a vacancy on the Planning Commission.

Mayor Russell explained that Steve Hunter recently resigned from the Planning Commission, noting a health matter. On behalf of the City, Mayor Russell gratefully acknowledged Mr. Hunter's service and dedication as a Planning Commissioner since 2006.

Advertisement of the vacancy was made in the Upper Rogue Independent, the City's website, bulletin board in City Hall, and in the City utility bill mailings. James Mannenbach, Eagle Point Parks and Recreation Commissioner and Economic Development Commissioner, was selected to fill the vacant term through January 31, 2015. As a condition of appointment to the Planning Commission, Mr. Mannenbach previously agreed to immediately resign from the Parks and Recreation Commission if he were selected to fill the vacancy on the Planning Commission.

Mayor Russell asked for a motion to approve Resolution No. 2014-32. Council President Fierke made a motion to approve Resolution No. 2014-32 and Councilor Sell seconded the motion. There was no discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; and Bob Russell, aye. The motion passed unanimously.

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- 10.5 Resolution No. 2014-33. A Resolution setting Wage Levels for Management Positions for the City of Eagle Point for 2014-2015.

Melissa Owens, Finance Officer, explained that new agreements had been reached in 2013 for the General Bargaining Unit and Police Bargaining Unit which authorized a 1.75% COLA (Cost-of-Living Adjustment) increase. Historically, management has received the same cost of living increase. Exhibit A of the Resolution included a wage scale example of the increase.

Mayor Russell asked for a motion to approve Resolution No. 2014-33. Council President Fierke made a motion to approve Resolution No. 2014-33 and Councilor Prunty seconded the motion. Council President Fierke received clarification that the Resolution only authorized the increase for 2014-2015. 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.

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

Council President Fierke reported on the Eagle Point School District Board Meeting. Highlights included a health report, academic testing improvements in all areas, Elk Trail property, and the reelection of Mary Ann Olson as Chair and election of Scott Grissom as Vice-Chair. Regarding City business, Council President Fierke made a reminder about the City Administrator's review, and a separate reminder about addressing density levels. Mayor Russell requested Council President Fierke to speak with the City Administrator about both items.

Councilor Bilden announced the Governor's Regional Solutions Council was scheduled to meet the following week, and the Workforce Investment Board had met last week. With new law changes, significant changes are anticipated with the Workforce Investment Board. The League of Oregon Cities (LOC) Board will meet on August 1<sup>st</sup>, and will include legislative priorities for 2014-2015.

Councilor Jenks reported attending the Rogue Valley Metropolitan Planning Organization (RVMPO) meeting earlier in the day. During that meeting, there was a discussion about a computer bug in the tracking goals model related to awarding CMAQ (Congestion Mitigation and Air Quality Improvement Program) funds. Robert Miller, Public Works Director, further explained that the Federal Highway Administration (FHWA), an agency within the U.S. Department of Transportation, is the agency that the funding would come through. To date, he had not heard that funding would be in jeopardy, noting that RVMPO is a small organization in the scope of things.

Councilor Brown announced Rogue Valley Sewer Services (RVSS) received a check for \$3,000 from the Oregon Energy Trust for a new energy efficient pump system in Shady Cove. The bid for the Tracy sewer upgrade had been awarded, and all other projects were reported to be on schedule. There were also favorable comments about the operations of RVSS.

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Councilor Sell reported attending the recent Planning Commission meeting wherein Mike Upston, Planning Director, presented an overview of accomplishments during the past year and identified future zoning items to revisit. The items to revisit included: Site Plan & Landscape Approval process, Downtown parking requirements, and vendor cart/food truck regulations, as well as housekeeping items in the Municipal Code. Mr. Upston reported the food carts would not be complicated but there would be many facets to discuss. In addition, Councilor Sell commended Robert Miller, Public Works Director, about brush and limb removal from the roads and walkways.

Mayor Russell reported on a very positive but informal meeting with School District 9 representatives at the Butte Creek Mill. Mayor Russell also discussed the upcoming Oregon Mayors Association Conference in Pendleton, visit by Showa students, National Night Out, and Street Dance on August 16<sup>th</sup>.

### 12. STAFF REPORTS

Mike Upston, Planning Director, provided an update about pending development in Sienna Hills. The parcel will be divided into 30 lots and work is in progress to show how infrastructure will be provided. A steady increase in applications and construction was reported for the last two years. Mr. Upston also reported the Economic Development Commission is scheduled to meet on August 4th, and clarified that the zoning items would be revisited with the Planning Commission before being presenting to the City Council.

Melissa Owens, Finance Officer, announced the June 30<sup>th</sup> financial report was in agenda packet and it is almost complete for the year. A multitude of other work items were discussed including work on the year-end report, auditors' visit in September, and IT upgrades and improvements. With regard to year-end reporting, Ms. Owens reported the City will be close to being on budget. Bills are still coming in and state revenues and franchise fees will come in for two to three months after the close of the year

Robert Miller, Public Works Director, reported on the recent Parks and Recreation Commission meeting with Brad Russell of the YMCA in attendance. The City is excited about partnering with the YMCA and School District. The YMCA wants to add to the City's offerings but not duplicate its efforts. Starting next year, Summer Day Camp hours will be expanded to attempt to increase attendance. On a separate matter, Mr. Miller discussed having better electrical provisions and preparations for the Street Dance. Mayor Russell also complimented Mr. Miller for the City's landscaping efforts.

Police Chief Thompson made a positive report on the new recruits' progress. Officer Adams will be ready to go in a couple of months. Another Officer will attend ALICE Training (Alert Lockdown Inform Counter Evacuate) which provides alternatives to the current policy of locking the doors and hiding. Police Chief Thompson also confirmed he had invited Sheriff Winters to attend the National Night Out event, and there were no issues to report regarding the OLCC License renewals. A brief discussion followed about OLCC License renewals. Some businesses had closed and another was located outside of the City limits.

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Cindy Hughes, City Recorder, did not provide a report but expressed appreciation to the Council for their support in her achieving the designation of Certified Municipal Clerk.

13. INFORMATION

13.1 OLCC License Renewals.

OLCC License Renewals were briefly discussed during the Police Chief's staff report.

15. ADJOURN

There being no further business, Mayor Russell closed the meeting at 8:55 p.m.

Respectfully submitted,

  
Cindy Hughes, City Recorder

ATTEST:

  
Robert E. Russell, Mayor