

# LA PINE CITY COUNCIL MEETING AGENDA

REVISED 7/22/09

Wednesday, July 22, 2009

Work Session – 5:00 p.m.

Regular Session – 6:00 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

## A. Work Session – 5:00 p.m.

1. Call to Order
2. Roll Call
3. Central Cascade Lines – Request for City Support
4. Wildfire Protection Plan
5. Priorities, Goals, and Publicity Plan
5. Outdoor Lighting Agreement  
Tom Weller from Midstate Electric will be available.
6. Adjourn Work Session

## B. Regular Session – 6:00 p.m.

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Added Agenda Items  
Any matters added to the agenda at this time will be discussed during the “Other Matters” portion of this Agenda or at such other time selected by the City Council.
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 concerning 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. July 7, 2009 – BOCC/City Meeting Minutes
    - ii. July 8, 2009 – City Council Work Session and Regular Meeting Minutes

6. Presentation – Bio-Green Sustainable Energy Co.  
Tim Riley, L.D. Jellison, Inc.
7. Selection of Councilor Representative for La Pine Intersection Analysis Meetings
8. Approval of Changing LGIP Bank to Local Bank
9. Temporary Liquor License Sales Application – Homestead Tavern  
FYI – They have cancelled Aug 7 event and Sept 5 changed to Sept 11. Still need to discuss.
10. Other Matters  
Only those matters properly added to this Agenda under line item No. 4 will be discussed at this time.
11. Public Comments for Items not on the Agenda
12. Staff Comments
13. Council Comments
14. 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 meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. The meeting is subject to cancellation without notice. The meeting is open to the public and interested citizens are invited to attend. 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 K. Damerval at (541) 536-1432.

# LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, July 22, 2009

Work Session – 5:00 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

## A. Work Session – 5:00 p.m.

### 1. Call to Order

Mayor Kitty Shields called the meeting to order at 5:07 pm.

### 2. Roll Call

#### **Establish Quorum**

Mayor Kitty Shields  
Councilor Barbara Hedges  
Councilor Adele Moilanen  
Councilor Doug Ward  
City Recorder Luana Damerval  
Administrative Ass't Patti Morgan

#### **Quorum Established**

City Attorney Green was absent by prior arrangement.

00:01:40

### 3. Central Cascade Lines – Request for City Support

City Recorder Damerval reported on her discussions with the State of Oregon, Deschutes County, COIC and Central Cascades Lines regarding this issue. She said she has been told that CCL needs to obtain technical assistance for noncompliance issues in order to apply for next year's grants.

Barry Mills, Chairman of the Board for CCL, said that they have been told they are not in compliance, according to ODOT and Deschutes County, but they did not tell them how to be in compliance and are not willing to help them get in compliance.

In response to a question from Councilor Ward regarding what CCL wants from the City, Lupita Lewis, President of CCL, said they want the City to coordinate a meeting with all the entities and tell CCL specifically what they need from CCL and how to achieve it. City Recorder Damerval stated that with the City's Comprehensive Plan, they had to hire a consultant to achieve the goals that were needed. She also said that CCL was given two reports telling them what they were in non-compliance with before they could receive grants.

00:06:52

Mayor Shields said that it seems like CCL wants the City to do their technical research to find out what they need to do in order to be in compliance. She said that CCL should be able to do that without the City's assistance and that this could set a precedent for the City which could become very

costly for the City. She said everyone that runs a business needs to do their own technical research. During the discussion with Mayor Shields, Lupita Lewis said that CCL is a private nonprofit organization.

Councilor Moilanen stated that there is a large population in La Pine that cannot drive into Bend on their own for a variety of reasons. She also said that there is another transportation system in the City and that the City cannot show favoritism.

00:12:13

Mayor Shields said that the City needs to find out if this issue is a role that the City should be involved with. In response to a question from City Recorder Damerval regarding the Community Transportation of America, Lupita Lewis said they are reviewing all of their policies and procedures. She said they also told her they cannot get involved directly with public entities.

Councilor Moilanen stated it is a public transportation issue but the City would need to ask City Attorney Green to look into the matter. Councilor Ward said this is an area where the City cannot be getting involved with a private enterprise.

