



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

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

JUNE 9, 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, 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; Char Hoppe, Parks and Recreation 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

Helen Wolgamott requested and received the Mayor's approval to hold the dedication ceremony for the Blue Star Memorial Highway Marker at the Harnish Visitor's Center on Armed Forces Day, May 21, 2016, instead of Memorial Day.

Phil Austin of Eagle Point and a member of the Eagle Point Golf Club, expressed concern about overgrown weeds presenting a potential fire hazard near his home. In addition, he reported contacting the City but had not received a return phone call. Public Works Director, Robert Miller, discussed attempting to reach the property owner and deferred to Chief Thompson regarding code enforcement. Chief Thompson discussed visiting the area earlier in the day and planned to contact the property owner. In addition, Chief Thompson clarified that the expectation is that citizens will receive return phone calls. It was further

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noted that weed abatement throughout the City was in progress as recent rains and warm weather had led to rapid growth. Next, Mr. Austin discussed limited visibility of the cross walk sign on Robert Trent Jones and Silverado, and suggested additional signage. Further, Mr. Austin inquired about developing Arrowhead Trail to Shasta. Mike Upston, Planning Director, responded that it was not anticipated for a couple of years and would be completed by the developer. Last, Mr. Austin discussed fast traffic near his home, and Mr. Miller invited him to stop by to visit about any of his concerns.

Sellar Nugent of Eagle Point inquired about future construction on Stevens Road near the school. Mr. Nugent reported writing three letters to the City over a period of time beginning in 2011. Mr. Nugent presented copies of the letters (Submission No. 1) and a copy of a speech prepared to be delivered at the Council meeting (Submission No. 2); however, it was not read in its entirety. In regard to the letters, Mr. Nugent reported he had not received a response from the City and wanted to know why construction had not begun. Mr. Nugent also expressed concern about pedestrian safety, weight limits, and heavy usage by trucks. Mayor Russell explained that it takes a long time for expensive improvements such as this to be completed and it had been on the City's list for things to improve. Robert Miller, Public Works Director, reported the City had received a grant for the improvements and the design is scheduled to begin in approximately three months. Next, Mr. Nugent requested the City to consider an interim solution to prevent the loss of life. In closing, Mr. Nugent also expressed that the builder of the school should be liable for repairs to the road. Mayor Russell welcomed Mr. Nugent to visit with Mr. Miller at City Hall and thanked him for his input.

Ryan Barbeau of Eagle Point proposed reducing the rates for late fees for utility payments and presented information about late fees in other cities (Submission No. 3). Mayor Russell offered to discuss the request at a future Council meeting and Mr. Lawrence suggested reviewing the item at the July 28<sup>th</sup> Council meeting.

Diane Archer of Eagle Point inquired about youth activities through Parks and Recreation. Robert Miller, Public Works Director, discussed the City's youth programs offered by the City and YMCA. Mr. Miller invited Ms. Archer to visit City Hall for additional information.

#### 4. PRESENTATIONS

##### 4.1 Presentation regarding "If I were Mayor, I would ..." Contest.

Mayor Russell welcomed students and parents to the City Council meeting and presentation of the "If I were Mayor, I would ..." contest. Mayor Russell explained that Eagle Point started the contest last year and received a lot of great ideas from the students. Mayor Russell presented each student in attendance with a certificate of participation. While it was difficult it was to select only three winners for the competition, the winners for the essay competition (8<sup>th</sup> grade students) were: Caleb Acosta – 1<sup>st</sup> Place; Alyson Scheffler – 2<sup>nd</sup> Place; and Morgan Kennedy – 3<sup>rd</sup> Place. Gift certificates to Barnes & Noble were awarded for first place at \$100, second place \$75, and third place \$50.

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### 5. PUBLIC HEARINGS

- 5.1 A Public Hearing in the matter of authorizing the increase of the Water Base Rate and Water Consumption rates.

Mayor Russell opened the public hearing at 7:30 p.m. and requested Melissa Owens, Finance Officer, to provide a report.

Ms. Owens explained that a considerable amount of time had been given to reviewing the finances of the Water Fund. In 2013, the City started taking a look at overall long term projections and had not made increases for some time. As part of paying off some long term debt, the City borrowed internally from the General Fund and the Street SDC Fund; however, it is critical to repay that debt within 10 years. In order to pay back the loan, a 4% increase had been factored into rates. Twice a year the City evaluates the funds and determines if any proposed increases will be brought before the Council for deliberation.

Ms. Owens discussed variations in water usage based on consumption. In the 2015-2016 budget, a proposed increase of 4% would cost an additional approximate amount of \$1.32 for approximately 9,000 gallons. An individual using 3,000 gallons would pay an additional \$1.29 per month. Ms. Owens further explained the importance of the 4% increase this year, and the next couple of years, due to the way money compounds. Skipping only this year with everything else remaining the same would result in the funds being \$530,000 less by the year 2023.

