



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

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

SEPTEMBER 27, 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, and Bill Fierke.

Council members absent: Jonathan Bilden.

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

2. FLAG SALUTE AND INVOCATION.

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

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

Helen Wolgamott of Eagle Point and representing the Eagle Point/Upper Rogue Chamber of Commerce addressed council stating the 2011 year is a special year for both the city with its centennial and for veterans as Veteran's Day falls on 11-11-11. Ms. Wolgamott asked council if the city could close traffic around the covered bridge so veterans, band members and supporters could walk down Main Street. She also requested the streets be closed during the one-half hour ceremony so that traffic noise would not interfere with the ceremony. Mayor Russell asked Detective Sgt. Gray his thoughts about closing the streets for the time requested. Detective Stg. Gray responded it could be done but noted it will require police officer overtime. Councilor Jenks suggested using volunteers in addition to law enforcement officers. Detective Sgt. Gray advised volunteers can direct traffic but not through a stop sign. The council suggested Ms. Wolgamott meet with the police chief to see if it could be worked out and report back at the next council meeting.

4. PRESENTATIONS.

5. PUBLIC HEARINGS.

- 5.1 **Ordinance 2011-08.** A public hearing to accept testimony on proposed amendments to the Comprehensive Plan and Zoning Maps for “Greenhills” – a predominantly vacant Planned Unit Development located on Dianne Way. The application requests zone changes from High Density (R-4) to Medium Density (R-2).

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. Bunny Lincoln reported the Eagle Point Planning Commission had conducted a public hearing and voted unanimously to adopt the findings and recommend the proposed zone change to the city council. Ms. Lincoln then reviewed the details of the proposed recommendation. Councilor Fierke asked if there was anyone interested in building houses at that location. Ms. Lincoln responded there have been inquiries. Councilor Jenks asked if Ms. Lincoln saw any negative implications in approving the action. Ms. Lincoln responded she did not.

Clark Stevens of Richard Stevens & Associates located in Medford addressed council stating his office represents the applicant, PremierWest. He stated city staff had made a complete report and he had nothing to add other than the project is actually a reduction in the number of dwelling units, is in compliance with the city’s zoning ordinance and has no negative impacts.

Council President Curriston moved council close the public hearing. Councilor Fierke seconded the motion. There was no further discussion. Roll call: Alan Curriston, yes; Bob Russell, yes; Bill Fierke, yes; Ruth Jenks, yes; Wayne Brown, yes; and Kathy Sell, yes. The motion passed unanimously.

6. CONSENT CALENDAR.

- 6.1 Presentation of regular meeting minutes of September 13, 2011.
- 6.2 **Resolution 2011-64.** A Resolution authorizing the expenditure of funds to send two city representatives to Showa Mura, Japan.
- 6.3 **Resolution 2011-61.** A Resolution awarding the project and authorizing staff and the City Attorney to enter into a contract for the South Shasta Avenue Multi-Use Path with LaDuke Construction.

Mayor Russell announced the consent calendar and asked for a motion. Councilor Fierke moved council approve the Consent Calendar as presented. Councilor Brown seconded the motion. There was no discussion. Roll call: Kathy Sell, yes; Bill Fierke, yes; Bob Russell, yes; Ruth Jenks, yes; Alan Curriston, yes; and Wayne Brown, 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. Councilor Sell moved council approve the Bills to be Presented in addition to the supplemental bill list. Councilor Jenks seconded the motion. There was no discussion. Roll call: Wayne Brown, yes; Ruth Jenks, yes; Alan Curriston, yes; Bob Russell, yes; Kathy Sell, yes; and Bill Fierke, yes. The motion passed unanimously.

9. OLD BUSINESS.

10. NEW BUSINESS.

- 10.1 **Ordinance 2011-08.** An Ordinance amending the Comprehensive Plan and Zoning Maps for “Greenhills” from High Density (R-4) to Medium Density (R-2).

