



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

---

## OREGON

### EAGLE POINT CITY COUNCIL

Council Chambers  
17 Buchanan Ave. South, Eagle Point, Oregon  
November 12, 2013

### REGULAR MEETING AGENDA

1. CALL TO ORDER – 7:00 P.M.
2. FLAG SALUTE AND INVOCATION
3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA
4. PRESENTATIONS
  - 4.1 Jackson County Fire District No. 3: 3rd Quarter Performance Report – Fire Chief Dan Peterson
5. PUBLIC HEARINGS
6. CONSENT CALENDAR
  - 6.1 Presentation of Regular Meeting Minutes of October 22, 2013.
7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR
8. PRESENTATION OF BILLS TO BE PAID

*If a physical accommodation is needed to participate in this meeting, please contact the City Recorder at 541-826-4212 ext. 106 or TTY/TDD 711 or 800-735-2900. Notification of at least 48 hours prior to the meeting will assist the City in providing reasonable accommodations. (28 CFR 35.102-35.104 ADA Title II).*

**City Council Agenda**

November 12, 2013

Page 2 of 2

9. OLD BUSINESS

- 9.1 Ordinance No. 2013-04. An Ordinance repealing and replacing Ordinance No. 2013-03, and amending the Eagle Point Municipal Code, Title 9 – Public Peace and Welfare, to add a new Chapter 9.09 - Precious Metal and Gem Dealers; Penalties and Enforcement.

10. NEW BUSINESS

- 10.1 Discussion regarding the Rogue River Basin Total Maximum Daily Load (TMDL) Implementation Program – Robert Miller, Public Works Director.
- 10.2 Discussion regarding the Southern Oregon Municipal Water Conservation Work Group Conservation Strategies Plan – Robert Miller, Public Works Director.
- 10.3 Resolution No. 2013-61. A Resolution authorizing a Wage Adjustment to the City Administrator’s Salary.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

12. STAFF REPORTS

13. INFORMATION

14. ADJOURN

*AGENDA AND COUNCIL PACKETS ALSO AVAILABLE ON WEBSITE*



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

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

OCTOBER 22, 2013

## REGULAR MEETING MINUTES

### 1. CALL TO ORDER – 7:00 P.M.

Mayor Russell called the meeting to order at 7:00 p.m.

Council Members Present: Bob Russell, Jonathan Bilden, Wayne Brown, Bill Fierke, Ruth Jenks, Aaron Prunty, and Kathy Sell.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Robert Miller, Public Works Director; Vern Thompson, Police Chief; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Jackson County Commissioners Briedenthal, Rachor, and Skundrick; Eagle Point Municipal Court Judge John Blackhurst; Hart Wilson of FORE; Jerry Zieman, Budget Committee Member; Janet Siedlecki, Economic Development Commissioner; Suzi Collins, Planning Commissioner; and members of the public and press.

### 2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance and Jerry Zieman provided the invocation.

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

Eagle Point student, Kenzie McKillip, requested to have fees waived for the use of the Ashpole Community Center to hold a community clothing swap for her senior project on November 22 and 23. Council granted approval providing it was not already reserved.

Jerry Zieman of Eagle Point invited everyone to attend the fifth Veterans Day Breakfast on November 11 at the Senior Center.

Helen Wolgamott, Avenue of the Flags, invited everyone to meet at the Ashpole Community Center on November 11 to walk to the covered bridge for a Veterans Day ceremony. In addition to the public attending the ceremony, the National Guard, Boy Scout Troop 48, Eagle Point High School Marching Band, and a patriotic singing group called *The Note Ables*, will be present to honor and give thanks to Veterans.

## City of Eagle Point Council Meeting Minutes

October 22, 2013

Page 2 of 8

### 4. PRESENTATIONS

There were no presentations.

### 5. PUBLIC HEARINGS

There were no public hearings.

### 6. CONSENT CALENDAR

#### 6.1 Presentation of Regular Meeting Minutes of October 8, 2013.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and Council President Fierke seconded the motion. There was no discussion. Roll call: Bill Fierke, aye; Aaron Prunty, aye; Wayne Brown, aye; Ruth Jenks, aye; Jonathan Bilden, aye; Kathy Sell, aye; and Bob Russell, aye. The motion passed unanimously.

