



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

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

MARCH 8, 2016

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, Wayne Brown, Ruth Jenks, Bill Fierke (via Skype), and Kathy Sell.

Council Members Absent: Jonathan Bilden, and Aaron Prunty.

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

Guests: Jackson County Commissioner Colleen Roberts; Fire Chief Dan Petersen of Jackson County Fire District 3, Jim Gillin - President of the Fire District 3 Board of Directors, Chaplain Lorin Myers, and Fire District 3 staff; Douglas Detling, applicant to the Budget Committee; Suzi Collins, Planning Commissioner; Michael Stanek, Budget Committee Member and Parks & Recreation Commissioner; Millie Wewerka, Budget Committee Member and Planning Commissioner; 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 Chaplain Myers offered the invocation.

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

Bob Pinnell, President of the Eagle Point & the Upper Rogue Chamber of Commerce, presented a written request (Submission No. 1) for the Council to consider approving \$15,000 of City funds for the 4th of July fireworks display and evening events. A brief discussion ensued; however, Henry Lawrence, City Administrator, offered to schedule the request on the next agenda in order to meet public noticing requirements.

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4. PRESENTATIONS

4.1 Presentation of 2015 Annual Report by Jackson County Fire District 3 - Fire Chief Dan Petersen.

Fire Chief Dan Petersen shared a short story about the kind of people they serve. Typically, the people they serve are having one of the worst days or events of a lifetime. Working with Bob Russell was different than most of the working relationships they encounter in that he was congenial, helpful, and friendly from the time the first crew showed up. Fire Chief Petersen went on to compliment the type of person Mayor Russell is and then presented him with the Fire Chief's Coin in appreciation and recognition.

With regard to the 2015 Annual Report (Submission No. 2), Fire Chief Petersen reviewed the following key accomplishments during the past year:

- 2015 marked the first year of its current strategic plan;
- Opening of the eighth fire station;
- Implementation of a "closest engine" response using automatic vehicle locators (AVL); and
- Establishment of the first Firewise Community.

2016 goals include:

- Mobile application to alert CPR trained citizens to nearby cardiac arrests to provide help as soon as possible;
- Establishing additional Firewise Communities; and
- Giving away one free fully contained and free standing sprinkler system to a residence. Most systems for a home cost under \$10,000 and the average is \$6,000 to \$8,000. These systems do not require additional permits.

Fire Chief Petersen also reported on:

- The new simulation house, established by grant funds, and available for use by law enforcement as well as fire fighters;
- The Fire District 3 organizational chart, and introduced Jim Gillin, President of the Fire District 3 Board of Directors;
- A managed and sustainable budget without additional requests for funding;
- Incident response data with incidents rising and the District's 80% Goal for Code 3 call response times. Goals were met for Rural areas at 80.3%; but not reached for Suburban areas at 69.3% although very close for Urban areas at 79.5%. Meeting these goals remains high on the District's priorities.
- Emergent Medical Incidents as the majority of calls while only around 3.2% of calls are for fire.

A brief discussion followed about the performance of the new fire engines. While there had been some issues, the warranty was honored and actually increased by an additional year. On a final note, Fire District staff reported a positive experience on the new engines and the presentation ended in mutual exchanges of appreciation.

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5. PUBLIC HEARINGS

- 5.1 Public Hearing in the matter of a proposed change to the City's Comprehensive Plan and Zoning Maps, along with a requested Tentative Subdivision approval associated with Planning Application No. 15-11:SUB (Eagle Crest Overlook Subdivision) on property identified by the Jackson County Assessor as Map 361W11, Lot 1200.

Mayor Russell explained that the public hearing had been advertised and all legal notifications were made in compliance with state and local laws. He further explained that in addition to a presentation from Staff about the details of the proposal, all persons interested in offering testimony would be allowed to speak at the appropriate time.

Next, Mayor Russell opened the Public Hearing at 7:22 p.m., and there were no Council declarations of a conflict of interest or potential conflict.

Mike Upston, Planning Director, reported the subject property is approximately 24 acres in an area with sparse development. The applicant submitted a consolidated application requesting map amendments and zoning designation changes, tentative subdivision approval, conditional use permit, and site plan with landscape approval requested. The planning application proposed subdividing the property into 28 large size lots.