Mayor Russell announced **Ordinance 2011-08** and asked for a motion. Council President Curriston moved council approve **Ordinance 2011-08**, adopting the findings and accepting the conditions. Councilor Jenks seconded the motion. There was no discussion. Roll call: Bob Russell, yes; Bill Fierke, yes; Kathy Sell, yes; Wayne Brown, yes; Ruth Jenks, yes; and Alan Curriston, yes. The motion passed unanimously.

- 10.2 **Resolution 2011-65.** A Resolution appointing two Planning Commission members to fill vacancies on the Eagle Point Planning Commission.

Mayor Russell announced **Resolution 2011-65** and asked for the staff report. Dave Hussell reported there are currently two openings on the Eagle Point Planning Commission and five applicants have submitted applications to fill the open positions. Mr. Hussell further reported Sharon Coupe, current Vice-Chair of the Eagle Point Planning Commission, is serving a two year term. She has requested she be moved into the open four year term. The council briefly discussed voting by written vote. Attorney Kellerman stated council could not vote by secret ballot and would have to disclose their vote.

Mayor Russell asked Mr. Prunty, the first candidate, to tell council about himself and why he wanted to serve on the Eagle Point Planning Commission. Aaron Prunty stated he has been a resident of Eagle Point for eight years. During that time there has been considerable growth as well as the impact of the recent downturn in the economy. He advised his family uses the city’s parks and he appreciates what Eagle Point has to offer and has a vested interest in the city. He stated he and his family plan on living in Eagle Point for many years and he would like to have the opportunity to be involved in the decision-making process as Eagle Point grows. Mr. Prunty advised he has a BA in political science, with most of his course work in pre-law and public administration. He stated he believed he would be an asset to city government and specifically the Planning Commission. He then invited questions.

Councilor Jenks noted he is currently serving on the Eagle Point Parks & Recreation Commission and asked his observations thus far as a member of that commission. She further asked if Mr. Prunty planned on serving on both commissions. Mr. Prunty responded the Parks

& Recreation Commission had conducted one meeting thus far and that it was very interesting and peaked his interest, intellectually. He explained he had been a stay at home dad for some time and he took his children to parks within Eagle Point as well as some outside Eagle Point, but the ones that were within walking distance were very appealing. He advised after the Parks & Recreation meeting he spoke with others who are involved in extracurricular sports in an effort to see what directions the city could pursue. Mr. Prunty further advised he wants to serve on both commissions and has the time to do so.

Councilor Fierke asked his 8-10 year vision. Mr. Prunty explained he grew up in a town of approximately 4,000 and likes the small town atmosphere and tight knit community. His focus would be on maintaining the atmosphere of community with a small town feel. He explained he feels there are ways to achieve that and still grow.

Mayor Russell asked the second candidate, Diane Mihocko, to tell the council about herself and why she wanted to serve on the Eagle Point Planning Commission. Diane Mihocko stated she moved from Phoenix, Arizona to Eagle Point in 2006. She explained she is a retired teacher and her husband is a retired fire fighter. Ms. Mihocko stated she felt the move to Eagle Point was one of the best moves she and her husband have made. They love Eagle Point, feel they fit in and have something to offer. Ms. Mihocko advised if she were to be appointed to the Eagle Point Planning Commission, she would strive to reflect the values of the elements of the community. There is a great deal of diversity and varying interests that need to be considered. She stated change is inevitable and it is important the Planning Commission take into consideration how changes impact the citizens of the community. She stated she hopes to help people see the positive aspects of these changes. Ms. Mihocko then invited questions.

Councilor Fierke asked her vision for the community. Ms. Mihocko responded she grew up around Tempe, Arizona and, as a child, it was a scary place; people didn't go downtown. She stated while Eagle Point is not a blighted area, she has seen what a community can do to bring back a downtown area. Ms. Mihocko explained she would like to see the community work together on a common vision to make Eagle Point a place people know about and do so in a positive and respectful way.