### 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 Russell asked if there were any questions about the bills to be paid including the Additional Bills List (Submission No. 1). Councilor Bilden moved to approve the Bills to be Paid and the Additional Bills List in the amount of \$3,809.23. Councilor Jenks seconded the motion. There was no further discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Aaron Prunty, aye; Kathy Sell, aye; Ruth Jenks, aye; Jonathan Bilden, aye; Bob Russell, aye. The motion passed unanimously.

### 9. OLD BUSINESS

#### 9.1 Ordinance No. 2013-04. An Ordinance repealing and replacing Ordinance No. 2013-03, and amending the Eagle Point Municipal Code, Title 9 – Public Peace and Welfare, to add a new Chapter 9.09 - Precious Metal and Gem Dealers; Penalties and Enforcement.

Police Chief, Vern Thompson, reintroduced the Ordinance regulating the sale of precious metals, noting that after discussions with the local business, a few minor changes had been suggested. A brief discussion followed about the process of taking a digital photo of items, and the competitive nature of the precious metals business. The business owner, Mr. Bill Arnold was present at the meeting and requested consideration of the following:

- Excluding dental gold;

## City of Eagle Point Council Meeting Minutes

October 22, 2013

Page 3 of 8

- Changing Section 4.b to one piece of identification instead of two pieces, as long as a photo I.D. is provided;
- Delaying adoption until Medford and other areas adopt, due to the 15 day holding period being more stringent than other areas (7 days at State level);
- Under the penalty section, notification to businesses of wrongdoings prior to issuing fines or penalties.

Discussion followed about the above considerations. Mr. Lawrence requested to table the Ordinance until the next meeting. Council concurred.

### 9.2 Ordinance No. 2013-05. An Ordinance adopting a Traffic Diversion Program (Traffic School) for certain Traffic Violations for the Eagle Point Municipal Court.

Henry Lawrence, City Administrator, explained the purpose of the Ordinance was to amend the Municipal Code to allow for a traffic school. He also clarified that pursuant to Oregon law, drivers with a Commercial Drivers License would not be permitted by law to attend a traffic school to eliminate the violation from their record. However, the proposed Ordinance would provide discretion to the Municipal Court Judge.

Municipal Court Judge John Blackhurst spoke briefly about excluded offenses, and expressed support of the Ordinance. A short discussion followed.

Mayor Russell asked for a motion to adopt **Ordinance No. 2013-05**. Council President Fierke made a motion to approve **Ordinance No. 2013-05** and Councilor Bilden seconded the motion. A brief discussion was held. Roll call: Kathy Sell, aye; Bill Fierke, aye; Wayne Brown, aye; Aaron Prunty, aye; Jonathan Bilden, aye; Ruth Jenks, aye; and Bob Russell, aye. The motion passed unanimously.

## 10. NEW BUSINESS

### 10.1 Resolution No. 2013-56. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract with Dan Horton, Architect, for Site Planning of the Old Fire Station.

Mike Upston, Principal Planner, explained the City had budgeted for site planning regarding the city-owned property known as the Old Fire Station. Supportive discussion followed and Mr. Upston recommended approval of the Resolution. Mr. Horton stated he anticipated being able to provide an update within a couple of weeks.

## City of Eagle Point Council Meeting Minutes

October 22, 2013

Page 4 of 8

Mayor Russell asked for a motion to approve **Resolution No. 2013-56**. Councilor Bilden made a motion to approve **Resolution No. 2013-56** and Councilor Sell seconded the motion. There was no discussion. Roll call: Ruth Jenks, aye; Aaron Prunty, aye; Bill Fierke, aye; Wayne Brown, aye; Jonathan Bilden, aye; Kathy Sell, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.2 Resolution No. 2013-57. A Resolution approving a Jackson County Order to Initiate Formation of a Jackson County Agricultural Extension Service District and Consenting to the Inclusion of City Territory within the Boundaries of the District.

Mr. Lawrence explained a similar item had been previously approved; however, the Jackson County Board of Commissioners requested this Resolution. County Commissioner Don Skundrick and Hart Wilson of FORE (Friends of Research and Extension) discussed the proposed Resolution with the City Council. It was verified the amount of \$0.05 per \$1,000 of assessed value of property would be enough to support the District. Ms. Wilson did not have specifics about how many citizens would benefit from the District's services but confirmed the area was greatly benefitted in the past. Additionally, other items on the ballot would include the Library District, and possibly the Historical Heritage District.

