



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

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

JULY 26, 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, Ruth Jenks, Jonathan Bilden and Bill Fierke.

Staff members present: David Hussell, City Administrator; Joe Kellerman, City Attorney; Jim Gray, Detective Sergeant; Melissa Owens, Finance Officer; Robert Miller, Public Works Director; and Dena Roberts, City Recorder.

2. FLAG SALUTE AND INVOCATION.

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

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

4. PRESENTATIONS.

5. PUBLIC HEARINGS.

- 5.1 **Ordinance 2011-06.** A Public Hearing to receive testimony relating to an Ordinance creating a liquor license fee.

Mayor Russell opened the public hearing and read the public hearing procedures, noting appropriate legislation, rules and regulations governing public hearings. Mayor Russell then asked for the staff report. Dave Hussell reported there are costs associated with processing liquor license requests through the Oregon Liquor Control Commission and that this fee would cover those costs associated with processing such requests. Councilor Sell asked if she was correct that there are approximately eight or nine liquor licenses in Eagle Point. Dave Hussell

responded he thought she was correct. She then asked whether those currently holding a liquor license would be grandfathered. Attorney Kellerman stated it will affect future liquor license applications that require staff time. She asked if the existing businesses will have an annual fee. Dave Hussell responded she was correct and that they would be required to pay \$50. Councilor Jenks asked for clarification of the reference to "Special Event Winery/Special Event Growers License." Melissa Owens responded it would apply to events such as the Picnic in the Park event; it was a special event which required background investigation and research to processing. Councilor Sell asked whether it was for events which sell liquor. Dave Hussell responded she was correct. She asked how this would affect Mayor Russell's wine tasting events. Mayor Russell responded he has a liquor license to sell alcohol when there is wine tasting. The wineries have their own liquor licenses and they do not sell wine by the drink. Dave Hussell stated it would cost Mayor Russell \$50.00 a year. Mayor Russell noted the Eagle Point Library is conducting a fundraiser on August 27 and the dinner will include two drink tickets. Councilor Sell asked if this would be considered a special event. Dave Hussell responded it would.

Councilor Fierke asked if other cities have similar fees. Dave Hussell responded they do and most of them have fee based revenues that Eagle Point does not. Mr. Hussell further stated this fee simply covers the city's costs. Councilor Jenks asked if the library is currently required to obtain a liquor license or was the city requiring additional paperwork. Attorney Kellerman stated when OLCC issues a license staff has to expend time reviewing and processing the request and the city is trying to recoup its costs. He further advised his interpretation of the Ordinance was that special events go through OLCC. Councilor Sell asked how much the OLCC license costs. Mayor Russell responded it varies depending upon the needs of the applicant. Mayor Russell expressed his concern with charging wineries for wine tasting events. Councilor Sell asked whether the city receives a return on liquor sales and licenses. Attorney Kellerman responded the city does not from licenses but it does from sales. Dave Hussell stated all of the liquor that is sold through liquor stores in Oregon is part of the state shared revenues and is based on per capita income. There is a dollar value per person that is set and those funds are distributed to cities as part of the state shared revenue program. Cities with more population receive more funding.

Council President Curriston stated there is staff time spent to review and process the OLCC applications and staff is trying to off-set those expenses. Councilor Fierke asked for clarification of temporary and special event. Melissa Owens stated it is based on OLCC requirements. OLCC sets the criteria of a temporary license. Councilor Jenks asked if staff was reacting to applications and whether it is legally required by the OLCC. Melissa Owens stated applicants go through a process with OLCC and then OLCC sends the city documentation. Staff then does a background investigation. Mayor Russell asked for clarification of "Special Events." He further expressed his concern with charging wineries for wine tasting events. Dave Hussell stated if special events don't require staff time there would not be any charge but if they do then there would. Councilor Fierke suggested taking "special events" out of the ordinance. Council President Curriston stated staff was simply trying to recoup costs and Council needed to think about the city because the city is who Council represents. Councilor Fierke stated the Council also represents the citizens, the libraries and others and not just city government. Council President Curriston stated it is an issue between OLCC and the applicants and the city is in the middle having to spend time processing requests. The Council then held a brief discussion. Melissa Owens explained wineries giving samples are generally already going

to have a license for which they annually pay. There will not be many special events and the library likely has a winery involved for its fundraiser and the winery will be serving the alcohol.