Councilor Jenks asked if she had attended a planning commission meeting. Ms. Mihocko responded she had not. Councilor Jenks noted the current city council meeting began with a public hearing; it is very technical with a lot of legal ease. Councilor Jenks stated she sometimes finds herself overwhelmed and wanting to defer to the experts without pursuing her point. Councilor Jenks asked, in a new field surrounded by experts such as Bunny Lincoln and Dave Hussell, how Ms. Mihocko saw herself arriving at a point where she is satisfied that she is making the decision in the way she wanted. Ms. Mihocko responded it would be her responsibility to make sure she educated herself so that she could make an informed and positive decision. She further stated that sometimes it is difficult to buck the system but if one felt strongly about something they needed to stand up for their position. She concluded by stating she felt it would be her responsibility on the planning commission to do so.

Mayor Russell invited the next candidate, Cindy Parrot, to tell the council about herself and why she wanted to serve on the Eagle Point Planning Commission. Ms. Parrott stated she had lived in Eagle Point for approximately eight years. She explained she is originally from

Oklahoma and lived in Houston for four years from which she and her husband moved to Eagle Point. Ms. Parrot stated she and her husband have a telecommunications consulting firm in Eagle Point. She explained the company works with a lot of land use issues in Oregon and California. She further stated she has experience working in law firms in many capacities. Ms. Parrot stated she loves Eagle Point and wouldn't consider leaving. She has a granddaughter at Little Butte Elementary, as well as another granddaughter who will be attending the same school in a few years. Ms. Parrot explained she is interested in how Eagle Point is growing and would like to be a part of the process. When she moved to the area eight years ago growth was slow, followed by rapid growth; she would like to be a part of the next growth.

Council President Curriston asked how land use in California is different from Oregon. Ms. Parrot responded land use issues in Oregon are much more difficult, but she has done many of them. Councilor Fierke asked how telecommunications ties in with land use. Ms. Parrot responded her company builds cell towers. She further advised her main client is US Cellular. Ms. Parrot stated her company takes the project from site acquisition, leasing the land, through the zoning process and eventually constructing the tower. Councilor Fierke asked Ms. Parrot her vision for Eagle Point. Ms. Parrot responded she did not want to see Eagle Point grow to the size of Medford. She stated she likes the close community ties. She would, however, like to see more businesses established in Eagle Point and would like to be a part of which businesses come into Eagle Point. Councilor Sell asked if she felt she would have a conflict of interest due to her business association. Ms. Parrot responded she did not and further stated she felt it gives her more experience with issues that come before the Planning Commission. Councilor Jenks asked if she had been involved in other volunteer organizations. She responded she is part of the Eagle Point Women's Club as well as a volunteer for the Citizens Review Board for Jackson County, which is a child advocacy board.

Mayor Russell next invited Bernard Grossman to tell the council about himself and why he wanted to serve on the Eagle Point Planning Commission. Bernard Grossman stated he is the Vice President of the Eagle Point Homeowners Association. He explained two and a half years ago he moved to Eagle Point from Cambria, California where he was active with their Lions Club for 12 years, serving two years as president. Mr. Grossman stated he was employed as an accountant with a manufacturing company and was with that company for 20 years. He rose from an accountant, to the controller, to the president for the last eight years. The company's gross revenue rose from \$45M to \$100M. Mr. Grossman stated he also served on several boards. He stated he then went into the real estate business for approximately 12 years. He advised he settled in Eagle Point because he liked what he saw here. Mr. Grossman stated his vision for Eagle Point is to see people want to visit Eagle Point, visiting Eagle Point stores and spending money here.

Councilor Jenks asked what type of business he was involved with. Mr. Grossman responded it was a business that manufactured water heaters. He explained they are a major player in 13 western states. Councilor Jenks asked how many employees were employed there. Bernard Grossman responded 600. Council President Curriston asked him why he chose Eagle Point. Mr. Grossman responded he and his wife bought a 2005 Prius in 2005 and decided to take a road trip in Oregon and Washington. His wife liked Oregon and wanted to see more of it so they spent several years travelling through Oregon (Klamath Falls, Bend, Redmond, etc.) He

explained they had taken a trip to Klamath Falls and decided to take a drive and they happened to drive through Eagle Point; they liked what they saw and decided to settle here.

