

LA PINE CITY COUNCIL MEETING AGENDA

Tuesday, November 24, 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. City Personnel and Consultants
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 this 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. Bills and Invoices
 - I Approval of Reimbursements
6. Contract for Web Services
7. Snow Removal Policy
8. Other Matters
Only those matters properly added to this Agenda under line item No. 4 will be discussed at this time.
9. Public Comments for Items not on the Agenda

10. Staff Comments
11. Council Comments
12. 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. The meetings are subject to cancellation without notice. The meetings are 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

Tuesday, November 24, 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 5:04 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.

00:00:36

3. City Personnel and Consultants

Mayor Shields opened the discussion. Councilor Hedges stated that she has always wanted to have some leadership at City Hall for the Councilors. She said the City needs to have a City Manager that can go out into the public and to other meetings and talk about the City.

Mayor Shields stated that they have to look at the fact that La Pine is a small city and has a limited budget. She said right now the City sends representatives to various meetings in the community.

Councilor Moilanen stated that she agrees with Councilor Hedges. She said the Agenda did not list that the discussion was going to be about a City Manager so she did not come to the meeting prepared to discuss the City Manager. Councilor Moilanen stated that without a City Manager or Administrator, there is a hole. She said the City is not functioning as well as they could because of the administrative hole. Councilor Moilanen stated that it is good to have consistency on who is attending which meetings. She said that the City needs to make a decision to have a City Manager in place by July of 2010.

Mayor Shields stated that there is a hole in City operation, in our direction and how we operate as a City. She said that is because we never have put in place policies and procedures. Mayor Shields stated we need to identify our needs and how to best meet those needs. She said the City needs someone to guide them to get this City's operational procedures set up. Mayor Shields stated that it was a mistake to hire a City Manager. She said she is not sure if the manager is the person to set-up

the City. Mayor Shields said the City needs to have someone to help us identify our needs and determine where we can get the best help.

00:13:25

City Attorney Green stated that there is a lot of information from other newly incorporated cities like Damascus. He suggested making some contact with their City Manager and Council to obtain information for no cost.

Councilor Ward stated that a City Manager is an administrative position that the City will need, some day. He said what needs to be done first is developing the goals and priorities for next year. Councilor Ward also suggested getting a part time City Manager or a consultant. He said the Council first needs to identify their needs.

Councilor Hedges stated that she does not like the idea of always putting stuff off. She said April is not enough time to get the word out. Councilor Moilanen stated that what is missing is administrative leadership. Mayor Shields stated they have to find an administrator that knows what it takes to set-up a City.

Councilor Moilanen stated that manuals and procedures will not take the place of strong leadership. She said policies and procedures are subject to interpretation. Councilor Moilanen stated that the City needs to consider the overwhelming desire of the community, at the Town Hall meeting, for a City Manager.

Mayor Shields stated that a consultant could do research as to what a City needs to have in place. She said it is a struggle to start up a City.

Councilor Hedges stated that she is still not convinced that the City does not need a leader at the helm. Councilor Ward stated that he wants to make sure there is enough for the City Manager to manage. Councilor Moilanen stated the City should hire a manager with city management experience.

Mayor Shields stated that she does not want to hire a manager prematurely. She said once the Council identifies the needs that will help to put a timeline on it.

Councilor Moilanen suggested having someone from the City of Bend's administrative office to talk about the functions of a City Manager and what that role is in a City.

Councilor Hedges stated that just because the last City Manager did not work out does not mean the Council should avoid exploring the possibility of hiring another City Manager. She said she feels that the City could move ahead much easier with someone who is directing the City. Councilor Hedges stated that she would prefer a City Manager over a consultant.

Councilor Ward suggested having him contact five other Oregon cities that are like-size cities and younger cities and ask them about their experience with a City Manager. He also suggested getting some assistance from a local, retired citizen that has some city management experience.

Councilor Ward, in response to a comment made by Councilor Hedges, stated that he feels the City needs to implement a business license. City Attorney Green stated that the business license needs to go on the agenda. Mayor Shields stated that a Councilor can request, during a meeting, to have

something put on a future agenda. Councilor Hedges stated that she would like the business license to be put on a future agenda.

