



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

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

AUGUST 25, 2015

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, Wayne Brown, Bill Fierke, Ruth Jenks, Aaron Prunty, and Kathy Sell.

Council Members Absent: Jonathan Bilden.

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

Guests: Suzi Collins, Planning Commissioner; Millie Wewerka, Budget Committee Member and Planning Commissioner; Jerry Zieman, Budget Committee Member; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

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

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

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

4. PRESENTATIONS

There were no presentations.

5. PUBLIC HEARINGS

5.1 Public Hearing for the purpose of considering proposed amendments to Eagle Point Municipal Code Chapter 13.04.240, water system fees and charges for water meter

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installation, late payments, reconnection of service, water meter testing, and hydrant meters.

Mayor Russell opened the public hearing at 7:03 p.m. to accept comment regarding the consideration of the proposed amendments to Eagle Point Municipal Code Chapter 13.04.240, water system fees and charges for water meter installation, late payments, reconnection of service, water meter testing, and hydrant meters.

Henry Lawrence, City Administrator, explained that at a Council meeting in June, a citizen, Ryan Barbeau, requested the Council to consider reducing the \$40 late fee on utility bills. During the Council meeting of August 11th, the Council discussed late fees and determined it would consider reducing the \$40 fee to \$25 and adding a \$5 fee for pink notices past the due date. As a result of the Council's direction, this item was placed on the agenda for a public hearing to receive public comment. In addition to reducing the \$40 fee and implementing an additional \$5 fee for pink notices, revisions were proposed to update fees for meters included in the same Chapter of the Municipal Code.

A lengthy discussion ensued about the billing timeframe, late notices, and shut offs. Mr. Lawrence and the Finance Director, Melissa Owens, explained meters are read on the 25th day of the month, bills are mailed on the 27th, and payment is due by the 10th of the month. If payment is not received, a pink notice is generated on the 20th. If not paid before the 10th of the following month, a \$40 late fee is charged and a shutoff notice is hung on the front door of the property.

There was additional discussion regarding:

- Pink notices - the most efficient and effective method of sending;
- Monthly fees for vacant or bank owned homes accumulating fees; technically late every month if not paid;
- Staff working with hardship customers or new owners on homes with large balances;
- \$50 water meter testing fee - charged to customers only if there is not a problem with the meter;
- Sewer charges passed to customers through the City;
- Updating meter costs – updated to match the cost of the meter and installation;
- Meter sizes typically larger for commercial properties such as the VA Cemetery expansion; and
- Types of meters, with and without strainers.

Mayor Russell invited public testimony which was made by the following individuals:

- Millie Wewerka of Eagle Point spoke in favor of the \$5 pink notice thought it could be a payment incentive if people realized they would be charged for the late

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notice, like almost all other businesses. Further, Ms. Wewerka thought it was fair to charge late fees as customers know the bill is due on the 10th.

- Mike Bull of Eagle Point asked for consideration of landlords receiving copies on late notices without the \$5 fee. Mr. Bull noted he had returned rental security deposits only to end up paying the final utility bill because he had been unaware of the outstanding balance. Ms. Owens reported it is the landlord's choice to receive a copy of late notices and the City could assist with that.
- Aaron Schultz noted he was not in favor or opposition but rather inquired about the City's process of handling outstanding fees and asked whether or not the City has official liens filed. Ms. Owens responded there are liens but they are not filed with the County. Mr. Schultz sought to find a solution for other people purchasing property like he recently did that had an \$800 lien. However, in this case, Mr. Schultz reported the Portland based title company reimbursed him although they were upset because they did not know the lien existed. Ms. Owens explained that typically title companies from all areas call cities to determine if there are outstanding amounts due. Attorney Kellerman added that most preliminary title reports include language about city liens and other municipal assessments that are not in the public record. There was additional discussion about sewer fees, average water bills, residential base fees, and door tags being a visible communication method to perspective buyers. However, perspective buyers are able to call City Hall to learn about outstanding balances. There was also discussion about the cost of service to homes in foreclosure and the cost of hanging yellow tags at those same properties in comparison to the regular residential monthly cost of service.

There being no further public testimony, Mayor Russell closed the public hearing at 7:40 p.m.

Next, Mayor Russell requested the Council's consent to change the order of business to deliberate Item No. 10.1, Resolution No. 2015-43, regarding the proposed amendments to Eagle Point Municipal Code Chapter 13.04.240. There was no objection and Council engaged in a brief discussion about late notices and shut offs.

Mayor Russell asked for a motion to approve Resolution No. 2015-43. Councilor Prunty made a motion to approve Resolution No. 2015-43 and Councilor Sell seconded the motion. There was no discussion. Roll call: Kathy Sell, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Bob Russell, aye; and Jonathan Bilden, absent. The motion passed unanimously by those present.

