



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

---

## OREGON

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

December 9, 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: 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

Boy Scout Bud Schenk led the Pledge of Allegiance and Jerry Zieman offered the invocation.

Following Item No. 2 on the agenda, City Attorney Joe Kellerman requested a photo op of Mayor Russell wearing Oregon Ducks apparel.

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

Suzi Collins of Eagle Point reported on a property at the corner of Shasta and Alta Vista, noting it is an entrance to the City, which continuously holds yard sales. Ms. Collins also discussed the City's Ordinances limiting yard sales, business licenses, and requested the City to address the issue. Mayor Russell responded that the City will look into it.

## City of Eagle Point Council Meeting Minutes

December 9, 2014

Page 2 of 10

Brian Schenk, Assistant Scout Master for Troop 48 in Eagle Point, presented flyers about Christmas tree pickup and recycling (Submission No. 1). In Eagle Point, the Boy Scouts will be picking up trees on the West side of Little Butte Creek and in Shady Cove. The Skills USA Club from Eagle Point High School will be picking up trees on the East side of Little Butte Creek. Both groups have collected trees in Eagle Point for numerous years. However, Mr. Schenk reported that an outside organization came into Eagle Point last year which resulted in significant financial losses for both groups, but nearly closed the Skills USA Club. It was also noted that Southern Oregon Sanitation is a partner in the local recycling program. Council's support and endorsement was requested although it was recognized that it may have been late for official endorsement. Mayor Russell expressed support of the Council and mentioned that the Butte Creek Mill and Santa Shop could put flyers in customer's bags. On a final note, Mr. Schenk announced that Boy Scout Troop 48 is planning to adopt a section of walkway along Butte Creek and would contact Robert Miller, Public Works Director.

#### 4. PRESENTATIONS

There were no presentations.

#### 5. PUBLIC HEARINGS

- 5.1 Public Hearing in the matter of Ordinance No. 2014-07, an Ordinance amending the Eagle Point Comprehensive Plan and Zoning Maps from Residential Farm (RF) to Single Family Residential (R-1-12) for 13.66 acres of a 25.46 acre parcel identified as map 361W11, lot 1200 by the Jackson County Assessor.

Mayor Russell opened the public hearing at 7:10 p.m. and announced J & N Investments/Jay Harland, CSA Planning as the applicant; and J & N Investments as the owner. Mayor Russell explained that ORS 197.763 outlined the procedures for the City to follow when holding a quasi-judicial land use hearing. All legal notifications and advertisements of the public hearing were made in compliance with state and local laws.

Mayor Russell asked and no one expressed that the City Council did not have the right to make a decision on the matter. There was no conflict of interest declared, however, Councilor Jenks stated that she lived downhill of the subject property. City Attorney Joe Kellerman stated that was a potential conflict but not an actual conflict. There had been no ex parte contact and no member of the City Council had visited the site in conjunction with preparing for the hearing.

Mike Upston, Planning Director, made a presentation showing and discussing overhead slides of the proposed area, 2013 Comprehensive Plan Map and Zoning Map, Land Use Approval Requirements, Decision Criteria for Map Changes, Conclusions of Law, Conditions of Approval, and City Council Options (Submission No. 2). Mr. Upston explained the process was strictly to change the designation from Residential Farm (RF) to Single Family Residential (R-1-12) and it did not authorize development as that would require additional steps. At the Planning Commission's

**City of Eagle Point Council Meeting Minutes**

**December 9, 2014**

**Page 3 of 10**

meeting of November 18, 2014, the Commission held a public hearing and voted unanimously to recommend Council adoption with two conditions of approval. Mr. Upston explained that the recommended Conditions of Approval included Water Supply and Access, and were detailed in the related Agenda Statement. In addition, if adopted, Ordinance No. 2014-07 would include minor housekeeping revisions about the approval authority as detailed in the revised Exhibit B to the Ordinance (Submission No. 3). Mr. Upston concluded the presentation with a recommendation to adopt Ordinance No. 2014-07 with specified changes.

Mayor Russell asked if the City Councilors had questions for the staff. Councilor Sell asked about the proximity of the water tower to the property. Mr. Upston responded that the proposed development area cuts across to the City owned property with the idea that the City will maintain access to the water tank regardless of the zoning. Council President Fierke asked about the zoning designation of R-1-12. Mr. Upston responded that the applicant asked for an increased density but wanted to do it in a careful way. The lots could be as small as 12,000 feet but preliminary discussions indicated they were looking at ¼ acre lots to larger than ¼ acre lots. Councilor Jenks asked about differences other than lot size. Mr. Upston responded that the most obvious difference was that RF permitted farm animals.