Mr. Upston explained about the process, reviewing the agenda statement and related maps as shown in the agenda packet. The developer sold a portion of the area to the City to locate a future water tank as it is nearing its' maximum water capacity. The proposed lots range from 20,000 square feet to near an acre in size. Mr. Upston further explained that in the event the Council did not approve the request, the actions of the Planning Commission would be reversed. Requirements for approval were detailed in the agenda packet. Mr. Upston also explained about Urban Growth Boundaries and attempting to achieve greater density to the degree possible in order to stem the rate of expansion for the City. One concern had been submitted by Jackson County regarding traffic and the sight line near Riley Road. However, due to low traffic volume and adequate visibility it was determined that it was not a concern.

A brief discussion about the Council's options ensued, followed by Public Testimony in favor of the application by Jay Harland of CSA Planning, the agent of record for the applicant. Mr. Harland agreed with the staff report and requested approval with conditions about an easement. Discussion continued about the pathway easement and amending the Final Order to include specific conditions as detailed later in the meeting as part of a motion for approval. Kim Parducci with Southern Oregon Transportation Engineering LLC also offered testimony about the date of the traffic study, actually conducted on January 5, noting the date did not matter as free flowing data results were obtained. There was no other public

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testimony in favor or opposition, and no other comments were made. Mayor Russell closed the Public Hearing at 7:55 p.m.

Mayor Russell explained that in connection with the Public Hearing, Ordinance No. 2016-01 and Resolution No. 2016-07 were scheduled later in the Agenda as Items 10.1 and 10.2. Mayor Russell asked if there was objection to changing the order of business to begin deliberations and there was none stated.

Beginning with the proposed Ordinance No. 2016-01, there was no additional information or discussion. Councilor Jenks offered a motion and Councilor Sell seconded the motion to adopt Ordinance No. 2016-01, in the matter of changing the Eagle Point Comprehensive Plan and Zoning Maps from Residential Farm (RF) and Single Family Residential (R-1-12) to Single Family Residential (R-1-10 and R-1-12) for roughly 15 acres of a 24.19 acre property identified by the Jackson County Assessor as Map 361W11, Lot 1200, associated with Planning Application No. 15-11:SUB (Eagle Crest Overlook Subdivision), with the Lot 28 slope easement in Condition 12 withdrawn and excised from the Final Order. There was no discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Kathy Sell, aye; Bob Russell, aye; Jonathan Bilden, absent; and Aaron Prunty, absent. The motion passed unanimously by those present.

Mayor Russell announced Resolution No. 2016-07. Councilor Sell offered a motion and Councilor Jenks seconded the motion to approve Resolution No. 2016-07, a Resolution approving a request for Tentative Subdivision, along with recommended conditions of approval, as property identified by the Jackson County Assessor as Map 361W11, Lot 1200, associated with Planning Application No. 15-11:SUB (Eagle Crest Overlook Subdivision), with carry through provisions on the Lot 28 driveway slope easement withdrawn and rescinded from the applicant and therefore excised; and on Condition 15 that the license for the path be of a permanent duration subject to regional relocation in the future. There was no discussion. Roll call: Bill Fierke, aye; Ruth Jenks, aye; Kathy Sell, aye; Wayne Brown, aye; Bob Russell, aye; Jonathan Bilden, absent; and Aaron Prunty, absent. The motion passed unanimously by those present.

- 5.2 Public Hearing in the matter of amending Title 8 of the Eagle Point Municipal Code, by adding Chapter 8.30 Homegrown and Medical Marijuana and declaring an emergency.

Mayor Russell announced that the public hearing had been advertised and all legal notifications were made in compliance with state and local laws. He further explained that in addition to a presentation from Staff explaining the details of the proposal, all persons interested in offering testimony would be allowed to speak at the appropriate time.

