



City of Eagle Point

City Council

REGULAR MEETING MINUTES
SEPTEMBER 22, 2020

1. CALL TO ORDER – 6:00 P.M.

Mayor Jenks called the regular meeting of the Eagle Point City Council to order via teleconference on September 22, 2020 at 6:00 p.m.

Council Members Present: Ruth Jenks, Bill Fierke, Bernie Grossman, David Lacombe, James Mannenbach, Michael Stanek, and Kevin Walruff.

Staff Members Present: Aaron Prunty, City Administrator; Ryan Vanderhoof, City Attorney; Darin May, Police Chief; Robert Miller, Public Works Director; Melissa Owens, Finance Director; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Gary Taylor, Associate Executive Director, YMCA; Bob Russell, Butte Creek Mill Foundation Advisory Committee Member and Owner of Butte Creek Mill Water Rights with Hollie Cannon; Jay O’Neil, Chair, Butte Creek Mill Foundation; and members of the public and press.

Mayor Jenks welcomed everyone and discussed the designated period for audience questions or comments. Members of the audience were asked to refrain from commenting during the meeting and to mute phones if possible. It was further noted that general questions or additional comment could be made by contacting City Hall during regular business hours.

2. AUDIENCE QUESTIONS/COMMENTS CONCERNING ITEMS NOT ON AGENDA

Mayor Jenks requested audience questions or comments to be brief and limited to items of an urgent nature. There were no audience questions or comments.

3. PRESENTATIONS

3.1 Presentation by Gary Taylor, Associate Executive Director, YMCA – \$50,000 donation request to support Eagle Point residents with the higher than normal child care costs.

Gary Taylor, Associate Executive Director of the YMCA, presented the YMCA’s donation request for \$50,000. In addition to the information presented in the agenda statement, highlights of the presentation and discussion with the Council included:

- Child care crisis due to restrictions, reduced capacity, and increased cost.

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- Original cost to YMCA of nearly \$200 per day per child but even with the reduction of State regulations it is costing the YMCA approximately \$208 per day to provide services.
- The YMCA's current lowest cost to participants is \$125 per week per family, reported as higher than average cost. The cost is \$195 per week per child without assistance.
- 93% of families are now requesting financial assistance, representing a substantial increase over past statistics.
- Partnering with State agencies (Employment related day care, Free/Reduced School Lunch Program, Jackson County Housing Authority, Foster Children Program), Oregon Department of Education, Eagle Point School District 9, United Way, and other agencies to reduce costs to families.
- CARES Funding, and the YMCA's pursuit of funding to continue the program into the future.
- United Way is the largest contributor, providing assistance of \$1,500 per family (approximately 7 weeks of child care for one child) for families not receiving other assistance.
- 20 children (K-6th grade) currently served while 50 others are either on a wait list or families that have asked expressed interest. 60 total slots with additional space pledged by the School District if needed.
- Purpose of the funding request is to assist families that have tried to receive other funding first but it will not reduce the per child weekly rate. A \$50,000 donation could provide assistance to 20 children through December or the Christmas break timeframe.
- YMCA's child care program provides a staff ratio of 1 to 10.
- Kids Unlimited services to their students at the White City location, 10 hours per day with 3 meals per day.
- Eagle Point's postponement of projects and expenses in the approved 2020/2021 Budget due to the unknowns of the COVID-19 pandemic.
- The City's registration for CARES Funding; however, it has not been determined whether the proposed request would be eligible. No other funding source has been identified and the proposed request is not included in the approved budget.

Following the presentation and discussion, the Council expressed the desire to support this effort but also concern about protecting the City's budget. Staff proposed bringing the item back to a future agenda with additional information regarding the availability CARES Funding.

4. CONSENT CALENDAR

- 4.1 Presentation of Regular Meeting Minutes of August 25, 2020.
- 4.2 Presentation of Special Meeting Minutes of August 26, 2020.

