



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

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

JANUARY 14, 2014

## 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, and Aaron Prunty.

Council Members Absent: Kathy Sell.

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

Guests: Paige Townsend with Rogue Valley Transit District (RVTD), Jerry Zieman and \*Lorin Myers, Budget Committee; Suzi Collins and Millie Wewerka, Planning Commissioners; and members of the public and press.

### 2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance and Lorin Myers provided the invocation.

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

There were no questions or comments regarding items not on the agenda.

### 4. PRESENTATIONS

There were no presentations.

### 5. PUBLIC HEARINGS

There were no public hearings.

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### 6. CONSENT CALENDAR

#### 6.1 Presentation of Regular Meeting Minutes of December 10, 2013.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Brown seconded the motion. There was no discussion. Roll call: Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Bob Russell, aye; and Kathy Sell, 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 Russell asked if there were questions about the bills to be paid. Council President Fierke inquired about payments to the Medford Irrigation District and Rogue River Valley Irrigation. The payments were for annual maintenance regarding water rights. In addition, Mr. Lawrence, City Administrator discussed a payment to Richard T. Brink Homebuilders to repair weather related broken pipes and damages at the Judge Stewart House. During those repairs, additional unrelated interior and exterior damages were identified and repaired, resulting in a nearly new restroom. Approximately \$12,500 will be reimbursed by insurance. There were no further questions or comments. Councilor Bilden moved to approve the Bills to be Paid including the additional bills list (Submission No.1) in the amount of \$104.50. Councilor Jenks seconded the motion. There was no further discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Jonathan Bilden, aye; Bob Russell, aye; and Kathy Sell, absent. The motion passed unanimously by those present.

### 9. OLD BUSINESS

There was no old business to discuss.

### 10. NEW BUSINESS

#### 10.1 Resolution No. 2014-01. A Resolution appointing Council Liaisons for Calendar Year 2014.

In accordance with the Eagle Point City Charter, Mayor Russell selected the following Council Liaisons:

Eagle Point Planning Commission – Councilor Sell

Jackson County School District No. 9 – Councilor Fierke

Medford Water Commission – Mayor Russell

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Rogue Valley Area Commission on Transportation (RVACT) – Councilor Jenks

Rogue Valley Council of Governments (RVCOG) Board of Directors - Mayor Russell

Rogue Valley Metropolitan Planning Organization (MPO) – Councilor Jenks

Rogue Valley Sewer Services (RVSS) – Councilor Brown

Southern Oregon Regional Economic Development Inc. (SOREDI) – Councilor Bilden.

Mayor Russell stated the same appointments were made last year and all had done a good job. There was no further discussion.

Mayor Russell asked for a motion to approve **Resolution No. 2014-01**. Council President Fierke made a motion to approve **Resolution No. 2014-01** and Councilor Prunty seconded the motion. There was no discussion. Roll call: Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bob Russell, aye; and Kathy Sell, absent. The motion passed unanimously by those present.

- 10.2 Resolution No. 2014-02. A Resolution appointing Martin Casper to the Eagle Point Economic Development Commission.

Mayor Russell reported advertisement of a vacancy on the Eagle Point Economic Development Commission had been made in the Upper Rogue Independent and on the City's website. In accordance with the Eagle Point City Charter, Mayor Russell selected applicant Martin Casper to be appointed to the Eagle Point Economic Development Commission beginning immediately through December 31, 2016. Mr. Casper is a local realtor as well as a member of the Eagle Point and the Upper Rogue Chamber of Commerce. There was no further discussion.

Mayor Russell asked for a motion to approve **Resolution No. 2014-02**. Councilor Bilden made a motion to approve **Resolution No. 2014-02** and Council President Fierke 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~~; Bob Russell, aye; and **Kathy Sell, absent**. The motion passed unanimously **by those present**.

- 10.3 Continued discussion regarding bringing bus service to Eagle Point, including results from the City's recent transit survey – Mike Upston, Planning Director.

Mike Upston, Planning Director, reviewed a PowerPoint presentation (Submission No. 2), providing a historical timeline of the survey process. It was noted the related Agenda statement included further details about the survey which was conducted to determine whether or not taxpayers would be willing to pay additional taxes for transit service. Only about 10% did not think it was needed at all. About 90% felt

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like on some level there would be benefit to public transit in Eagle Point. Approximately 2/3 of those from the mailed survey indicated they could pay more property tax. From the telephone survey, approximately 75% felt like it would be beneficial but only 1/2 would be willing to pay for it. Most respondents were property owners.

