



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

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

MAY 8, 2018

REGULAR MEETING MINUTES

1. CALL TO ORDER – 6:00 P.M.

Mayor Russell called the meeting to order at 6:00 p.m.

Council Members Present: Bob Russell, Jonathan Bilden, Bill Fierke (via Skype), Ruth Jenks, James Mannenbach, Kathy Sell, and Michael Stanek.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Souvanny Miller, Associate at Hornecker Cowling LLP; Darin May, Interim Police Chief; Robert Miller, Public Works Director; Melissa Owens, Finance Director; and Cindy Hughes, City Recorder.

Guests: Mike Bull, Century West Engineers; Thomas Becker of Becker Properties; Dan Horton, Architect; Robb Mayers, Outlier Construction; and Jeff Rodgers, Managing Partner at John L. Scott Real Estate; Mike Frey and Tisha Oehmen of Paradux Media Group; Boy Scout Troop 48, Suzi Collins, Planning Commissioner; Eric Gunn, Budget Committee Member; Kevin Walruff, Planning Commissioner; Millie Wewerka, Planning Commissioner and Budget Committee Member; 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 Jerry Zieman offered the invocation. Following the invocation, Mayor Russell reminded everyone about quieting cell phones until after the meeting.

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

Bill Rutherford of Eagle Point reported making numerous complaints regarding barking dogs near his home. Chief May added that the Police Department is working to remedy the situation and had responded to the residence six times in the last year. Additionally, Chief May released a directive to the Police Department to issue citations, no more warnings, and the dog owner purchased bark collars to help with the problem. There were no other audience questions or comments.

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4. PRESENTATIONS

4.1 Nick Erno – Boy Scout Troop 48 – Certificates of Appreciation.

Mayor Russell cited some of the qualities listed in the Boy Scout Law such as being trustworthy, loyal, and helpful, followed with a presentation of Certificates of Appreciation to Nick Erno and Boy Scout Troop 48. Nick's Eagle Scout project was the Mattie Brown Park Playground Fence which he led and was assisted by Troop 48.

Nick Erno expressed appreciation to the City and staff member, Darin Kinyon, for help with the process. Nick also expressed appreciation to Oregon West Lumber for the materials they provided.

5. PUBLIC HEARINGS

5.1 Public Hearing to consider amendments to the downtown parking regulations within the Eagle Point Municipal Code (EPMC), Chapters 17.46 and 17.72, and receive public comment.

Mayor Russell announced the Public Hearing had been advertised and all legal notifications were made in compliance with state and local laws. Mayor Russell went on to explain that in addition to a presentation from Staff, all persons interested in offering testimony would be allowed to speak at the appropriate time.

At 6:10 p.m., Mayor Russell opened the Public Hearing to consider amendments to the downtown parking regulations within the Eagle Point Municipal Code (EPMC), Chapters 17.46 and 17.72, and receive public comment. Mike Upston, Planning Director, explained about the 2008 Parking Reserve Overlay District (EPMC 17.46) and Off-Street Parking and Loading Facility Requirements (EPMC 17.72) in Eagle Point's downtown with an in-lieu fee that could be paid by a developer to the City for parking spaces not provided. However, the 2008 in-lieu fee option was never used as no new buildings were constructed, and adequate off-street parking has been available.

Mr. Upston presented an overhead presentation (Submission No. 1), depicting 297 Off-Street Parking Stalls required with approximately 282 available. Further, average weekday usage accessed 193 parking stalls while Saturdays averaged 137. Staff's recommendation was to repeal Ordinance Nos. 2008-10 and 2008-11, and adopt the proposed new Ordinance to eliminate minimum commercial parking requirements in the Old Town District of the Town Center Plan. Mr. Upston reported speaking with other cities across the State that removed parking requirements to help get development going; however, the question was whether to allow for more development of roof tops or asphalt. In reviewing vacant lots, Mr. Upston thought building development was the choice for now.

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In addition, Mr. Upston recommended the exception to parking requirements but giving the Planning Director/Planning Commission authority on commercial properties but not residential. Mr. Upston favored the approach to no minimum parking requirements for commercial uses within the Old Town District of the Town Center Plan Area, unless deemed necessary on a case-by-case basis.

Next, Mayor Russell invited public testimony in favor of the proposal and then in opposition; however, there being no testimony or final comments, the Public Hearing closed at 6:22 p.m.

Next, Mayor Russell reported the proposed Ordinance No. 2018-03 was scheduled later in the Agenda as Item No. 10.1. Further, there being no objection to changing the order of business, Mayor Russell asked to discuss and deliberate the proposed Ordinance No. 2018-03.