Mayor Russell noted the final applicant, Susan Martin, could not be in attendance.

Mayor Russell asked for comments on the candidates. Councilor Brown stated he felt Aaron Prunty would make an excellent candidate as he showed a great deal of interest in the community and presented himself well. He explained it is important to appoint people who really care and are committed and will be involved for the long term. Councilor Sell stated she was glad to see Mr. Prunty again as it showed how committed he really is. She further stated she liked Diane Mihocko's comment regarding changes and the fact that sometimes one has to go against the flow. Council President Curriston stated he was encouraged that so many citizens are coming forward and that everyone is generally happy and does not have an axe to grind. He explained he would like to see all candidates serve on commissions and asked those who aren't appointed not to be discouraged as there are a lot of volunteer opportunities. Councilor Jenks stated she appreciated Mr. Prunty's love of the community, but that she was reluctant to appoint someone who is already serving on another commission as she wanted everyone to have an opportunity to volunteer. Councilor Jenks stated three of the other candidates have already stepped up and served as volunteers in other organizations in the community or they come from a background in business where strong leadership skills are necessary. She stated she is trying to couple the sense of volunteerism and leadership skills with someone who is not afraid to ask questions and express their opinion to their own satisfaction. Councilor Fierke stated he agreed with everyone's comments. He stated he would like to have asked Ms. Martin, who was unable to attend, questions as her application experience was interesting. He thanked everyone for coming forward and noted all candidates bring something different to the table. Mayor Russell stated he, too, would have liked to talk to Ms. Martin. He further stated he could appreciate Mr. Grossman's contributions to the Lions, Poppy Village, and his corporate experience. He further stated he liked Ms. Parrot's background, and the genuineness of Ms. Mihocko and Mr. Prunty, but felt since Aaron was already on a commission this opportunity should go to someone else.

The council then held a vote.

Councilor Brown voted for Aaron Prunty and Diane Mihocko
Councilor Sell voted for Diane Mihocko and Bernard Grossman
Council President Curriston voted for Aaron Prunty and Diane Mihocko
Councilor Jenks voted for Bernard Grossman and Diane Mihocko
Councilor Fierke voted for Bernard Grossman and Diane Mihocko
Mayor Russell voted for Bernard Grossman and Diane Mihocko

Dena Roberts read the results of the vote. They were:

Aaron Prunty – two votes
Diane Mihocko – six votes
Bernard Grossman – four votes

Council President Curriston moved council approve **Resolution 2011-65**, appointing Sharon Coupe to the vacant four year position, Diane Mihocko to the four year position and Bernard Grossman to the two year position. Councilor Sell 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; and Bill Fierke, yes. The motion passed unanimously.

- 10.3 **Resolution 2011-66.** A Resolution authorizing the free use of the Ashpole Community Center to ACCESS, Inc. on three specific days for Heating Program assistance.

Mayor Russell announced **Resolution 2011-66** and asked for the staff report. Dave Hussell reported at the last council meeting Ellen Gray of ACCESS, Inc. asked council for a waiver of the fees associated with renting the Ashpole Community Center. ACCESS wishes to use the Ashpole Center to meet with Eagle Point residents to help them obtain heating assistance. Current city policy does not allow for the waiver of fees; council needs to authorize an adjustment of the policy to do so. Councilor Fierke asked if the request was because they are serving residents of Eagle Point. Councilor Jenks stated approximately 200 Eagle Point residents received assistance last year.

Councilor Jenks moved council approve **Resolution 2011-66**. Councilor Sell seconded the motion. There was no further discussion. Roll call: Kathy Sell, yes; Alan Curriston, yes; Wayne Brown, yes; Bill Fierke, yes; Bob Russell, yes; and Ruth Jenks, yes. The motion passed unanimously.

