



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

DECEMBER 11, 2018

REGULAR MEETING MINUTES

1. CALL TO ORDER – 6:00 P.M.

Mayor Russell called the meeting to order at 6:00 p.m.

Council Members Present: Bob Russell, Jonathan Bilden, Bill Fierke (via Skype), Ruth Jenks, James Mannenbach, Kathy Sell, and Michael Stanek.

Staff Members Present: Henry Lawrence, City Administrator; Souvanny Miller, City Attorney; Darin May, Police Chief; Robert Miller, Public Works Director; Melissa Owens, Finance Director; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Sue Kupillas, Board President, Butte Creek Mill Foundation; Garry Penning, Rogue Waste, Inc.; Suzi Collins, Planning Commissioner; Bernie Grossman, Planning Commissioner; Eric Gunn, Budget Committee Member; David Lacombe, Community Development Commissioner; Kevin Walruff, 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 the invocation. Following the invocation, Mayor Russell reminded everyone about quieting cell phones until after the meeting.

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

Tom Dover discussed the impracticality of the previously proposed footpath project along Little Butte Creek near the Mill property; however, he noted that cleaning of the area would be helpful if the City could assist in some way.

There were no other audience questions or comments.

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4. PRESENTATIONS

4.1 Presentation of Service Awards to Mayor Russell and Councilors Bilden, Jenks, and Sell.

Mayor Russell presented service awards to Councilors Bilden, Jenks, and Sell, and spoke of each City Councilor's service and contributions. Next, Henry Lawrence, City Administrator, presented Mayor Russell with a crystal service award, noting it had been an honor to serve with the Mayor and this Council. Mr. Lawrence spoke highly of Mayor Russell's leadership and presence in the community, as well as the support of the late Deborah Russell. Mayor Russell expressed appreciation to the citizens of Eagle Point for allowing him the honor to serve, and commended staff as being the best in the Rogue Valley. In addition to the service award, Mayor Russell graciously received a shadow box with an Eagle Point Police Department badge and patch.

5. PUBLIC HEARINGS

There were no Public Hearings.

6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of November 27, 2018.

Mayor Russell announced the Consent Calendar. Cindy Hughes, City Recorder, presented proposed revisions to page 5 of the Minutes. There were no questions or comments. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Stanek seconded the motion. There was no discussion. Roll call: Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; and Bob Russell, yes. The motion passed unanimously.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid. There being no questions, Councilor Bilden moved to approve the regular bill list in the amount of \$67,829.06 and the additional bill list for \$22,778.54 (Submission No. 1). Councilor Stanek seconded the motion. There was no discussion. Roll call: Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; and Bob Russell, yes. The motion passed unanimously.

9. OLD BUSINESS

9.1 Resolution No. 2018-51. A Resolution authorizing the Mayor to sign an Intergovernmental Grant Agreement with the Oregon Business Development Department (OBDD) and a Subgrant Agreement with the Butte Creek Mill Foundation, for the Historical Rebuild of the Butte Creek Mill.

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Mayor Russell announced this item and then recused himself. Council President Jenks explained this item had been continued from a previous meeting. Henry Lawrence, City Administrator, explained about there being two agreements. The Intergovernmental Agreement with OBDD is between the State and the City, and the Subgrant Agreement is between the Butte Creek Mill Foundation and the City. The City's role is as the agent to facilitate the transfer of funds for reconstruction of the mill and both agreements are required.

City Attorney, Souvanny Miller, explained about the Intergovernmental Agreement facilitating the transfer of funds from the State to the Butte Creek Mill Foundation for specific purposes as laid out in the State grant. Attorney Miller further explained about ways the City could default, but noted the agreement is not available for meaningful change as the State processes many of these agreements and has settled on this preordained language. Attorney Miller continued on, explaining that the State does not look for contract violations but rather that the contract is a standard contract providing remedy to the State in the event of gross misconduct. A review of the agreement focused on: Defaults, Indemnification, Exhibit A, project completion dates for this portion of the project, and close out obligations. It was also clarified that the invoicing period is from this point forward.

