

# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

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## OREGON

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

September 23, 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, Aaron Prunty, and 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: Jackson County Commissioner Don Skundrick and Mrs. Skundrick; Suzi Collins, Planning Commissioner; Millie Wewerka, Budget Committee and Planning Commissioner; Jerry Zieman, Budget Committee; 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

Evan Quan reintroduced himself to the Council, noting he had previously requested the Council to consider lifting the moratorium on medical marijuana. Mayor Russell responded that the Council was not ready to move forward at this time and they were waiting to see what would happen in November. In addition, four Council members would be attending the upcoming League of Oregon Cities (LOC) conference which includes information and discussions about marijuana to help prepare cities in their responses. Mayor Russell concluded that the issue is still under consideration by the Council and would be considered after the conference and November.

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**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 September 9, 2014.**

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 regarding the Consent Calendar. Roll call: Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, 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 regarding the bills to be paid. There being none, Councilor Bilden moved to approve the bills to be paid. Councilor Sell seconded the motion. There was no discussion. Roll call: Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; and Bob Russell, aye. The motion passed unanimously.

**9. OLD BUSINESS**

There was no Old Business to discuss.

**10. NEW BUSINESS**

**10.1 Ordinance No. 2014-06. An Ordinance establishing a tax on the sale of marijuana and marijuana-infused products in the City of Eagle Point.**

Henry Lawrence, City Administrator, deferred this item to Joe Kellerman, City Attorney. Attorney Kellerman discussed the proposed adoption of Ordinance No. 2014-06, noting an accurate reflection in the agenda statement. After reviewing several Ordinances by area cities, he selected the Central Point version as an example to work from. Attorney Kellerman expressed appreciation to Millie Wewerka for recommending revisions to the Ordinance and suggested that if the Council determined to adopt the Resolution, to include those suggestions. In addition, the City of Central Point added language to Section 3.30.030 to allow for an increase in the amount of tax levied of up to twenty-five percent of the gross sale.

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There was considerable discussion about the tax and whether that percentage would be charged to organizations and businesses as well as individuals.

Discussion continued wherein Attorney Kellerman explained about home rule charter, the State's authority, and the possible legislative impact of cities working together to adopt similar Ordinances. Council engaged in discussion about keeping its options open, the process for tax increases, business licenses, zoning requirements, and enforcement.

Attorney Kellerman listed out the following recommended revisions in the event the Council was prepared to make a motion to adopt the Ordinance:

- 1) Page 4 (Paragraph F); the record keeping period would be increased to five years; and
- 2) Page 8 (Paragraph B), replace the word Central with Eagle, as in Eagle Point Municipal Court; and
- 3) Section 3.30.030, the 10% tax is to be paid by individuals or entities, rather than just individuals; and
- 4) Include the option that upon the City Council's Resolution or Ordinance, the amount of the tax levy may be increased up to 25% of the gross sale of the amount paid to a seller by a registry identification cardholder, and also by individuals who are not purchasing under the Oregon Medical Marijuana Program.

Mayor Russell asked for a motion to adopt Ordinance No. 2014-06. Councilor Bilden made a motion to adopt Ordinance No. 2014-06 with the listed changes, and Councilor Sell seconded the motion. Councilor Prunty expressed opposition to the taxation of medical marijuana, and took exception to medical and recreational marijuana being included together in the Ordinance. There was additional discussion regarding medical marijuana and taxation of medicine or medical supplies in general. Roll call: Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Bob Russell, aye; and Aaron Prunty, nay. The motion passed with six ayes and one nay.

- 10.2 Resolution No. 2014-44. A Resolution proclaiming the month of October 2014 as Community Planning Month in the City of Eagle Point.

Mike Upston, Planning Director, explained the American Planning Association and its professional institute is spotlighting the contributions of planning during the month of October. The proposed Resolution is in support of the American Planning Association's celebration of National Community Planning Month and proclaims Eagle Point's appreciation for the public service by professional planners.

Mayor Russell asked for a motion to approve Resolution No. 2014-44. Councilor Bilden made a motion to approve Resolution No. 2014-44 and Councilor Prunty seconded the motion. There was no discussion. Roll call: Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.3 Resolution No. 2014-45. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract for the Lucas Park Landscape Project.

Robert Miller, Public Works Director, provided a brief summary of the Lucas Park project with the removal of the landscape portion of the project in August to reduce the cost of the overall project. The landscape portion was recently bid as a separate project, with the dates of plantings and hydro-seeding extended to reduce the landscape cost. The project was advertised in the Daily Journal of Commerce and in the Medford Builder's Exchange. The bid opening was held earlier in the day on September 23; however, only one bid was received. Overstreet Landscape and Hydroseeding, Inc., submitted a bid of \$169,703.40 (Submission No. 2). Mr. Miller discussed the pros and cons of moving forward with the project but ultimately recommended rejection of the bid as it was well over budget. If rejected, the project would be rebid in January or February of next year. Discussion followed about the timing of plantings and there was general consensus to rebid the project.

MOTION: Council President Fierke made a motion to reject the bid and recommend rebidding the shrub work and shrub irrigation section. Councilor Bilden seconded the motion. Discussion followed about the timing to bring the item back for approval. Mr. Miller will bring back in October, as soon as practical. There was also discussion about the potential for cost savings. There was no further discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.4 Discussion regarding population growth and density within Eagle Point, and requirements associated with implementation of the City's Regional Plan Element – Mike Upston, Planning Director.