- 10.4 **Resolution 2011-67.** A Resolution authorizing the reallocation of personnel costs.

Mayor Russell announced **Resolution 2011-67** and asked for the staff report. Melissa Owens distributed a hand-out to council. She then reported the city had received 130 applications for the Front Office Receptionist/Accounting Clerk 1 position. She advised staff's plan was to fill the open permanent position and, from the same pool of applicants, fill the temporary administrative clerk position. There were many good applicants and it was difficult to narrow the pool down, but staff did so and interviewed six candidates. Three of the candidates were exceptional. Ms. Owens stated staff has selected Kandi Foote, who has been working temporarily in the position since April, for the permanent position. With the two other exceptional candidates one would work well for the temporary administrative position. She explained there are funds to cover the temporary position for 1 year. Staff would like to utilize this candidate in the temporary administrative clerk position for a minimum of six months. Ms. Owens stated the third exceptional candidate is much more qualified for the Accounting Supervisor position. The city's current Accounting Supervisor is retiring. Staff would like to bring this candidate on board for two months and cross train her before the current accounting supervisor leaves. Ms. Owens referred to the list of projects she had previously distributed, noting the list covered the projects for the temporary person, as well as for the current accounting supervisor and her replacement. She advised the list also covers other projects needing attention. She stated there are funds within the budget for these positions. Ms. Owens then invited questions.

Councilor Fierke stated he felt it prudent to pursue staff's recommendation as it fits within the budget. He further noted the city will not have to advertise again and it will also save staff time. Councilor Brown interjected stating it will allow training before the current accounting supervisor retires.

Councilor Fierke moved council approve **Resolution 2011-67**. Councilor Brown seconded the motion. There was no further discussion. Roll call: Alan Curriston, yes; Bill Fierke, yes; Kathy Sell, yes; Ruth Jenks, yes; Wayne Brown, yes; and Bob Russell, yes. The motion passed unanimously.

10.5 Public Advertising *101 Things to Do*.

Mayor Russell announced Item 10.5 and asked for the staff report. Dave Hussell reported Bob Pinnell had approached the council at its last meeting with regard to purchasing an advertisement in the *101 Things to Do* magazine. He explained the request was to have the city help market the community in a joint effort with the Eagle Point/Upper Rogue Chamber of Commerce. He further explained there was no proposal presented during budget so funding had not been set aside for this purpose. He explained council requested the item be put on the agenda this evening for discussion and staff direction. Mr. Hussell concluded by stating the city cannot use public funds to promote private business for private benefit and gain. The city can, however, promote the community.

Councilor Sell asked Mr. Pinnell if he had discussed splitting the cost with the chamber. Mr. Pinnell responded he had spoken with the board of directors as well as the treasurer of the chamber. There are funds available and it is just a matter of obtaining board approval. Mr. Pinnell advised the cost to the city would be approximately \$1,200. He then gave a brief overview of the areas of distribution for the publication. Mr. Pinnell then distributed a proposal from *101 Things to Do*. Councilor Sell expressed her support of advertising, but cautioned that the advertisement be written so as to keep the city from promoting private businesses. Mr. Pinnell stated he was considering using the same advertisement from last year and adding the city's logo and highlighting Harnish Park. Councilor Fierke asked if the price was the same as last year's. Mr. Pinnell responded he thought it was. Councilor Fierke asked the deadline. Mr. Pinnell responded it is October 15 and it will be printed on October 20. Councilor Jenks asked if he had any information regarding the response to the advertisement last year. Mr. Pinnell stated businesses have said their customers have seen their business in the advertisement. Council President Curriston expressed his concern regarding the impact it will have on staff. He suggested someone besides staff develop the advertisement and then get staff approval. Mr. Pinnell advised he would develop the advertisement and present it to the city administrator for approval before submitting it. Attorney Kellerman advised the council needed to decide whether they want to advertise and, if so, they needed to make sure the content was appropriate. He suggested nothing be published until the city signed off on it.