Discussion ensued wherein Councilor Fierke recalled numerous discussions with concern expressed that parking restrictions may have stopped projects and that alleviating the concern would be beneficial. Councilor Bilden concurred. Next, Councilor Sell disclosed being a business owner in the area and Attorney Kellerman noted it as a potential conflict but not an actual conflict. Attorney Kellerman discussed whether the discretion should just be considered for Mr. Upston and not just the position. Mr. Upston noted that any new commercial development would go through the Planning Commission but authority for the Planning Director would be for re-use or expansion projects.

Mayor Russell asked for a motion to adopt Ordinance No. 2018-03. Council President Jenks made a motion to adopt Ordinance No. 2018-03; and Councilor Bilden seconded the motion. There was no discussion. Roll call: Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; and Bob Russell, yes. The motion passed unanimously.

6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of April 24, 2018.

Mayor Russell announced the Consent Calendar. Cindy Hughes, City Recorder, proposed revisions to the guest attendance section, and to correct the spelling of Bary Kaiser's last name. There were no questions or comments. Councilor Bilden moved to approve the Consent Calendar as presented and Council President Jenks seconded the motion. There was no discussion. Roll call: Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; and Bob Russell, yes. The motion passed unanimously.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid including the additional bills list. Council President Jenks asked about a traffic study on Crystal, and Mr. Miller reported it will be presented at a future meeting. There being no further

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questions, Councilor Bilden moved to approve the Regular Bill List in the amount of \$170,057.90 and the Additional Bills List in the amount of \$24,054.80 (Submission No. 2). Councilor Stanek seconded the motion. There was no discussion. Roll call: Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; and Bob Russell, yes. The motion passed unanimously.

9. OLD BUSINESS

There were no Old Business items on the agenda.

10. NEW BUSINESS

- 10.1 Ordinance No. 2018-03. An Ordinance revising the Eagle Point Municipal Code to repeal Chapter 17.46 (PR – Parking Reserve Overlay District) in its entirety, and amending Chapter 17.72 (Off-Street Parking and Loading Facility Requirements) to eliminate the minimum parking requirements for commercial uses in the Old Town District of the Town Center Plan Area, and repealing Ordinance Nos. 2008-10 and 2008-11.

Item No. 10.1 was deliberated after the Public Hearing listed as Item No. 5.1.

- 10.2 Resolution No. 2018-20. A Resolution authorizing the City Administrator and City Attorney to negotiate the terms and conditions for the sale and redevelopment of the Old Fire Station Property.

Henry Lawrence, City Administrator, introduced this item with excitement as it has been in the works for many years. Mr. Lawrence followed with an overview going back to the Council's authorization of Dan Horton to complete a space needs and conceptual analysis and presenting it with renderings to the public for comment at a 2014 town hall meeting. Mr. Lawrence went on to explain that the property fronts both Main and Loto Streets, describing it as a wonderful property but there not previously being a good climate for development. In 2015, the City issued an RFP to try to get proposals but the economy was still not recovered with loans being difficult for developers and there was also the factor of elections. At that time, there was no interest shown and the project was shelved except for a couple of discussions. In January 2018, a revised Request for Proposals was issued with more flexibility and resulting in two solid proposals presented in the agenda packet.

Next, team presentations were made in alphabetical order with Tom Becker of Becker Properties presenting first. In addition to Mr. Becker, the Becker project team was introduced and comprised of: Dan Horton, Architect; Robb Mayers, Outlier Construction; and Jeff Rodgers, Managing Partner at John L. Scott Real Estate. This team proposed developing storefront or commercial use on Main Street and approximately 16 residential housing units (1-3 bedrooms) on the Loto side as demonstrated in Dan Horton's rendering shown in the Request for Proposals, not exceeding three stories.

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Mike Bull of Century West Engineering presented next. This team consists of Mike Bull, and Reid Murphy, owner of RA Murphy Construction. On behalf of the team, Mr. Bull presented the proposed revitalization of the existing historical fire station, bringing it up to Code and tying the exterior into other existing features downtown with sliding glass doors to replace the existing wood doors. Residential housing with three bedroom apartments would be on the Loto side of the properties with either two duplexes or one four-plex on each of the two remaining parcels, and an option to provide an additional commercial building next to the daycare.

In addition to discussing both proposals, the Council engaged the teams in discussion about their other developments, experience, finances, and recommendations about the project. Comments and significant points of discussion included:

- Identifying and attracting the best types of businesses to locate in the proposed commercial development – smaller companies, Mom and Pop shops, not a phone company or paraphernalia shop, but shops that people would walk to.
- Restrictions to exclude marijuana associated or adult oriented type businesses.
- Housing density between the two proposals with 8 units vs. 16 units.
- General support of preserving historical factors of Eagle Point in keeping the original building, and the sentimental aspect of doing so.
- Economic Development Commission's plan for development up to the sidewalk on Main Street with commercial use on the first floor and residential above.