Mayor Russell asked if the applicant would like to provide testimony and Jay Harlan of CSA Planning came forward. Mr. Harlan did not make a presentation but responded to Council President Fierke's question about density levels. At the requested density level, traffic studies or additional infrastructure would not be required.

Councilor Sell asked if there were any concerns about building right up to the water tank. Mr. Upston expressed that common sense would dictate in developing that land including distance and a vertical buffer. Robert Miller, Public Works Director, added that a security fence will also be added around the tank.

There being no further testimony, Mayor Russell closed the public hearing at 7:30 p.m. Next, Mayor Russell announced that the proposed Ordinance was scheduled later in the Agenda and asked if there were objections to changing the order of business to deliberate the proposed Ordinance. There were no objections. Councilor Sell asked for clarification that the only thing being changed was the zoning. Mr. Upston concurred and responded that only the zoning was being changed; and noted that approval of tentative subdivision maps would be required for future development.

Mayor Russell asked for a motion to adopt Ordinance No. 2014-07. Councilor Prunty made a motion to adopt Ordinance No. 2014-07, and amended the motion to include specified changes. Councilor Bilden seconded the motion and the amended motion to include specified changes. 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.

**City of Eagle Point Council Meeting Minutes**

**December 9, 2014**

**Page 4 of 10**

- 5.2 Public Hearing in the matter of Ordinance No. 2014-08, an Ordinance amending Chapter 17.52 (Special Uses, General Provisions and Exceptions) of the Eagle Point Zoning Ordinance to include provisions for mobile food vendors.

Mayor Russell opened Public Hearing at 7:34 p.m., in regard to Ordinance No. 2014-08.

Mike Upston, Planning Director, explained that this item had been requested during the September 9<sup>th</sup> City Council meeting. Since that time, staff has considered what other cities are doing and Mr. Upston made an overhead presentation on the proposed Ordinance (Submission No. 4). The five key components included:

Subsection A – definition of “mobile food vendors”;

Subsection B – operating restrictions in residential land use districts and public streets, and requirement of applicable licensing, registration, and permits and fees;

Subsection C – allows vendor operating in coordination with allowed seasonal sales;

Subsection D – temporary use option for vendors who operate for no more than six months; and

Subsection E – permanent use option.

Mr. Upston noted that if the Council decided to adopt the Ordinance, the City could reach out to the public and business community to explain the process for mobile food vendors.

Mayor Russell asked if the City Councilors had questions for the staff. Councilor Sell asked about six month vendors who come back every year and whether or not they would be a temporary vendor. Mr. Upston stated they would be considered as a temporary vendor but it could be something for the Council’s discussion. Councilor Prunty inquired about permanent businesses that sell food outside and at what point they are considered an outside restaurant. Mr. Upston responded that a threshold had not been established. Councilor Jenks asked about System Development Charges (SDCs) for mobile food vendors, and Mr. Upston responded that other cities had calculated SDCs on the square footage of the truck. Mr. Upston clarified that while there are vendors that have come to Eagle Point for special events, only one hotdog vendor expressed interest. Discussion ensued and Council President Fierke asked about the origins of the language for the Ordinance which was derived from the cities of Medford, Phoenix, Talent, Salem, and possibly Eugene. Councilor Sell asked about additional location restrictions including proximity of permanent restaurants and public land which would require approval by the property owner. Park use was also briefly discussed.

There being no further testimony, Mayor Russell closed the public hearing at 7:52 p.m. Similar to the previous Ordinance, Mayor Russell announced that the

**City of Eagle Point Council Meeting Minutes**

**December 9, 2014**

**Page 5 of 10**

proposed Ordinance was scheduled later in the Agenda and asked if there were objections to changing the order of business. There were no objections.

Deliberations began with Councilor Jenks asking if the Planning Commission had comments or unresolved concerns about the proposed Ordinance. Mr. Upston responded that the Planning Commission had addressed a list of items that were taken into consideration in the proposed Ordinance. There was no further discussion.

Mayor Russell asked for a motion to adopt Ordinance No. 2014-08. Council President Fierke made a motion to adopt Ordinance No. 2014-08 and Councilor Jenks seconded the motion. There was no 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.

Mayor Russell commented that this item was a good example of a citizen coming to the Council and a solution being reached.

**6. CONSENT CALENDAR**

**6.1 Presentation of Regular Meeting Minutes of November 25, 2014.**

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 regarding the Consent Calendar. 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.

**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 including the additional bills list (Submission No. 5) in the amount of \$14,911.29. Councilor Sell seconded the motion. There was no discussion. 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.