00:15:48

Mayor Shields stated that she had no problem with Councilor Moilanen's request to contact the City Attorney and then possibly look into the matter further. Lupita Lewis said that according to the 501-3C IRS codes under charitable organizations, CCL is a public non profit (charitable) organization.

00:16:30

Councilor Hedges asked if one of the reasons CCL is not receiving grants is because of the complaints they have received. Lupita Lewis said that the County and State have lost their objectivity in analyzing the complaints in a fair manner. She said she also does not understand why COIC received CCL's grant monies.

00:18:35

Mayor Shields stated that she did not want to have the City Attorney spend his time on this matter but if a Councilor wants to look into the matter and determine if it is something the City should be looking into, we might be able to help. Councilor Moilanen volunteered to look over the material and would get back to her.

00:21:38

4. Wildfire Protection Plan

Councilor Moilanen stated that she participated as a stakeholder on the committee for the Wildfire Protection Plan. She said the committee comes together, assesses the risk and commits a plan to paper. Councilor Moilanen says that the plan is reviewed every year. She said the La Pine/Sunriver area is divided into 9 communities at risk. The committee is requesting an endorsement from the City of La Pine. The endorsement states that the Council is recommending that the community follow the plan. Councilor Moilanen is also requesting that the Council designate her as the signee for the community endorsement.

City Recorder Damerval asked if it includes inside the City limits, who is going to enforce that or will it be enforced. Councilor Moilanen said that the occupied lots have to be certified. Councilor

Hedges asked about having a property certified. Councilor Moilanen said the lot would have to be cleared first. If not, and there is a fire, the property owner would be liable. Councilor Ward stated that when the City passes its zoning and ordinances laws they need to address fire hazards on properties.

00:29:12

Mayor Shields asked about the deadline for approval which is August 8<sup>th</sup>, before the next Regular Council Meeting. She also said that City Attorney Green suggested reviewing the plan and what would be required by the City. Mayor Shields asked Council about consensus to endorse the plan. She said since there was consensus the plan will be moved forward to the Regular Session and become Agenda item 10a. Councilor Moilanen stated that she would follow through on getting the signed plan back to the committee.

5. Priorities, Goals, and Publicity Plan

Removed

00:38:30

5. Outdoor Lighting Agreement  
Tom Weller from Midstate Electric will be available.

Tom Weller, from Midstate Electric, passed out a revised Outdoor Lighting Agreement. He said that if the City needs to go forth with future lighting, it needs to be a separate contract from the Ford Foundation group. Mr. Weller said on Page 2 of the revised agreement they eliminated the section on what the City would do for future lighting.

Tom Weller stated that the Ford Foundation has about six lights fully funded and expects to get the remaining lights funded before the deadline in about a month. He also gave a brief history of the Ford Foundation in La Pine. Robin Mirrasoul, one of the Ford Foundation Leadership Team members, stated that the criteria of the group were for safety and also to improve La Pine's image. She said the project has to be completed this year or they lose the funding from the Ford Foundation.

00:52:25

City Recorder Damerval stated that City Attorney Green has requested to review the agreement and then bring it back to the Council at a future meeting. She said one of the issues was regarding City right of way.

00:53:26

Mayor Shields and City Recorder Damerval discussed that City Attorney Green was asking for direction from the Council to review the agreement for a Memorandum of Understanding. The Council had consensus for City Attorney Green to follow through on the review and MOU and bring it back to the next Council Meeting.

Mayor Shields stated that the Priorities, Plans and Goals will be discussed at a future meeting due to scheduling conflicts.

6. Adjourn Work Session

The meeting was adjourned at 6:06 pm by Mayor Shields.

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Mayor Kitty Shields

Attest:

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City Recorder Luana Damerval

# LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, July 22, 2009

Regular Session – 6:00 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

## B. Regular Session – 6:00 p.m.

### 1. Call to Order

Mayor Kitty Shields called the meeting to order at 6:18 pm.