00:35:18

Councilor Moilanen stated that she would like this Work Session to end with the Council taking one step in some direction. City Attorney Green stated that getting the City Councilors informed as to what the City Manager does would be very helpful.

Councilor Ward stated that he would like a budget outline put together for the next fiscal year so the Council can better determine if the City would need a City Manager.

City Attorney Green suggested that Councilor Ward should ask the cities if when they employed their City Manager what were the Manager's initial duties and focus. Councilor Ward suggested setting the last Council Meeting in January for a work session on considering hiring a City Manager (January 27th). Councilor Moilanen stated she would like to have the Work Session topic on the City Manager rolled over to the Regular Session for public comment.

Councilor Hedges stated that she thought there were going to be changes to the City Recorder's Job Description. She said she had discussed the job description with Mayor Shields and thought they both had some revisions. City Attorney Green stated that the job description was passed at the October 28th Council Meeting but it could be revisited.

City Attorney Green stated that he would write the City Manager job description with the Council. Councilor Moilanen stated that she would like to see an interview process for the City Manager using panels, i.e., like a technical panel, etc., and also that the community should be involved.

City Attorney Green stated that he would recommend that the Council form a committee and have some formal structure as to what steps are needed to ultimately employ a City Manager.

Mayor Shields reviewed some of the comments from the Town Hall Meeting on October 7th regarding a City Manager. She said no staff member is a substitute for legal counsel, not even a City Manager. Mayor Shields then discussed a comparison cost sheet, that had been distributed to Councilors, for legal services for the period when a City Manager was employed and also when there was no City Manager.

Councilor Moilanen stated that an experienced City Manager would probably take a lot off of City Attorney Green's plate. She said she does not like the City always referring to the last experience with a City Manager. Councilor Moilanen stated that it makes her uncomfortable to discuss the last experience. Mayor Shields stated that La Pine is a brand new City and has needs that established Cities do not have and will incur more legal fees than other cities.

City Attorney Green stated that if there is a well versed, experienced City Manager, there are things that he is doing that could be done by a City Manager. He said the City is spending less money this year than last year, so far, on legal services.

Councilor Moilanen asked to speak about the public record's request for the attorney invoice and why the cost was so high to provide it to the requestor. City Attorney Green stated the \$100 amount was just an estimate, it could be more and it could be less. He said that his legal staff were not

qualified to redact confidential information; only an attorney makes those determinations. City Attorney Green stated that there is too much risk if there is information the City does not want to go out to the public, it has to be redacted. He also said the City has the ability to ask for a deposit from the requestor.

Councilor Ward stated that if compiling that requested information ends up costing the City above normal operating costs, than that person should pay for those costs, and put a deposit down. He said as a new start-up City the legal fees will be high for the time being. City Attorney Green also referenced an issue the City had with the original comprehensive plan consultant that increased attorney fees for fiscal year 2008 - 2009. He said that City Recorder Damerval, and sometimes in conjunction with him, determines if the requested information is something that the public is entitled to have.

City Attorney Green also said that if the cost is more than \$25.00 for the requested information, City staff must notify the requestor of that information. Councilor Moilanen stated that a completed request regarding attorney fees, that staff prepared, did not appear to show much transparency and made her feel uncomfortable. City Attorney Green stated that City staff does not care what the motivation is for the request and also that he has perceived City Recorder's Damerval's response to requests to be very transparent.

Administrative Assistant Morgan stated that she does not approve records request and has no decision making responsibility as to what a member of the public is allowed to receive. She also said she may be asked to gather the information needed to complete the public recorder's request. Councilor Moilanen stated that she stands firm that the response to the request was not as transparent as she would have liked but she will review it again.

01:02:20

Mayor Shields stated that often City Attorney Green does not bill the City for all the work done for the City. She said this has happened on numerous occasions. Mayor Shields also said that the City Attorney worked for the City for the first ten months before receiving payment because the City was new and had yet to collect property taxes.

City Attorney Green stated that communication between City staff and the Council should be good. Councilor Moilanen stated that she often feels she is not privy to a lot of communication. She said a weekly report done by staff to the Council would be helpful. City Attorney Green said that a staff report could be provided to Council every two weeks. He said this could be made a priority. Councilor Hedges stated that the Council has requested something like this in the past but only received one or two reports.