**9. OLD BUSINESS**

There was no Old Business to discuss.

**City of Eagle Point Council Meeting Minutes**

**December 9, 2014**

**Page 6 of 10**

10. NEW BUSINESS

- 10.1 Ordinance No. 2014-07. An Ordinance amending the Eagle Point Comprehensive Plan and Zoning Maps from Residential Farm (RF) to Single Family Residential (R-1-12) for 13.66 acres of a 25.46 acre parcel identified as map 361W11, lot 1200 by the Jackson County Assessor.

Item No. 10.1 was discussed following the Public Hearing scheduled as Item 5.1.

- 10.2 Ordinance No. 2014-08. An Ordinance amending Chapter 17.52 (Special Uses, General Provisions and Exceptions) of the Eagle Point Zoning Ordinance to include provisions for mobile food vendors.

Item No. 10.2 was discussed following the Public Hearing scheduled as Item 5.2.

- 10.3 Resolution No. 2014-56. A Resolution accepting the Abstract of Votes regarding the ballots cast in the State of Oregon General Election held Tuesday, November 4, 2014; and directing the City Recorder to issue Certificates of Election.

Cindy Hughes, City Recorder, explained that each election year the Jackson County Clerk prepared and mailed an Abstract of Votes to the City's Elections Officer. Approval of Resolution No. 2014-56 would formally accept the Abstract of Votes. Additionally, the Resolution directs the City Recorder, as the City's Elections Officer, to prepare and deliver a Certificate of Election to each qualified candidate having the most votes for election. Preparation of the Certificate of Election is in accordance with Oregon Revised Statutes, and provides each candidate with a record of the elections results.

Mayor Russell asked for a motion to approve Resolution No. 2014-56. Council President Fierke made a motion to approve Resolution No. 2014-56 and Councilor Jenks seconded the motion. There was no discussion. Roll call: Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.4 Resolution No. 2014-57. A Resolution cancelling the December 23, 2014 Regular Meeting of the Eagle Point City Council and authorizing Staff to pay the bills through January 12, 2015 or until the next City Council Meeting.

Cindy Hughes, City Recorder, explained that during the month of December, a general reduction in city business traditionally allows the opportunity to cancel the second Regular Meeting of the Eagle Point City Council. Approval of Resolution No. 2014-57 authorizes cancelling the second Regular Meeting and paying the bills until the next City Council Meeting.

**City of Eagle Point Council Meeting Minutes**

**December 9, 2014**

**Page 7 of 10**

Mayor Russell asked for a motion to approve Resolution No. 2014-57. Councilor Bilden made a motion to approve Resolution No. 2014-57 and Councilor Brown seconded the motion. There was no discussion. Roll call: Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Wayne Brown, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

- 10.5 City Council consideration of a proposal from the Eagle Point Economic Development Commission that a 2nd Saturdays event program be redefined and expanded.

Mike Upston, Planning Director, discussed 2<sup>nd</sup> Saturdays which started in 2011 as part of the Centennial celebration. The Eagle Point Street Dance and the Eagle Point Bike Ride have been successful events during the past few years. Mr. Upston further explained that at the Economic Development Commission's meeting of October 6, 2014, the Commission agreed to recommend redefining the "2nd Saturdays" event program in the following four ways:

- Promotion and advertising (i.e. Mail Tribune Tempo) with an established budget;
- Current City-sponsored events would continue to be provided by the City, as budgeted;
- Additional events approved by the City would be sponsored and run by outside organizations (not by the City); and
- Current 2<sup>nd</sup> Saturday events would be given priority for each calendar year, and additional events approved by the City would be added to the calendar.

Six out of 12 second Saturdays are filled with activities. The remaining second Saturdays are February 14, March 14, April 11, July 11, October 10, and December 12 (Submission No. 6). Councilor Bilden discussed filing a trademark for Eagle Point 2<sup>nd</sup> Saturdays; however, it was determined to wait and see how it goes before doing so. There was discussion about budgeting and Mayor Russell suggested additional discussions be held during the next budgeting period.

- 10.6 Resolution No. 2014-58. A Resolution reappointing Joni Parsons to the Economic Development Commission.

Mayor Russell reported a vacancy on the Eagle Point Economic Development Commission had been advertised in the Upper Rogue Independent, the City's utility billing newsletter, and on the City's website and bulletin board in City Hall. In accordance with the Eagle Point City Charter, Mayor Russell announced applicant Joni Parsons had been selected for reappointment as an Economic Development Commissioner beginning January 1, 2015 through December 31, 2017. Mayor Russell followed with favorable comments about Commissioner Parsons and her service on the Commission.

