

LA PINE CITY COUNCIL MEETING AGENDA

Wednesday, August 26, 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

Work Session – 5:00 p.m.

1. Call to Order
2. Roll Call
3. Outdoor Area Lighting Agreement
4. 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 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. August 12, 2009 – Work Session and Regular Session Meeting Minutes
 - b. Bills and Invoices
 - i. Approval of Reimbursements
6. Swearing in of La Pine Planning Commission
7. Memorandum of Understanding – Deschutes Water Alliance

8. Designation of “Tax Administrator” under Ordinance 2007-1
9. Review and Evaluation of City Recorder Compensation
10. La Pine Goals for 2009-2010 Fiscal Year
11. Other Matters
Only those matters properly added to the Agenda under line item No. 4 will be discussed at this time.
12. Public Comments for Items not on the Agenda
13. Staff Comments
14. Council Comments
15. 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, August 26, 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 Shields called the meeting to order at 5:05 pm.

2. Roll Call

Present Were:

Mayor Kitty Shields

Councilor Doug Ward

Councilor Barbara Hedges

Councilor Adele Moilanen

City Attorney Jeremy Green

City Recorder Luana Damerval

Admin Ass't Patricia Morgan

Quorum established.

00:00:50

3. Outdoor Area Lighting Agreement

City Attorney Green stated that there needs to be a clear understanding of what kinds of terms and conditions should be in the Agreement. He said, after a discussion with Mayor Shields, it was decided to have a formal meeting with all the Council to review the Agreement.

City Attorney Green recommended that for the first ten years there should be no expenditure of funds by the City of La Pine for the lighting. He also said at the end of the ten year term the City should have the ability to continue to receive the benefits of these lights fixtures; the cost of which would only be the continued operation costs. Art Uecker, Ford Foundation member, stated this was the understanding of the Ford Foundation from the beginning. City Attorney Green stated that he has proposed to Tom Weller, Midstate Electric, that he draft another Agreement and circulate it to all parties involved and then bring it back to the Council for approval.

George Kolb, of the Deschutes County Road Department, stated that Deschutes County has jurisdiction over the right-of-way but he does not believe they need to be part of the Agreement.

00:06:47

Mayor Shields stated that she had some concerns about the advertising on the banners and the involvement for the City. Art Uecker stated that once the fund raiser advertising for the lights has been completed, the City can sell the space for revenue raising or whatever. He said the banner advertising time limit was 30 to 90 days for some of the donators. Karen Demaris said some of the donators will have several months of banner advertising time because of the amount of their donations. Art Uecker said once the time limits have been satisfied on the individual banners, they automatically become the property of the City to be used as the City chooses. City Attorney Green recommended that the City have an active role in what kind of advertising goes on in the City.

00:15:30

Mayor Shields stated that the City should be involved in what is on the banners since they will be located within the City. City Attorney stated that the Council approved the project "in concept." He said the Foundation should have come to the City and given more details regarding the advertising and solicitation of sponsors. Karen Demaris, Ford Foundation, stated that there will be a permanent plaque on the lamp posts for the individuals or businesses that donated more than \$3,000. Art Uecker stated that funds raised at this point in time will purchase six of the lamp posts and lights.

City Attorney Green stated that he could flush out the advertising issue in the Agreement so that the City has review of the banners that go up. Tom Weller, Midstate Electric, stated that by their contribution of \$1,250 per light with pole, Midstate will own the light poles but also do all the maintenance on them. Mr. Weller also said the only lighting cost to the City, during the initial ten year time period, is a \$10.75 per month maintenance fee for each of the light fixtures. He said after ten years the cost of electric for the lighting would be determined by the meter reading on each light.

00:29:20

In response to Mayor Shields question regarding purchasing of the lights, Tom Weller stated that Midstate Electric's contribution of \$1,250 is conditional because it is a long term investment for them but it is also a community service. Mayor Shields stated that she had been concerned about obligating a City Council, ten years out, to be responsible for the lights. In response to a question by City Attorney Green, Tom Weller stated that the Agreement could contain a termination right for the City.