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

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5. PRESENTATION OF BILLS TO BE PAID

Mayor Jenks asked if there were questions about the bills to be paid including the additional bills list dated September 8, 2020. Councilor Fierke inquired about the payment for attorney services regarding Municipal Court. Melissa Owens, Finance Director, explained the payment covered legal representation in an appealed case from the City's Municipal Court. Next, Mayor Jenks asked if there were any questions about the original bill list or the additional bills list dated September 22, 2020 (Submission No. 1). There being no questions or further discussion, Councilor Walruff moved to approve the original bill list and the additional bills list dated September 8, 2020 for a grand total of \$210,997.36; and the original bill list and additional bills list dated September 22, 2020 for a grand total of \$48,910.81. Council President Stanek seconded the motion. There was no further discussion. Roll call: Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; David Lacombe, yes; James Mannenbach, yes; Michael Stanek, yes; and Ruth Jenks, yes. The motion passed unanimously.

6. OLD BUSINESS

6.1 Discussion regarding extending Resolution No. 2020-15, a Resolution that extended the authority granted in Resolution Nos. 2020-07, 2020-08, 2020-09, 2020-10, regarding temporary closure of City Hall, cancelling or postponing nonessential public meetings, staying enforcement of default utility bills and waiving fees for online payments, and authorizing paying the City's bills.

Aaron Prunty, City Administrator, provided a brief summary of the related agenda statement. The City has visited this item monthly with minimal changes to the current situation. There are now a total of 49 cases reported for Zip Code 97524, and a total of five deaths in the County. City Hall is still operating in the same manner as when the Resolutions were first passed. Mr. Prunty reported staff's recommendation to continue in the same manner to limit exposures. There was no Council discussion.

Next, Mayor Jenks offered to entertain a motion to extend Resolution No. 2020-15. Councilor Fierke offered a motion to extend Resolution No. 2020-15, a Resolution that extended the authority granted in Resolution Nos. 2020-07, 2020-08, 2020-09, 2020-10, regarding temporary closure of City Hall, cancelling or postponing nonessential public meetings, staying enforcement of default utility bills and waiving fees for online payments, and authorizing paying the City's bills. Councilor Grossman seconded the motion. Roll call: Bill Fierke, yes; Bernie Grossman, yes; David Lacombe, yes; James Mannenbach, yes; Michael Stanek, yes; Kevin Walruff, yes; and Ruth Jenks, yes. The motion passed unanimously by those present.

7. NEW BUSINESS

7.1 Discussion regarding Butte Creek Mill Foundation Water Rights.

Mayor Jenks introduced this item, noting Bob Russell was present as well as Attorney Hollie Cannon. Aaron Prunty, City Administrator, explained his understanding of the item being at the request of Council to begin a discussion regarding the water rights owned by Mr. Russell. Mayor Jenks noted the City had in the past been interested in water rights and that the discussion could vary in-depth.

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Mr. Russell expressed appreciation for the opportunity to discuss the item with the Council. Mr. Russell noted that Mr. Cannon isn't really his attorney but owns a water rights company that has helped him and the City over the years. However, he had asked Mr. Cannon to attend.

Mr. Russell provided an in-depth report of the history of the Butte Creek Mill that opened in 1872 with registered water rights of 40 cubic feet per second (cfs) with a cubic foot containing 7.5 gallons. The water rights are currently 22.7 cfs.

In 2004, Mr. Russell purchased the Mill with his late wife, Debbie. Soon after, they allowed Pacific Power to rebuild a dam and fish ladder to protect the wild Chinook salmon habitat. Mr. Russell further reported learning that Little Butte Creek went dry for several years in the 1980's, and that a former owner of the Mill prevailed in a lawsuit for the water rights.

Mr. Russell went on to report that in 2007, the Oregon Water Trust gave him a written offer for all of his water rights at the time that equaled 24.4 cfs. The Oregon Water Trust offer was reported at approximately \$440,000 or \$20,000 per cubic foot. Mr. Russell discussed the City approaching him near the same time to buy 10 cubic feet per second at \$62,500 per cubic foot. He noted the City's intent was to bank or market those rights to other municipalities. Mr. Russell further reported being told by the City Attorney that the City would likely write a check to him for \$625,000 within a month or so.