## City of Eagle Point Council Meeting Minutes

December 9, 2014

Page 8 of 10

Mayor Russell asked for a motion to approve Resolution No. 2014-58. Councilor Bilden made a motion to approve Resolution No. 2014-58 and Council President Fierke seconded the motion. Councilor Bilden concurred with Mayor Russell's previous comments, noting Commissioner Parsons was the sole remaining original member of the Commission. There was no further 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.

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

Council President Fierke reported the School Board would not meet in December; and he commended Ms. Leissler of the Upper Rogue Independent for the recent article about Superintendent Rickert's visit to Washington D.C.

Councilor Bilden reported on the Southern Oregon Regional Economic Development Inc. (SOREDI) meeting held earlier in the day. With SOREDI's additional funding from Jackson County, SOREDI is looking at increasing their business recruitment staff which will bring their full staff up to five. Councilor Bilden also attended a League of Oregon Cities (LOC) Board Meeting which was the last meeting of his term. Additionally, the 2<sup>nd</sup> Annual Economic Development Forum is scheduled for January 10<sup>th</sup> with Jim Fong of the Job Council as the keynote speaker.

Councilor Jenks reported attending the recent Rogue Valley Metropolitan Planning Organization (RVMPO) meeting, noting it was the last regular meeting for Al Densmore and County Commissioner Don Skundrick.

Councilor Prunty announced the Parks and Recreation Commission meeting would be held later in the week.

Councilor Brown announced he will provide a report on the Rogue Valley Sewer Service in January.

Councilor Sell announced the opening of the Santa Shop, and further reported the community had been great and there were a lot of gifts to select from.

Mayor Russell reported attending the Chamber of Commerce meeting where he met the new Walmart Manager, Bronson Charette. Councilor Sell added that Walmart donated \$1,500 for the Santa Shop, plus 10% off on purchases for the Santa Shop. Mayor Russell also attended the Rogue Valley Council of Government (RVCOG) meeting, and the Tree Lighting Ceremony followed by the Lions Club Chili Feed.

### 12. STAFF REPORTS

Mike Upston, Planning Director, announced the Planning Commission was scheduled to meet in December, and the agenda included a sign proposal for Rogue Credit Union.



## City of Eagle Point Council Meeting Minutes

December 9, 2014

Page 9 of 10

Melissa Owens, Finance Officer, reported working on end of the calendar year reports, and a new website design.

Robert Miller, Public Works Director, expressed appreciation to the Community Association for the decorations around town. Next, he reported the Parks and Recreation Commission planned to review Chapters 2 and 3 of the Parks Master Plan at their next meeting. In addition, Public Works is tracking current storm conditions and preparing as much as possible by keeping storm drains clean.

Police Chief Thompson reported Patrol Officers are also watching streams and storm drains. Discussion ensued with Mr. Miller about damage and repairs at parks. Afterwards, Chief Thompson showed an online live demonstration of the new cameras near Centennial Plaza. Discussion ensued about the use of the bridge and the upcoming addition of new lighting.

Henry Lawrence, City Administrator, announced the Friday Letter had been sent out and would be posted on the website soon. In addition, Mr. Lawrence shared information about the Rogue Valley Connector, a new service to seniors and people with disabilities (Submission No. 7). Further, Mr. Lawrence provided an update about allowing the Rogue Valley Transit District (RVTD) to temporarily park on City owned property and eventually lease the old Water District Building.

Cindy Hughes, City Recorder, presented the newly elected officials with Certificates of Election.

### 13. INFORMATION

There were no information items for discussion.

Mayor Russell recessed the meeting at 8:32 p.m. Executive Session Item No. 15 was held prior to Item No. 14.

### 14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e), To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

At 8:57 p.m., Mayor Russell opened the Eagle Point City Council Executive Session pursuant to ORS 192.660(2)(e). Following discussion, Mayor Russell closed the Executive Session at 9:05 p.m.

### 15. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(f), To consider information or records that are exempt by law from public inspection, including privileged communication from the City Attorney.

Mayor Russell recused himself from Executive Session Item No. 15. Council President Fierke presided and opened the Executive Session pursuant to ORS 192.660(2)(f) at 8:40 p.m. Following discussion, Council President Fierke closed the Executive Session at 8:56 p.m. and Mayor Russell rejoined the meeting.

**City of Eagle Point Council Meeting Minutes**  
**December 9, 2014**  
**Page 10 of 10**

16. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:05 p.m.

Respectfully submitted,

  
Cindy Hughes, City Recorder

ATTEST:

  
Robert E. Russell, Mayor