With regard to the Subgrant Agreement, changes since the last meeting indemnifies the City for the statements made in the application which Attorney Miller explained will essentially be erased upon the implementation of the Intergovernmental Agreement and Subgrant Agreement. Attorney Miller further reviewed reimbursement and reporting requirements of the Foundation to provide documentation to the City. The City also has the ability to request additional information from the Foundation. Discussion ensued which resulted in Attorney Miller proposing the following changes to the Subgrant Agreement:

17. ~~Prior to May 29, 2019,~~ Grantee ~~shall~~ has adopted a plan for the on-going operation and maintenance of the Project, including measures for generating revenues sufficient to assure the operation and maintenance of the Project for not less than ten years following the project completion date.
18. ~~Prior to May 29, 2019,~~ Grantee ~~has~~ obtained **and agrees to maintain** insurance policies with responsible insurers, insuring against liability and risk of direct physical loss, damage or destruction of the Project. Grantee shall main these insurance policies for not less than ten years following the project completion date.

There was additional discussion about the use of the word "contract" as used in the Subgrant Agreement on Page 6 under II Project Description. Attorney Miller's interpretation of the word in the context of that sentence is that the City would execute the Subgrant Agreement.

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There being no further discussion, Council President Jenks asked for a motion to authorize Resolution No. 2018-51. Councilor Stanek made a motion to authorize Resolution No. 2018-51, a Resolution authorizing the Mayor to sign an Intergovernmental Grant Agreement with the Oregon Business Development Department (OBDD) and a Subgrant Agreement with the Butte Creek Mill Foundation, for the Historical Rebuild of the Butte Creek Mill, as amended; and Councilor Mannenbach seconded the motion. Council President Jenks announced the motion and second to authorize Resolution No. 2018-51, as amended. There was no discussion. Roll call: James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; and Bob Russell, recused. The motion passed with six yes votes.

Sue Kupillas, Board President, Butte Creek Mill Foundation, expressed appreciation to the Council and assured the Council that the money would be put to good use.

10. NEW BUSINESS

Mayor Russell requested to change the order of business to deliberate Item No. 10.5, noting a representative in the audience. There was no objection stated.

- 10.1 Resolution No. 2018-52. A Resolution cancelling the December 25, 2018 regular meeting of the Eagle Point City Council and authorizing staff to pay the bills through January 8, 2019 or until the next City Council meeting.

Henry Lawrence, City Administrator, explained the City Council would not meet again until January 8th and the Resolution would give permission to pay the bills.

There being no further discussion, Mayor Russell asked for a motion to authorize Resolution No. 2018-52. Councilor Bilden made a motion to authorize Resolution No. 2018-52, a Resolution cancelling the December 25, 2018 regular meeting of the Eagle Point City Council and authorizing staff to pay the bills through January 8, 2019 or until the next City Council meeting; and Councilor Sell seconded the motion. Mayor Russell announced the motion and second to authorize Resolution No. 2018-52. There was no discussion. Roll call: Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; and Bob Russell, yes. The motion passed unanimously.

- 10.2 Resolution No. 2018-53. A Resolution authorizing accepting the Abstract of Votes regarding the ballots cast in the State of Oregon General Election held Tuesday, November 6, 2018; and directing the City Recorder to issue Certificates of Election.

Cindy Hughes, City Recorder, explained that following each election, the Jackson County Clerk prepares an Abstract of Votes cast in the City of Eagle Point. Approval of the Resolution was to accept the Abstract of Votes included in the Resolution as Exhibit A.

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Additionally, the Resolution directs the City Recorder, to prepare and deliver a Certificate of Election to each qualified candidate having the most votes for election in accordance with Oregon Revised Statutes.

There being no further discussion, Mayor Russell asked for a motion to authorize Resolution No. 2018-53. Council President Jenks made a motion to authorize Resolution No. 2018-53, a Resolution authorizing accepting the Abstract of Votes regarding the ballots cast in the State of Oregon General Election held Tuesday, November 6, 2018; and directing the City Recorder to issue Certificates of Election; and Councilor Sell seconded the motion. Mayor Russell announced the motion and second to authorize Resolution No. 2018-53. There was no discussion. Roll call: Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; and Bob Russell, yes. The motion passed unanimously.

- 10.3 Resolution No. 2018-54. A Resolution authorizing a Letter of Intent to the State of Oregon, Business Oregon, Sustainable Infrastructure Planning Projects (SIPP) for funding Seismic Plans, and authorizing a contract with RH2 Engineering for a Phase 1 initial evaluation and planning effort.

