



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

MARCH 12, 2019

REGULAR MEETING MINUTES

1. CALL TO ORDER – 6:00 P.M.

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

Council Members Present: Ruth Jenks, Bill Fierke (via Skype), Bernie Grossman, David Lacombe, Michael Stanek (arrived at 7:31 p.m.), and Kevin Walruff.

Council Members Absent: James Mannenbach.

Staff Members Present: Henry Lawrence, City Administrator; Darin May, Police Chief; Souvanny Miller, City Attorney; Melissa Owens, Finance Director; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Bob Strosser, Jackson County Commissioner; Bob Horton, Fire Chief; Lorin Myers, Fire District Chaplain; Nick Fahey, Southern Oregon Sanitation; Suzi Collins, Planning Commissioner; Josh Fagan, Community Development Commission Applicant; Eric Gunn, Budget Committee Member; Kathy Sell, Community Development Commission Applicant; Millie Wewerka, Budget Committee Member and Planning Commissioner; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

Councilor Walruff led the Pledge of Allegiance and Chaplain Myers offered the invocation. Following the Pledge of Allegiance, Mayor Jenks reminded everyone about quieting cell phones until after the meeting.

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

Jim Brick and Chris Buchanan of Eagle Point came forward to inquire about the Robert Trent Jones traffic study. Mayor Jenks explained that it had been scheduled for the last

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meeting which had been cancelled due to the weather but that the report was posted to the website. This item was rescheduled to the next meeting agenda.

Mike Bull of Eagle Point inquired about the status of the Old Fire Station Property and expressed his desire that something happen to attract more business and community involvement. He also encouraged setting restrictions about the type of business that could go in there and reported on a more family oriented business leaving Eagle Point while a higher paying gambling/drinking establishment moved in. Further, Mr. Bull expressed interest in being involved with the development of the property. Henry Lawrence, City Administrator, reported there would be a discussion on the Old Fire Station Property sometime in April.

There were no other audience questions or comments.

4. PRESENTATIONS

4.1 Presentation of 2018 Jackson County Fire District 3 Annual Report by Fire Chief Bob Horton.

Fire Chief Horton presented the 2018 Jackson County Fire District 3 Annual Report (Submission No. 1). Highlights of the report included:

- 2 significant urban wildfires within the District's boundaries (150 acres in White City and 97 acres in Central Point). There were also 9 regional deployments for wildfires throughout the state.
- Resource collaboration in Jackson and Josephine counties create the ability to provide seamless services to communities through a mutual aid agreement.
- Largest percentage of call volume in Eagle Point is for medical assistance at 65% as compared to 55% overall in Fire District 3.
- Top five types of dispatch calls to Eagle Point: breathing problems, chest pain, fall victim, sick person, and unconscious person accounting for 53% of dispatch.
- Resources allocated to risk reduction programs including falls reduction program and wildland urban interface to reduce wildfire exposure (Eagle Point ranked as 6th highest of top 50 communities at risk of wildfire in Oregon).
- Spring newsletter packed full of information with a drive for patrons to prepare ahead of and reduce potential catastrophic disaster as well as creating evacuation plans and heeding warnings. Home assessments are available by contacting the Fire District.
- Capital highlights included the RCC/FD3 Fire Science Center, a new Central Point location scheduled for completion in Spring 2020, and two new fire engines.

Fire Chief Horton offered to answer questions. Councilor Walruff commended the excellent report and asked about emergency management training for the City Council. Fire Chief Horton welcomed the opportunity and as it turned out, the training had already been initiated by Police Chief May. There were also many compliments from the Council about the report and newsletter.

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Following the presentation, Mayor Jenks requested to change the order of business to allow staff to present Item No. 10.3, a Resolution increasing the water consumption rate in the City of Eagle Point to reflect the Medford Water Commission rate increase, followed by the Council's discussion and deliberation. After that item, the Public Hearing listed as Item No. 5.1, regarding increasing the Water Base Rate and Water Consumption Rates would be held, and followed with discussion and deliberation of the proposed Ordinance No. 2019-01.

There being no objection to changing the order of business, Melissa Owens, Finance Director, presented Item No. 10.3, Resolution No. 2019-11, a Resolution increasing the water consumption rate in the City of Eagle Point to reflect the Medford Water Commission rate increase. Discussion is detailed under Item No. 10.3.