Councilor Moilanen stated that Council should consider policies on what work the City Attorney does and what work the City staff handles such as some of the letters. City Attorney Green said that would minimize legal fees. He said the staff needs to be directed that the Council has that expectation of them. City Attorney Green stated that even without formal procedures a lot of these things are implied.

Councilor Hedges stated that she would like the business license put on the agenda after the first of the year, sometime on the January agenda. City Attorney Green suggested having a Work Session on the business license. Councilor Ward stated that if there is a constructive Work Session on the City Manager, then it could be moved to the regular session for a vote. Councilor Moilanen stated she

would like something on every Work Session agenda from now until the January 27, 2010 Work Session regarding the City Manager position.

4. Adjourn Work Session

A motion was made by Councilor Ward and seconded by Councilor Moilanen to adjourn the Work Session Meeting.

<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 adjourned the Work Session at 6:16 pm.

LA PINE CITY COUNCIL MEETING MINUTES

Tuesday, November 24, 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 by Mayor Shields at 6:17 pm.

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 City Attorney Green.

4. Added Agenda Items

Any matters added to this 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. Bills and Invoices

i Approval of Reimbursements

A motion was made by Councilor Moilanen and seconded by Councilor Hedges to Approve the Reimbursements on the Consent Agenda.

<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.

01:15:15

6. Contract for Web Services

Mayor Shields asked the Councilors if they had time to read the staff report and if they had any questions. Councilor Ward stated that it is always a good idea to, when everything else is equal; select a local vendor to provide services for the City of La Pine. Mayor Shields discussed how pleased she has been with the spam blocker that Little d Technology recently put on the City Hall e-mail.

A motion was made by Councilor Ward and seconded by Councilor Hedges to Renew the Contract for Web Services with Little d Technology

<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.

01:19:03

7. Snow Removal Policy

City Attorney Green, responding to a question from Councilor Ward, stated that the policy will stay in effect and will not have to be renewed every year. He said once it is adopted the City Attorney or City Recorder can make some modifications if needed.

City Attorney Green stated that the City is still waiting for the County to identify what roads they will be responsible for so the agreement can be finalized and signed. He said the solicitation has already been prepared and can go out as soon as the City has that information. City Attorney Green stated that Tom Blust, County Road Department, has been on vacation and he must sign off on the agreement. He also said the contract for the contractors is already done.

City Attorney Green stated that a few contractors showed up at a snow removal meeting last month that he and City Recorder Damerval held at City Hall.

A motion was made by Councilor Ward and seconded by Councilor Moilanen to approve the Snow Removal Policy:

<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.

Council asked staff to bring the bids for the snow removal back to the City Council on Dec. 9 2009 for Council to review and make a selection. City Attorney Green stated the bids may be more than \$5,000 or less than \$5,000.

8. Other Matters

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

There was nothing for Other Matters on this Agenda.

01:31:32

9. Public Comments for Items not on the Agenda

Mayor Shields asked the public to please keep their comments to three minutes per person in the interest of time. She also said this is not usually a question and answer time. Mayor Shields said if there is something the public wants regarding a more detailed response, please bring it to staff so it can be distributed to the Council in their next packet. She also requested that public comments regarding the City Manager position be put in writing and sent to the Council for review since this is going to be an ongoing process and would be helpful.

01:35:09

Judy Forsythe, area resident, complained that there was no meeting notice for the Council Meeting tonight. She said she heard about this meeting through a phone call. Ms. Forsythe also asked if there was a process in place so the agendas could get out in time to be published in Wisebuys and The Frontier. Mayor Shields stated that the change in the meeting schedule for the November and December 2009 meetings was posted on the website and also the Agenda Posting Boards since January of 2009. City Recorder Damerval reviewed the places in the City where the meeting

agendas are posted. Mayor Shields stated that they always get the meeting agenda posted within the legal requirements.