Next, Mayor Russell opened the Public Hearing at 8:01 p.m. There were no Council declarations of conflict of interest or potential conflicts. Henry Lawrence,

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City Administrator, reported that with statewide legalization, cities have been addressing the nuisance aspects of marijuana growing. Eagle Point's City Council and Planning Commission had held separate discussions on numerous occasions. The Planning Commission made recommendations which were discussed at the City Council meeting of November 10, 2015, and determined to be continued at a future meeting date. The proposed Ordinance No. 2016-02 related to the Public Hearing was prepared as part of the meeting materials for the Council's review, discussion, and adoption if the Council so determined. Mr. Lawrence noted that as detailed in the agenda statement, a supermajority was not actually required to pass the Ordinance into immediate effect. Mr. Lawrence further explained about wanting to make sure citizens were aware of the Ordinance before the growing season began.

Mr. Lawrence reported on the basic purpose of the Ordinance being to control nuisance issues. The proposed Ordinance allows for indoor growing in a grower's primary residence, in a secured area of the home which could be a garage or other secure area. However, cultivation would not be permitted in townhomes, condominiums, or similar places.

Mayor Russell invited members of the audience to provide public testimony in favor of amending Title 8 of the Eagle Point Municipal Code, by adding Chapter 8.30 Homegrown and Medical Marijuana and declaring an emergency. The following testimony was provided:

- Loris Fenner of Eagle Point stated support as her family had struggled with the odors of outdoor marijuana growing near their home and said it would be nice for her family to be outdoors to enjoy their property again.
- Mike Bull of Eagle Point stated the Ordinance was wonderful, and as a developer had considered adding similar but stronger language to CCRs. Mr. Bull felt badly for people who endure those situations and stated support for our sake and the children.
- Nancy Laird of Eagle Point expressed concern about allergic reactions from exposure including her own allergies. Ms. Laird discussed options for growing but concluded that it is a serious issue and shouldn't be allowed.
- Lorin Myers of Eagle Point was glad to see growing indoors but wished it was not permitted at all. Mr. Myers discussed proximity to neighbors, ventilation, and odor but questioned if it would still be a problem.

Mayor Russell then invited members of the audience to provide public testimony in opposition and there was no opposing testimony provided. There were no other comments made during the Public Hearing and Mayor Russell closed the hearing at 8:17 p.m.

Discussion continued on enforcement aspects although there were brief discussions about securing growing areas and setbacks. Mr. Lawrence and Police Chief

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Thompson explained about enforcement of this item which would be complaint driven. It was clarified that law enforcement could enforce in the event of discovery while on a non-related call. It was also noted that compliance would be sought with a chance to remediate.

There being no further discussion, Mayor Russell announced that in connection with the Public Hearing, Ordinance No. 2016-02 was scheduled later in the Agenda as Item 10.3. Mayor Russell asked if there were objections to changing the order of business to begin deliberations on the related Ordinance No. 2016-02 and there were none stated.

There was no further discussion or additional information provided. Councilor Sell offered a motion and Councilor Jenks seconded the motion to adopt Ordinance No. 2016-02, an Ordinance of the Council of the City of Eagle Point amending Title 8 of the Eagle Point Municipal Code, by adding Chapter 8.30 Homegrown and Medical Marijuana, and declared an emergency exists and the Ordinance is necessary for the immediate preservation of the public peace, health and safety, and that the Ordinance takes effect on its passage. There was no discussion. Roll call: Ruth Jenks, aye; Kathy Sell, aye; Wayne Brown, aye; Bill Fierke, aye; Bob Russell, aye; and Jonathan Bilden, absent; Aaron Prunty, absent. The motion passed unanimously by those present.

6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of February 23, 2016.

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

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. Councilor Jenks moved to approve the Bills to be Paid and the Additional Bill List (Submission No. 3) in the amount of \$11,785.38. Councilor Sell seconded the motion. There was no discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Kathy Sell, aye; Bob Russell, aye; Jonathan Bilden, absent; and Aaron Prunty, absent. The motion passed unanimously by those present.

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9. OLD BUSINESS

- 9.1 City Council consideration of a possible electronic message sign oriented to Highway 62 for City purposes, and potential zoning regulations for such signs.

Mike Upston, Planning Director, reviewed the content of the related agenda statement beginning with the history of the City Council being interested in notifying the public of events in the City. A wide range in cost, styles, and locations had been discussed, and continued to be discussed and reviewed during the meeting. Key points of deliberation included various sign locations, partnering with School District 9, and comparison of cost between a pole sign and monument style sign. The Council expressed appreciation to Mr. Upston for the progress in obtaining information as it was more than any other person had been able to present. One point of consideration was from Attorney Kellerman about not limiting speech. Staff will bring the item back in the future for the full Council's consideration along with pricing of different styles.