Robert Miller, Public Works Director, reviewed the Agenda Statement in its entirety. The 2013 Water System Master Plan is the City's 20-year planning document for the water system. Updates may be made as needed to address any issues that become evident such as the current need for an emergency water supply plan, specific to seismic events. Seismic Risk and Assessment Plans are also now required by Oregon Health Authority (OHA) for any water master plan updates.

Mr. Miller continued with an explanation about a funding opportunity presented by the Oregon Health Authority, through the Business Oregon Sustainable Infrastructure Planning Projects (SIPP), for seismic risk assessments and mitigation plans. The funding offers a 100 percent forgivable loan, on a first come first served basis. The Resolution proposed authorizing a Letter of Intent and Grant Application, as well as a contract with RH2 Engineering for a Phase 1 initial evaluation and planning effort. Funding for the contract had not been budgeted but was proposed from the 2018/19 Water Fund – Contingency.

A brief discussion followed about the consultant's requirements and the number of connections within the City. Mr. Miller anticipated that the amount would be less than the 3,300 threshold in the grant application but would evaluate.

There being no further discussion, Mayor Russell asked for a motion to authorize Resolution No. 2018-54. Councilor Bilden made a motion to authorize Resolution No. 2018-54, a Resolution authorizing a Letter of Intent to the State of Oregon, Business Oregon, Sustainable Infrastructure Planning Projects (SIPP) for funding Seismic Plans, and authorizing a contract with RH2 Engineering for a Phase 1 initial evaluation and planning effort; and Council President Jenks seconded the motion. Mayor Russell announced the motion and second to authorize Resolution

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No. 2018-54. There was no discussion. Roll call: Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; and Bob Russell, yes. The motion passed unanimously.

10.4 Resolution No. 2018-55. A Resolution adopting the Rogue Valley Stormwater Quality Design Manual.

Robert Miller, Public Works Director, reviewed the Agenda Statement in its entirety beginning with Eagle Point's participation in storm water quality for more than 15 years. Through the Stormwater Advisory Team, Rogue Valley Sewer Services (RVSS) created the proposed Rogue Valley Stormwater Quality Design Manual, revised July 2018. Staff recommended language be included in the manual referencing the Rogue River Basin TMDL. RVSS is willing to revise sections of the guide specific to Eagle Point. The Stormwater Advisory Team will consider the proposed changes in January, with formal approval at its April 2019 meeting. It was further noted that adoption of the manual will provide a consistent guide with standard details and methodology on storm water quality, erosion, and sediment control.

Additionally, Mr. Miller reported that the Department of Environmental Quality (DEQ) Municipal Separate Storm Sewer System (MS4) Phase II, National Pollutant Discharge Elimination System (NPDES), requires Eagle Point to adopt the guidelines provided in the manual as part of the upcoming permitting process. The statewide NPDES general permit for discharges from small MS4s was issued by DEQ on November 30, 2018. Mr. Miller further explained about the DEQ, as part of the Rogue River Basin Total Maximum Daily Load (TMDL), mandating agencies to adopt guidelines for erosion and sediment control.

There being no further discussion, Mayor Russell asked for a motion to authorize Resolution No. 2018-55. Council President Jenks made a motion to authorize Resolution No. 2018-55, a Resolution adopting the Rogue Valley Stormwater Quality Design Manual; and Councilor Mannenbach seconded the motion. Mayor Russell announced the motion and second to authorize Resolution No. 2018-55. There was no discussion. Roll call: Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; and Bob Russell, yes. The motion passed unanimously.

10.5 Resolution No. 2018-56. A Resolution authorizing a Second Extension to the Solid Waste Disposal and Landfill Capacity Guarantee Agreement, dated January 26, 1999, between the City of Eagle Point and Dry Creek Landfill, Inc.

Henry Lawrence, City Administrator, reviewed the Agenda Statement, explaining that in 1999, the City entered into an agreement with Dry Creek Landfill, Inc. (DCL) to provide a place to take its waste. A provision in that agreement allows a ten-year extension. The first extension was entered into in 2009, extending the agreement to 2039. This second extension will extend the agreement until 2049. Mr. Lawrence

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went on to explain that the extension guarantees a solid waste facility for the City and gives DCL the ability to plan long term.