Mayor Russell asked for a motion to approve **Resolution No. 2013-57**. Councilor Jenks made a motion to approve **Resolution No. 2013-57** and Councilor Bilden seconded the motion. There was a brief discussion. Roll call: Jonathan Bilden, aye; Aaron Prunty, aye; Wayne Brown, aye; Kathy Sell, aye; Ruth Jenks, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.3 Resolution No. 2013-58. A Resolution approving a Jackson County Order to Initiate Formation of a Jackson County Library Special District and Consenting to the Inclusion of City Territory within the Boundaries of the District.

Mr. Lawrence presented Resolution No. 2013-58 and explained the Board of Commissioners requested approval of the Resolution. Commissioner Skundrick provided a handout (Submission No. 2) and discussed the history of the libraries including a 20-year bond measure, restricting the use of the buildings to library purposes only. He further explained that at the time the libraries were built, the County had adequate funds to maintain the buildings, staff and supply. Since 2006, the County experienced the loss of federal timber payments used to fund the libraries; closing and reopening the libraries with reduced service hours; re-staffing with LSSI (a library management services company); and two failed tax initiatives to support the Library.

Furthermore, discussions have been ongoing for years about how to fund the Library at an annual cost of \$5 million to \$7 million. Most recently, the 2013-2014 Jackson County Budget Committee would not agree to continue funding the libraries due to budget reductions and a dwindling \$15 million General Fund reserve. The Budget

## City of Eagle Point Council Meeting Minutes

October 22, 2013

Page 5 of 8

Committee Chair then asked Commissioner Skundrick to come up with a proposal to fund the libraries. The County conducted a survey regarding the potential success of a tax measure which produced positive results, hence the proposed Resolution.

Commissioners Rachor and Briedenthal also spoke briefly about library support. If funding is not obtained by July 1, 2014, then 14 of the 15 library branches will close, leaving only the Medford branch open until July 1, 2015. There was additional discussion about including all cities in the Library District, compression rates, and fee based libraries. It was noted the current cost to run the libraries is approximately \$0.42 per \$1,000 of assessed value of property, leaving a cushion of \$0.18 from the requested \$0.60. Commissioner Rachor clarified there would be no latitude in using the money as it would be dedicated to the libraries.

Viki Brown, Secretary of the Eagle Point Friends of the Library, requested the Council to vote in support of the Resolution to allow the voters to have the opportunity to decide on libraries. In addition, she spoke about various aspects of the libraries and submitted a printed request to the City Council (Submission No. 3).

Janet Siedlecki, Eagle Point Economic Development Commissioner, expressed support for the libraries and requested the Council's support of the Resolution.

Mayor Russell asked for a motion to approve **Resolution No. 2013-58**. Councilor Jenks made a motion to approve **Resolution No. 2013-58** and Councilor Prunty seconded the motion. There was no discussion. Roll call: Kathy Sell, aye; Bill Fierke, aye; Wayne Brown, aye; Aaron Prunty, aye; Jonathan Bilden, aye; Ruth Jenks, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.4 Resolution No. 2013-59. A Resolution approving a Collective Bargaining Agreement between the City of Eagle Point, Oregon and Teamsters Local 223 (Police Unit) effective July 1, 2013 – June 30, 2016.

Mr. Lawrence explained there had been mediation meetings which resulted in the proposed tentative Collective Bargaining Agreement. The Agreement is retroactive to July 1<sup>st</sup>, and includes a cost of living adjustment. Differing from the General Unit, a new Step "G" has been added. Other changes were minor text changes and revisions to be consistent with state law or Eagle Point's practices. Additionally, Medical, Dental and Vision was revised to provide for approximately a 5% annual increase in the employer-provided insurance subsidy cap, in the event the Teamsters Trust increases the cost of the insurance. Increases beyond the cap would be shared 50-50 between the employer and employee. Mr. Lawrence noted the Agreement was fair for both parties and recommended approval of the Resolution.

Mayor Russell asked for a motion to approve **Resolution No. 2013-59**. Councilor Jenks made a motion to approve **Resolution No. 2013-59** and Council President Fierke seconded the motion. There was no discussion. Roll call: Aaron

## City of Eagle Point Council Meeting Minutes

October 22, 2013

Page 6 of 8

Prunty, aye; Kathy Sell, aye; Ruth Jenks, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

### 10.5 Resolution No. 2013-60. A Resolution adopting an Economic Development Strategy.

Mike Upston, Principal Planner, reviewed the previous meetings to develop a strategy for the Council's approval. The proposed strategy with a five-year plan, Mission and Vision Statements, was developed to provide a plan for this and future Economic Development Commissions. Ranking goals, including branding or a standard slogan for Eagle Point, are anticipated to be upcoming items for the Commission. Staff and the Commission recommended approval of the Resolution, and Councilor Bilden suggested other Commissions go through this process.