However, there were a series of delays. Mr. Russell reported eventually agreeing to a Water Right Option Agreement for a period of 5-years with the City. Mr. Russell sold an estimated 1.9 cfs to the City for approximately \$118,000. It was further reported to be a complicated conversion from non-consumptive water rights. Mr. Russell also referenced an article in the April 28, 2009 edition of the Upper Rogue Independent, about the water being kept in stream by the Butte Creek Mill.

Next, Mr. Russell discussed the Mill burning down in 2015 and the formation of the Butte Creek Mill Foundation "Foundation" shortly thereafter. He reported that the Foundation assured him multiple times of their plan to purchase around 8 to 10 cfs and that he never once said anything other than he needed to sell the water rights. Mr. Russell noted the Water Rights Option to the Foundation expires in 2021. He then reported he had presented a proposal to the former City Administrator, and that it was suggested to present the proposal to the Council.

Mr. Russell thought the water rights would be an asset that the City could bank for the next 50 to 100 years to keep the water instream. Mr. Russell reported the water rights to the Mill as being the oldest rights on Little Butte Creek, and again expressed concern about the creek drying up. He further proposed selling the entire water rights of 22.7 cfs for approximately \$600,000. Additionally, he suggested the City consider allowing the Foundation's use of a portion of the water until they get on their feet in five or ten years, also protecting instream water rights. Mr. Russell further discussed the transfer of non-consumable to consumable water rights as being difficult to do, but banking in perpetuity for future growth.

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Council engaged in discussion with Councilor Fierke discussing his recollection of the State not allowing future conversions from non-consumptive to consumptive use. Mr. Russell commented that while water rights can be complicated, things change all of the time and it is difficult to predict the future. In addition, Mr. Russell reported the value of the water rights is not consumptive but rather pays for his cancellation of the water rights, and eliminates others upstream from purchasing the rights. Hollie Cannon joined in to explain that the situation with the first 1.9 cfs exchange of water rights had to do with the Medford Irrigation District. With that transfer, the local Water Master said that would not work again but in Mr. Cannon's opinion and that of Attorney Kellerman, it wasn't backed by State law. Mr. Cannon reported the Council chose not to push it at that time but he believes there would be a high probability of success if challenged.

A lengthy discussion began with Attorney Vanderhoof's offer to speak with his associate Attorney Kellerman but he first verified with Mr. Russell that Attorney Kellerman is not his attorney in this matter. Highlights of the discussion addressed:

- Appreciation for the history lesson.
- Funding sources not identified for this non-budgeted proposal.
- Substantial risk to the City to purchase the rights without knowing if a conversion to consumptive rights is possible.
- Mr. Russell's offer to split payments over 5 years, and assurance that the rights will go away in some shape or form.
- Robert Miller, Public Works Director, discussed the regional water rights strategy, and the regional group working with GSI Water Solutions. Mr. Miller proposed presenting the City's existing water rights before doing anything else.
- Stewardship of the Little Butte Creek by the Rogue River Watershed Council.
- The City's requirement for the Foundation to provide a plan to secure water rights relative to a grant. Mayor Jenks added caution about the City not being in the situation of the Foundation holding the City accountable about making a decision on the water rights.
- Jay O'Neil, Chair, Butte Creek Mill Foundation, inquired about the water rights if the Mill doesn't exist. Mayor Jenks deferred the question to be addressed outside of the Council meeting.

The discussion ended with Mr. Prunty's offer to bring the item back to the Council with additional information regarding its importance to the City as well as details about its use for power or convertibility.

- 7.2 Resolution No. 2020-38. A Resolution authorizing a Temporary Noise Exception to the Oregon Department of Transportation on Highway 62 for Curb Ramps.