Mr. Upston explained the options of moving forward with a ballot measure, or stepping back and not moving forward at this time, or engaging the Rogue Valley Transit District (RVTD) to include the City in a future poll it will be conducting.

Paige Townsend of RVTD explained the City could wait until August to place the item on the ballot. However, a certified boundary map is required to be filed with the Jackson County Assessor's Office by March 31, 2014 in order to generate taxes beginning January 1, 2015, or filed by March 31, 2015 to generate taxes in 2016. Ms. Townsend pointed out that in all fairness to voters, a certified boundary map should be available. Discussion ensued about the balloting process, Jackson County's authority, and costs for a special election.

Mayor Russell asked for input by the Council. Council President Fierke stated the survey did not include ridership or costs, as discussed by Council. He explained the analysis showed 5% of the population does not have a car, which he believed would be the maximum percentage of ridership. A discussion ensued regarding the percentage of voters in favor of paying additional taxes. Council President Fierke noted the percentage of taxpayers not in favor, and concluded by stating his opposition.

As a vehicle owner, Councilor Prunty hoped his children would use the bus and thought that ridership may be for more than those that don't have a vehicle.

Councilor Jenks discussed the research regarding ridership, and her understanding about RVTD's commitment of providing a service if it collects tax revenues. Councilor Jenks also discussed the concept of using leverage generated as a result of the Metropolitan Planning Organization appropriating \$45,000, previously earmarked for Eagle Point, and giving it directly to RVTD.

Councilor Brown, based on citizenry comments, did not believe the citizens would vote in favor of transportation unless the City paid for it.

Mayor Russell reported receiving an email with a message from a Mr. Canty who requested him to share his comments about putting RVTD on the ballot to let the citizens decide. Mayor Russell stated he was inclined to do so. Discussion ensued about the possible negative impact to other ballot measures. Council President Fierke and Councilor Brown stated their preference of the Library. Councilor Jenks preferred to have all options in front of her rather than having them staggered. Councilor Bilden echoed a lot of the same concerns about the surveys as Council President Fierke. He further agreed about the target of 65% to put an item on the

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ballot. Councilor Bilden expressed concern about the number of taxing measures on the ballot. However, he agreed to do so if that was the decision of the Council.

Mayor Russell asked if there was anything to bring up for clarification for a future Council meeting. Councilor Brown stated that at some point the Council needed to get it out there to let everyone say what they wanted. Next, Councilors Prunty and Jenks expressed support to move forward with the ballot measure. Councilor Bilden was torn in light of the number of measures on the ballot but said he could be swayed to move forward. Council President Fierke remained opposed, citing the limited ridership and route, as well as the financial need of other issues such as water and streets, which he believed to be a higher priority.

A lengthy discussion followed about whether to go forward now or at some point in the distant future. At Councilor Jenks' request, Ms. Townsend provided additional information about forecasting ridership and service levels, noting the estimates had been extremely conservative. RVTD's average rider uses the bus 3 days per week. RVTD's total budget comes from: Ridership fares 10-20%; Property taxes - 25%; and the balance is from the Federal Transit Administration and some State funding.

Mayor Russell discussed the Steering Committee's positive support of RVTD. Mr. Lawrence stated there may be public comment from the audience and Mayor Russell invited the public to comment. Nancy Hanon of Eagle Point stated she thought it was time, that we're growing up now. She also provided input about the community's non-driving sector, and youth that sometimes hitchhike to get to bus service.

Next, Mr. Lawrence noted this item was on the agenda as a discussion item, and the February 25<sup>th</sup> Council meeting date was selected to bring it back for deliberation. Councilor Jenks requested the survey results be shared with all participants, as well as with the Economic Development Commission.

\*Lorin Myers left the meeting at approximately 7:34 p.m.

### 10.4 Discussion regarding HB 3460 relating to medical marijuana dispensaries – Henry Lawrence, City Administrator.

Henry Lawrence, City Administrator, explained that House Bill 3460 had been in the news, and was passed by Oregon Legislature last session. Mr. Lawrence reviewed location limitations, security and vault requirements, and entry regulations to dispensaries. However, the House Bill is not clear as to whether cities are allowed to regulate dispensaries beyond what is in the Bill, which may be resolved by legislature at the next session.

