



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

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

**SEPTEMBER 13, 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, Wayne Brown, Kathy Sell, Ruth Jenks, Jonathan Bilden and Bill Fierke.

Staff members present: David Hussell, City Administrator; Joe Kellerman, City Attorney; Vern Thompson, Chief of Police; Melissa Owens, Finance Officer; Robert Miller, Public Works Director; and Dena Roberts, City Recorder.

### **2. FLAG SALUTE AND INVOCATION.**

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

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

Sharon Coupe of Eagle Point asked council to remove Resolution 2011-48 from the Consent Calendar in order that it might be discussed. Mayor Russell asked Ms. Coupe to address why she wanted it removed. Ms. Coupe expressed her concern with council's decision to oppose the proposed increase in density from 6.5 to 7.5 units per acre and its potential to hinder the entire RPS plan.

The council held a lengthy discussion regarding Ms. Coupe's concerns. At the conclusion they decided to move forward with a meeting with the Jackson County Commissioners, at which time they will express Eagle Point's concerns and reassess after the meeting.

Bob Pinnell of Eagle Point advised he is a member of the Eagle Point/Upper Rogue Chamber of Commerce as well as a member of the Eagle Point Economic Development Commission. He asked council to consider advertising in the *101 Things to Do* magazine. He noted the city had placed an advertisement with regard to Eagle Point's centennial in the publication last year. Mr.

Pinnell stated the cost for a full page ad would be \$2,397. He advised he would ask the business community to pay for one-half if the city would pay for the other half. Council briefly discussed the request, asking the distribution number and location. Mr. Pinnell advised the distribution is 140,000 and it is distributed throughout 15 counties in Oregon and California. Bob Pinnell stated he would be willing to work with *101 Things to Do* to develop the advertisement. Attorney Kellerman advised council they could not make a decision and would need to put the item on the next agenda if they wanted to do so. He further stated council would need to determine who was going to be responsible for content if they were considering sharing the cost with others. The council asked that staff bring the action back at the next meeting.

Ellen Gray of Access, Inc. asked council for approval to use the Ashpole Center free of charge for their heating assistance program. She explained ACCESS staff would simply be meeting with seniors and disabled citizens to help them apply for heating assistance and that all they would need would be a few tables and chairs. She explained they would need the Ashpole Center November 16 and December 13 from 8:00 a.m. to 4:30 p.m. Council asked staff to place the item on the agenda for their next meeting.

Margy Nicholson, Vice President of the Eagle Point Senior Center, asked council for approval to include a flier in the city's utility bills. She explained the flier would ask citizens for donations to help pay for the costs associated with painting the senior center. Council held a lengthy discussion at the conclusion of which they all agreed, with the exception of Councilor Jenks, to deny the request. They expressed their desire to help Ms. Nicholson, but stated their concern that approving her request would set a precedent that would not be in the best interest of the city. Councilor Jenks stated she understood the precedent issue but felt the request was similar to that of Food & Friends which the council supports. She further stated the city's website would also be a good way to handle such requests and stated she would like to see it on the next agenda. Dave Hussell and Attorney Kellerman explained the city's legal responsibility of not promoting private business with public dollars. Council voted whether to put the request on the next council agenda. Roll call: Alan Curriston, no; Ruth Jenks, yes; Bill Fierke, no; Jonathan Bilden, no; Kathy Sell, yes; Wayne Brown, no; and Bob Russell, no. The vote to put the request on the next council agenda failed with a vote of five no and two yes. Bob Pinnell asked Ms. Nicholson to attend the next Eagle Point/Upper Rogue Chamber meeting to see if the flier could be placed in their mailing which goes to approximately 1,000 people. Councilor Jenks asked staff to develop a policy for such events as they relate to the city's website.

4. PRESENTATIONS.

5. PUBLIC HEARINGS.

6. CONSENT CALENDAR.

6.1 Presentation of workshop and regular meeting minutes of August 23, 2011.

6.2 **Resolution 2011-57 (Amended)**. A Resolution adopting a "Memorandum of Understanding" for construction of Hillside Elementary School, 185 East Main Street, Eagle Point, Oregon.

- 6.3 **Resolution 2011-48.** A Resolution on behalf of the City of Eagle Point recommending Jackson County adoption of the Greater Bear Creek Valley Regional Problem Solving Plan as amended.