Ms. Owens offered to answer questions. Councilor Sell asked about the previous increase which Ms. Owens explained included base and consumption rates at 4%. A brief discussion followed about the percentages.

Mayor Russell invited audience comments in favor or opposition, and there was no further testimony or comments. At 7:38 p.m., Mayor Russell closed the Public Hearing.

Next, Mayor Russell reported the proposed Ordinance No. 2015-03 was scheduled later in the Agenda as Item No. 10.1 under the "New Business" section of the Agenda. Further, there being no objections to changing the order of business, Mayor Russell asked to discuss and deliberate the proposed Ordinance No. 2015-03. Councilor Fierke discussed the Council's awareness of the problems that a 4% increase could cause, as well as obligations such as the new tank. Councilor Fierke discussed not skipping the increase and hoped to be able to skip some in the very near future.

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There being no further discussion, Mayor Russell asked for a motion to adopt Ordinance No. 2015-03. Councilor Jenks made a motion to adopt Ordinance No. 2015-03 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.

### 6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of May 26, 2015.

6.2 Budget Committee Minutes of May 28, 2015.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and 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.

### 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. There were no questions regarding the bills to be paid. Council President Bilden moved to approve the Bills to be Paid and Councilor Jenks 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

9.1 Resolution No. 2015-25. A Resolution authorizing the selection of consultant(s) for Engineering Services for USDA Water System Improvements.

Robert Miller, Public Works Director, provided a summary of the item based from the agenda statement. Civil West had identified current deficiencies in the system with major components being a new 1.6 MG tank, providing a 3-day emergency water supply for the City, and relocation of the Bellerive Pump Station to closer proximity of the existing 4.0 MG tank. Next, Mr. Miller reported there were five proposals and those firms were introduced to the Council.

Mr. Miller continued with an explanation of the selection process and the selection team's ranking of the firms in the following order: Murray Smith, Civil West, and HDR Inc. Mr. Miller explained that the City Council had the authority to revise the ranking of the firms.

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Henry Lawrence, City Administration, discussed the selection process for architecture engineering services and apologized for making an error during the last meeting regarding that process. Typically, this type of selection would be similar to selecting a physician, selecting the best qualified physician and then negotiating price. The City adopted the Attorney General's rules regarding public contracting including professional services. However, the City's Municipal Code includes a provision that price may be included as a dominant criteria for selection. Mr. Lawrence advised the Council that they were free to discuss price but cautioned against low bidding. It was further explained that selection of the first ranked firm was the goal for the meeting and negotiations would follow.

Next, Mr. Miller suggested the firms may want to provide a presentation, however, no PowerPoint presentations, slides, or audio would be permitted. All firms were agreeable to making presentations and leaving the room while the other firms made their presentations. Presentations were made in alphabetical order, starting with Century West.

Michael Bull of Century West Engineering did not present a formal presentation but was excited about having an office in the area and working with the City of Eagle Point in the future. There was a brief discussion about the knowledge curve on the project.

Garrett Pallo of Civil West Engineering reported he did not have a fancy presentation but rather would speak from the heart. Mr. Pallo reported working with the City for several years including working with Mark Taylor on a solution to inexpensively fix a leaky tank. Civil West also created a Master Plan, and has helped staff pursue funding, and completed environmental reports and special studies in preparation for this project. Mr. Gallo also reported working on other projects with the City and providing the same level of commitment to Eagle Point's projects. Mr. Gallo also reported Civil West was different and unique because of the thousands of hours it had spent on mapping, modeling, and understanding the system completely. Mr. Gallo went on to discuss Civil West as being a truly local company. While other cities had wanted Civil West to locate with them, they chose Eagle Point, entering into a five year lease and planning stay as part of the community. Mr. Gallo explained that Civil West has staff living in Eagle Point and Civil West also participates as part of the community. He further noted they are a small firm, and that most big firms have entire marketing teams, and graphic designers. However, he reported preparing the proposal over a weekend by himself. Mr. Gallo discussed his belief of their overhead being lower as well as billing rates being lower. He also discussed the desire to work hard with City, and their firm being a growing firm, that will do good work and be here, just minutes away. Mr. Gallo stated they wanted to work for Eagle Point and have a long term commitment, not just a project commitment.

A lengthy discussion ensued about Civil West and its proposal. One point was about the presentation of the proposal. Mr. Gallo referenced the video presentation of a

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3D model of the proposed tank to show what it would look like. Additionally, Mr. Gallo reported discussion of the existing shiny dome during a meeting at the City of Yachats. Next, Mr. Gallo discussed the procurement process from the perspective of a smaller firm. Discussion followed about developing a schedule that would work for the City, Civil West's staffing, and consideration of hiring a local firm.

