

# LA PINE CITY COUNCIL REGULAR MEETING AGENDA

March 26, 2008 6 pm

51340 Hwy. 97 La Pine, Oregon 97739  
SOUTH COUNTY BUILDING MEETING ROOM

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Added Agenda Items

5. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired with respect to a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request.

- a. Approval of Minutes
  - i. March 12, 2008 Regular Session
- b. Bills and Invoices
  - i. Travel reimbursement

6. ASPIRE Presentation (10 minutes) **Rescheduled for April 9, 2008 meeting**

7. COACT Representatives

8. Central Oregon Cities Organization (COCO) Membership and Representatives

9. Support Letter for Habitat for Humanity

10. Liquor License for Wickiup Station Sports Pub located at 52600 N. Hwy 97

11. Resolution for Rural Enterprise Zone

12. Citizen Participation Plan for Comprehensive Plan

13. Report on Retirement Plan Work Session (Councilor Bob Dee)

14. Financial Policies

- a. Definition of Capital Asset
- b. Contingency Funds
- c. Methods to Fund Projects/ Major Expenditures
- d. Mandatory Overtime vs. Staffing

15. Franchise Agreements (Councilor Bob Dee)

16. Code Enforcement Complaints

17. Administration Updates

- a. Upcoming Meetings (City Manager)
- b. Statement of Economic Interest (City Manager)
- c. Road Repairs Update (City Manager)
- c. Status of ODOT IGA (City Manager)
- d. Parks District Status and TRT funds (City Manager)
- e. Status of Recruitments (City Manager)

18. Staff Comments

19. Council Comments

20. Public Comments for Items not on the Agenda

21. Adjourn

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above referenced meetings. This notice does not limit the ability of the City Council to consider or discuss additional subjects. Meetings are subject to cancellation without notice. The work session and City Council meetings are open to the public and interested citizens are invited to attend. The meetings are public meetings not a community forum; audience participation is at the discretion of the Council. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Luana Damerval at (541) 536-1432.

**LA PINE CITY COUNCIL REGULAR MEETING MINUTES**  
**March 26, 2008**

**1. Call to Order**

The meeting was called to order by Mayor Martinez at 6:05 pm.

**2. Establish Quorum**

Present were:

Mayor Martinez  
Councilor Shields  
Councilor Maggard  
Councilor Dee  
City Attorney Jeremy Green  
City Manager Christine Nelson  
City Recorder Luana Damerval

**3. Pledge of Allegiance**

The Pledge of Allegiance was led by Councilor Dee.

**4. Added Agenda Items**

Item #6 was canceled.

Add to #17    f. Budget Calendar  
                  g. Affordable Housing Project Update  
                  h. Distressed Community Report

**5. Consent Agenda    2:29:00**

- a. Approval of Minutes
  - i. March 12, 2008 Regular Session
- b. Bills and Invoices
  - i. Travel reimbursement

*A motion was made by Councilor Dee to approve the consent agenda. It was seconded by Councilor Maggard. All ayes - motion passed unanimously.*

**6. ASPIRE Presentation (10 minutes) Rescheduled for April 9, 2008 meeting**

**7. COACT Representatives    3:00:00**

Councilor Dee volunteered to be the primary representative. Mayor Martinez volunteered to be the alternate.

**Public input on this item:** None.

**8. Central Oregon Cities Organization (COCO) Membership and Representatives    5:50:00**

Mayor Martinez volunteered to be the primary member. Councilor Shields volunteered to be the alternate.

**Public input on this item:** None.

**9. Support Letter for Habitat for Humanity    8:27:00**

There was some discussion on density and terminology by the Council.

*A motion was made by Councilor Dee to forward the letter. It was seconded by Councilor Shields. All ayes - motion passed.*

**10. Liquor License for Wickiup Station Sports Pub located at 52600 N. Hwy 97    14:00:00**

Mayor Martinez made a request to wait on this decision until the background check comes back.