6. CONSENT CALENDAR

- 6.1 Presentation of Joint Meeting Minutes of August 11, 2015, City Council and Jackson County School District 9 Board of Directors.
- 6.2 Presentation of Regular Meeting Minutes of August 11, 2015.

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Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Fierke moved to approve the Consent Calendar as presented and Councilor Brown seconded the motion. There was no discussion. Roll call: Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Wayne Brown, aye; Bill Fierke, aye; Bob Russell, aye; and Jonathan Bilden, 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 and there were no questions. Next, Councilor Jenks moved to approve the Bills to be Paid in the amount of \$33,733.46 and the Additional Bill List (Submission No. 1) in the amount of \$63,245.32. Councilor Prunty seconded the motion which was followed by Councilor Fierke's inquiry about the payment to Oregon Accreditation Alliance. Police Chief Thompson explained the payment was for the Police Department's accreditation. There was no further discussion. Roll call: Aaron Prunty, aye; Kathy Sell, aye; Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Bob Russell, aye; and Jonathan Bilden, absent. The motion passed unanimously by those present.

9. OLD BUSINESS

There was no old business.

10. NEW BUSINESS

- 10.1 Resolution No. 2015-43. A Resolution amending the Eagle Point Municipal Code Chapter 13.04.240, water system fees and charges for water meter installation, late payments, reconnection of service, water meter testing, and hydrant meters; and rescinding Resolution Nos. 2009-26 and 2007-41.

Item 10.1 was discussed earlier in the meeting as reflected in the Minutes under Item 5.1.

- 10.2 Resolution No. 2015-44. A Resolution appointing Heather Marinucci, representing Jackson County School District No. 9, to the Eagle Point Economic Development Commission.

Mayor Russell explained that traditionally, the City of Eagle Point has asked Jackson County School District No. 9 to select personnel to be appointed to represent the School District's point of view and their valuable perspective as educators. Jackson County School District No. 9 selected Heather Marinucci, Assistant Principal at Eagle Point High School, to be appointed to the Economic Development Commission beginning immediately through December 31, 2016, filling the vacancy left by Allen Barber's resignation. There was no further discussion.

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Mayor Russell asked for a motion to approve Resolution No. 2015-44. Councilor Fierke made a motion to approve Resolution No. 2015-44 and Councilor Prunty seconded the motion. There was no discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Bob Russell, aye; and Jonathan Bilden, absent. The motion passed unanimously by those present.

- 10.3 Resolution No. 2015-45. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract with Knife River Materials for the South Shasta Avenue Improvement Project.

Robert Miller, Public Works Director, provided background information about this project which was originally approved in 2005. However, due to the downturn in the economy the project was delayed by the developer until 2013. As the project progressed, the Oregon Department of Fish and Wildlife as well as the Army Corps of Engineers placed requirements that resulted in a redesign of the project to remove culvert widening from the project.

Financially, an assignment of savings of approximately \$110,000 from the developer will be provided to the City. Mr. Miller further noted the agenda statement listed \$130,000 from the Street SDC Fund which should have been \$310,000; and \$75,000 from the Storm Drain SDC Fund. Additionally, it was noted that this is the second time for essentially the same project to go out to bid except now the project includes a path from Alta Vista to Arrowhead Trail. A total of six bids were received (Knife River Materials, JRT Construction, Central Pipeline, Inc., Kogap Enterprises, Inc., HGC, Inc., J. F. Shea Construction) with Knife River Materials being the lowest bidder

There was additional discussion about the project budget, and location of sidewalk, curb and gutter being on the Golf Course side of the road, as well as at the Creekside Center; and a transition to asphalt at a section of the path near the Butcher Shop.

Mayor Russell asked for a motion to approve Resolution No. 2015-45. Councilor Jenks made a motion to approve Resolution No. 2015-45 and Councilor Sell seconded the motion. There was no discussion. Roll call: Wayne Brown, aye; Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Bob Russell, aye; and Jonathan Bilden, absent. The motion passed unanimously by those present.

- 10.4 Resolution No. 2015-46. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract for the 2015 Paving Project.