5. PUBLIC HEARINGS

5.1 Public Hearing regarding increasing the Water Base Rate and Water Consumption Rates.

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

At 6:27 p.m., Mayor Jenks opened the Public Hearing regarding an increase of the Water Base Rate and Water Consumption Rates. Melissa Owens, Finance Director, reviewed the related agenda statement and explained about the two types of rate increases that had previously been brought forward at different times of the year. The Medford Water Commission's rate increase, previously discussed, covers the increase of the cost of water to the consumer. The proposed 4% increase has been in Eagle Point's financial projections since Fiscal Year 2012-2013. It is used to cover the cost of maintaining and operating the water system, repaying an internal loan, and retaining a fund balance with reserves for repairs or needed projects. However, Ms. Owens noted that in past years, the Medford Water Commission rate increases had been brought forward early in the year while the 4% increase had come later in the year.

Ms. Owens continued with a review of the agenda statement including the projections with and without the 4% increase. Without the increase, there would be a difference of \$81,000 in revenue in Fiscal Year 2019-2020 but the most significant impact is when that amount is compounded and increases to about \$948,000 in 10 years. Ms. Owens expressed concern that without the 4% increase, the City could be financially troubled in the event of something like a major water break or other repair. The cost to the consumer is typically \$1.20 to \$1.70 per month depending on the consumer's consumption rates.

There were no questions from the Council other than Councilor Walruff requesting and receiving confirmation that the Medford Water Commission raises its cost for

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water so Eagle Point has to raise the cost to stay even, while this increase is to maintain Eagle Point's services and overall cost of operations.

Mayor Jenks then invited public testimony in favor of the proposal but there was no testimony in support. Next, Mayor Jenks invited testimony in opposition of the proposal.

Kathy Sell of Eagle Point discussed the increase as being a lot for senior citizens on fixed incomes and suggested a base rate increase with only 2% for usage rates. Ms. Sell also noted that when the rate increases were started that it was thought that they might not have to increase by 4% every year. Mayor Jenks inquired and Ms. Sell expressed favor of keeping the consumption rates the same regardless of consumption amounts. There were no questions about this testimony.

Mike Bull of Eagle Point inquired about multifamily housing rates with single water meters. Melissa Owens, Finance Director, explained that a four-plex would be charged with 4 base rates and would get the first 40,000 gallons at the lowest cost.

There being no further testimony or final comments, Mayor Jenks closed the Public Hearing at 6:36 p.m.

Next, Mayor Jenks reported the related Ordinance No. 2019-01 was scheduled later in the Agenda; however, there having been no objection to changing the order of business, Mayor Jenks asked to discuss and deliberate the proposed Ordinance No. 2019-01.

Discussion ensued wherein the Council and staff reviewed the following points:

- Past discussions about not increasing rates each year, but the Council's approval of a new employee in the water area and providing funding for the position.
- Consideration of different amounts to the base or consumption rates.
- Challenges of changing from a 4% increase because many customers have low consumption and very few regularly use 20,000 to 30,000 gallons.
- Encouraging conservation although it was reported that approximately 50% to 70% of users are in the lowest consumption tier and a high percentage use around 3,000 gallons.
- 4% rate increases projected for 10 years but repairs and paying for the internal loan (anticipated over the next 4 years) impacting the amount of time the increases will be needed.
- There was no favor of increasing taxes to pay for the consumption of others.
- Additional revenue due to new homes already included in the budget.
- Possible introduction of a future public safety fee anticipated to be quite a ways out but not to the extent charged to other communities, perhaps \$3 to \$4 per month. Although unrelated to the current item, it was noted that public input would be received at whatever time public safety fees arise, and that this was only one possibility to cover the cost of adding personnel to the Police Department.

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- Other cities increasingly adding fees to water bills but Eagle Point has been hesitant to do that.
- Compounding revenue overtime of nearly \$1M, and if wanting to not make increases, to do it near the end to not impact compounding.
- Rates had not been increased for 10 years (including CPI increases) when the increases were first implemented and the 4% increases are anticipated through fiscal year 2023-2024, and thereafter approximately 2% based on CPI but can be changed.
- 2%, 3% and 4% increases were discussed, and at 3% would lose at least \$200,000 or more in compounding.