Mayor Russell announced the consent calendar and asked for a motion. Council President Curriston moved council approve the Consent Calendar as presented. Councilor Bilden seconded the motion. There was no discussion. Roll call: Alan Curriston, yes; Bob Russell, yes; Bill Fierke, yes; Ruth Jenks, yes; Jonathan Bilden, yes; Wayne Brown, yes; and Kathy Sell, 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 for a motion to approve the bills. Council President Curriston asked for clarification of the payment to Richard Brink. Melissa Owens responded it was for a utility refund. Councilor Jenks asked for clarification of the payment to Lithia Dodge. Rob Miller responded it related to Policy Issue #5 approved by the Budget Committee and was payment for a new public works truck. Mr. Miller distributed photos of the vehicle. Councilor Brown asked the gas mileage of the truck. Mr. Miller responded he believed it was 16 in town and 20-22 on the highway.

Council President Curriston moved council approve the Bills to be Presented in addition to the supplemental bill list. Councilor Sell seconded the motion. There was no further discussion. Roll call: Kathy Sell, yes; Jonathan Bilden, yes; Bill Fierke, yes; Bob Russell, yes; Ruth Jenks, yes; Alan Curriston, yes; and Wayne Brown, yes. The motion passed unanimously.

9. OLD BUSINESS.

10. NEW BUSINESS.

- 10.1 **Resolution 2011-58.** A Resolution approving a Personal Services Agreement with Robert Bluth for city attorney services.

Mayor Russell announced **Resolution 2011-58** and asked for the staff report. Dave Hussell explained there are occasions where the city's legal counsel has a conflict of interest. He stated the occasions have occurred enough to warrant engaging another attorney to handle legal matters when there is such a conflict. He advised the city has had a relationship with Robert Bluth for many years as he was the city's municipal court judge. He further advised Mr. Bluth was the corporate legal counsel for Harry & David for many years. He is now in private business.

Councilor Bilden moved council approve **Resolution 2011-58**. Councilor Fierke seconded the motion. There was no discussion. Roll call: Wayne Brown, yes; Ruth Jenks, yes; Alan Curriston, yes; Jonathan Bilden, yes; Bob Russell, yes; Kathy Sell, yes; and Bill Fierke, yes. The motion passed unanimously.

- 10.2 **Resolution 2011-59.** A Resolution on behalf of the City of Eagle Point supporting an application by the Rogue Valley Council of Governments for a technical assistance grant.

Mayor Russell announced **Resolution 2011-59** and asked for the staff report. Dave Hussell reported the grant is intended to help smaller cities with the RPS process. The smaller cities don't have enough staff to do the necessary work to incorporate the RPS plan into the city's comprehensive plan, which is a requirement of the state. There will be no costs associated with the grant for Eagle Point.

Council President Curriston moved council approve **Resolution 2011-59**. Councilor Bilden seconded the motion. There was no discussion. Roll call: Bob Russell, yes; Bill Fierke, yes; Jonathan Bilden, yes; Kathy Sell, yes; Wayne Brown, yes; Ruth Jenks, yes; and Alan Curriston, yes. The motion passed unanimously.

- 10.3 **Resolution 2011-60.** A Resolution approving an agreement with DKS Associates for on-call transportation and traffic engineering services.

Mayor Russell announced **Resolution 2011-60** and asked for the staff report. Dave Hussell reported DKS recently assisted the City of Eagle Point with its Transportation System Plan Update. There are times when the city needs expert advice regarding traffic engineering and transportation issues. The contract will allow the city to utilize DKS' expertise in these situations. Councilor Jenks asked for clarification of the reference to Carl's Jr. in the material submitted for council review. Attorney Kellerman responded it would be discussed during the executive session.

Councilor Jenks moved council approve **Resolution 2011-60**. Councilor Fierke seconded the motion. There was no further discussion. Roll call: Ruth Jenks, yes; Wayne Brown, yes; Kathy Sell, yes; Bob Russell, yes; Alan Curriston, yes; Bill Fierke, yes; and Jonathan Bilden, yes. The motion passed unanimously.

- 10.4 **Resolution 2011-61.** A Resolution authorizing staff to enter into a contract for the South Shasta Avenue multi-use path.

Mayor Russell announced **Resolution 2011-61** and asked for the staff report. Rob Miller reported the results of the bids were discussed at the last city council meeting, at which time council asked staff to meet with the city's engineer to rework the project and negotiate with the low bidder to bring the costs closer to the engineer's estimate of \$447,357. Staff did so and reduced the costs \$80,000. The project plans were redesigned to provide for an 8' path. In addition, the base thickness, length of curb and gutter, and amount of storm pipe associated with the path were reduced. Path striping and signs will be completed by the Public Works crew and relocation of the mailboxes will be contracted separately. Fences located on the city's right of way will be relocated at the owner's expense. Mr. Miller stated staff then met with the contractor and renegotiated the cost of the project down to \$453,321.70.

Mr. Miller then outlined three options: (a) Accept the reduced price, with the construction beginning immediately, (b) wait until spring and rebid the project, or (c) phase the project, completing a section now and rebidding the remaining project in the spring.