Robert Miller, Public Works Director, explained that this project is part of the 2012 Pavement Management Program and targets roads beyond repair (Crystal Drive from Westwind Circle to Teakwood, Sarah Park Circle, Garden Circle, St. Thomas Lane – gravel, Edith Circle, a section of Napa Street, West Main Alley, and South Buchanan Avenue if funding allows). Mr. Miller announced that the bid

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opening had been held earlier in the day and a revised Resolution (Submission No. 2) with the bid results revealed Copeland Paving Inc. was the low bidder at \$248,869.25. In order to include South Buchanan Avenue, a transfer of \$25,000 was requested from the Street Fund – Street Rehabilitation Line to the Pavement Management Program Line. Mr. Miller explained it was sensible to include Buchanan as the prices were good and this portion of Buchanan was already scheduled for next year's project goals. A brief discussion followed about project funding and staying within the estimate of \$272,000. In addition to paving, chip sealing is estimated to begin on or around the 2nd week in September.

Mayor Russell asked for a motion to approve Resolution No. 2015-46. Councilor Sell made a motion to approve Resolution No. 2015-46 and Councilor Jenks seconded the motion. There was no discussion. Roll call: Bill Fierke, aye; Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Wayne Brown, aye; Bob Russell, aye; and Jonathan Bilden, absent. The motion passed unanimously by those present.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke reported on the School Board's meeting wherein a discussion was held about the potential sale or use of the building formerly used for the Elk Trail School. Policies were also discussed including an in depth discussion about athletic fees.

Councilor Jenks reported favorably on the Street Dance.

Councilor Prunty reported the Parks and Recreation Commission meeting had been cancelled due to scheduling and lack of agenda items.

Councilor Brown discussed Rogue Valley Sewer Services transferring funds to Shady Cove which will be paid back at end of year. Councilor Brown further discussed a franchise fee appeal and Central Point charging a franchise fee.

Councilor Sell reported on the recent Planning Commission meeting including a Public Hearing on Cottonwood Village Phase II with a second Public Hearing scheduled for the Council's final approval. Councilor Sell further reported on the land size requirement for approvals of conditional use permits as being one acre or more. On a separate note, Councilor Sell expressed appreciation to Chief Thompson for inviting Councilors to participate in a police officer training.

Mayor Russell reported attending a Medford Water Commission (MWC) Cost of Services Workshop wherein Ed Olsen, MWC's former Manager represented Eagle Point's interest. During that meeting, Mr. Olsen pointed out areas in the Cost of Service Study which he believed were inaccurate. The MWC will release its findings on September 4th and hopefully make adjustments to reduce the increase to small cities. Mayor Russell went on to express appreciation to staff for their time on the recent Street Dance and announced plans to attend the Rogue Valley Council of Governments (RVCOG) meeting on the following day.

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12. STAFF REPORTS

Melissa Owens, Finance Officer, reported staff is reconciling the 2014-2015 financials and preparing for the auditors' visit. Staff is also evaluating the 2015-2016 financials in regard to long range planning. In addition, a great deal of work is being done in Human Resources (HR) on recruitment for two vacancies and other HR duties.

Robert Miller, Public Works Director, expressed appreciation for the Council's approval of projects and reported on upcoming projects such as Elm Way sidewalks, and Main Street Lights.

Vern Thompson, Chief of Police, reported favorably on the Exclusion Ordinance as it has already become a useful tool with certain repeat offenders. Chief Thompson also reported attending a sexual assault victim's training (You Have Options) with a new way of interviewing called FETI (Forensics, Experiential, Trauma Interviewing) which helps to lessen the harm to victims, with the goal of identifying serial rapists. The Police Department is working toward becoming credentialed in this area over the next year and a half.

Attorney Kellerman reported the Medford Water Commission workshop was informative and noted that most outside cities had counsel representation.

Henry Lawrence, City Administrator, reported most of the updates were in the Friday Letter. Agenda items for the September 8th Council meeting include a discussion regarding marijuana and consideration of a local option tax, time, place and manner, and backyard grows. Attorney Kellerman discussed examples from the League of Oregon Cities and planned to provide the Council with those materials. During the September 8th Council meeting, the Council's direction will be sought in determining whether to put this item on the ballot. A brief discussion followed about whether the Council had already decided to put the item before the voters, and a request was made for the results of the City's vote on Measure 91.

Cindy Hughes, City Recorder, reported about ongoing recruitment for the Economic Development Commission.

13. INFORMATION

There were no information items to discuss.

At 8:19 p.m., Mayor Russell recessed the meeting for a short break and announced that representatives of the news media and designated staff would be allowed to attend the Executive Session. All other members of the audience would be asked to leave the room and welcomed back afterwards.

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13. 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 8:24 p.m., Mayor Russell opened the Executive Session pursuant to 192.660(2)(i). Following discussion, Mayor Russell closed the Executive Session at 8:36 p.m.

14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 8:37 p.m.

Respectfully submitted,


Cindy Hughes, City Recorder

ATTEST:


Robert E. Russell, Mayor