Robert Miller, Public Works Director, reviewed the related agenda statement explaining about the Temporary Noise Exception as a means of expediting the Oregon Department of Transportation's (ODOT's) Curb Ramps Project on Highway 62. The Temporary Noise Exception allows the project to make the

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improvements between the hours of 6:00 p.m. and 7:00 a.m., lessening the impact to travelers and increasing safety to construction workers and traffic. Mr. Miller noted that additional details will be available after ODOT's bid opening originally proposed in October but could go into later months.

A lengthy discussion followed about the duration of the project (not yet known), minimizing the impact to citizens, and providing notification to the community. The City's permit is the final step to allow the ODOT project to move forward.

Mayor Jenks offered to entertain a motion to approve Resolution No. 2020-38. Council President Stanek made a motion to approve Resolution No. 2020-38, a Resolution authorizing a Temporary Noise Exception to the Oregon Department of Transportation on Highway 62 for Curb Ramps; and Councilor Walruff seconded the motion. Councilor Fierke inquired about the possibility of changing the hours. Mr. Miller responded that the project had already considered the amount of impact to construct the project and identified the proposed hours. Councilor Grossman asked if the City could later back out if it doesn't like the information about ODOT's performance. There was additional discussion about noise restrictions in the Municipal Code and ODOT's requirements to move forward with the project. Discussion concluded. Roll call: Bernie Grossman, yes; David Lacombe, yes; James Mannenbach, yes; Michael Stanek, yes; Kevin Walruff, yes; Bill Fierke, yes; and Ruth Jenks, yes. The motion passed unanimously.

- 7.3 Resolution No. 2020-39. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract with LTM, Incorporated dba Knife River Materials for the 2020 Paving Project.

Robert Miller, Public Works Director, reviewed the related agenda statement and explained about the previous paving completed as part of RVSS' project earlier in the year. The 2020 Paving Project includes removal of all of the existing pavement (cold planning) on Onyx Street and Haley Street, and repaving a wider street. In order to stay within the existing Pavement Management Program budget, a section of Eagle View Drive planned for the 2020 Pavement Management Program will be postponed until 2021.

Mr. Miller further reported the 2020 Paving project was sent to all the major plan holder centers, including the Daily Journal of Commerce and the Medford Builder's Exchange on September 8, 2020. Due to the fire events, only one bid was received by the September 16, 2020 deadline by LTM, Inc. dba Knife River Materials in the amount of \$64,634. There were no Council questions or comments.

Mayor Jenks offered to entertain a motion to approve Resolution No. 2020-39. Councilor Walruff made a motion to approve Resolution No. 2020-39, a Resolution authorizing a City of Eagle Point Personal/Professional Services Contract with LTM, Incorporated dba Knife River Materials for the 2020 Paving Project; and Councilor Mannenbach seconded the motion. There was no discussion. Roll call: David Lacombe, yes; James Mannenbach, yes; Michael Stanek, yes; Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; and Ruth Jenks, yes. The motion passed unanimously.

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8. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported on the cancellation of a School District 9 Board Meeting due to wildfires and another meeting wherein Randy Wolf was selected as the new Board Member. Next, Councilor Fierke reported on a televised PBS program about the Sister Cities in Jackson and Josephine County. Eagle Point's Sister City program was not included. A brief discussion followed with Aaron Prunty, City Administrator, offering to follow up. Additionally, Councilor Fierke suggested holding a discussion during one of the meetings in October to set the wheels in motion for the City Administrator's 6-month period review. Last, Councilor Fierke inquired about crosswalks, particularly at Robert Trent Jones Boulevard and Pumpkin Ridge. Robert Miller, Public Works Director, reported on the study including additional lighting, landscaping, etc. Mayor Jenks requested staff to bring back a proposal for the Council's consideration.

Councilor Lacombe reported the Community Development Commission had not met for some time.

Councilor Grossman reported he looks forward to having a Community Development Commission meeting.