County Commissioner Skundrick spoke well of the work on the strategy and Economic Development Commissioner Siedlecki expressed support.

Mayor Russell asked for a motion to approve **Resolution No. 2013-60**. Councilor Bilden made a motion to approve **Resolution No. 2013-60** and Council President Fierke seconded the motion. There was no discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Aaron Prunty, aye; Kathy Sell, aye; Ruth Jenks, aye; Jonathan Bilden, aye; and Bob Russell, aye. The motion passed unanimously.

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

Council President Fierke reported he did not attend the School District 9 Board meeting however, mandatory policy issues were passed. He also reported there would be a public forum of the Safety Committee about school safety. Additionally, efforts are ongoing in the development of the student email program and relationship with Showa, Japan. Council President Fierke concluded his report by commending the improvements to the Friday Letter.

Councilor Bilden reported on upcoming meetings with Southern Oregon Regional Economic Development Inc. (SOREDI); and the Governor's Regional Solutions meeting in November. Councilor Bilden expressed appreciation to the Council for approving the Economic Development strategy and thanked County Commissioner Skundrick as well. Regarding the League of Oregon Cities Board, Councilor Bilden reported they are supporting House Bill 3460 (related to medical marijuana) with the sole catch being that cities would not lose the right to govern within their jurisdiction. Councilor Bilden also reported on Eagle Point High School football, the homecoming parade, and attendees at the Oregon Ducks game.

Councilor Jenks complimented Henry Lawrence for the improvements to the Friday Letter, and reported the Metropolitan Planning Organization (MPO) Policy Committee meeting had been cancelled. She concluded by commenting about a large transportation grant that Eagle Point anticipates receiving.



## City of Eagle Point Council Meeting Minutes

October 22, 2013

Page 7 of 8

Councilors Prunty and Sell did not provide reports.

Councilor Brown briefly spoke about Gold Hill and the possibility of Gold Hill using the services of Rogue Valley Sewer Services.

Mayor Russell reported on Eagle Point High School football, and visiting with the new owner of the Golf Course at a fund raiser for Habitat for Humanity. In addition, he reported attending the Chamber of Commerce's annual dinner in which Valley Feed and Pet Supply received the Business of the Year Award, and Edith and Leon Sherman were awarded the Helen Wolgamott Volunteer of the Year Award. He also reported attending a Medford Water Commission Meeting and plans to attend the upcoming Rogue Valley Council of Governments (RVCOG) meeting.

### 12. STAFF REPORTS

Mike Upston, Planning Director, reported the month of October is National Community Planning Month. Additionally, the Eagle Point Planning Commission met during October to discuss current and long range planning; and reviewed a slide tour of best places. Mr. Upston reported updating the Wikipedia webpage for the Antelope Creek Bridge and announced a transit study survey is forthcoming. Councilor Jenks complimented Mr. Upston for assertively managing the tight timelines for the transit survey.

Robert Miller, Public Works Director, provided an update on the pavement management program including Napa Street paving solicitations, and Linn Road patch paving. Further, the Mattie Brown Park parking lot is scheduled for completion by the next Council Meeting. Furthermore, Mr. Miller discussed a new gazebo, meandering sidewalk, and deleting the L-shaped sidewalk at the Mattie Brown Park. Ditch cleaning efforts were discussed as well and expected to be beneficial in flood prevention.

Police Chief Thompson reported working with the School District on reducing marijuana usage. Police Chief Thompson commented on the location of the Radar Reader Board and reported compliments from citizen for recent Police assistance.

Joe Kellerman, City Attorney, offered congratulations about the City owning new park land.

Henry Lawrence, City Administrator, reported the City is monitoring the Oregon Health Authority regarding medical marijuana and suggested a future study session with the Council.

Cindy Hughes, City Recorder, reported hotel accommodations had been made for next year's League of Oregon Cities annual conference in Eugene, Oregon.

### 13. INFORMATION

There were no information items to discuss.

**City of Eagle Point Council Meeting Minutes**

October 22, 2013

Page 8 of 8

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(i), To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

At 8:57 p.m., Mayor Russell opened the Eagle Point City Council Executive Session pursuant to ORS 192.660(2)(i). Following discussion, Mayor Russell closed the Executive Session at 9:18 p.m.

15. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:19 p.m.

Respectfully submitted,

---

Cindy Hughes, City Recorder

ATTEST:

---

Robert E. Russell, Mayor

BILL LIST  
11/12/2013

<u>CHECK #</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
	101 THINGS TO DO	ADVERTISING	\$ 2,959.00
	ALSCO 4564	JANITORIAL	\$ 345.04
	ALSCO 556	JANITORIAL - UNIFORMS	\$ 308.47
	AVISTA 000163030	NATURAL GAS	\$ 55.74
	AVISTA 000188273	NATURAL GAS	\$ 167.69
	AVISTA 130069414	NATURAL GAS	\$ 127.07
	AVISTA 690085486	NATURAL GAS	\$ 9.18
	AVISTA 770085486	NATURAL GAS	\$ 23.05
	BATTERIES PLUS BULBS	SUPPLIES	\$ 28.42
	BDS BUILDING DEPARTMENT	PERMITS, BUILDING, PLUMBING, MECH, ELEC	\$ 5,466.32
	BILL'S GLASS & WINDSHIELDS	BUILDING REPAIR/MAINTENANCE	\$ 198.00
	BUD'S TRACTOR SERVICE	DITCH CLEANING	\$ 2,735.00
	BULLFROG ENTERPRISES	OFFICE EQUIPMENT	\$ 1,790.00
	CANTEL OF MEDFORD	SUPPLIES	\$ 94.00
	CENTURY LINK	PHONE SERVICE	\$ 1,113.44
	CITY OF EAGLE POINT	JUDGE STEWART UTILITIES	\$ 55.45
	CIVIL WEST ENGINEERING SERVICES, INC	EMER POW OP/PARKING LOT/STORM WATER	\$ 2,655.00
	COSTCO WHOLESALE	SUPPLIES	\$ 46.24
	EAGLE POINT HARDWARE	SUPPLIES	\$ 177.59
	EAGLE POINT SENIOR CENTER	SUPPORT FOR SENIOR CENTER	\$ 4,000.00
	GALBRAITH & ASSOCIATES, INC	LUCAS PARK SITE PLAN	\$ 3,564.00
	GOMEZ YARD SERVICES	DITCH CLEANING	\$ 1,165.00
	HAYS OIL COMPANY	FUEL	\$ 1,138.60
	HELEN WOLGOMOTT	SUPPLIES - MUSEUM	\$ 54.30
	JACKSON COUNTY ROADS	STREET - CHIP SEAL PROGRAM	\$ 35,564.83
	JACKSON COUNTY TAXATION OFFICE	PROPERTY TAX	\$ 2,507.81
	JULIE THOMPSON	HARNISH FESTIVAL SUPPLIES	\$ 21.00
	KATALYST, INC	GREENHILLS REPAIR/RESTORATION	\$ 3,076.00
	KNIFE RIVER MATERIALS	SUPPLIES	\$ 1,085.60
	LAW OFFICES OF BRUCE BISCHOF	CITY ATTORNEY	\$ 1,596.00
	MARCIE LAUDANI	HARNISH FESTIVAL SUPPLIES	\$ 37.00
	MEDFORD WATER COMMISSION	MASTER WATER CONSUMPTION	\$ 21,702.22
	MOTION & FLOW	EQUIPMENT REPAIR/REPLACEMENT	\$ 97.01
	MOUNTAIN VIEW PAVING	ROAD PAVING VAN WEY CIR	\$ 3,250.00
	MT SHASTA SPRING WATER	SUPPLIES	\$ 58.45
	OFFICE DEPOT	SUPPLIES	\$ 22.73
	OFFICE MAX	SUPPLIES	\$ 1,033.54
	ONE CALL CONCEPTS, INC	UTILITY LOCATES	\$ 7.64
	OR HEALTH AUTHORITY	2014 ANNUAL FEE	\$ 200.00
	PACIFIC OFFICE AUTOMATION	OFFICE EQUIPMENT	\$ 479.71
	PACIFIC PAVING, INC	ASPHALT PATCHING	\$ 1,700.00
	PACIFIC POWER 0012	ELECTRICITY	\$ 12,463.28
	PACIFIC POWER 0020	ELECTRICITY	\$ 86.70
	PACIFIC POWER 0038	ELECTRICITY	\$ 79.59
	PACIFIC POWER 0046	ELECTRICITY	\$ 201.67
	PACIFIC POWER 0152	ELECTRICITY	\$ 49.39
	PACIFIC POWER 0160	ELECTRICITY	\$ 180.54
	PACIFIC POWER 0194	ELECTRICITY	\$ 18.96
	PACIFIC POWER 0210	ELECTRICITY	\$ 230.56
	PACIFIC POWER 0228	ELECTRICITY	\$ 25.65
	PACIFIC POWER 0236	ELECTRICITY	\$ 43.03
	PAULY, ROGERS AND CO., P.C.	AUDITORS	\$ 4,700.00
	PERSONNEL SOURCE	TEMP SERV- HARNISH, MUSEUM, PW	\$ 4,011.70
	PITNEY BOWES	OFFICE EQUIPMENT	\$ 110.16
	PLATT ELECTRIC	SUPPLIES	\$ 45.00
	RH2 ENGINEERING, INC	WATER COALITION	\$ 289.72
	RICHARD T BRINK	REPAIR/MAINTENANCE JUDGET STEWART HOUSE	\$ 350.00
	ROGUE SHRED, LLC	SHRED SERVICE	\$ 33.90
	SOS ALARM	SECURITY - MUSEUM	\$ 46.00
	SOUTHERN OREGON SANITATION, INC	TRASH SERVICE	\$ 548.00
	SYNERGY RESOURCES	OFFICE EQUIPMENT	\$ 406.18
	TEKMANAGEMENT	COMPUTER EQUIPMENT	\$ 6,467.33
	T-MOBILE	CELL PHONES	\$ 56.69
	TYLER TECHNOLOGIES	ANNUAL SUPPORT	\$ 1,003.51
	US CELLULAR/954746875	CELL PHONES	\$ 553.78
	US CELLULAR/954746875	CELL PHONES	\$ 556.10
	US CELLULAR/958339574	CELL PHONES	\$ 103.21

