

LA PINE CITY COUNCIL MEETING AGENDA

Wednesday, May 12, 2010

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. Review of Strategic Plan and Goals
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 Minute

- i. April 28, 2010 – Regular Meeting Minutes
- i. April 30, 2010 – Special Emergency Meeting Minutes

b. Bills and Invoices

- i. Approval of Bills
- ii. Financial Report
- iii. Approval of Reimbursements

6. Presentation of the Newberry Geothermal Project

Gregory McClarren, Community Outreach Coordinator

7. Neighborhood Stabilization Program Presentation

Jim Long, CDBG Program Manager, City of Bend
8. Selection of Contractor for Cagle Subdivision/Drafter Road Maintenance Work
9. Resolution 2010-08
A resolution amending and restating Resolution 2009-001, which Resolution amended and restated Resolution 2008-005, a resolution that created the La Pine Tourism Advisory Committee and was passed and approved on April 30, 2008.
10. Selection of Councilor for Transportation Advisory Committee
11. Other Matters
Only those matters properly added to this Agenda under line item No. 4 will be discussed at this time.
12. Public Comments for Items not on the Agenda
13. Committee Reports
14. Staff Comments
15. Council Comments
16. 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. These meetings are subject to cancellation without notice. These 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 WORK SESSION MINUTES

Wednesday, May 12, 2010

Work Session - 5:00 p.m.

Regular Session - 6:00 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

B. Work Session – 5:00 p.m.

1. Call to Order

Mayor Shields called the meeting to order at 5:01 pm.

2. Roll Call

Roll Call

Present Were:

Mayor Kitty Shields
Councilor Doug Ward
Councilor Barbara Hedges
Councilor Adele McAfee
Councilor Don Greiner
City Attorney Jeremy Green
City Recorder Luana Damerval
Admin Ass't Patricia Morgan

Quorum established.

3. Review of Strategic Plan and Goals

Councilor McAfee discussed the La Pine Economic Planning Meeting held on May 7th that she and Councilors Greiner and Hedges attended. She said the meeting concerned the idea of formalizing the partnership between LIGI (La Pine Industrial Group), the Chamber of Commerce and possibly the Parks and Rec District with a possible objective of having a common message through the development code. Councilor McAfee suggested the Council postpone a discussion on strategic plans and goals until the report from that meeting has been submitted to the City.

Mayor Shields suggested that the Council wait to review the economic development part of the strategic plan until the report has been received from the May 7th meeting. Councilor Greiner stated that the City should proceed with the Midstate Electric franchise agreement. The Council had consensus to make the priority issue number two for creating land use zoning ordinances. It was also decided to move exploring grant opportunities to a short term objective as an ongoing goal.

Mayor Shields said that the City Manager would probably be handling job descriptions, creation of a personnel manual and other similar personnel tasks.

00:29:01

In response to a question from Councilor Hedges regarding the City Charter, City Attorney Green said that he was instructed to put that on hold while Councilor Ward was on vacation. He also said he would research the legality of having a non resident serve on the Council via a City Charter. It was decided to put the City

Charter as a short term goal and for City Attorney Green to resume work on the City Charter.

Councilor McAfee requested to add the acquisition of the Utility Districts as a goal. She suggested infrastructure as a new header to include roads. Councilor McAfee also suggested identifying and addressing the disaster plan. It was decided to put it under number five, as a priority issue. Councilor McAfee said she could do an economic goal proposal for the Water and Sewer Districts absorption.

00:46:10

City Attorney Green, in response to a question from Councilor Greiner regarding the Midstate franchise agreement, stated he would like direction from the Council to proceed. It was suggested to schedule a future work session to discuss the agreement.

00:53:30

During a discussion regarding public safety, the Council gave direction to City Recorder Damerval to check into the possibility of the presence of Sheriff Patrol at the Hwy 97 and Reed Road intersection during peak crossing hours.

Councilor McAfee said that the City needs to do a full audit in the future. City Recorder Damerval stated that the City is not required to do this unless City expenditures are over \$500,000. Councilor McAfee requested putting a full audit under short term tasks.

Mayors Shields suggested a personnel manual and job descriptions be moved up to short term tasks. Councilor Hedges requested that City beautification be put down under a midterm goal. Councilor McAfee stated that the Water and Sewer Districts absorption would remain as a priority issue for an economic development goal. City Recorder Damerval will prepare a revised goals and plans list for the Council.

4. Adjourn Work Session

A motion was made by Councilor Hedges and seconded by Councilor Ward to Adjourn the Work Session.

<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 McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed unanimously.

LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, May 12, 2010

Work Session - 5:00 p.m.