All in all, the Council discussed and noted more than once that it was a difficult decision although there was majority support of the proposal by Bull and Reid. Mayor Russell expressed support for the Becker proposal citing higher residential density and consistency with the Economic Development Commission's plan. Councilor Bilden asked to call the vote and there was no objection stated.

Mayor Russell asked for a motion to approve Resolution No. 2018-20. Councilor Mannenbach made a motion to approve Resolution No. 2018-20, a Resolution authorizing the City Administrator and City Attorney to negotiate the terms and conditions for the sale and redevelopment of the Old Fire Station Property. There was no discussion. Roll call: James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; and Bob Russell, no. The motion passed with six yes votes and one no vote.

10.3 Resolution No. 2018-21. A Resolution adopting the City of Eagle Point Brand Book and recommendations from the Branding Stakeholder Committee.

Henry Lawrence, City Administrator, introduced this item and welcomed Mike Frey and Tisha Oehmen of Paradux Media Group. Ms. Oehmen reported being asked in July 2017 to bring the community of Eagle Point together. Six meetings were held with 16 stakeholders but rather than telling the story, Ms. Oehmen asked to show it with two video presentations (Submission Nos. 3 and 4). "Welcome to the

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Neighborhood” was identified as a tag line that both residential and commercial communities could get behind.

During the stakeholder meetings, they identified Eagle Point as being different, and small town living the way it was meant to be. It was also noted that part of the process is making sure everyone has the right perception of Eagle Point and the videos provide an opportunity to showcase Eagle Point. In addition, the Brand Book identifies Eagle Point’s personality, core values, emotional drivers we want to grow into, and helps us to understand what makes Eagle Point special as well as to identify our target market.

There were no questions; however, Councilor Stanek reported being a stakeholder and while somewhat skeptical at first, came to appreciate the work and thought Paradux did a wonderful job. Mayor Russell added that it was quite the process to narrow down words to identify Eagle Point with a warmer greeting than Gateway to the Lakes.

Mayor Russell asked for a motion to approve Resolution No. 2018-21. Councilor Stanek made a motion to approve Resolution No. 2018-21, a Resolution adopting the City of Eagle Point Brand Book and recommendations from the Branding Stakeholder Committee. Councilor Mannenbach seconded the motion. There was no discussion. Roll call: James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; and Bob Russell, yes. The motion passed unanimously.

- 10.4 Resolution No. 2018-22. A Resolution authorizing financing of real and personal property in a Principal Amount not to exceed \$600,000 and related matters.

Melissa Owens, Finance Director, reported that a contract was awarded for construction of a new Public Works Heated Storage Building at the April 24th City Council Meeting. Ms. Owens noted that the project is estimated to be just under \$600,000, and the proposed Resolution authorizes financing of project in an aggregate principal amount of not more than \$600,000. In addition, the proposed Resolution authorizes the City Administrator and the City Finance Director to select a commercial bank, negotiate terms, and to execute and deliver the financing agreement. It was also clarified that the borrowing is designated as a “qualified tax-exempt obligation” and the agreement constitutes an unconditional obligation of the City, payable from all legally available funds.

Councilor Fierke inquired about the necessity of financing the entire amount. Ms. Owens explained that it has been in the projections and planned to be financed although the City may pay it off earlier. Mr. Lawrence interjected that it is better to preserve the City’s cash right now noting the Linn Road project coming up but restated that the City may pay it off early if it chooses to do so.

There being no further discussion, Mayor Russell asked for a motion to approve Resolution No. 2018-22. Councilor Mannenbach made a motion to approve

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Resolution No. 2018-22, a Resolution authorizing financing of real and personal property in a Principal Amount not to exceed \$600,000 and related matters. Councilor Sell seconded the motion. There was no discussion. Roll call: Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; and Bob Russell, yes. The motion passed unanimously.

10.5 Discussion updating the status of the Linn Road Improvements – Robert Miller, Public Works Director.

Robert Miller, Public Works Director, explained that Century West has completed the 90% Percent Plans for the project and was here to provide an update.