10. NEW BUSINESS

10.1, 10.2 and 10.3 were deliberated earlier in the meeting following the Public Hearings in Section 5 of the Agenda.

- 10.4 Resolution No. 2016-08. A Resolution appointing Citizen Members to the Eagle Point Budget Committee.

Mayor Russell reported there were two vacancies for Citizen Members on the Eagle Point Budget Committee. The vacancies were advertised in the Upper Rogue Independent, on the City's website, bulletin board in City Hall, and in City utility bill mailings. Applications were received from Douglas Detling, Michael Stanek (a current Budget Committee Member), and Jerry Zieman (also a current Budget Committee Member). Further, in accordance with Oregon Revised Statute 294.414, the governing body shall appoint the Budget Committee Members.

The Council deliberated and concluded that Michael Stanek and Jerry Zieman should be reappointed to the Budget Committee. However, it was further noted that Mr. Detling may be interested in another position, and that attending the Budget Committee meetings as an observer would be helpful training for future vacancies.

Councilor Sell offered a motion and Councilor Jenks seconded the motion to approve Resolution No. 2016-08, reappointing Michael Stanek and Jerry Zieman as Citizen Members to the Eagle Point Budget Committee. There was no discussion. Roll call: Kathy Sell, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Bob Russell, aye; and Jonathan Bilden, absent; Aaron Prunty, absent. The motion passed unanimously by those present.

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- 10.5 Resolution No. 2016-09. A Resolution authorizing the purchase of pumps for the USDA Water Systems Improvements - Bellerive Pump Station Relocation.

Robert Miller, Public Works Director, reviewed the related Agenda Statement and explained that he would like to open bids on April 6th with construction to begin in May 2016 and be completed in November 2016. In anticipation of this time schedule, Civil West Engineering Services obtained three quotes which were reported to be equal in size and efficiencies, and were responsive bids. Mr. Miller concurred with purchasing three 50-hp pumps recommended by Civil West Engineering Services from PumpTech Inc. at a cost of \$24,174.

Mayor Russell offered to entertain a motion. Councilor Sell offered a motion and Councilor Jenks seconded the motion to approve Resolution No. 2016-09, a Resolution authorizing the purchase of pumps for the USDA Water Systems Improvements - Bellerive Pump Station Relocation. There was no discussion. Roll call: Kathy Sell, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Bob Russell, aye; and Jonathan Bilden, absent; Aaron Prunty, absent. The motion passed unanimously by those present.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke complimented staff for its preparation of meeting items, noting it was a tough task on zoning and Ordinances. Councilor Fierke also reported on the School District's upcoming meetings with a tour of numerous facilities.

Mayor Russell commented about the wonderful volunteers in Eagle Point and pointed out how beautiful the spring flowers looked.

There were no other City Council reports.

12. STAFF REPORTS

Mike Upston, Planning Director, reported on development activities such as the Eagle Point Bible Church, active phases of Sienna Hills, and the possibility of a townhome toward the end of South Buchanan.

Robert Miller, Public Works Director, reported a grant application with the Ford Foundation for restrooms. Additional details will be made as they become available.

Vern Thompson, Chief of Police, reported on the issuance of citations on the covered bridge. Chief Thompson also complimented Officer Anselmi for doing a great job with the school.

Henry Lawrence, City Administrator, reported attending a CIS meeting last week and presented the Council with an award for 30 years of continuous membership. Mr. Lawrence also announced applying for and receiving a grant to address erosion of Little Butte Creek. It is anticipated that the Rogue River Water Shed Council will assist

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with project management. The Medford Water Commission agreed to provide \$1,000 and other agencies may provide additional funding. Mr. Lawrence further reported that protecting the stream from erosion will help to reduce the amount of sediment in-stream.

There were no other Staff reports.

13. INFORMATION

There were no Information items.

14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:12 p.m.

Respectfully submitted,



Cindy Hughes, City Recorder

ATTEST:



Robert E. Russell, Mayor