### 2. Establish Quorum

#### **Establish Quorum**

Mayor Kitty Shields

Councilor Barbara Hedges

Councilor Adele Moilanen

Councilor Doug Ward

City Recorder Luana Damerval

Administrative Ass't Patti Morgan

#### **Quorum Established**

City Attorney Green was absent by prior arrangement.

### 3. Pledge of Allegiance

Citizen Tony DeBone led the Pledge of Allegiance.

00:01:20

### 4. Added Agenda Items

Any matters added to the agenda at this time will be discussed during the “Other Matters” portion of this Agenda or at such other time selected by the City Council.

Mayor Shields added one Agenda Item:

10a) Agree to Community Wildfire Protection Plan with authorization for Mayor to sign.

### 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 concerning 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. July 7, 2009 – BOCC/City Meeting Minutes
  - ii. July 8, 2009 – City Council Work Session and Regular Meeting Minutes

Mayor Shields made the following corrections to the Minutes:

- (1) July 7, 2009 – on page 4, use correct possessive for Shields; on page 5, remove “who” in one sentence.
- (2) July 8, 2009 – on page 8, change effect to affect in the sentence.

**A motion was made by Councilor Ward and seconded by Councilor Hedges to accept the Consent Agenda with corrections to the Minutes as noted.**

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Kitty Shields</i>	<i>X</i>	
<i>Councilor Doug Ward</i>	<i>X</i>	
<i>Councilor Barbara Hedges</i>	<i>X</i>	
<i>Councilor Adele Moilanen</i>	<i>X</i>	

**Motion passed unanimously.**

00:05:10

6. Presentation – Biogreen Sustainable Energy Co.

Rob Broberg, President of Biogreen Sustainable Energy, began the slide presentation and discussion. He briefly discussed his first meeting with Mayor Shields and City Recorder Damerval, this past spring, and also gave a short biography of his experience. Larry Jellison, Consultant for Biogreen, also participated in the presentation.

The Presentation included the following:

- The plant will be producing power 24/7 and also assisting with forest fire prevention.
- 20 jobs will be created in-house, in addition to contract jobs for truckers and wood cutters.
- They will upgrade the Water District system in exchange for water acquisition.
- EPA monitors the plant and automatically contacts DEQ to shut down the plant if needed.
- It will be the largest project in Central Oregon.

00:35:20

Mayor Shields stated that the presentation was very informative and answered a lot of questions. Councilor Ward asked about the employment opportunities with the plant, especially regarding local hiring. Rob Broberg stated that he would prefer to have employees that are from the local area but cannot give preferential treatment. Biogreen also indicated that the wages would be industry standard for the Northwest and some of the jobs would be seasonal. In addition, tree cutters and trucking companies would be subcontractors.

00:43:20

Mayor Shields stated that hiring local people would be good, especially regarding the severe winter weather in La Pine. Councilor Moilanen asked about the trucks that would be coming through the

City. Larry Jellison stated that trucks would only be coming through the City during the daytime. He also said that they have their own fire response team. Mr. Jellison assured the Council that the City would be included in the infrastructure discussions at some point. Tim Riley, Power Engineer for LD Jellison Inc., stated they have contracted with the Water District to find water rights. He said he would supply the name of the water rights consultant to the Council.

00:47:25

Mayor Shields stated that obtaining water rights is something that the Water District does on a regular basis. Tim Riley said that they will be using the effluent water but have to research how it will affect the pond. Mr. Jellison stated he would like to do a tour with the Council of one of the Biogreen plants.

Councilor Hedges asked if Biogreen was a union company and if they had health insurance for their employees, and if they can change fuels. Mr. Jellison said that they are not a union company, have employee health insurance and they cannot change fuels without community involvement and they have no plans at this time to change fuels.

00:55:20

Mayor Shields asked about air quality and how Biogreen was addressing it. Mr. Jellison stated that they have hired an air quality consultant to assist them with meeting DEQ requirements. City Recorder Damerval asked about supply on hand and the La Pine winters. Mr. Riley stated that most of the wood will be cut a year in advance. He also said that they will stay at responsible specific densities in the forest. In response to a question from Councilor Ward, Mr. Jellison stated that they are going to be bringing in a geo-technical engineering firm to evaluate the possible effect on the aquifer.