**Public input on this item:** None.

**11. Resolution for Rural Enterprise Zone 17:10:00**

There was discussion by the Council regarding the language of the resolution.  
*Council Consensus was to get more answers to the resolution questions.*

A special meeting will be scheduled on Monday 3-31-07 at 5 pm to discuss further.

**Public input on this item:**

Ginny Woodruff - City Resident - Questioned why all 3 entities weren't under 1 Resolution.

**12. Citizen Participation Plan for Comprehensive Plan 30:05:00**

A grant is in the process of being written **to** DLCD, and Christine hopes to have a rough draft from COIC at the end of this week for review. She presented a draft of the Citizens Participation plan and went over the outline, explaining the process.

Councilor Dee asked how much would not be covered by the grant. Christine estimated it to be about \$50,000.

Discussion followed on how that information can be updated and incorporated into today's visioning/planning.

**Public input on this item:** 42:05:00

Mary Garcia - Citizen - She stated when it comes to the public input time, the council needs to be involved in those public meetings, as the County hasn't shown themselves to be concerned.

Gloria Fleming - Citizen - 44:14:00

She had concerns about the density and local control of the City, as that was the main reason for incorporation. She feels all citizens in the community should have an opportunity to express their views about the future of the City, not just a chosen few.

**13. Report on Retirement Plan Work Session (Councilor Bob Dee) 46:37:00**

Councilor Dee reported that several proposals are available to the City. He explained those options. Councilor Maggard also stated she had attended the meeting and her opinion was to go with the Simple IRA.

**Public input on this item:**

Ginny Woodruff - City Resident -

She stated that employees have very expansive benefits. The employee costs are now 25% of the City's budget. She recommends going with the employee only option, until the City can afford to match funds.

*Council consensus is to table this for now.*

**14. Financial Policies 1:03:40**

a. Definition of Capital Asset

Christine stated different jurisdictions consider Capital Assets as different things. She asked the Council to think about what those items will be. She recommended \$2,000 in 2 years, or \$2,000 in 5 years.

**Public input on this item:**

Ginny Woodruff - City Resident -

She recommended the City wait for any approval on this item until the audit is done and feels we don't have enough information yet.

Mary Garcia - Citizen -

She agreed with Ginny on waiting until we get more information.

*The Mayor asked for a motion. No motion was made.*

b. Contingency Funds 1:12:00

Christine explained the definition from the Budget Class. The City can transfer up to 15% of the total contingency fund with a resolution, but any more will require a supplemental budget. She clarified there are only 2 funds at this time, and anticipates more funds for next year.

**Public input on this item:**

Ginny Woodruff - City Resident - She stated that both funds already contain a contingency line item for this fiscal year. We should be careful where we put contingencies, as it is tempting to exceed a budget line item.

Ken Kendall - Budget Officer - He will put that in the budget and doesn't understand why this is being discussed, as the budget committee will decide that.

Christine is looking for council recommendation for this to be put in the budget.  
*Council consensus is to request of the Budget Officer to put contingency funds into the budget.*

Mary Garcia - Citizen - Regarding the 15%, who dictates that amount. Does it have to stay with that category, or is it locked in place.

c. Methods to Fund Projects/ Major Expenditures 1:26:54

Christine stated contingency funds can be rolled into beginning cash to help cover upcoming costs and that we need to plan ahead for permitting, planning and staffing for the next 2-3 years.

She asked the council to look at upcoming items for the next 3-5 years, and that staffing for a permitting office will need to be addressed.

The \$50,000 State loan was discussed and clarified that it will be paid back in the 2008-2009 fiscal budget year with property tax income in November 2008.

Christine wanted the Council to remember the next 2-5 years fiscal planning will need to include operating permitting office, traffic lights and road improvement programs. This will be discussed during the Strategic planning process.

**Public input on this item:**

Ginny Woodruff - City Resident - She feels the long range planning is getting too far ahead as far as staffing. She reminded the council that the \$50,000 needs to be paid back, but this year's contingency fund can be carried over to help pay for that loan.

d. Mandatory Overtime vs. Staffing 1:36:50

Christine reported that as the comprehensive planning process unfolds, more meetings will take place, requiring more administrative work. A 40 hour a week administrative staff will not be able to handle it. This will mandate mandatory overtime, or part-time to full-time extra staffing. Another option is to pay a premium to a consultant for those administrative services.