Councilor Jenks moved council authorize staff to work with Bob Pinnell to design promotional advertising for Eagle Point in *101 Things to Do*, staying within the budget figures presented, with the City of Eagle Point and the Eagle Point/Upper Rogue Chamber of Commerce each paying 50% of the cost. Council President Curriston seconded the motion. There was no further

discussion. Roll call: Bill Fierke, yes; Wayne Brown, 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 did not report on School District #9 as it was published in the *Upper Rogue Independent*. He noted there will be an executive session of the school board this evening, along with a tour of Hillside Elementary. Councilor Fierke deferred to Dave Hussell to report on the recruiting schedule. Councilor Fierke next reported he, Councilors Jenks and Sell and Dave Hussell attended a meeting of the Jackson County Commissioners at which Dave Hussell presented Eagle Point's issues with density requirements for the RPS Plan. He noted the board seemed receptive in considering testimony and will make a determination in approximately a month. Councilor Jenks interjected the commissioners were very knowledgeable about the issues being presented.

Councilor Jenks reported she attended an MPO meeting at which the discussion centered around toll roads within the state of Oregon.

Council President Curriston reported he participated in a preparatory meeting regarding Eagle Point's contract with the Medford Water Commission. He further reported there is a meeting scheduled between the city and the Medford Water Commission on Thursday. It is anticipated it will be a positive meeting with good results.

Councilor Brown reported the Rogue Valley Sewer meets on the 19th so he did not have a report.

Councilor Sell reported she attended the commissioners' meeting and was very enlightened. She thanked Councilor Fierke for stepping up and speaking on behalf of the Eagle Point City Council. She concluded by thanking the council for approving her travel to Showa, Japan.

Mayor Russell reported he participated in the recent ACCESS fundraising event at which a "Lunch with the Mayor" was auctioned off. Mayor Russell further reported he attended a meeting of the valley mayors on emergency preparedness. He noted he becomes more and more appreciative of the Eagle Point staff every time he attends these meetings. Mayor Russell next reported he met with Alan Barber regarding their production of the Music Man. Students from the elementary, middle and high schools will participate. The school is trying to get sponsors for particular nights. They are asking Eagle Point to sponsor the opening night of November 11. There is no financial obligation for the city but, rather, they want to encourage staff, council, and commission members as well as members of the chamber of commerce to attend that evening. There will be a discount rate of \$8.00 per ticket instead of \$12.00. The evening of the 12th will be the Eagle Point Women's Club, and there will be sponsors for the other evenings.

Audience member Helen Wolgamott announced the Eagle Point Senior Center is having a breakfast on Veteran's Day from 7:00 a.m. – 10:30 a.m. The cost is \$5.00 and veterans eat free.

12. STAFF REPORTS

Bunny Lincoln reported with regard to the zone change for Greenhills the item will come back before council when someone purchases the property and decides to re-plat. She then reported the Eagle Point Community Association has prepared a gift package to be sent to Japan. She noted she had the items displayed in the conference room and invited council to view them after the meeting. Nancy Leonard asked that a photo be taken of the gifts.

Melissa Owens reported she is waiting to hear from the county with regard to property taxes. Typically that information is available by now but it is not. She noted it will be an indicator of how the rest of the year will go with regard to the city's general fund. She further reported most of her time over the last several weeks has been spent on personnel, interviewing, reallocation of duties, etc. Ms. Owens completed her report by advising the city's auditors will be arriving in three weeks.

Rob Miller reported he had hired a gym manager for the Junior Eagles volleyball program of which there will be approximately 65 children participating. He further advised the city was able to secure very good coaches this year.

Mr. Miller next reported the city did not hire a public works technician as the right person was not found. He stated staff has decided to scale back the position and search for a laborer instead of a technician. He explained he also has been having difficulty in finding bonded and licensed companies to do contract work for the city. They are either too busy or don't have the necessary qualifications. With the downturn in the economy there are fewer contractors available.