Audience member, Jerry Zieman, asked if businesses would be charged \$50.00 each year when they renew their liquor license. Dave Hussell responded they would as it requires staff to spend time processing the requests. Mr. Zieman suggested Council table action until business owners had an opportunity to be present. The Council then discussed whether the public had adequate notice of the public hearing.

Mayor Russell asked for a motion to close the public hearing. Councilor Fierke moved that Council close the public hearing. Councilor Bilden seconded the motion. There was no further discussion. Roll Call: Alan Curriston, yes; Bob Russell, yes; Bill Fierke, yes; Ruth Jenks, yes; Jonathan Bilden, yes; and Kathy Sell, yes. The motion passed unanimously.

6. CONSENT CALENDAR.

6.1 Presentation of regular meeting minutes of July 12, 2011.

Mayor Russell announced the consent calendar and asked for a motion. The City Recorder noted a change to the minutes under Item 10.3. The minutes state Ruth Jenks voted yes and she voted no. Councilor Bilden moved that Council approve the Consent Calendar as presented, including the modification noted. Councilor Sell 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. 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. Councilor Sell asked for clarification of the numerous payments to individuals on the additional bill list. Melissa Owens advised they are utility bill refunds of deposits. She then asked for clarification of the \$35.00 to Mayor Russell. Ms. Owens advised it was a per diem check relating to his travel to the Oregon Mayor's Association summer conference. Council President Curriston moved that Council approve the bills as presented including the additional bill list. Councilor Sell seconded the motion. There was no further discussion. Roll call: Ruth Jenks, yes; Alan Curriston, yes; Jonathan Bilden, yes; Bob Russell, yes; Kathy Sell, yes; and Bill Fierke, yes. The motion passed unanimously.

9. OLD BUSINESS.

10. NEW BUSINESS.

10.1 Request for use of the Ashpole Center for an Eagle Point Clothing Swap.

Mayor Russell announced Item 10.1 and asked for the staff report. Dave Hussell invited Kenzie McKillip to address City Council. Ms. McKillip stated she is a sophomore at Eagle Point High School and is taking over the annual "Clothing Swap" event. She explained it is a fun way to

get rid of old clothes and get new ones. Each person donating clothing will receive a ticket for each item they donate. They will then be allowed to choose a piece of clothing for every ticket they have received. Councilor Sell asked when she would break down the event. Ms. McKillip responded she would remove everything on August 20, noting most of the clothes will be gone. Council President Curriston asked what she will do with the remaining clothing. She responded she will donate them. Councilor Jenks asked if she would have help. Ms. McKillip responded she would. Councilor Fierke asked if the calendar had been checked for conflicts. Dave Hussell responded it had.

Councilor Jenks moved that Council approve Ms. McKillip's request to use the Ashpole Center on August 19 and 20, 2011. Councilor Bilden seconded the motion. There was no further discussion. Roll call: Bob Russell, yes; Bill Fierke, yes; Jonathan Bilden, yes; Kathy Sell, yes; Ruth Jenks, yes; and Alan Curriston, yes. The motion passed unanimously.

- 10.2 **Ordinance 2011-06.** An Ordinance authorizing liquor license application fees for new application; change of ownership, location or privilege; temporary; annual renewal or special event.

Mayor Russell announced **Ordinance 2011-06** and asked if staff had any final comments. Dave Hussell stated the ordinance allows the city to recoup staff time expended in processing liquor license applications. He further stated state law requires the city to recoup its time and that services cannot be given away. The Council held a brief discussion regarding noticing public hearings.