Councilor Shields stated that we need to get our basics done, such as charters, rules and procedures before getting into things we can't afford to do. We need to get operational first before making plans on things we are not prepared to do.

Mayor Martinez suggested we have meetings during the day while staff is in the office to avoid overtime and also slow down, as we are not ready.

More discussion led to getting back to the foundation work for the city, and creating a realistic priority list.

Councilor Dee thanked Ginny Woodruff for her many hours on the bookkeeping system and suggested advertising on our website for more volunteers to help with administration.

**Public input on this item:**

Ginny Woodruff - City Resident - Wondered if mandatory overtime is even allowed and commented that the intern program has not been mentioned with all of this. She stated that these programs should be more investigated and maybe the possibility of this type of staffing should be forwarded to the budget committee.

Mary Garcia - Citizen - Stated also there are college credit programs available that won't cost the City anything. Also, the people of La Pine need to see that the council is really working for the people and to see it working as a visual thing.

Councilor Shields thanked Ginny for bringing up the intern possibility and asked for a refresher on what the council had previously decided. She was reminded that Council decided not to pursue it because of the financial constraints. This brought the topic full circle back to the acknowledgment that the City needs to not get involved in more than it can handle with current resources.

The council took a break at 7:58 pm.

The meeting reconvened at 8:10 pm **1:55:16**

**15. Franchise Agreements (Councilor Bob Dee)**

Councilor Dee sent a letter to all councilors about the Qwest and Midstate Electric franchises. He feels the City needs to protect and care-take property for the citizens.

Councilor Dee stated 2 discussions need to take place. First, does the council want to have a Franchise agreement with Midstate Electric, to protect the public. Second, do the councilors want to impose a fee or other compensation. Any legal document is put there to prevent problems.

**Public input on this item: 2:21:45**

Ken Kendall - City Resident - He stated that even with an agreement, somebody may still get sued. He also said that putting the agreement together will indeed cost money.

Randy Heise - Habitat for Humanity - Stated that Midstate has done well by the community, but it could be sold at anytime, and this is to protect the City.

Mary Garcia - Citizen - It is not just about them fixing the road, they put in poles, etc. But what if someone comes in and hurts themselves, the City could also be held liable, so that needs to be addressed.

Jim Fleming - Citizen - All we are looking at is the franchise at the moment, to protect the City from liability. Later on, negotiate with Midstate, whether it be street lights, a fee, or whichever. A lesser fee of 1/2 % is a better rate.

Ginny Woodruff - City Resident - A franchise ceases to be a privilege when the fee is passed on to the consumer. The utilities are absorbing no costs or accepting responsibility for the right to conduct business in City limits. Cascade Natural Gas is not passing through their total fee, as they are absorbing some of it. There are thousands of vehicles using the City roads. The small population of the City is paying for all of that cost to the City streets. She feels that toll booths should be applied to the roads to cover that cost. None of the previously passed franchise fees have been issued into the Street Fund of the City. To continue to pass on those fees to the citizens is a total dismissal of the

stewardship of the public trust. The council is beholding to the citizens. She requests the council to wait on the Qwest and Midstate franchise until the City has annexed, and has the population to afford the City's want list. Until then, stay with the needs list. It would be a great agreement without the fees if that is possible.

Edie Kendall - City resident - Questioned if Midstate is sold, would the agreement still be good. She was told "yes".

*A motion was made by Councilor Dee to implement a franchise agreement with Midstate Electric.*

*It was seconded by Mayor Martinez. Vote as follows:*

*Mayor Martinez - aye      Councilor Maggard - nay*

*Councilor Dee - aye      Councilor Shields - nay*

*Motion failed because of a tie.*

**16. Code Enforcement Complaints    2:33:50**

Christine stated this can be postponed until the next meeting.