00:43:51

George Kolb stated that the sidewalks are the responsibility of the individual property owner. He also said the County is responsible for the road and curb. City Attorney Green stated that the City is the local road department and has the right-of-way within the City limits. Tom Weller said they planned to install the lights before the snow season starts.

00:48:27

City Attorney Green stated that he will produce the revised Agreement and circulate it to Midstate Electric and the Ford Foundation and if everything goes alright it will be on the next Council Meeting Agenda for approval. Mayor Shields said that the Council appreciates the efforts that have been made on behalf of the City for these lights. She said they did not realize there would be so many details but everything will hopefully be in place for the next Council Meeting.

00:50:07

4. Adjourn Work Session

Mayor Shields adjourned the meeting at 5:55 pm.

LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, August 26, 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

The meeting was called to order at 6:04 pm by Mayor Shields.

2. Establish Quorum

Roll Call

Present Were:

Mayor Kitty Shields

Councilor Doug Ward

Councilor Barbara Hedges

Councilor Adele Moilanen

City Attorney Jeremy Green

City Recorder Luana Damerval

Admin Ass't Patricia Morgan

Quorum established.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Gloria Fleming.

00:01:10

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 such other time selected by the City Council.

None

00:01:23

5. Consent Agenda

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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. August 12, 2009 - Work Session and Regular Session Meeting Minutes
- b. Bills and Invoices
 - i. Approval of Reimbursements

Mayor Shields asked that on page three of the Minutes from the Work Session, replace “because there were no categories listed...” with “the category structure was unclear.”

Councilor Moilanen requested on page 7 of the Regular Session Meeting Minutes replace, “Councilor Moilanen was against giving a letter of support...” with “Councilor Moilanen cautioned against giving a letter of support...”

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.

00:04:09

6. Swearing in of La Pine Planning Commission

Mayor Shields requested that City Recorder Damerval review the process of Swearing in the Planning Commissioners. The Commissioners were then asked to come forward and stand by the flag during the Swearing in ceremony. Planning Commissioners Gloria Fleming, Virginia Classen, John Thomas, Linda Maggard and Renee Clark were sworn in by City Recorder Damerval. The Commissioners then signed their names to the Oath of Office and were given copies and presented with their name plaques.

00:11:00

7. Memorandum of Understanding - Deschutes Water Alliance

City Attorney Green expressed concern about the MOU where on page 5 it requires six days termination notice to be given to all participants. He said this seems a little time consuming and he would prefer to have the termination notice go just to the Chairperson. Mary Meloy, from the Deschutes Water Alliance, stated that they could probably re-word it and just e-mail that change to the City Recorder. Mayor Shields stated she would like to see that change made as well. Mary Meloy stated that all cities through Central Oregon City's Organization have signed or are pending signature. Regarding financial impact to the City of La Pine, Mary Meloy stated that the group as a whole would determine that cost.

Mayor Shields stated that on page one of the MOU, the use of the word "affect" should be changed to "effect." She also said she would prefer to sign a clean document after it has been revised.

Mary Meloy said that the City of La Pine would need to select an official voting member and also an alternate for the DWA. She said they are planning a tentative first meeting on October 12th at a room in the County Services building in Bend that was offered by Commissioner Unger.

00:21:45

City Attorney Green asked what would happen if the DWA takes a position that is inconsistent with the City Council of La Pine. He wondered if that would impair the City Council to go in a different direction than the DWA. Mary Meloy stated that they have changed out doing issue by issue decisions and intend to reach consensus on only very broad and long range planning issues. She said they have removed a lot of voting and lobbying language, etc. In response to Mayor Shields question regarding the clout that the DWA would have regarding decisions made, Mary Meloy said that the DWA would be voting on policies such as conservation, etc. She also said one of the benefits of being organized is that they can help each other understand their own situations, especially concerning applying for water rights. Mayor Shields stated that what the DWA is about then is creating a unified body to address water issues across the State of Oregon. In response to a question from Councilor Ward, Mary Meloy stated that they are crossing traditional lines to come together as an alliance and work toward the same goals.