Mark Taylor, mostly of Eagle Point, offered many comments in support of Civil West Engineering. Mr. Taylor reported working with Mr. Pallo for numerous years and stated he had never met a person with as much integrity. Mr. Taylor expressed his appreciation for the City of Eagle Point as a supportive community and reported encouraging Mr. Gallo to locate in Eagle Point. He also reported he had nothing to gain but offered his recommendation, noting that anytime he worked with Civil West's plans, he bid the work at 10-12% less than he normally would. Mr. Taylor offered to provide any references as needed.

Brian Wilkinson of HDR Engineering presented a diagram of the Eagle Point Water System (Submission No. 4), and introduced Pete Tilley, Principal Office Manager, of their Ashland Office. Mr. Wilkinson explained that HDR is a large firm with over 200 staff members in Oregon and 8,000 worldwide, which would benefit the City by their ability to call upon and mobilize specialized people as needed. Next, Mr. Wilkinson discussed concerns about cost and scheduling of the project, as well as USDA rules. Additionally, there was significant discussion about bidding the projects as one package in order to know the cost and then to plan as needed. Mr. Wilkinson further discussed their experienced and extensive staffing resources with the ability to break the project into smaller pieces and then working on them collectively and putting them together in the end. Mr. Wilkinson also discussed modeling, rezoning, and being ready to serve the City. There was favorable discussion about the graphic submission which had not been included in the proposal. Pete Tilley asked for a few minutes to discuss the benefits of HDR's experienced staffing and ability to connect with experts from all over the country together with their commitment to serve the City.

Brian Gintner of Murray Smith, with Jennifer Garr of Murray Smith, discussed their firm being the most qualified with four reservoirs in the area and recent experience completing a USDA project. Mr. Gintner noted they are the one firm without a local office, but they do not charge for travel time. During construction, they would have a construction manager living in town. Discussion ensued about the functionality risks in the proposed design. Mr. Gintner discussed the budget and schedule, prioritization of needs (standby power, timing of pressure reducing valves), and consideration of whether the volume of the tank and pump station upgrades were appropriate. Murray Smith's first step would be to review the Water Master Plan for opportunities to optimize, and make sure that what we build today doesn't end up being the next thing to address.

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Jeff Ballard of RH2 explained that RH2 may have had a different understanding considering its local passion and history of being in the area. Mr. Ballard suggested consideration of the recommendations. Discussion ensued about RH2's experience with USDA. Mr. Ballard reported RH2 just completed a \$13M sewer project in Washington.

Following the presentations, the City Council discussed the difficult decision of the selection process with several of the firms placing very closely at the top. Ultimately, Civil West was favored as the local engineer, with Murray Smith ranking a close second.

Council President Bilden made a motion approve Resolution No. 2015-25, a Resolution authorizing the selection of consultant(s) for Engineering Services for USDA Water System Improvements with the Council's rating of: 1) Civil West Engineering Services, Inc.; 2) Murray Smith & Associates, Inc.; and 3) HDR, Inc. Councilor Jenks seconded the motion. The rating was clarified and there was no additional 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 thanked all of the firms for their proposals. Garrett Pallo added that RH2 and Civil West have a good relationship and RH2 could be considered as a second set of eyes on the project.

### 10. NEW BUSINESS

- 10.1 Ordinance No. 2015-03. An Ordinance in the matter of increasing the Water Base Rate and Water Consumption Rates, and Repealing Ordinance No. 2014-03.

Ordinance No. 2015-03 was previously deliberated under Item No. 5.1.

- 10.2 Resolution No. 2015-29. A Resolution authorizing a City of Eagle Point Personal/Professional Services Contract for the 2015 Crack Seal Project.

Robert Miller, Public Works Director, announced this was the same process and application as the 2014 Crack Seal Project. The project was advertised and reached all of the builders' exchanges, and all of the contractors that the City had previously engaged were contacted. Bids were submitted by:

C. R. Contracting LLC	\$28,400
Pavement Protectors	\$34,900

Mr. Miller reported the project proposes funding from the Street Fund – Street Maintenance & Repairs. The project is scheduled to start in July and be completed by August.

Mayor Russell asked for a motion to approve Resolution No. 2015-29. Councilor Sell made a motion to approve Resolution No. 2015-29 and Councilor Fierke

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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. 2015-30. A Resolution on behalf of the City of Eagle Point supporting a Transportation and Growth Management (TGM) grant application to conduct conceptual planning within its urban reserve areas.