Jim Pex with Century West made a presentation on the project to update the Council (Submission No. 5) including:

- Submitted 90% Design Plans for Review
 - Joint conference call with Robert Miller on updates/needs for completion on 5/3/18.
- Joint Environmental Permit was submitted.
- Finalizing Plans/Specifications/Cost Estimates currently for final submittal in early June.
- Continuing with Design:
 - Continue to finalize all of the road, grading & storm alignments.
 - Final placement of the culvert regarding length.
 - Updated plans to incorporate a left turn at Buchanan Ave.
 - Working with landowners, Robert Miller and Right of Way consultant to find a resolution to access on Linn Road.
- Project budgets and schedule with the design schedule concern relating:
 - Getting final design/specification submittals from Subs
 - Receiving final comments from City Reviews
 - Finalizing ROW discussions with landowners in the region
- Review of changes from the initial design.

Discussion followed about waiting to open the Buchanan ditch until after the winter months. Last, direction was requested regarding limiting access from private residences for safety reasons. Primary access, secondary access, and unsanctioned/non permitted accesses were discussed at length. Council President Jenks stated that staff's general practice is to negotiate and be accommodating to a certain extent but when safety and design costs are impacted, the line has to be drawn. Further comments were made about unsanctioned or misunderstood property lines.

Mike Bull preferred more clarity, stating plans for private facilities in the right of way such as a fence to be moved and eliminating secondary pedestrian or vehicular access off of Linn Road. There was no objection; however, discussion continued about the safety aspect on access to properties on Linn Road. Attorney Kellerman

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noted that eminent domain may come into place if it is unfeasible to access a property off of Linn Road due to being unsafe. Attorney Kellerman added that the power of eminent domain had only come into place about three times in the last 25 years of his service with the City.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported the Eagle Point School District 9 having held its first Budget Committee meeting with the second meeting coming up.

Councilor Bilden reported making a presentation on behalf of Eagle Point at a recent Southern Oregon Regional Economic Development Inc. (SOREDI) meeting. Councilor Bilden also announced a parallel 501-c for SOREDI, and its annual meeting next month in Grants Pass.

Council President Jenks reported attending a recent Rogue Valley Area Commission on Transportation (RVACT) meeting and discussions about ADA Access at intersections and Central Point's list of future replacement intersections as a means of protection in case they are sued. On a positive note, the bypass should be completed up to Delta Waters by this summer with the entire project up to Vilas Road scheduled for completion by the end of the year.

Councilor Sell commented on a name change to the Grady Street sign being changed to Grady Way and residents not wanting to change their addresses. An audience member stated that Google says Grady Street.

Mayor Russell expressed appreciation to Council President Jenks for covering the last meeting. Mayor Russell concluded with an invitation to the Vintage Faire and nice weather anticipated.

12. STAFF REPORTS

Mike Upston, Planning Director, reported on a healthy mix of single and multi-family units being developed as well as commercial development. Updates included: consideration of Arrowhead Trail Alley, Butte Creek Baptist Church moving forward with a traffic study, awaiting construction application on the Butte Creek Mill, and receipt of a pre-ap comments for the SE corner of South Shasta and Alta Vista. With regard to the Community Development Commission, upcoming items include work on an updated Parks Master Plan, and historic preservation.

Melissa Owens, Finance Director, reported working on the Budget Document which will be available during the week of May 21st. Additionally, staff is working on documentation for upcoming Public Hearings, and preparation for the interim audit which is being rescheduled to June.

Robert Miller, Public Works Director, reported on: the upcoming installation of the South Shasta culvert, a draft transition plan for ADA which will be part of the budget process, Public Works staff working on weeding and planting, and the Laurel/Tracy Stormwater Project should be starting any day.

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Interim Chief May reported on Officer Fisher responding to a residence with a snake in the front yard. Officer Fisher removed and relocated the snake to a wetlands area, and Officer Anselmi shared it on Facebook, resulting in 35,000 hits and 108 shares. Recruitment efforts continue and it is hoped that another new recruit will begin next week.

Henry Lawrence, City Administrator, announced plans to attend the League of Oregon Cities regional meeting in Grants Pass.

13. INFORMATION

There were no information items for discussion.

At 8:16 p.m., Mayor Russell recessed the meeting for a short break and announced that representatives of the news media and designated staff would be allowed to attend the Executive Session. All other members of the audience would be asked to leave the room and welcomed back afterwards although there would be no additional business after the Executive Session.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e), To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

At 8:21 p.m., Mayor Russell opened the Executive Session pursuant to ORS 192.660(2)(e), and closed the Executive Session at 8:50 p.m.

15. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(h), To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

At 8:51 p.m., Mayor Russell opened the Executive Session pursuant to ORS 192.660(2)(h), and closed the Executive Session at 8:54 p.m.

16. ADJOURN

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

Respectfully submitted,



Cindy Hughes, City Recorder

ATTEST:



Robert E. Russell, Mayor