01:06:00

During the public questions, Mary Garcia, area resident, asked Biogreen about their use of urea and how it breaks down after use. Mr. Jellison stated that the urea is heavily diluted ammonia that is inserted high up in the stack. He said it is either vaporized or dissolved.

Councilor Moilanen asked about future community meetings. Mr. Jellison stated that there will probably be a picnic and barbeque with some of their technical people present to answer questions.

01:17:50

7. Selection of Councilor Representative for La Pine Intersection Analysis Meetings

Mayor Shields discussed that as a result of the last stakeholders meeting they need to solidify a working core group and need to select a representative from the Council for that group.

Councilor Hedges and Councilor Moilanen both expressed interest in being the Council representative and attending the meetings. During discussion Mayor Shields reminded the council that we needed to designate a representative and an alternate, and both could attend all meetings if they wish. Councilor Moilanen volunteered to be the alternate.

**A motion was made by Councilor Ward and seconded by Councilor Hedges to make Councilor Hedges Council representative for the La Pine Intersection Analysis Meetings, with Councilor Moilanen the alternate.**

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Kitty Shields</i>	<i>X</i>	
<i>Councilor Doug Ward</i>	<i>X</i>	
<i>Councilor Barbara Hedges</i>	<i>X</i>	
<i>Councilor Adele Moilanen</i>	<i>X</i>	

**Motion passed unanimously.**

01:25:20

8. Approval of Changing LGIP Bank to Local Bank

City Recorder stated that the City has an opportunity to have their LGIP Bank transferred to a local bank, Community First in Prineville.

**A motion was made by Councilor Moilanen and seconded by Councilor Hedges for approval of change in the LGIP Bank to our local Community First Bank.**

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Kitty Shields</i>	<i>X</i>	
<i>Councilor Doug Ward</i>	<i>X</i>	
<i>Councilor Barbara Hedges</i>	<i>X</i>	
<i>Councilor Adele Moilanen</i>	<i>X</i>	

**Motion passed unanimously.**

01:27:20

9. Temporary Liquor License Sales Application – Homestead Tavern

FYI – They have cancelled Aug 7 event and Sept 5 changed to Sept 11. Still need to discuss.

City Recorder Damerval stated that regarding the application for the August 7<sup>th</sup>, that event has been cancelled. The second application, for Sept 4<sup>th</sup>, has been changed to September 11<sup>th</sup>. She said regarding the incident cited in her staff report, Homestead stated they did cut the troublemaker off at two drinks but the police had to be called to remove him.

In response to a question from Councilor Ward to Niki Powell, Bartender of Homestead Tavern, she said that the person who created the problem was a known trouble maker who was on parole and not even supposed to be in a bar. She said he is currently back behind bars and serving a long sentence.

Mayor Shields stated it's apparent that the incident happened independent of the event that was going on; they were not related.

**A motion was made by Councilor Ward and seconded by Councilor Moilanen to approve the temporary liquor license application for the September 11, 2009 event at the Homestead Tavern.**

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Kitty Shields</i>	<i>X</i>	
<i>Councilor Doug Ward</i>	<i>X</i>	
<i>Councilor Barbara Hedges</i>	<i>X</i>	
<i>Councilor Adele Moilanen</i>	<i>X</i>	

**Motion passed unanimously.**

01:39:15

10. Other Matters

Only those matters properly added to this Agenda under line item No. 4 will be discussed at this time.

10a) Wildfire Protection Plan

This matter was brought forward from the Work Session in order to be voted on.