Mike Upston, Planning Director, explained that the City is looking at future expansion with the first step being conceptual planning. However, growth in Eagle Point has been slower than anticipated although significant demand is anticipated for residential growth. Mr. Upston explained that conceptual planning is very expensive; however, the Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation (ODOT) have a joint grant funding mechanism available every two years. The Rogue Valley Council of Governments (RVCOG) plans to submit a grant application for a Transportation Growth Management (TGM) grant, which requires a Resolution of support. Mr. Upston reported the cost of conceptual planning is estimated at \$50,000 to \$60,000 and requires a 12% grant match.

Discussion followed about growth rates and the applicability of conceptual planning if it isn't used in the near future. There was also concern of whether or not conceptual planning would lock the City into what is determined at this time. The Council discussed using conceptual planning in regard to density levels and Urban Growth Boundaries. In addition, staffing levels and priorities were discussed. Mr. Upston identified updating the Comprehensive Plan and planning for future growth as two top priorities for the Planning Office. Mr. Upston explained that approval of this type of grant would help to prepare the City for future growth although the growth has not occurred as quickly as projected. Last, Mr. Upston explained that tonight's decision was about applying for a grant and a conceptual plan would require adoption at a later time.

Mayor Russell asked for a motion to approve Resolution No. 2015-30. Councilor Prunty made a motion to approve Resolution No. 2015-30 and Councilor Jenks seconded the motion. Council President Bilden noted reservations and the need to readdress the Resolution regarding density; and further clarified this Resolution did not bind density levels. Councilor Jenks requested to be part of the future conversation regarding the Resolution on density levels. There was no further discussion. Roll call: Wayne Brown, Ruth Jenks, aye; Aaron Prunty, aye; Kathy Sell, aye; Jonathan Bilden, aye; Bob Russell, aye; and Bill Fierke, nay. The motion passed with six ayes and one nay.

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

Councilor Fierke announced the D9 School Board meeting would be held on the following day; and Showa students would be arriving on August 3<sup>rd</sup>.



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Council President Bilden reported there had been an Economic Development Commission meeting with one highlight being on downtown historical buildings.

Councilor Prunty provided a reminder about the vacancy on the Parks and Recreation Commission.

Mayor Russell encouraged involvement with Tour De Eagle Point Bike Ride and expressed concern about low participation. Additionally, he reminded everyone about the historical tour and ice cream social. On a final note, he reported on the City of Talent's new splash pad and commented about digging deep to make things happen.

### 12. STAFF REPORTS

Mike Upston, Planning Director, discussed the solicitation for development of the Old Fire Station property. Regarding development, there continues to be increased discussion about duplex type developments with one old application being rebooted. Staff remains busy with permitting and a Planning Commission meeting is anticipated in August. Concerning the Economic Development Commission, Mr. Upston reported discussions with the Oregon Department of Transportation (ODOT) regarding electronic reader boards, and Harnish Wayside continues to be a location for consideration.

Melissa Owens, Finance Officer, expressed appreciation for everyone attending the Budget meeting and approving the Budget. The next step is a public hearing scheduled for the June 23<sup>rd</sup> meeting with a Resolution to adopt the budget. Following adoption, the City will transition through the year end and prepare for the audit visit in October.

Robert Miller, Public Works Director, reported the lighting project was in progress and scheduled for completion in advance of July 4<sup>th</sup>. Mr. Miller was excited to discuss the family summer activity guide, which will go out to every household in Eagle Point. Mr. Lawrence apologized for not involving the Council due to YMCA deadlines, and asked for honest feedback for next year.

Chief Thompson reported the department is doing its best to get compliance with tall weeds before the 4<sup>th</sup> of July. Councilor Prunty inquired about a list of contractors for citizens to use; however, a list is not provided through the City. Councilor Jenks suggested making contact with citizens to let them know their complaints had been received.

Joe Kellerman, City Attorney, reported on legislature activity regarding the marijuana issue. In addition, Attorney Kellerman reported receiving Central Point's Ordinance regarding marijuana; and discussed the Department of Justice's position in favor of the legalization front.

Henry Lawrence, City Administrator, discussed being fortunate to work with very professional and talented individuals. Mr. Lawrence suggested scheduling a study session to revisit time place and manner, as well as discussing backyard grows and nuisance aspects. Future agenda items will include a no smoking ordinance in parks and a separate exclusion ordinance for violators of certain offenses on public properties.

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Cindy Hughes, City Recorder, reported recruitment for the vacancies on the Economic Development Commission and Parks & Recreation Commission.

13. INFORMATION

There were no information items to discuss.

14. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:45 p.m.

Respectfully submitted,

  
Cindy Hughes, City Recorder

ATTEST:

  
Robert E. Russell, Mayor