Councilor Sell moved that Council table **Ordinance 2011-06** until additional notice could be made to the public. Councilor Jenks seconded the motion. There was no further discussion. Roll call: Ruth Jenks, yes; Kathy Sell, yes; Bob Russell, yes; Alan Curriston, no; Bill Fierke, yes; and Jonathan Bilden, yes. The motion passed with a vote of five yes and one no.

- 10.3 **Ordinance 2011-07.** An Ordinance authorizing the disconnection of water service to any residence that does not have a pressure reducing valve (PRV) whenever the static water supply pressure is greater than 80 pounds per square inch (PSI), and declaring an emergency.

Mayor Russell announced **Ordinance 2011-07** and asked for the staff report. Rob Miller brought Council's attention to the amended ordinance he distributed, noting Attorney Kellerman had made final changes which strengthened it. He further explained staff was in the last stages of completing the reservoir project. Mr. Miller advised staff had gone to great lengths to notify all homeowners being affected by the project. The ordinance will allow staff to turn off water to any residence that does not have a pressure reducing valve (PRV) whenever the water supply pressure is increased over 80psi. Mayor Russell asked the cost of a PRV. Robert Miller stated he didn't know but had heard they were \$200-300 and those doing the work themselves \$40. Mr. Miller stated the city checked all of the homes, free of charge, to see if they had a PRV. Councilor Sell asked if the city had talked to all of the owners. Rob Miller responded he had done his best to make contact with each and every one of them, but that he has not been able to contact the owners of three homes. Dave Hussell interjected staff has sent several notices in the mail and made personal contact going door to door. Mr. Miller advised

staff is trying to protect these homes as it would be catastrophic to the homes if the city did not turn the water off.

Councilor Jenks moved that Council approve **Ordinance 2011-07**. Council President Curriston seconded the motion. Attorney Kellerman noted the ordinance being approved was the revised ordinance and it was an emergency ordinance for the purpose of protecting the homes and property from significant damage. There was no further discussion. Roll call: Jonathan Bilden, yes; Kathy Sell, yes; Alan Curriston, yes; Bill Fierke, yes; Bob Russell, yes; and Ruth Jenks, yes. The motion passed unanimously.

Nancy Leonard asked if notices would be sent out. Rob Miller responded he would give a 7 day notice of water shut off. Council President Curriston asked when the water reservoir would be filled. Mr. Miller responded he was working on having it cleaned this week, chlorinating, de-chlorinating and then filling it. It will take approximate 4-5 days to fill.

- 10.4 **Resolution 2011-53.** A Resolution authorizing the use of photographs and materials owned by the City of Eagle Point to be used in a book on Eagle Point, authored by Margaret LaPlante and published by Arcadia Publishing.

Mayor Russell announced **Resolution 2011-53** and asked for the staff report. Rob Miller reported Margaret LaPlante approached the city with regard to publishing a book on Eagle Point. She would like to use photographs and materials the city owns in the book. He further advised the book would cover the early days of Eagle Point through the 1940's. Profits of \$8.80 on each book can be designated for a specific need such as the Museum. The book will be completed and available for purchase in December 2012. Council President Curriston asked if the photos will be returned. Rob Miller responded she had already scanned all photos and just needs permission to use them.

Council President Curriston moved that Council approve **Resolution 2011-53**. Councilor Sell seconded the motion. There was no further discussion. Roll call: Alan Curriston, yes; Bill Fierke, yes; Kathy Sell, yes; Ruth Jenks, yes; Jonathan Bilden, yes; and Bob Russell, yes. The motion passed unanimously.

- 10.5 **Resolution 2011-54.** A Resolution authorizing a contract with Farber Surveying for water rights certification.

Mayor Russell announced **Resolution 2011-54** and asked for the staff report. Dave Hussell advised the city has purchased five different water rights over the past 8-10 years in an effort to provide for the city's long term water needs. Mr. Hussell then explained the process of purchasing and perfecting water rights, noting that two of the water rights are ready to be perfected and that the contract would allow Farber Surveying to bring that process to conclusion.