Mayor Jenks asked for a motion to adopt Ordinance No. 2019-01. Councilor Lacombe made a motion to adopt Ordinance No. 2019-01, an Ordinance increasing the Water Base Rate and Water Consumption Rates, and repealing Ordinance No. 2018-05, and Councilor Fierke seconded the motion. Councilor Fierke initiated discussion about the reported difficulty in changing the proposed amount of 4% while stating his past and current reluctance of passing the increase. With that, he noted the Council's agreement of adding another water operator and paying for the position even if it is \$50,000 of the proposed \$80,000. Councilor Walruff concurred, noting his dislike and reluctance of raising rates but further noted it will cost more money later. Councilor Lacombe discussed the potential future savings of nearly \$1M in compounding with the 4% increase being good business sense. Councilor Grossman spoke about increasing the rate now or it costing more later on. While Councilor Grossman stated that as much as he was against the increase, he would vote in favor. There was no further discussion. Roll call: Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; David Lacombe, yes; Ruth Jenks, yes; James Mannenbach, absent; and Michael Stanek, absent. The motion passed unanimously by those present.

5.2 Public Hearing regarding amending Eagle Point Municipal Code Chapter 8.04 – Solid Waste Collection Franchise.

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

At 7:01 p.m., Mayor Jenks opened the Public Hearing regarding amending Eagle Point Municipal Code Chapter 8.04 – Solid Waste Collection Franchise. Henry Lawrence, City Administrator, explained that the Franchise Agreement is incorporated into the municipal code. He then reviewed the related agenda statement with six major changes:

- 1) Changing term of the agreement to a rolling 7 year agreement instead of 10 years, adding a year onto each anniversary date;

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- 2) Addition of no cost disposal for the City's public works yard, saving approximately \$633 per month;
- 3) Additional requirement for newly constructed container enclosures (usually at new commercial buildings) to be approved by SOS;
- 4) Rate review process allowing for automatic CPI adjustment when requested unless the City provides a 45 day notice to seek Council review to approve or deny the request;
- 5) Continues with 7% franchise fee (generating approximately \$80,000 annually this year);
- 6) New Article adding for provisions in the event a future solid waste reload or transfer facility is located within the City or Urban Growth Boundary when the population reaches 10,000, requiring a land use process locally, regionally, and at the state level.

Nick Fahey of Southern Oregon Sanitation reported they are appreciative of the working relationship with the City and community. Mr. Fahey further expressed appreciation for consideration of the changes to the agreement and reflected similar comments about the changes presented by Mr. Lawrence. Mr. Fahey also provided a brief history about the company beginning with his grandfather 71 years ago in Grants Pass, then carried through with his father, and the company basically going from a barn to its new offices. Mr. Fahey went on to provide details about the requirement of a new recycling center and transfer station within Eagle Point once the City's population reaches 10,000.

There were no questions from the City Council.

Next, Mayor Jenks 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 7:18 p.m.

Next, Mayor Jenks reported the related Ordinance No. 2019-02 was scheduled later in the Agenda; however, there having been no objection to changing the order of business, Mayor Jenks asked to discuss and deliberate the proposed Ordinance No. 2019-02.

Councilor Fierke asked about the differences in the Franchise Agreements with the other cities served and Mr. Fahey reported the language is almost identical with all.

Mayor Jenks asked for a motion to adopt Ordinance No. 2019-02. Councilor Walruff made a motion to adopt Ordinance No. 2019-02, an Ordinance adopting a new solid waste franchise agreement between the City of Eagle Point and Southern Oregon Sanitation, Inc., repealing Ordinance No. 2009-08, and amending Eagle Point Municipal Code Chapter 8.04. Councilor Lacombe seconded the motion. There was no discussion. Roll call: Bill Fierke, yes; Bernie Grossman, yes; David Lacombe, yes; Kevin Walruff, yes; Ruth Jenks, yes; James Mannenbach,

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absent; and Michael Stanek, absent. The motion passed unanimously by those present. Mayor Jenks expressed appreciation for their support with the 4th of July.

6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of February 12, 2019.

6.2 Presentation of Special Study Session Minutes of March 4, 2019.

Mayor Jenks announced the Consent Calendar. There were no questions or comments. Councilor Grossman moved to approve the Consent Calendar as presented and Councilor Walruff seconded the motion. There was no discussion. Roll call: Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; David Lacombe, yes; Ruth Jenks, yes; James Mannenbach, absent; and Michael Stanek, absent. The motion passed unanimously by those present.