The Council held a lengthy discussion regarding project options and funding. Councilor Fierke moved that council approve the project in the amount of \$453,321.70 authorizing staff and the city attorney to enter into a contract with La Duke Construction for such amount. Councilor Bilden seconded the motion. There was no further discussion. Roll call: Jonathan Bilden, yes; Kathy Sell, yes; Alan Curriston, yes; Wayne Brown, yes; Bill Fierke, yes; Bob Russell, yes; and Ruth Jenks, yes. The motion passed unanimously.

- 10.5 **Resolution 2011-62.** A Resolution authorizing reimbursement to Mike Malepsy for the South Shasta Creekside Center street oversizing in the amount not to exceed \$109,334, to be funded from the Street SDC Fund.

Mayor Russell announced **Resolution 2011-62** and asked for the staff report. Rob Miller reported the final order for development of Creekside Center required construction of South Shasta to a 3 lane arterial standard, Class C, half street plus 12 feet along the entire street frontage. In reviewing the plans, staff determined the width would not provide for a left turn lane into Creekside Center, which is a necessary safety measure. Mr. Miller stated staff requested Mike Malepsy to design and construct the remaining widening to provide for the turn lane. He did so. Mr. Miller stated the engineering estimate for street oversizing of \$109,334 had been reviewed and approved by the city's engineer.

Council President Curriston moved council approve **Resolution 2011-62**. Councilor Bilden seconded the motion. There was no discussion. Roll call: Alan Curriston, yes; Bill Fierke, yes; Kathy Sell, yes; Ruth Jenks, yes; Jonathan Bilden, yes; Wayne Brown, yes; and Bob Russell, yes. The motion passed unanimously.

- 10.6 **Resolution 2011-63.** A Resolution authorizing the intergovernmental agreement with Oregon Department of Transportation (ODOT) for right of way services for the Mattie Brown Park parking lot.

Mayor Russell announced **Resolution 2011-63** and asked for the staff report. Rob Miller reported the agreement was part of the Mattie Brown Park Congestion Mitigation Air Quality grant the city received last year for the design and construction of the Mattie Brown Park Parking Lot. ODOT is requesting an agreement for Right of Way Services. The agreement outlines the roles and responsibilities of the city and ODOT. Mr. Miller advised Attorney Kellerman had reviewed the agreement. He further advised staff does not anticipate substantial costs associated with the agreement as it establishes a limit of \$5,000 for ODOT travel. Council President Curriston asked whether the City of Eagle Point would receive funding if it did not sign the agreement. Rob Miller responded the city would not receive funding.

Councilor Jenks moved council approve **Resolution 2011-63**. Councilor Brown seconded the motion. There was no further discussion. Roll call: Bill Fierke, yes; Jonathan Bilden, yes; Wayne Brown, yes; Bob Russell, yes; Ruth Jenks, yes; Alan Curriston, yes; and Kathy Sell, yes. The motion passed unanimously.

- 10.7 **Resolution 2011-64.** A Resolution authorizing city representatives to travel to Eagle Point's sister city Showa, Japan to attend their 50 year anniversary.

Mayor Russell announced **Resolution 2011-64** and asked for the staff report. Dave Hussell reported council had discussed sending two representatives to Showa, Japan and needed to formally decide whether to send such representatives. Mayor Russell noted most council members are scheduled to attend the League of Oregon Cities annual conference in Bend, Oregon at an approximate cost of \$1,128.12. He further advised whoever goes to Showa will not attend the League's conference as the dates conflict. Mayor Russell stated the approximate cost of airfare to Showa is \$1,128.80. Mayor Russell then suggested council also authorize spending \$300-\$400 for gifts for Showa officials. The council held a short discussion, at the conclusion of which they approved the cost of airfare for Mayor Russell and Councilor Sell to travel to Showa, Japan. They further agreed to approve \$400 for gifts. Council President Curriston expressed his concern with the value of the trip to the city and the message it sends to city employees given the fact that they did not get raises. He suggested council discuss the relationship and its value to the city after the Mayor and Councilor Sell return.

Councilor Fierke moved council approve **Resolution 2011-64** with the addition of an allowance of \$400 for gifts. 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; Wayne Brown, yes; and Kathy Sell, yes. The motion passed unanimously.

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

Councilor Fierke reported he, Council President Curriston and Dave Hussell met and discussed the recruiting process for a new city administrator. He further reported Dave Hussell and Dena Roberts were working on a brochure and timeline. He advised they thought advertising should be delayed slightly, but with the end result being the same. He explained the plan was to have a list of good candidates by mid-December and follow-up after that.