Mr. Lawrence further reported that different cities have taken different positions or none at all. For the last several months, a committee has been working with the Oregon Health Authority (OHA) on its Rules which will go into effect on March 4,

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2014. Mr. Lawrence noted attachments to the Agenda Statement which included copies of House Bill 3460, OHA Draft Rules, and a 1,000 foot radius map from schools. Highway 62, Eagle Landing shopping center, and Ray's shopping center was not included in the 1,000 foot radius. Another provision of HB 3460 is that dispensaries could be located in commercial zones, industrial zones, and retail zones. However, one aspect of Eagle Point's zoning code is that retail facilities are not allowed in ~~commercial~~ **industrial** zones (*Revised during the City Council Meeting of January 28, 2014*). Another consideration is Eagle Point's Municipal Code which includes a provision to not issue a business license if a business is not in compliance with federal law. Mr. Lawrence discussed the possibility of holding an executive session if needed but noted that action would not be taken during the current meeting. Nonetheless, Mr. Lawrence reported on at least two occasions, the City had received inquiries about this. For the last couple of months, Mr. Lawrence's response had been that the City was waiting for the OHA to provide regulations and to receive the Council's direction, as well as to watch the upcoming agendas for more information.

Joe Kellerman, City Attorney, said there were good arguments on each side of the regulation issue but he did not make a recommendation. Mr. Kellerman explained there would be clarity after it worked its way through the courts or that legislature may provide clearer direction. However, Mr. Kellerman did not have a feel for what may be coming from the State. Mayor Russell asked Councilor Bilden and he said there had been talk about possible Bills in February but he didn't have anything definitive. Likewise, Police Chief Thompson said it was up to the courts to decide. Mr. Kellerman stated that either way, there could be a good faith objection. A brief discussion followed about area cities taking different approaches and legal implications. Further, Mr. Lawrence reported there had been a movement to place the issue on the November ballot to go the route of Colorado or Washington, in which case the whole issue would be a moot point.

Mayor Russell offered to receive public comment, and Wayne Duma of Eagle Point, came forward. Mr. Duma spoke on behalf of his wife, Susan Duma, R.N., who was sick and unable to attend the meeting. He read her handwritten message that described her career as a registered nurse for the past 29 years, working with children her entire career in the Head Start Program, juvenile corrections, and 8 years with a local pediatrician. She had seen firsthand, the devastation within families caused by the use of drugs such as marijuana. Her message said the most heartbreaking thing to see is the disintegration of the family, with the children being the casualties. She had seen children put in foster care, as well as elderly grandparents raising their children's children. Mrs. Duma's message expressed her desire to make it as difficult as possible to obtain this drug. She implored the Council to do everything in their power to keep it out of the community, and away from children and their drug seeking parents. Mr. Duma concluded by expressing his appreciation for the Council's consideration and time. There was no further public comment.

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Discussion followed about instructing staff on addressing inquiries. Mayor Russell stated the current laws had been in place without complaint since 1997; however, Mr. Lawrence clarified it was actually in place since 1999. There was discussion about following the Code. Council President Fierke suggested that due to potential litigation, an Executive Session be held after the Regular Council Meeting. For the record, Mr. Kellerman noted the Council had the authority to go into Executive Session for a generally agenda item during the same session. He further interpreted Council President Fierke's comments and the nods of the Council to be the call for the Executive Session after the other agenda items.

- 10.5 Discussion regarding the Medford Water Commission's proposed Wholesale Customer Agreement – Henry Lawrence, City Administrator.

Henry Lawrence, City Administrator, introduced the sample model agreement that was included as an attachment to the Agenda Statement. Eagle Point's contract expires in several years but the Medford Water Commission requested comments about the sample contract by January 31. It was noted that the current contract is four pages and the new contract is eleven pages with minimal changes. Mayor Russell described the most recent meeting with the Medford Water Commission and deferred the contract to City Attorney Kellerman. Mr. Kellerman reported comparing the old and new contracts, stating it may be appropriate to discuss in Executive Session. Furthermore, Mr. Kellerman stated that since the retirement of Ed Olson, the relationship with the Administration of the Medford Water Commission had taken a turn away from inclusion and cooperation with the outside users. He clarified he was not saying they were bad people but that change in administration had changed the way they deal with outside cities. In addition, Mr. Kellerman went on to express his personal opinions regarding the Medford Water Commission and the history of the relationship with that Commission. Mr. Kellerman concluded this was one of the best municipal water supplies in the country but said with cooperation it could be so much better and save everyone a lot of money. Discussion ensued about providing comments to meet the Commission's deadline. The Council further agreed to hold a brief Executive Session after the meeting. Mayor Russell invited the public to speak but there was no public comment.