Council President Stanek reported he was going to bring up the Robert Trent Jones Boulevard crosswalk discussion and his memory is in line with Councilor Fierke's. Council President Stanek discussed Eagle Point not being on the register of Sister Cities. He further discussed strengthening the relationship with more involvement by the City and staff. On a separate note, Council President Stanek brought up the appearance of Highway 62 and the need to improve and clean up the area.

Councilor Walruff reported he stands behind Council President Stanek's comments.

Councilor Mannenbach reported there had not been a Rogue Valley Council of Governments meeting, and further that Ron Fox, former Executive Director of SOREDI, recently passed away.

Mayor Jenks agreed with the points raised by Council President Stanek regarding the appearance of Highway 62.

There were no other reports.

9. STAFF REPORTS

Mike Upston, Planning Director, reported on most activities being in in the Friday Letter. A couple of highlights include Barton Road Phase 3, and a new storage structure for Eagle Point Hardware. In addition, staff is on alert about temporary housing sites in response to the loss of homes from the Almeda Fire.

Melissa Owens, Finance Director, reported the Finance Report ending August 31st is in the Agenda Packet. The General Fund shows the City has spent more money than it has until

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property taxes are received in November. The Street Fund will balance as revenues are brought in throughout the year. Everything else in the Finance Report is as would be expected at this time. In addition, staff is finishing up the annual audit, and certified financial statements.

Robert Miller, Public Works Director, congratulated staff for providing mutual aid during the recent wildfire. Four of the Public Works employees were evacuated and all but one returned to work almost immediately. Coordination with the Medford Water Commission and the City helped to ensure adequate water supplies during the fires and a power outage. Mr. Miller further reported on a bid opening for the 2020 Pavement Project, TMDL, and the rescheduling of Microcoat Project. Striping for Robert Trent Jones Boulevard will be brought back at the October 13 meeting; however, there is the risk of weather restrictions.

Police Chief May reported on the Police Department providing aide to Jackson County, Phoenix, Talent, and other agencies in response to the recent wildfires. Without complaint, a lot of hours were worked during this time and Officers were available to assist with anything. Additionally, all Officers voluntarily pulled their vacation requests during that time. Everything else is reported in the Friday Letter.

Aaron Prunty, City Administrator, reported most everything is in the Friday Letter.

There were no other staff reports.

Mayor Jenks commended City staff for rising up to the challenge of the recent fires. After a brief discussion about emergency preparedness, Mayor Jenks ended with gratitude for everyone and the powers that be that took care of our City.

10. INFORMATION

There were no Information items to discuss.

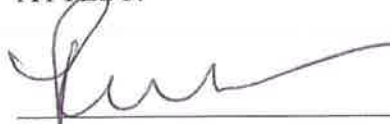
11. ADJOURN

There being no further business, Mayor Jenks closed the meeting at 8:17 p.m.

Respectfully submitted,


Cindy Hughes, City Recorder

ATTEST:


Ruth Jenks, Mayor

9/22/2020

City of Hyattsville 9-22-2020

ADDITIONAL BILLS

<u>CHECK #</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
43751	BULL ENGINEERING, LLC	ENGINEERING/INSPECTIONS	\$ 1,487.50
43752	CENTURY WEST ENGINEERING CORP	SAFE ROUTES TO SCHOOL	\$ 12,872.48
43753	CONSTRUCTION ENGINEERING CONSULTANTS	ADA RAMPS STEVENS/RTJ	\$ 2,122.50
43754	DAILY JOURNAL OF COMMERCE	BID ADVERTISING	\$ 140.36
43755	PACIFIC OFFICE AUTOMATION	COPYING/PRINTING	\$ 134.21
	DOUG REIN/HUKILL'S INC.	LINN RD/WATER SYSTEM MAINT	\$ 1,487.50
		SUBTOTAL	\$ 18,244.55
		Regular Bill list	\$ 30,666.26
		GRAND TOTAL	\$ 48,910.81