Garry Penning of Rogue Waste, Inc., provided the history of landfills being regulated in the 1980's with requirements to line and cap. At that time, the County and DCL negotiated a contract for the build-out of the landfill. One of the County's requirements was that all areas in Jackson County would be charged the same amount, and that Jackson County and its residents would be assured of the last 30 years of the life of the landfill. Mr. Penning extended an offer to the Council and public to tour the landfill and confirmed the extension has also been offered to the other cities that participated in the agreement.

There being no further discussion, Mayor Russell asked for a motion to authorize Resolution No. 2018-56. Councilor Sell made a motion to authorize Resolution No. 2018-56, a Resolution authorizing a Second Extension to the Solid Waste Disposal and Landfill Capacity Guarantee Agreement, dated January 26, 1999, between the City of Eagle Point and Dry Creek Landfill, Inc.; and Councilor Mannenbach seconded the motion. Mayor Russell announced the motion and second to authorize Resolution No. 2018-56. There was no discussion. Roll call: Ruth Jenks, yes; James Mannenbach, yes; Kathy Sell, yes; Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; and Bob Russell, yes. The motion passed unanimously.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke expressed appreciation and it being a pleasure working with the outgoing members of the Council.

Councilor Bilden reported attending the Southern Oregon Regional Economic Development Inc. (SORED) meeting earlier in the day and reported on its clean audit, and discussion regarding the Rogue Valley Expressway. Councilor Bilden also reached out to the newly elected City Councilors to wish them well.

Council President Jenks reported meeting with City staff and the Rogue Valley Transportation District (RVTD) regarding a proposal for trial bus service to Eagle Point. Council President Jenks also reported enjoying working with the outgoing Council members and reported on the informal Showa group's recent meeting.

Councilor Mannenbach also stated he had enjoyed working with the Council and looked forward to working with the newly elected City Councilors.

Councilor Stanek reported attending the Showa meeting and having high hopes. Additionally, he discussed it being a pleasure working with the Council and looked forward to the new Council. He further reported on seeing a training video about Council interactions and was glad that the conflict he had seen was not part of this Council's conduct.

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Councilor Sell expressed gratitude to the City for allowing her to serve and extended good wishes to the newly elected City Councilors.

Mayor Russell reported attending the Rogue Valley Council of Governments meeting, the spectacular tree lighting ceremony, and Santa Visit in the Ashpole Center. In addition, caroling at the Mill was planned with free cookies and hot chocolate. Mayor Russell also reported judging at the Festival of the Trees, and on the FFA Dinner raising \$45,000. With regard to Showa, the group is working to create a non-profit and trying to raise funds for scholarships to help students visit Showa. Last, Mayor Russell extended holiday greetings, expressed pleasure about serving as Mayor, and looked forward to attending the January meeting with Ruth Jenks being sworn in.

12. STAFF REPORTS

Mike Upston, Planning Director, expressed appreciation to the Mayor for the positive comments about the Friday Letter and reported on development. The Arrowhead Alley had been completed and a long list of development is anticipated over the next year and a half. Other work in progress is the addition of the new logo being added as funding allows, and a Resolution regarding Rogue Valley Transit District service. The Planning Commission and Community Development Commission will both meet in February.

Melissa Owens, Finance Director, announced the Finance Department is focusing on year-end processes and the upcoming Budget. Ms. Owens noted an article about fraud in the Friday Letter, and reported on recruitment efforts with a new water operator as well as police recruitment.

Robert Miller, Public Works Director, briefly discussed ongoing development and provided an update on undergrounding utilities on the Linn Road project.

Police Chief May reported on recruiting efforts with a new hire anticipated in January, and further reported on a substantial methamphetamine bust, and a separate case with stolen goods recovered. Next, Chief May reported on the Shop with a Cop Program with about \$3,000 plus in donations and more coming which will help a lot of families.

Souvanny Miller, City Attorney, expressed appreciation to the Council for being her first Council and shared sentiments from Joe Kellerman about all of the Council being dedicated to the community.

Henry Lawrence, City Administrator, announced plans to attend the League of Oregon Cities training session for elected officials with the incoming City Council and Attorney Miller. The training schedule included Council responsibilities, ethics, public meetings law, public records law, high functioning governing bodies, land use, and setting Council priorities.

Cindy Hughes, City Recorder, expressed appreciation to the City Council for their service and stated it had been a pleasure working with them.

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13. INFORMATION

There were no information items.

14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 7:30 p.m.

Respectfully submitted,



Cindy Hughes, City Recorder

ATTEST:



Ruth Jenks, Mayor