Council President Curriston moved that Council approve **Resolution 2011-54**. Councilor Fierke seconded the motion. There was no discussion. Roll call: Bill Fierke, yes; Jonathan Bilden, yes; Bob Russell, yes; Ruth Jenks, yes; Alan Curriston, yes; and Kathy Sell, yes. The motion passed unanimously.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES.

Councilor Fierke advised he and Council President Curriston met to discuss the search process for a new city administrator. He explained they put together a proposed job description and search criteria. Councilor Fierke then reviewed the proposed job description and selection criteria. He next reviewed the timeline, noting it had not changed since his last update. He suggested advertising in the *Upper Rogue Independent*, *Medford Mail Tribune*, League of Oregon Cities, Oregon City Managers Association, the city's website and the National City Managers Association. Councilor Fierke noted the need for Council to address their role. He suggested a small committee review all applications and narrow them down to 6-8 and then follow those up with phone interviews to again narrow them down to 2-5 people for face to face interviews. Nancy Leonard asked whether the city was going to use the League of Oregon Cities' services. Councilor Fierke stated they were not as it seems cities are doing their own searches and historically, Eagle Point has done their own. Councilor Fierke suggested developing a brochure and noted the need for Council to discuss whether or not to cover interview and moving expenses, as well as salary. He suggested \$89,000-\$104,000 be the salary range. Dave Hussell advised staff would bring an action item forward at the next meeting adopting the revised job description.

Councilor Fierke reported there are Construction meetings every week with regard to the new school, but there had not been a school board meeting since his last report.

Councilor Jenks reported she attended an MPO meeting and they are beginning the application process for funding for the 2014/15 calendar year, with decisions to be made in September. She further reported she and Rob Miller would be meeting to go over specifics with regard to MPO.

Council President Curriston stated Council would need to discuss staff involvement in the search process as well as whether Council is going to allow the chosen candidate to live outside city limits. He advised the Medford city manager job description is only one page. They are going through the same process of hiring and will likely use Eagle Point's job description as a model. He then thanked Councilor Fierke and Dave Hussell for all their work.

Mayor Russell brought Council's attention to an article in the *Medford Mail Tribune* relating to a citizen asking the Medford City Council to review fees imposed upon builders and developers. He suggested Council keep articles such as this in mind when thinking about increasing fees. He then advised there was another article regarding Central Point sending several individuals to Colorado to explore urban renewal. He commended Central Point for their innovative thinking. Mayor Russell displayed a flyer Shady Cove had developed promoting their town.

Mayor Russell next advised he would be attending the Oregon Mayors Association summer conference and asked Council to consider paying mileage for these events when using one's personal automobile for city business. He stated Dave Hussell asked him to bring the topic up for discussion because the city does not have a policy. Mr. Hussell advised the city uses the federal mileage rate and that it had been discouraged in the past because it costs the city more money than paying gas. In the past, if the city car was available, it was used and council members used their city credit card for gasoline. Attorney Kellerman advised the federal rate is \$.55/mile. Council held a brief discussion at the conclusion of which they decided to allow Council members to choose their method of reimbursement. Staff was directed to talk to other

cities to determine their rates and then come up with an average and bring it back to Council for adoption. Staff was also directed to reimburse Mayor Russell for his mileage once a figure had been determined.

12. STAFF REPORTS

Melissa Owens reported she would have final year end numbers at the end of August. She explained the only surprise was the city received money for building permits and SDCs for the hardware store and school district which increased revenues but also increased expenditures. She further reported court fine revenues were down approximately \$30,000. She explained the reason was that staff had not been aggressively sending offenders to collections. Staff has not had the time to devote to it but will be working on it when temporary staff is on board. Ms. Owens reported there was an increase in property tax by approximately \$45,000-\$50,000; staff was anticipating \$35,000. She further explained the estimates for property tax for the current budget year have not yet been received; it will give a better picture of where the economy is headed. She further reported the front office position has been advertised with very good responses thus far. Ms. Owens stated there have been staffing issues lately and that she has been working on cross-training staff in preparation for retirements. She concluded her report by stating staff has been working with the website consultant on training so that city staff will be able to make changes and corrections to the city's new website. The website will go live in August.