Mr. Miller next reported Hillside Elementary paving will occur on Thursday. He then advised the TMDL has been completed which is the city's water quality implementation plan. Mr. Miller next distributed photos of a recent water break and then displayed a pipe from that break. He reviewed how the break occurred and noted during this particular water break there was an accident with a fuel spill which required him and Gary Miller to flag and clean up the fuel spill while the other crew members were handling this large water break. He also advised there was another water break the same week. Mr. Miller stated he is extremely impressed with his crew and what they can accomplish. For five individuals to cover the variety of disciplines and tasks that the city requires is amazing. They all know what they are doing and work hard to do it quickly and safely. He explained it is very important to employ the right individual for the crew.

Sgt. Detective Gray reported there were several recent burglaries and Senior Officer Davis did an outstanding job on the last burglary. He ran plates and names through "Leads Online" which allows police to check pawned items. His research led to the apprehension of one of the burglars and the solving four of the burglaries.

Attorney Kellerman reported litigation with Carl's Jr. had been resolved. He stated the construction of the building is going to fit into the community much better than what was anticipated. He further advised they have paid all the money they owe the city. Councilor Jenks

asked if the construction project would go before the Planning Commission. Attorney Kellerman responded it would not.

Dave Hussell reported the city's water rights consultant has been working on perfecting two of the city's four water rights. One has already been perfected and these two additional water rights should be completed within the next few weeks. This will leave two more to be perfected. The city will be able to call upon the three water rights which will add more water to the creek.

Mr. Hussell next reported he has met with members of the LDS Church. There will be approximately 100-200 people removing blackberries along the creek as well as painting the city's fire hydrants. He advised he spoke with Ed Dahack regarding removing blackberries from his property and he does not have a problem with it. The work will occur on October 15.

Mr. Hussell then brought council's attention to the kimonos the Showa delegation had given the city and asked which one the council wanted to give to School District #9. The council decided to give the orange kimono to School District #9.

Mr. Hussell advised a subcommittee of the Economic Development Commission has picked out stone for the medallion for the time capsule. He showed samples of the stones. He advised the Economic Development Commission would be making a choice and then cutting and engraving would begin.

13. INFORMATION.

Mayor Russell closed the regular meeting at 8:58 p.m. and called for a short break.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e) REAL PROPERTY.

Mayor Russell opened the Executive Session pursuant to ORS 192.660(2)(e) Real Property at 9:07 p.m.

Discussion.

Mayor Russell closed the Executive Session pursuant to ORS 192.660(2)(e) Real Property at 9:36 p.m. and reopened the regular session.

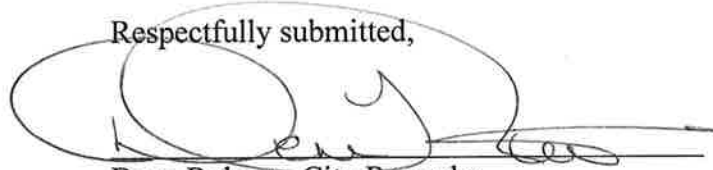
There was council consensus to authorize the city administrator to continue negotiations for acquisition of potential park property and wetland property from Whittle and Johnson and also authorize the city administrator to continue negotiations of park access off South Shasta.

Dave Hussell next reported on the status of advertising for a new city administrator as well as a principle planner. The council briefly discussed the advertising schedule and council's role in the process. It was determined staff would explore additional options for advertising.

11. ADJOURNMENT.

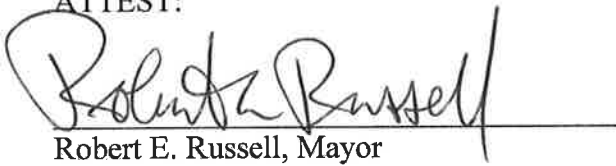
There being no further business to come before the council, Mayor Russell adjourned the meeting at 9:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dena Roberts', written over a horizontal line.

Dena Roberts, City Recorder

ATTEST:

A handwritten signature in black ink, appearing to read 'Robert E. Russell', written over a horizontal line.

Robert E. Russell, Mayor