BILL LIST  
11/12/2013

<u>CHECK #</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
	VALLEY FEED & PET SUPPLY	CONCRETE, STRAW	\$ 40.95
	WCP SOLUTIONS	OFFICE/JANITORIAL SUPPLIES	\$ 870.70
	WHITE CITY NAPA	SUPPLIES	\$ 20.02
	WILLIAM FISHER	EQUIPMENT REPAIR/REPLACEMENT	\$ 27.65
	WOLFCOME ENTERPRISES	EQUIPMENT REPAIR/REPLACEMENT	\$ 520.00
	ZCS ENGINEERING	LUCAS PARK SITE PLAN	\$ 2,533.75
			<u>\$ 137,389.86</u>

**REFUNDS**

BAILEY CAROL	\$ 26.93
BALERO SUNNY/JOE	\$ 100.20
HEMINGWAY JAMES	\$ 7.84
LARGE JOSEPH	\$ 10.73
ROBERTSON WALLACE	\$ 121.82
SAENZ HEATHER	\$ 15.39
YOUNG BRIDGETT	\$ 50.00

SUBTOTAL

\$ 332.91

**TOTAL**

\$ 137,722.77

**BUSINESS OF THE CITY COUNCIL  
EAGLE POINT, OREGON**

**AGENDA STATEMENT**

**Item Number:** 9.1  
**Meeting Date:** November 12, 2013

**ITEM TITLE:** Ordinance No. 2013-04. An Ordinance repealing and replacing Ordinance No. 2013-03, and amending the Eagle Point Municipal Code, Title 9 – Public Peace and Welfare, to add a new Chapter 9.09 - Precious Metal and Gem Dealers; Penalties and Enforcement.

**SUBMITTED BY:** Vern Thompson, Chief of Police (541) 826-9171.

**SUMMARY EXPLANATION:** On September 24, 2013, Ordinance No. 2013-03 was adopted to add a new Chapter 9.09, regulating precious metal and gem dealers. Ordinance No. 2013-03 was adopted due to a rising incidence of theft of jewelry, coins, and other objects containing precious metals.

Since that time, City staff has worked closely with the local company that deals with precious metals and determined there should be minor revisions to Exhibit A of the Ordinance. The suggested revisions are redlined and/or highlighted in Attachment No. 1 hereto. One additional requirement of the proposed Ordinance No. 2013-04 is that a photograph will be taken of articles in the dealer's register, which is a current practice of the local company. Dental Gold and "placer" should be added to property not regulated by the City, and required identification is reduced from two to one piece of identification, and retention of altered serial numbered items from 90 days to 30 days. We propose changing retention from 15 days to 7 days until other cities pass ordinances reflecting longer retention periods.