00:29:27

Mayor Shields stated that she would like to have more time to think about the MOU and see if she or any other Councilor has some more questions. Mary Meloy stated that joining the DWA would allow the City to know what the Water District of La Pine is facing in the future. Councilor Moilanen stated that if it was up to her she would go ahead and agree to sign it now, and that the DWA is held in high regard. Mayor Shields also said that the Council would need to think about who they would want to be the voting member and alternate for the DWA.

00:32:58

Mayor Shields stated that all but Councilor Moilanen, wanted to wait to make a decision on signing the MOU. The Council agreed to wait until the next Regular Council Meeting to vote on the MOU.

00:33:31

8. Designation of “Tax Administrator” under Ordinance 2007-1

Mayor Shields stated that the Council needed to designate the City Recorder as the City Tax Administrator. City Attorney Green stated that the City Tax Administrator is responsible for administrating the Transient Room Tax. He said that the City Recorder has already been functioning in that capacity.

A motion was made by Councilor Ward and seconded by Councilor Hedges to formally Appoint City Recorder Damerval as Tax Administrator for the City.

<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.

Councilor Hedges requested that City Recorder Damerval provide the Council with an update with which businesses are making tax payments to the City and which individual businesses are required to be making payments. Mayor Shields suggested that it could be part of the monthly financial report.

The Council then did individual roll call consensus voting to have this information included in the monthly financial reports. Councilor Moilanen was the only Councilor who declined to give consensus because she wanted to draw a line between administration and policy. Consensus was reached with a 3-1 roll call vote for the requested motel tax information to be included in the monthly financial report.

00:39:30

Review and Evaluation of City Recorder Compensation

Councilor Hedges asked about the comparison salaries that were presented in the Staff Report regarding this issue. She said she would like to see more on the background of the individuals making those salaries. Councilor Hedges stated that based on the salaries of employees at other businesses in La Pine, that they make nowhere near those kinds of salaries.

Councilor Ward stated that the status of employees at other cities should not be what the Council bases staff salaries on at this City. He also said the compensation should be based on the City Recorder and what she has done and is being asked to do.

Councilor Moilanen stated that the Council needs to start recognizing City Recorder Damerval as the City Administrator. She said she dislikes discussing these matters in a public forum. City Attorney Green stated that a compensation discussion could not be discussed in an Executive Session. Councilor Moilanen stated that the compensation should reflect what the community’s compensation

base is, such as at Midstate Electric. She also said that City Recorder Damerval has demonstrated that she understand the City especially in regard to the things she has brought to light. Councilor Moilanen stated that a pay raise was not out of line.

00:45:12

Mayor Shields stated that she has always said that City Recorder Damerval is a good, dedicated and hard worker, forward thinking and that she always has the best interest of the City in mind. She said she agrees that the City Recorder should have a pay raise. She said, however, it should be tailored more to what the City Recorder's duties are at this City and also what the background is of City Recorder Damerval. Mayor Shields said that the City Recorder has taken training but she would like to see her take more training. She also said that one item of concern for her was that in the Staff Report, City Recorder Damerval stated that she was overseeing the City Recorder position while performing other duties. Mayor Shields stated that in her opinion, City Recorder Damerval is still learning the position of City Recorder with Patti Morgan being her Administrative Assistant. She also said that City Recorder Damerval had no prior background or education as a City Recorder prior to working for the City of La Pine.

Mayor Shields also stated that for a pay scale of \$20 an hour, and also comparing that position to a managerial position, that employee should already know the answers to numerous administrative questions. She did state that she felt a salary raise was in order for the City Recorder but did not feel the justification was there for a \$4 an hour increase. Mayor Shields suggested step increases for the City Recorder's compensation.

00:49:40

Councilor Moilanen stated that she would be in favor of an eventual increase to the \$20 an hour raise request, with gradual increases toward the \$20 request to be kept in step with City Recorder Damerval's continued training. City Recorder Damerval stated that she is currently registered for and will be taking classes for the City Manager's Certificate program through the League of Oregon Cities.