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 Jenks asked if there were questions about the bills to be paid including the additional bills list. There being no questions, Councilor Grossman moved to approve the Bills to be Paid in the amount of \$113,254.47 as well as the Additional Bill List in the amount of \$413,742.22 (Submission No. 2). Councilor Walruff seconded the motion. Mayor Jenks inquired about the large bill regarding Linn Road on the Additional Bills List. Melissa Owens, Finance Director, responded that we will see items like that during construction but noted the snow plow portion was only around \$100. There was no further discussion. Roll call: Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; David Lacombe, yes; Ruth Jenks, yes; James Mannenbach, absent; and Michael Stanek, absent. The motion passed unanimously by those present.

9. OLD BUSINESS

There was no Old Business.

10. NEW BUSINESS

10.1 Ordinance No. 2019-01. An Ordinance increasing the Water Base Rate and Water Consumption Rates, and repealing Ordinance No. 2018-05.

Discussed and deliberated after the Public Hearing listed as Item No. 5.1.

10.2 Ordinance No. 2019-02. An Ordinance adopting a new solid waste franchise agreement between the City of Eagle Point and Southern Oregon Sanitation, Inc., repealing Ordinance No. 2009-08, and amending Eagle Point Municipal Code Chapter 8.04.

Discussed and deliberated after the Public Hearing listed as Item No. 5.2.

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- 10.3 Resolution No. 2019-11. A Resolution increasing the water consumption rate in the City of Eagle Point to reflect the Medford Water Commission rate increase.

Prior to this item being presented, Mayor Jenks received the Council's consent to change the order of business to discuss and deliberate this item prior to the Public Hearings.

Melissa Owens, Finance Director, expressed appreciation for changing the order of business as there were two separate types of water rate increases on the agenda. Ms. Owens went on to explain that each year, the Medford Water Commission (MWC) performs a rate study and ensures all partner cities pay their fare share of services. The increased cost of the water should be passed to the consumer averaging \$.30 to \$.54 per month depending on their consumption rate. It was also noted that Ordinance No. 2018-05 allows the City to pass this type of increase by Resolution.

A brief discussion followed wherein Ms. Owens clarified there had been a similar rate increase last year and there is usually a rate increase every year.

Mayor Jenks asked for a motion to approve Resolution No. 2019-11, a Resolution increasing the water consumption rate in the City of Eagle Point to reflect the Medford Water Commission rate increase. Councilor Walruff made a motion to approve Resolution No. 2019-11 and Councilor Fierke seconded the motion. There was no discussion. Roll call: Bernie Grossman, yes; David Lacombe, yes; Kevin Walruff, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, absent; and Michael Stanek, absent. The motion passed unanimously by those present.

- 10.4 Resolution No. 2019-12. A Resolution approving the Jackson County Deadly Physical Force Plan, revised June 22, 2018.

Police Chief May introduced this item and reviewed the agenda statement explaining about the state legislature passing Senate Bill 111, Chapter 842 in 2007, requiring each county to develop a plan regarding the use of deadly physical force by law enforcement officers. The law directs the planning authority in each county to develop a plan to meet specific criteria including use of deadly force training, support for officers involved in deadly force incidents, and a process for investigating a deadly force incident. Chief May went on to explain that the Jackson County Deadly Physical Force Plan was originally adopted on June 3, 2008, and revised and approved in June, 2018. As required by law, Jackson County District Attorney Beth Heckert recently submitted the June 2018 version for consideration of approval by the Eagle Point City Council. There was no Council discussion.

Mayor Jenks asked for a motion to approve Resolution No. 2019-12, approving the Jackson County Deadly Physical Force Plan, Revised June 22, 2018. Councilor Walruff made a motion to approve Resolution No. 2019-12 and Councilor Grossman seconded the motion. There was no discussion. Roll call: David Lacombe, yes; Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; Ruth Jenks, yes; James

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Mannenbach, absent; and Michael Stanek, absent. The motion passed unanimously by those present.

10.5 Resolution No. 2019-13. A Resolution appointing Community Development Commissioners.

Mayor Jenks explained that at the January 22, 2019 City Council meeting, appointments were made to four of the six vacancies on the Commission. At that time, the remaining School District Representative vacancy and partial term vacancy were left unfilled for consideration at a future Council meeting.

Shortly thereafter, recruitment ended as there were several applications submitted for appointment. Current applicants for the partial term include: Terry Adams, Rachel Chartier, David de Wey, and Kathy Sell. Josh Fagan's application had been kept on file for consideration of appointment as the School District Representative.