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

Council President Fierke asked about the Information Item on the agenda from Showa Japan, written in Japanese. Mayor Russell responded that in prior years, the message was a new year's greeting about having a prosperous new year. Council President Fierke reported attending the pre-session meeting of the School Board meeting. During that meeting, they discussed combining two separate White City elementary schools that are located next to one another. One building will be used for Kindergarten through second grade and the other as third through fifth grades. They are also heading in the direction of holding all day kindergarten. As a result, it appears that School District No. 9 will not likely have space as they may need the space to hold kindergarten. The School Board

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agenda was mostly a review of mandatory policies; however, a Weapons Committee meeting was scheduled to discuss costs and analysis.

Councilor Bilden reported on the Economic Development Commission which did not have a quorum but will continue to work on strategic initiatives and the work plan. Southern Oregon Regional Economic Development Inc. (SOREDI) and the League of Oregon Cities (LOC) had recessed until February. With regard to the Economic Summit on January 25<sup>th</sup>, it will be held in the Ashpole Community Center, beginning at 10:00 a.m. with keynote speakers: Mark VonHolle, Representative Mike McLane, and Mayor Russell. No reservations / open to the public.

Councilor Jenks reported on the January 14<sup>th</sup> meeting of the Rogue Valley Area Commission on Transportation (RVACT). One of the major discussion items was a request from Grants Pass and Josephine County to withdraw from the RVACT in order to form a separate area commission on transportation. Another significant discussion was about the formation of a technical advisory group (TAC).

Councilor Prunty was not able to attend the recent Parks and Recreation Commission meeting due to illness; however, the agenda item was about a Parks and Recreation survey.

Councilor Brown announced the Rogue Valley Sewer Services Board meeting would be held the following week.

Mayor Russell noted a successful Council Study Session from the previous night. With respect to the Santa Shop, he offered his congratulations to Councilor Kathy Sell and the volunteers on the success of the Santa Shop. Mayor Russell also announced an upcoming meeting with the Medford Water Commission.

### 12. STAFF REPORTS

Mike Upston, Planning Director, did not provide a report in addition to the agenda items.

Melissa Owens, Finance Officer, reported staff is working with the insurance carrier on a risk analysis. Each year, the City considers implementing better policies and training to get staff and other appointed members to training at reasonable cost. Ms. Owens planned to send information to the Council about training in Central Point and Medford scheduled in March. Additionally, staff is considering ways to reduce workers compensation and liability costs, and will be working on the budget next. Ms. Owens concluded her report by expressing appreciation to the Council for attending the Special Study Session.

Robert Miller, Public Works Director, reported the Parks and Recreation Commission is working on a new community survey. It will be circulated in the community and placed on the website and newsletter.



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Police Chief Thompson reported the flu had been running through the department. Nevertheless, good police work had continued and commendations would be made in the future. Chief Thompson also announced the opening for a new police officer. Another change is with Jackson County's Emergency Management which is now provided through the Sheriff's Office. Emergency Management is working on a full-scale exercise for earthquake preparedness with each city testing an element of their emergency operations plan.

There were no other staff reports.

### 13. INFORMATION

13.1 New Year's greetings from Showa, Japan.

There was no additional discussion regarding the information item.

At 8:54 p.m., Mayor Russell recessed the meeting for a short break, and announced the Council would hold an Executive Session after the break.

EXECUTIVE SESSIONS PURSUANT TO ORS 192.660(2)(f), To consult with counsel concerning information exempt from public inspection and regarding privileged matters; and 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 9:01 p.m., Mayor Russell opened the Eagle Point City Council Executive Session regarding Item 10.4 on the Agenda pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(h). Following discussion, Mayor Russell closed the Executive Session at 9:29 p.m.

At 9:30 p.m., Mayor Russell opened the Eagle Point City Council Executive Session regarding Item 10.5 on the Agenda pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(h). Following discussion, Mayor Russell closed the Executive Session at 9:46 p.m.


### 13. ADJOURN

At 9:47 p.m., Mayor Russell reconvened the regular meeting of the Eagle Point City Council. There being no further business, Mayor Russell closed the meeting at 9:48 p.m.

Respectfully submitted,

  
Cindy Hughes, City Recorder

ATTEST:

  
Robert E. Russell, Mayor