Councilor Bilden reported he attended a recent SOREDI board meeting at which he held a long discussion regarding job development.

Council President Curriston reported the Economic Development Commission had a very productive meeting with much audience participation. He explained they held a long discussion regarding promoting volunteerism. There are people who are willing to step forward and the commission is interested in formalizing a process. He asked council for their permission to move forward with the project, even though they had not been tasked with it by city council. Council President Curriston suggested council read the *Local Focus* article on invocations in public meetings, noting he was glad to read that Eagle Point is within legal parameters. He further stated he was proud Eagle Point includes an invocation. Councilor Sell suggested council also read the city manager article.

Councilor Sell reported the Parks & Recreation Commission worked on the SWOT analysis at their last meeting. She further advised the Parks & Recreation Commission is a great

compliment of people who really care and step up and take part in the meetings. She further reported they discussed the possibility of forming a Friends of Eagle Point Foundation, with the first project being to build tennis courts.

Mayor Russell reported he attended a RVCOG meeting, and several water meetings. He stated they are ongoing and there is a lot to learn. He further advised he spoke with the representatives of the LDS church and they are planning on blackberry removal/clean-up on October 15. Dave Hussell noted he will be meeting with them to finalize details of their projects. Mayor Russell next reported the Mayors United event in Jacksonville will be on the 17<sup>th</sup> of September. He advised he had four free passes if anyone wanted them.

## 12. STAFF REPORTS

Melissa Owens reported she had spent the past few weeks on the city's annual audit. She further reported she will be preparing for the workers compensation audit next week as well as preparing state reports relating to expenditures of street revenue and projects. It is a report that must be filed in order to receive state gas tax. In addition, there are several other annual reports that must be filed. Ms. Owens noted staff had been spending time on personnel issues as they relate to positions coming up due to retirements. She advised interviews are scheduled for the Front Office Clerk/Receptionist and temporary position next week.

Rob Miller reported the lagoon blackberry eradication seminar will be this upcoming weekend. He brought attention to the letter in the council packet regarding splitting of the pergola beams at Centennial Plaza, noting the structural engineer has suggested the city obtain an extended warranty, but that the cracks do not compromise the structure. He further reported staff has published an advertisement for a gym manager for the city's Junior Eagles program.

Chief Thompson encouraged council to take the public safety crime survey on the city's website, noting there had been a good response to the survey thus far. Chief Thompson further reported the new police vehicle is ready to be picked up and will be on the road next week.

Dave Hussell reported there is a meeting scheduled between himself, Mayor Russell, Council President Currison, Rob Miller, several members of the Medford Water Commission members, and Larry Raines. The discussion will relate to Eagle Point's contract and concerns. He stated he hoped it would be a fruitful meeting. Mr. Hussell asked which of the council members attending the League conference wanted to vote in Mayor Russell's stead. It was decided Councilor Bilden would be the voting member for Eagle Point. Mr. Hussell advised Eagle Point's testimony will be taken at the next RPS meeting and asked that several council members attend. Mr. Hussell stated he had received a call from Rob Patridge regarding discussions with the Army Core of Engineers regarding a master plan for Elk Creek Dam. He explained this would impact Eagle Point greatly as the city has significant waters rights at the dam. Mayor Russell asked how land that isn't under water is going to be used. Dave Hussell responded he would discuss it with Rob Patridge.

Mayor Russell encouraged everyone to support the Saturday Market, noting it will be in operation until October 8.

13. INFORMATION.

Mayor Russell closed the regular meeting at 8:55 p.m. and called for a short break.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(h) LITIGATION.

Mayor Russell opened the Executive Session pursuant to ORS 192.660(2)(h) litigation at 9:05 p.m.

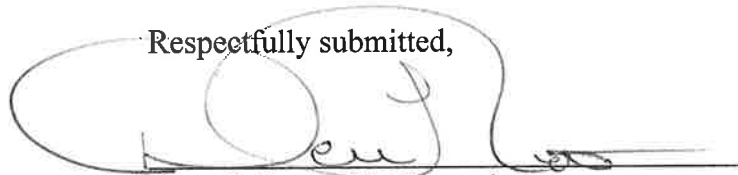
Discussion.

Mayor Russell closed the Executive Session Pursuant to ORS 192.660(2)(h) Litigation at 10:00 p.m. and reopened the regular meeting. There was council consensus to direct the city attorney and staff to negotiate a resolution with Carl's, Jr. consistent with that which was discussed in a privileged manner. All in favor.

15. ADJOURNMENT.


There being no further business to come before the Council, Mayor Russell adjourned the meeting at 10:01 p.m.

Respectfully submitted,



Dena Roberts, City Recorder

ATTEST:



Robert E. Russell, Mayor