Administrative Assistant Patti Morgan announced that she will be attending the Annual Conference for Oregon Municipal Recorder's next month in Albany. She said she would be taking classes in technical writing, records retention and management, etc., that would assist her in the Admin Ass't position. Councilor Moilanen stated that it sounded like City Recorder Damerval was taking on a more managerial role in her current position.

00:55:22

Mayor Shields asked City Recorder Damerval about her City Recorder training over the past couple of years. City Recorder Damerval stated she had taken classes and attended seminars. She also said that because of the City being new, she has had to handle many different duties. City Recorder Damerval stated that different cities have different duties for the City Recorder. Mayor Shields stated that it was hard to define City Recorder Damerval's position.

Councilor Moilanen stated that the Council should define the authority of City Recorder Damerval's role and after that put a compensation amount on the definition. Mayor Shields said that City Attorney Green was working on job descriptions and policies. She also said there was no other City like this one, so it has to be particular to this City.

Mayor Shields stated that if someone is going to supervise a City Recorder, they need to understand the position they are supervising. Councilor Moilanen asked if there was a title change, would the position have to be advertised? City Attorney Green stated that, out of equity, the City may want to advertise but the City can always hire internally and always promote from within. He also said that it did not appear that there was consensus to give City Recorder Damerval a pay raise, today. City Attorney Green suggested that City Recorder Damerval come back to the Council with a refined proposal identifying some type of step increases based on meeting certain criteria or completing certain training. He said that could then be approved by the City Council so she could eventually reach the \$4 an hour increase. He also said he could work, for no charge, with City Recorder Damerval and identify milestones and hopefully be able to facilitate this process.

Mayor Shields thanked City Attorney Green for his generous offer to assist with resolving this issue.

01:05:10

10. La Pine Goals for 2009-2010 Fiscal Year

Mayor Shields asked if the Councilors felt the end product was what they had discussed at their previous meeting. Neither the Councilors nor City Attorney Green had any discussion on the matter. Mayor Shields reviewed the list of goals. She said each one of the goals had a lot of underlying tasks behind it.

A motion was made by Councilor Moilanen and seconded by Councilor Hedges to Adopt the La Pine City Council Goals for the 2009-2010 Fiscal Year.		
<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.		

Mayor Shields, after consensus from the Councilors, directed staff to post the goals on the City's website for the public to view.

01:12:52

11. Other Matters

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

None

12. Public Comments for Items not on the Agenda

Dan Daugherty, La Pine Fire District, stated that the Fire District is in the process of hiring a new Fire Chief. He said that they would like to have at least one City Councilor participate on the hiring panel scheduled for October 6th. He said it will start sometime in the morning and it may take all day.

Councilor Moilanen stated that she would like to participate. Dan Daugherty stated that he would contact her later on with more details.

Dan Varcoe, Chamber of Commerce, discussed the community of La Pine's 100th anniversary in 2010. He also said he could probably find volunteers to staff Mayor Shields home business office in order to give her opportunities to welcome new businesses, etc., in the community. Mayor Shields thanked Dan Varcoe for his offer.

Gloria Fleming, local area resident, stated she had been in a similar position to the City Recorder. She said that she had to re-write her position for the school district because she found that she was not being compensated fully for her duties.

Representative Gene Whisnant congratulated the Planning Commissioners for their volunteer efforts to assist the City with its planning challenges. He also said that this meeting had been very informative and had also dealt with some difficult issues.

01:21:41

13. Staff Comments

Administrative Assistant Morgan stated that staff are working on putting together an Office Procedures Manual. She said some of the information contained in it would be instructions on how the public can get on the Agenda, appropriate forms for different needs, as well as addressing some basic safety procedures.