After careful consideration, appointments were proposed for Kathy Sell beginning immediately through December 31, 2019, and Josh Fagan as the School District Representative beginning immediately through December 31, 2021. (Councilor Stanek arrived at 7:31 p.m.)

Mayor Jenks asked for a motion to approve Resolution No. 2019-13, a Resolution appointing Community Development Commissioners. Councilor Lacombe made a motion to approve Resolution No. 2019-13 and Councilor Walruff seconded the motion. There was no discussion. Roll call: Michael Stanek, yes; Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; David Lacombe, yes; Ruth Jenks, yes; and James Mannenbach, absent. The motion passed unanimously by those present.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported that the Superintendent's Evaluation was on the School Board Agenda.

Councilor Lacombe favorably commented on the progress of Linn Road.

Council President Stanek reported attending the Southern Oregon Regional Economic Development Inc. (SOREDI) Crown Dinner and that it was nice to visit with all 13 community leaders, including 11 mayors and two Council Presidents. Part of the dinner discussion focused on ways to improve and make the area more appealing.

Councilor Walruff reported on the Planning Commission meeting from February with the election of Chair Collins and Vice Chair Mihocko, a commission overview, city structure and comprehensive plan review.

Mayor Jenks reported on the Rogue Valley Area Commission on Transportation (RVACT) presentation on Safe Routes to School Grant Program with a spring workshop. Mayor

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Jenks also reported on a proposed roundabout feature for Highway 140 at Kershaw Road as part of a solution to address accident fatalities in that area. Additionally, truckers had been invited to review and navigate the proposed roundabout to determine if they can move within the dimensions of the proposed layout. On a separate note, the Rogue Valley Transit District's grant application for Eagle Point's route service scored well but the final results have not been determined.

12. STAFF REPORTS

Mayor Jenks commended Mike Upston, Planning Director, for his assistance during the goal setting session. Mr. Upston followed with a progress report on Idlewood Subdivision and a connecting pathway providing a path for citizens and children going to Hillside Elementary and parks. The Golf Course is also looking at a large expansion within the next year. The Tabor Avenue Triplex is completed other than landscaping and the Richardson Vet Service building is progressing. Longer range planning activities include attendance at the Rogue Valley Council of Governments meetings with the Rogue Valley Transportation District Master Plan Update, Rogue Valley Area Commission on Transportation (RVACT) monthly meetings, and meetings with our largest developers about the City's processes and requirements including soils in this area. Additional upcoming meetings include the Community Development Commission on April 2nd, and the Planning Commission being scheduled to attend a local training event in April. Councilor Grossman inquired about three undeveloped lots in the Poppy Village concerning whether or not the City could require completion of the lots. Mr. Upston reported there was not enforcement but staff could reach out to the owners.

Melissa Owens, Finance Director, announced the Finance Report was in the Council packet, traditionally in the 2nd meeting of the month but in this packet because of the last meeting being cancelled. There were no surprises reported and everything was exactly as anticipated for this time of year. It was noted in regard to the statistics that this is a good time of year for people to be paying their tickets as it is also tax refund time. Ms. Owens further reported working on the budget and recruitment for the Public Works and Permit Tech positions as well as hiring a temporary person to help with payment entry while another staff person is covering the Building Department.

Police Chief May reported on the Police Department providing ALICE Training at the Eagle Point Community Bible Church, as well as two Police Officers attending Street Survival training, two others attending the Northwest Leadership Seminar, and another attending an EMT training to keep certification. Recruitment efforts are in progress and testing is scheduled to start during the middle of next month.

Henry Lawrence, City Administrator, announced that during the March 26th meeting Sheriff Sickler will make a presentation about the new jail, the Robert Trent Jones Boulevard Traffic Analysis Study will be presented, and Bob Pinnell will make an annual request for the Chamber of Commerce for 4th of July Funds that are already budgeted. Last, the Fire Station property will be discussed sooner rather than later in April.

Cindy Hughes, City Recorder, reported on Budget Committee recruitment.

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13. INFORMATION

There were no information items for discussion.

14. ADJOURN

There being no further business, Mayor Jenks closed the meeting at 7:51 p.m.

Respectfully submitted,


Cindy Hughes / City Recorder

ATTEST:


Ruth Jenks, Mayor