01:39:20

Vicky Jackson, area resident, discussed the attorney invoice she had requested to receive a copy of from City Hall. She also said that she was told she would have to pay \$100 in order for the attorney to go through the invoice and redact information that was attorney/client privilege. Ms. Jackson stated that she requested a copy of the contract for legal services between the City and the City Attorney. She also said that, according to the Minutes from February 2007, Mayor Martinez did sign an employment agreement between the City and the law firm. Ms. Jackson also stated that there were some job descriptions and also some goals for both the City staff and Council in 2007 that had been developed. She said it seems to her, like the City is working on a lot of the same things they were working on in 2007. Ms. Jackson stated that an experienced City Manager, pay based on accomplishments, would be helpful for the City.

01:43:06

City Attorney Green stated that an independent contractor agreement between his firm and the City would not be confidential. He said, however, it does not exist. City Attorney Green said what they have by way of an agreement would be the Request for Proposal (RFP). He said there was an understanding that what was in the RFP was the professional services agreement. In further evidence of the fact that verbal agreements can and do work between trusting parties, City Attorney Green stated that the law firm never put in writing that they would do ten months of service prior to receiving payment. He said the monthly invoice does have a description of what work the law firm did for the City. City Attorney Green also said there has been no indication that the City is not willing to give those to the public.

01:46:30

Councilor Ward stated that the income for La Pine for this budgeted year is well over \$800,000. He said that Ms. Jackson is completely inaccurate in her communication regarding the legal fees being half of the City's income. Ms. Jackson responded that she was referring to the income to the City from property taxes. Councilor Ward stated that he believes that the legal fees are not even half of the property tax income.

City Attorney Green stated that the City has an obligation to produce the documents and get the required information to the public as long as it is not exempt information. He also said as long as an agenda packet material is not exempt from public disclosure, it would be available.

Karen Ward, area resident, stated that everyone thinks that the City Manager runs the City but they do not, it is the people that were voted onto the Council that run the City.

01:50:54

Pam Cosmo, area resident, stated that when the City was looking at various consultant firms to get the planning commission going, she remembers a firm being hired that was supposed to come up with a lot of infrastructure for the City. She said it sounds like the consultant has not provided this to the City. Ms. Cosmo asked if the Council is coordinating their goals with the Planning Commission's goals.

Mayor Shields stated that the consultants for the Comprehensive Plan are only working on the Comp Plan. Councilor Moilanen stated that a lot of the structure missing in the City administration could be resolved if we had a City Charter.

Sandra Jones, area resident, stated that a knowledgeable city manager should help with writing the procedures for the City.

Dan Varcoe, Chamber of Commerce, stated that within the last 12 months the Parks District has done a strategic plan and also hired a manager. He discussed a class he and Councilor Hedges attended on leadership training. Mr. Varcoe stated that he would be happy to keep the Council informed about any training or information gathering opportunities for the City as they consider hiring a City Manager.

10. Staff Comments

There were no comments from City staff.

01:59:19

11. Council Comments

Councilor Ward stated that he attended the last Central Oregon Area Commission on Transportation (COACT). He said the Wickiup Interchange Project is number two on the approval list for State projects. He said that the Hwy 97 and 1st Street project will cost about 1.2 million and ODOT would like the City to put up \$400,000 and the County to contribute \$400,000 and ODOT would provide the rest of the project funding.

Councilor Moilanen stated that she attended the Central Oregon Cities Organization (COCO) meeting. She stated that a municipal seat has been designated on the Deschutes Water Alliance (DWA). Councilor Moilanen stated that she requested the City of La Pine be considered for that seat when they have a water district under City jurisdiction.

Councilor Hedges stated that she attended the Community Meeting on Nov. 19th regarding the 100th anniversary celebration for the City of La Pine. She also said that the Ford Leadership meetings in November were excellent. Councilor Hedges stated she would like to see something done by the City Council for leadership training.

Mayor Shields stated that the League of Oregon Cities has training for City Councilors and will come to La Pine. She said she would like staff to explore the training they provide for Councilors regarding costs and scheduling.

Mayor Shields stated that she attended the dedication for the newest Habitat for Humanity with Councilor Moilanen and Councilor Hedges. She said she was very impressed with the project.

12. Adjourn

A motion was made by Councilor Ward and seconded by Councilor Moilanen to Adjourn the Meeting.

<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.

The Meeting was adjourned at 7:11 pm.

Mayor Kitty Shields

Attest:

City Recorder Luana Damerval