*Council consensus was to put on next month's agenda.*

**Public input on this item:**            none

**17. Administration Updates    2:34:30**

a.      Upcoming Meetings (City Manager)

The Stoplight Stakeholders meeting was yesterday, discussing the stoplight at Hwy. 97 and First Street, regarding how the stakeholders may be able to fund that. There will be another meeting Monday at 2 pm at So. Co. Meeting Room. She asked for a councilor member to attend. She feels it is still 2 years out, but she is exploring options with grants, that will need 50% local match from the City, the County and L.I.G.I. leaving the amount of \$750,000 coming from these groups.

Councilor Maggard volunteered to attend this meeting.

A meeting within the next 2 weeks will be scheduled with the school district about the new Elementary School off of Burgess Road. Christine will attend a meeting on Tuesday with them also. They hope to have it open by Fall of 2009.

Strategic Planning meeting at 6 pm March 31, 2008 is scheduled. She will let the Councilors know about the 5 pm meeting if she can get ahold of Roger Lee from EDCO.

Ray's Market's Grand Opening ribbon cutting is April 23 at 9 am. On April 22 is meet & greet and they have invited the Council. It will be between 5:30-6 pm. She would like a head count from the Councilors that can attend by next week.

b.      Statement of Economic Interest (City Manager)

She passed out the draft from the State. It will be on the agenda on April 9, 2008.

Councilor Shields stated that there is a good article on this on pg. 12 of the Local Focus. Helpful information is in there making it obvious we can cut down on Attorney costs by taking questions directly to the Ethics Commission.

c.      Road Repairs Update (City Manager)

Swede from ODOT did some more work on the Cagle Subdivision. The cost for the City is currently at \$2540. He will finish Doe Ln. and Pine Dr. soon.

Christine will have a draft road maintenance plan ready for the council on April 9, 2008 meeting.

c.      Status of ODOT IGA (City Manager)

Jeremy and Christine met with ODOT, and a couple of items are being looked at. They are waiting for a final response of this agreement.

d. Parks District Status and TRT funds (City Manager)  
The City is waiting for the State notification of their status.

e. Status of Recruitments (City Manager)  
There are 2 recruitments for council applications at City Hall at this time. We are still accepting these.

f. Budget Calendar  
Christine stated the calendar went out and received no feedback from the councilors.

g. Affordable Housing Project Update  
The Co. Commissioners approved the Affordable Housing Project and awarded it to Pacific Crest. There is a funding gap that needs to be closed by June 30, 2008.

h. Distressed Community Report 2:46:50  
Christine passed out an article on how La Pine has been designated as severely distressed, because it doesn't meet the 4 thresholds from the state.

**18. Staff Comments**

Luana reported that she now has all of the City's Ordinances, Resolutions and Miscellaneous Legal documents in digital format.

**19. Council Comments**

Mayor Martinez stated a performance evaluation of the City Manager is overdue. It is scheduled for April 9, 2008 at 5 pm in executive session.

He was also invited to attend the Portland Rose Festival with Mayor Potter. He Requested from the City to pay for his room. The consensus was yes.

Councilor Shields wanted to bring up again the issue of the Franchises. She asked for more time to think on it, even though she voted nay at this time. She thought she read in the Council Rules and Regulations that she could change her vote, but stated she needed more time. She is sitting on the fence at this time.

**20. Public Comments for Items not on the Agenda 2:53:42**

Randy Heist - Habitat for Humanity - Thanked the Councilors for their letter of support. They will break ground in the next few weeks with the media, and asked if a councilor could be there.

Ginny Woodruff - City Resident - Since incorporation, there have been 4 councilor resignations, and she feels because of tonight's vote, there needs to be a full council immediately.

She also urge a meeting on the franchise without a fee, and this needs to be pursued.

Jim Fleming - Citizen - Wanted to let the City know that Anchor Way looks like it has been worked on.

**21. Adjourn**

*A motion was made by Councilor Dee to adjourn. It was seconded by Councilor Maggard. All ayes - meeting adjourned at 9:12 pm.*

attest:

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City Recorder Luana Damerval

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Mayor Stu Martinez