The City of Eagle Point does not have an ordinance regulating Pawn Shops, Pawn Brokers, or Secondhand Dealers. A Pawnbroker is licensed under the State and conducts business of loaning money for himself or for any other person upon personal property, and also sells and buys articles of property. A secondhand dealer is a person who conducts the business of buying, selling or otherwise dealing in merchandise. A Pawnbroker is a "secondhand" dealer by definition and they have reporting requirements and retention periods similar to secondhand dealers. Medford, Talent, Central Point, and Jackson County have a Pawnbroker and Secondhand Dealer Ordinance that regulate all articles of property, to include, precious metals and gems. Chapter 99 of the Oregon Laws (1999- HB 4108) regulate precious metal secondhand dealing – but not a pawnbroker licensed under ORS Chapter 726.

Chapter 99 requires secondhand dealers to maintain transactions (electronic copies) of precious metal and gems conducted by the dealer, to include: name, DOB, phone number, current address, signature, type of valid government issued photo ID, physical description of seller, identifying description and digital photograph of each item sold. The dealer is also required to retain the property purchased for seven days before they can dispose/sell the item. The law also allows

**Agenda Item No. 9.1**

**Page 2 of 2**

cities of counties to impose stricter reporting requirements for transactions and equal or longer holding periods for items of precious metals.


The holding period number of days under the combined pawnshop/secondhand dealer for other cities is as follows: Medford 5, Central Point 7, Ashland 7, Phoenix (proposing 15), Talent (unknown), Jackson County 10, Rogue River 5. Retention periods for larger cities in Oregon are as follows: Portland, Tigard, and Beaverton 30; and Eugene 14.

In July 2013, Det. Mak, Medford Police Department, contacted all southern Oregon cities and the county to create a few changes to ordinances that reflect: longer holding periods, what is regulated (scrap gold, etc.), retention from 5 to 15 days (hoping for 30), and retention with altered serial numbers. Det. Mak is asking other cities to commit to 15 days.

Ordinance No. 2013-03, provided regulation of secondhand dealers in precious metal and gems within the guidelines of Title 99, with the exception of a system to report to leadsonline.com, and regulated property. It does provide southern Oregon law enforcement agencies a method to aide in the recovery of stolen property. Creating an ordinance similar in retention periods does not provide any vendor or business the opportunity of gaining a shorter retention period and creating a financial edge.

Adoption of Ordinance No. 2013-04 repeals and replaces Ordinance No. 2013-03 in its entirety and will assist law enforcement in the fight against crime. Ordinance No. 2013-04 shall become effective thirty (30) days after formal adoption by the City Council.

**FINANCIAL IMPACT:** None.

APPROVED FOR SUBMITTAL:  11/7/13  
Henry Lawrence, City Administrator

**STAFF RECOMMENDATION:** Staff recommends approval of this item.

**BOARD/COMMISSION RECOMMENDATION:** N/A

**ATTACHMENT:** Attachment No. 1 – Redlined and/or Highlighted revisions to Exhibit A of prior Ordinance No. 2013-03.

# **Attachment No. 1 to Agenda Statement**

## **EXHIBIT A**

### **EAGLE POINT MUNICIPAL CODE TITLE 9 – PUBLIC PEACE AND WELFARE**

#### **CHAPTER 9.09 PRECIOUS METAL AND GEM DEALERS; PENALTIES AND ENFORCEMENT**

##### **Section 1 – PURPOSE; INTENT.**

A. The purpose of this chapter is to provide regulations for certain business activities which present an extraordinary risk in concealing criminal behavior involving the theft of property and its possible resale. The risk is present, despite the best efforts of legitimate dealers in the secondhand market, because of the large volume of goods and materials that are processed in such businesses without systematic identification of the goods and/or persons subject to criminal prosecution. Therefore, this chapter is intended to reduce this type of criminal activity by providing more timely police awareness of such business transactions.

##### **Section 2 – DEFINITIONS.**

A. “Acquire” means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales, consignments, memoranda between a pawnbroker or secondhand dealer and a private party seller, leases, trade-ins, loans, abandonments, or any transfer involving a condition of selling the property back at a stipulated price in the future. Notwithstanding the foregoing “acquire” does not include any loans made in compliance with state laws by persons licensed as Pawnbrokers by the State of Oregon for the purpose of making a pawn loan.