**A motion was made by Councilor Hedges and seconded by Councilor Ward to agree to the Wildfire Protection Plan to be signed by the Mayor and for Councilor Moilanen to follow through on getting all the steps in place.**

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Kitty Shields</i>	<i>X</i>	
<i>Councilor Doug Ward</i>	<i>X</i>	
<i>Councilor Barbara Hedges</i>	<i>X</i>	
<i>Councilor Adele Moilanen</i>	<i>X</i>	

**Motion passed unanimously.**

01:41:30

11. Public Comments for Items not on the Agenda

None

12. Staff Comments

City Recorder Damerval stated that the City received a phone call from the new La Pine McDonald's. She said they told her they chose to remodel and not re-build to avoid the possible cost of a new traffic light at the Reed/Hwy 97 intersection. City Recorder Damerval stated that they are concerned about the traffic issues at that intersection and have offered to provide testimony and reports as support. Dan Varcoe, Chamber of Commerce, stated that the opening ceremony is scheduled for August 25<sup>th</sup> and they would like to have the Mayor attend at 10 a.m.

Mayor Shields stated that this is the type of event all Councilors can attend as long as a quorum is never together, and there is no discussion of City business for the purpose of leading to a decision.

01:46:23

### 13. Council Comments

Councilor Ward stated that the TAG meeting for July was cancelled. He said the County Road Dept is looking into the feasibility of putting in a roundabout on Day and Burgess Road. Councilor Ward stated that he attended the LIGI meeting with Luana. He said that Biogreen does have a zoning problem with State land use issues regarding no electrical generating plant in the Industrial Park unless driven by hydro power. Councilor Ward stated that the County Planning Department said they will fix the problem. He also said that Bear Mountain Forest Products wants to go in next door to the Biogreen proposed plant. Councilor Ward stated that Habitat for Humanity still wants to go into the Industrial Park. He said that someone is interested in putting in a movie theater, but the Industrial Park code does not allow for that so they are exploring other areas in La Pine. Councilor Ward stated that ODOT is planning on putting in cones to slow up traffic on Hwy 97 and Reed Road in order to assist with safety issues for the increased traffic due to McDonald's.

Councilor Moilanen stated that she went to the COCO meeting and they handed out the legislative summary. She said they also endorsed a program that is called Bank on Central Oregon. It is a program that is lowering the requirements for a person to establish a bank account. Councilor Moilanen passed out a flyer for the City Recorder to possibly distribute to the Council.

Councilor Hedges stated that she is going to be the primary person for COIC. She said she has not been getting a lot of out the meetings. Councilor Hedges stated that they rarely deal with La Pine. City Recorder Damerval stated that is the same thing that is happening at the COACT/Rail meetings, all the interest is centered around Prineville. Mayor Shields suggested that if there is nothing on the meeting agenda relating to La Pine, Councilor Hedges may not want to attend.

Councilor Moilanen stated that she thought the COACT/Rail meetings might be a good one for the City to have a representative at it. City Recorder Damerval stated that the train will not stop in La Pine. Councilor Ward said they want to build a switching yard but not in La Pine. He also said that he goes to the regular COACT meeting every other month but it also does not seem to be very worthwhile. Mayor Shields asked how many meetings missed it takes for the City to lose their voting ability. Councilor Ward said he does obtain valuable information from time to time and he does not mind going and will continue to do so.

01:57:04

Mayor Shields stated regarding the cancelled agenda item for the Work Session, Priorities, Plans and the Publicity Plan it will be discussed at the August 12<sup>th</sup> Meeting. She asked the Councilors to review the document titled Goals with Proposed Priorities that had been passed out at an earlier meeting in preparation for the next meeting's discussion. It will also be included in the August 12<sup>th</sup> Meeting Agenda Packet. Mayor Shields confirmed that Deborah McMahon, from DMC, would be at the meeting to assist with the goal's discussion. She also talked about the e-mail that was passed out to the Councilors regarding the stakeholders group for the La Pine Intersection Analysis. The memo discussed some of the tasks and who would be doing those tasks like the Memorandum of Understanding. Mayor Shields said the new group will be the core working group but the Council

will still be involved in the decision making process.

Tony DeBone mentioned that Tuesday mornings would be a good time for any Councilor that would like to be on his radio show. Mayor Shields stated that maybe they could come up with a Councilor to be on the program once a month. Councilor Moilanen said that she would be willing to do it for a future Tuesday.

14. Adjourn

The meeting was adjourned at 8:22 pm.

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Mayor Kitty Shields

Attest:

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City Recorder Luana Damerval