Mike Upston, Planning Director, presented an overhead presentation (Submission No. 3). Mr. Upston explained this item is related to Ordinance No. 2012-02, and the Regional Plan Element of the City's Comprehensive Plan. Although the City rapidly transformed its' population and appearance from the years 2000 to 2010, its' recent growth has been significantly slower but planning is still necessary.

Mr. Upston went on to explain that Eagle Point aspires to continue improvement and growth. Most of its' zoning is residential single family dwellings, however, under the Regional Plan Element there are provisions for growth and density requirements. Eagle Point's average density citywide is 5.3 dwellings per acre compared to the 6.5 minimum required with Urban Growth Boundary (UGB) expansions.

Mr. Upston discussed the projected population growth and ways to accommodate growth, limitations and opportunities, and residential density requirements. Mr. Upston also described other cities' planning efforts such as Central Point's Twin Creeks Retirement Community, Medford's up-zoning, and Phoenix's conceptual plans for two Urban Renewal Areas (URA). Likewise, Eagle Point has four URAs to consider and there are plans to seek grant opportunities to prepare for future expansion.

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

Council President Fierke reported on the recent D9 School Board meeting, and although he was unable to attend, reported that most of the write up was about the students, and they are usually the highlight. In addition, Council President Fierke reported presenting the City Administrator's annual review earlier in the day. For the sake of the audience, Council President Fierke reported Mr. Lawrence's overall score was 4, the highest score possible.

Councilor Bilden announced he planned to attend the League of Oregon Cities Conference (LOC), and the LOC Board meeting. This is his third and final year to serve on the LOC Board.

Councilor Prunty reported on the Parks and Recreation Commission's meeting which included a presentation on the Annual Community Day of Service; and discussions about Lucas Park, water park designs, and a dog park. Councilor Prunty also reported the new Commission member was in attendance.

Councilor Brown made a positive report on Rogue Valley Sewer Services (RVSS). A scoping line truck is being retrofitted, a spillover associated with root growth in Phoenix was corrected immediately, and paving is scheduled in Eagle Point as part of a joint effort with the City and RVSS sewer improvements.

Mayor Russell expressed gratitude for the volunteers at the Annual Community Day of Service and the outstanding improvements made to the area pathways. Mayor Russell also reported attending the Chamber of Commerce dinner and announced that Bunny Lincoln received the Volunteer of the Year award. Councilor Sell added that the Butte Creek Mill received the Business of the Year award. Mayor Russell concluded by announcing that the City Hall Week meeting went well and the upcoming Candidate Forum is scheduled on October 7<sup>th</sup>.

There were no other reports.

**12. STAFF REPORTS**

Mike Upston, Planning Director, discussed a future joint meeting with the Economic Development Commission and City Council. In addition, Mr. Upston plans to present a mobile food vendor ordinance on October 28<sup>th</sup>. Regarding the City's Comprehensive Plan adopted in 1980, Mr. Upston reported the Department of Land Conservation and Development (DLCD) is offering assistance to cities in updating and keeping an updated Comprehensive Plan. It general takes three to five years to complete such a process, is labor intensive, and sometimes politically strenuous. Discussion continued about the pros and cons of updating Eagle Point's Comprehensive Plan. Mr. Lawrence reported that the City would eventually have to update the Plan but he preferred to use the State's financial assistance if possible. There was a majority of Council support in pursuing the State's assistance. Council President Fierke was opposed.

Melissa Owens, Finance Officer, reported the number portion of the staff report was included in the Agenda Packet and she presented the narrative portion of the staff report

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(Submission No. 4). Ms. Owens provided an update on property taxes, business license revenues, building fees and related fees; and also reported on website visits, worker's compensation audit, and the upcoming annual audit.

Robert Miller, Public Works Director, presented an overhead slide presentation of the Community Day of Service (Submission No. 5). Special mention was made about the volunteer efforts and leadership by Mike Oliver, Keith Holcombe, and Michael Stanek. The event ran flawlessly, without injury, and included approximately 1,000 volunteer service hours. Char Hoppe and Wyn Lewis were also recognized for their clean-up efforts at Centennial Plaza. Regarding the recent road work in Eagle Point, Mr. Miller expressed appreciation to Jackson County Commissioner Skundrick and the Jackson County's Road Department for their roadwork.

Police Chief Thompson presented and reviewed the Police Department Statistics for August 2014 (Submission No. 6). The Police Department has increased its presence at the covered bridge and Centennial Plaza, and is considering lighting, video cameras, and signage about no smoking.

Joe Kellerman, City Attorney, reported the City had not been involved with any lawsuits this year.

Henry Lawrence, City Administrator, reported the Friday Letter had been sent out.

Cindy Hughes, City Recorder, reminded the Council about Veterans Day falling on November 11, a regular Council Meeting date. A brief discussion followed about canceling or rescheduling and a decision will be determined at a later date.

13. INFORMATION

There were no information items for discussion.

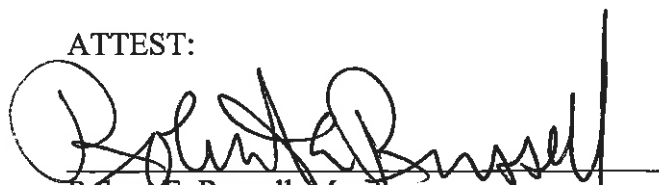
14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 8:45 p.m.

Respectfully submitted,

  
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Cindy Hughes, City Recorder

ATTEST:

  
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Robert E. Russell, Mayor