B. Precious metal secondhand dealer means:

1. Any person engaged in conducting, managing or carrying on the business of purchasing precious metals and gems from any person not representing a bona fide business, who appears with such article at the dealer’s place of business;

2. “Secondhand dealer” means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that either:

(a) Acquires regulated property on behalf of a business, regardless of where the acquisition occurs, for the purpose of reselling the regulated property; or

(b) Offers for sale regulated property in the City of Eagle Point.

## **Attachment No. 1 to Agenda Statement**

### **EXHIBIT A**

Excluded from this definition are isolated sales not in the regular course of any business and occasional garage sales held at the same location on less than four days during any thirty-day period.

All secondhand dealers shall be responsible for the acts of their employees, and any violation of this chapter by any employee shall be imputed to the employer and/or secondhand business. The employer and/or secondhand business may suffer any of the penalties provided in this chapter as the result of a violation by an employee.

C. “Peace Officer means a member of the State Police, the Sheriff, a marshal, a municipal police officer or an investigator of the Criminal Justice Division of the Department of Justice of this State.

D. “Proper identification” means a motor vehicle operator’s license, one current United States federal, state or local government-issued identification card that has a photograph of the seller.

E. “Regulated property” means any of the following property which is used or secondhand:

1. Precious metals, including but not limited to: any metal that is valued for its character, rarity, beauty or quality, including gold, silver, platinum or any other metals in any form, whether as a separate item or in combination as a piece of jewelry;

2. Precious gems, including but not limited to: any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other precious or semiprecious gems or stones, whether as a separate item or in combination as a piece of jewelry;

3. Watches and jewelry containing precious metals or precious gems, including but not limited to: rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wrist watches, or stop watches;

4. Sterling silver, including but not limited to: flatware, candleholders, coffee and tea sets, or ornamental objects;

F. Regulated property does not include any of the following property:

1. Vehicles required to be registered with the Oregon Motor Vehicles Division;

2. Boats required to be certified by the Oregon Marine Board;

3. Furniture; or

4. Refrigerators, stoves, washers, dryers, and other similar major household appliances;



# Attachment No. 1 to Agenda Statement

## EXHIBIT A

5. ~~Property that is purchased by a bona fide business for investment purposes, limited to:~~

- (a) Gold bullion bars (0.995 or better);
- (b) Silver bullion bars (0.995 or better);
- (c) All tokens, ~~gold or silver~~ coins, ~~bullion, placer, dental gold~~, or money, whether commemorative or an actual medium of exchange adopted by a domestic or foreign government as part of its currency whose intrinsic, market or collector value is greater than the apparent legal or face value.

G. “Chief of Police” means the Chief of Police for the City of Eagle Point, Oregon, or his or her duly authorized representative.

### Section 3 – LICENSE.

A. It shall be unlawful for any person to transact or cause to be transacted any business without having first obtained a license.

B. All business licenses under this chapter are annual and shall expire on June 30th. The required application and license fee are due on July 1st of each year for the fiscal year commencing with that date and are delinquent on August 1st.

C. Application for a license shall be made upon standard forms issued and kept by the City Recorder or his or her designee. The license shall be issued by the City Administrator or his or her designee on an application conforming to this section. The application shall be signed by and shall list the true name and address of each owner of the business and the address of any premises on which the business maintains its specified merchandise, its office and the records required by this chapter. The application of copy thereof shall be referred to the Chief of Police for investigation preparatory to issuance of license. If it appears from such an investigation or otherwise that a license should not be issued to the applicant, the Chief of Police shall notify the recorder to that effect and shall set forth reasons why, in the Chief of Police’s opinion, the applicant should be denied a license. A copy of the Chief of Police’s report shall be provided to the applicant. The applicant may appeal the finding of the Chief of Police to the City Council. A decision by the Council to deny a license may be appealed in accordance with ORS 34.010 through 34.100.

If any interest in the business changes ownership, or if the location of the business changes, a report of such change shall be delivered to the licensing officer before any further business is transacted and on or before the day on which any such change in ownership or location occurs. Such report shall be in writing and signed by all owners of the business. No person shall own, operate or have any ownership interest in a business regulated by this chapter, or work in such a business as an employee, unless there is a valid current license for the business. The business

**ORDINANCE NO. 2013-04 (Revisions Redlined and/or Highlighted)**

Exhibit A

Page 3 of 6