Rob Miller brought Council's attention to a payment on the additional bill list to Central Valley Excavation, noting it was the final payment for repairs on the 3.6MG reservoir 12" water line. He then reported the payment to Jackson County School District 9 was for the Tabor water line extension. Mr. Miller advised there is a great deal of work occurring on Main Street. There have been some issues with the school project and Gary Shipley is spending several hours a day on the site. Mr. Miller next reported proposals for the Greenhills restoration project were opened today. There was only one bid at \$21,900. Council President Curriston stated the construction project on Main Street shows that the city doesn't have options for getting across town and traffic flow is lacking. Dave Hussell advised the issue will be eliminated once the Lava Street extension is completed, but that it is a \$3.5M project.

Mayor Russell asked if staff could plant Arborvitae around the utility box at The Butcher Shop. Dave Hussell stated it isn't the city's land but staff could talk to ODOT. Rob Miller advised he would look into it. Councilor Jenks suggested grants be explored with regard to Stevens as it is a safety issue and, therefore, might qualify for safety grants.

Detective Sgt. Jim Gray reported Eagle Point will soon have a prescription drug drop off box at City Hall.

Dave Hussell reported he attended a Medford Water Commission meeting at which Eagle Point's contract was on the agenda. However, the board met in executive session. The board came out of executive session into regular session and voted to approve the contract with modifications. Mr. Hussell stated he asked what the changes were but the board would not tell him. He then called Larry Raines and he would not discuss the changes to him. Mr. Hussell advised it would probably be several weeks before Eagle Point would have any information on it.

Mr. Hussell then reported the Economic Development and Parks & Recreation commissions would be meeting next week at which they would be discussing the SWOT analysis. He explained once everyone has completed the analysis staff will bring it before Council. It will help in determining ways to make Eagle Point as attractive as it can be with regard to residential, commercial and industrial growth.

Dave Hussell then reported RVTD has completed a district boundary assessment and it has been determined that Eagle Point is one of the areas of interest. He further reported the grant that RVTD applied for has been awarded. Staff met with RVTD at which they wanted to turn the grant over to Eagle Point to do the work. Mr. Hussell stated he told them Eagle Point does not have the resources and recognizes that RVTD is short-staffed so agreed to partner to work on it. The work will not begin until July 2012. A consultant will be engaged and RVTD will do most of the work. The results to the project will determine what the people of Eagle Point want and what they are willing to pay for.

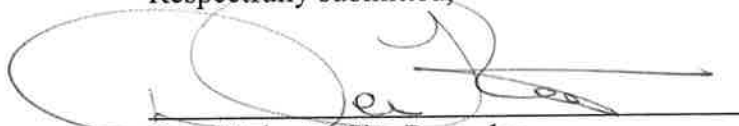
Councilor Bilden reported the Medford City Council received a report back from the Jackson County Planning Commission regarding RPS at which they were very upset. Dave Hussell advised the Jackson County Planning Commission deliberated on the RPS, made changes to it and passed their approval on to the Jackson County Board of County Commissioners. Some of the changes are substantial. Each city is being asked to develop a policy position. Staff will be bringing it before Council at the next meeting. Councilor Fierke asked what would happen if one or more of the cities disagree. Dave Hussell responded the plan cannot be successful unless all parties agree.

13. INFORMATION.

14. ADJOURNMENT.

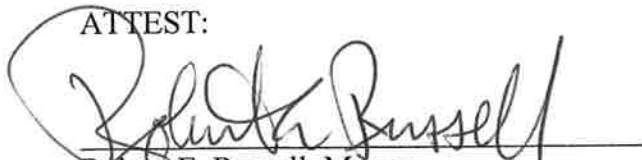
There being no further business to come before the Council, Mayor Russell adjourned the meeting at 9:05 p.m.

Respectfully submitted,



Dena Roberts, City Recorder

ATTEST:



Robert E. Russell, Mayor