City Recorder Damerval presented the following:

- 2010 Celebration activities are already in the planning process. She said the 1910 photo that is on the Council's business cards will probably be the basis for the celebration theme. There may also be logo's that will come out of the planning.
- La Pine Rodeo will have a Playday on September 12th. They have asked the City for a \$25 donation that would result in the City banner, which already exists, being hung up at the Playday. Council had full consensus that City Recorder Damerval should make the donation to the La Pine Rodeo Association in support of the community.
- The local government investment pool money has been transferred to the La Pine branch of Home Federal. She also said that on September 1st, the CEO of Home Federal Bank will be at City Hall for a meet and greet with any Councilors/Mayor that would like to attend at 1 pm. Councilor Hedges stated that she planned to attend. Mayor Shields stated that if she is able to arrange to attend with her work schedule, she will do so.
- The City's e-mail has had major issues lately. More firewall and also more spam controls have been added, by Little d, to alleviate the problem. She said there will an approximate \$5 a month charge for the extra controls.
- The \$90,000 check for the Comprehensive Plan grant has been received at City Hall.
- A grant for the pre-application land use ordinance has also been applied for by DMC Consulting, Inc., on behalf of the City.
- Deborah McMahon of DMC Consulting Inc., is also investigating a Tiger Grant 20 million dollar grant for the Wickiup Junction Project that is for depressed areas.

- The most recent map for the Wickiup Junction Road Project was hung on the wall and also discussed.

01:32:10

City Attorney Green stated that he talked with Rob Broberg, from Biogreen, regarding the request for a letter of support. He said that Mr. Broberg understood the City's position but asked for a very "conditional" letter of support from the City. City Attorney Green suggested he call Rob Broberg back and just telling him again that the City is supportive of the project but cannot provide a letter at this time.

Dan Varcoe, Chamber of Commerce, stated that by not sending Biogreen a letter of support it could appear that the City is not supportive of the project for the community.

Councilor Moilanen stated that the Biogreen project will be one of the biggest projects in Central Oregon and the support letter should go forward. Mayor Shields stated it sounds like the community would like to see a letter of support. Councilor Ward said that the letter of support should be very generic with no promises but probably should be provided. Councilor Moilanen and Councilor Hedges agreed for City Attorney Green to draft a "conditional" letter of support for Biogreen. Mayor Shields also concurred and direction was given to legal counsel to draft the letter of support.

00:01:38:13

14. Council Comments

Councilor Ward stated that he and the City Recorder attended the Community Kitchen Block Grant meeting last week. He said that they put so many restrictions on the City, particularly financial, that the City would have to go into a federal audit. Councilor Ward also said the City would receive no compensation for this additional expense. He said the City would have to additionally guarantee that the Community Kitchen would continue in operation for five years or the City of La Pine would be liable for monies.

Councilor Ward stated he attended the ribbon cutting ceremony at the La Pine Clinic with Senator Wyden as the honored guest. He said the Senator assured him that the BLM land transfer is a go and that the property will be deeded to the La Pine Sewer District and the La Pine Park & Rec District by the County.

Councilor Ward said that the Wickiup Junction Interchange will be finalized by May of 2012 and at that time they will start looking for funding. He said the plan has been approved. He added that Masten Road is almost finished except for the stripe. Huntington Road, where part of it is currently gravel, will be paved beginning in September 2009. Councilor Ward said he has made a request of the County Road Dept to put asphalt aprons off of Burgess onto Pine, Antler and Doe. He said they were happy to do this and told him they should have done this in the first place.

Councilor Hedges stated that Councilor Ward and she attended the McDonald's Grand Opening and that Councilor Ward gave a good speech. City Recorder Damerval said that within two hours of the opening there was a traffic accident at Hwy 97 and Reed Road. She said she notified ODOT about the accident and it will be further discussed at the Traffic Calming Meeting scheduled for August 31, 2009 in La Pine.

Dan Varcoe mentioned that he and John Thomas, Planning Commissioner, would be putting an article about the City of La Pine in The Eagle starting in September.

01:49:15

Mayor Shields stated that she appreciated how supportive both the City Council and Staff have been for the City. She said she did receive a copy of the draft article for the September edition of The Eagle. Mayor Shields said that Dan Varcoe and John Thomas made it very clear in the article that these were their comments and that they were not coming from the City Council or City Staff.

Mayor Shields also thanked Representative Whisnant for being at the meeting tonight as well as Mary Meloy.

15. Adjourn

Mayor Shields adjourned the meeting at 7:55 pm.

Mayor Kitty Shields

Attest:

City Recorder Luana Damerval