Regular Session - 6:00 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

May 12, 2010

B. Regular Session – 6:00 p.m.

1. Call to Order

Mayor Shields called the meeting to order at 6:16 pm.

2. Establish Quorum

Roll Call

Present Were:

Mayor Kitty Shields
Councilor Doug Ward
Councilor Barbara Hedges
Councilor Adele McAfee
Councilor Don Greiner
City Attorney Jeremy Green
City Recorder Luana Damerval
Admin Ass't Patricia Morgan

Quorum established.

3. Pledge of Allegiance

Mayor Shields led the 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.

- 11a) Deschutes County Lease – City Attorney Green
- 11b) Discussion on Disseminating Information Better – Councilor McAfee
- 11c) Discussion on a raise for Administrative Assistant Morgan – Councilor Hedges
- 11d) Office Space for City Manager – Councilor Hedges

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.

Councilor McAfee requested that item 5bi be removed from the Consent Agenda for discussion purposes.

Councilor Hedges requested that item 5biii also be removed for discussion purposes.

- 11e) Approval of Checks
- 11f) Approval of Reimbursements
 - a. Approval of Minute
 - i. April 28, 2010 – Regular Meeting Minutes
 - ii. April 30, 2010 – Special Emergency Meeting Minutes
 - b. Bills and Invoices
 - i. Approval of Bills
 - ii. Financial Report
 - iii. Approval of Reimbursements

Councilor McAfee asked that the following addition and correction be made on the April 28, 2010 Meeting Minutes:

- Page 4; add the discussion regarding the separation of how much the Terminix contract would be paid out of this fiscal year and next fiscal year.
- Page 5; re-check the motion made for the management of the La Pine street banners to make sure it is exactly as was stated.

01:16:53

City Attorney Green stated that there is a need to make some significant revisions to the meeting minutes for the Emergency City Council Meeting held on April 30th. He said, based on his recollection there were quite a few errors despite the fact that two staff members had reviewed and revised that set of minutes. City Attorney Green said he could identify his areas of concern and have staff re-listen to the tape again and see if his concerns were legitimate. He also said that those meeting minutes are important in light of the fact that the City did declare an emergency for that meeting.

A motion was made by Councilor Greiner and seconded by Councilor Ward to Approve the April 28, 2010 Meeting Minutes with an addition and a motion check as requested by Councilor McAfee; with the removal of April 30, 2010 Minutes regarding concerns raised by the City Attorney, and with the removal of 5bi and 5 biii for discussion to Added Agenda Items, and with Approval of Financial Report 5bii as submitted.

<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 McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed unanimously.

01:21:39

- 6. Presentation of the Newberry Geothermal Project

Gregory McClarren, Community Outreach Coordinator

Mr. McClarren discussed the three large pads that had been created in 2008 on the slopes of the Newberry Volcano. He said they did not find any steam or hot water from their drilling. Mr. McClarren stated there

are no springs on the face of Newberry Volcano. He said there are two springs inside the caldera that are extremely small. Mr. McClarren said they pay a royalty every year for every acre they lease, approximately 40,000 acres, and it is divided up between Deschutes County, federal and state governments.

01:29:14

Mr. McClarren stated they received a \$5 million dollar grant for innovative energy technology which they will be working on this summer. Mr. McClarren stated that in the next 45 to 60 days they will use local well drillers and that will allow them to have a north, south, east and west analysis of how temperatures change as they drill below the surface through various materials.

01:36:15

Public Comment

Austin Gillette, area resident, discussed an article in The Bulletin that this could be a great way to get rid of nitrates and he wondered how reliable or viable it could be. Mr. McClarren advised against having anything flow into that casing to cause contamination, like treated wastewater in the first 1,000 feet drilled.

01:43:15

7. Neighborhood Stabilization Program Presentation

Jim Long, CDBG Program Manager, City of Bend

Councilor McAfee stated that Mr. Long had an emergency and was not able to attend tonight's meeting. She said this program provides funding for the purchase and redevelopment of foreclosed homes and residential properties. Councilor McAfee said the City of Bend was granted \$2.3 million dollars to assist in various areas including Deschutes, Crook and Jefferson counties. She said the loans have a zero percent interest rate and the loans are 20% of the purchase price or \$35,000 whichever amount is less. Councilor McAfee said it is a deferred payment so it is due either upon the sale of the home or any transfer or finance of the loan. She said the restrictions are that the property must be in an eligible census tract and currently all of La Pine is eligible. The applicant's income must not exceed \$120,000 of the area median income. She said that the program is not eligible to investor's or rental properties owners and must be used as the homeowner's primary residence. Currently they have 80 applications they are processing and it is good until the money runs out. Contact name is Greg Blackmore at the City of Bend and the funding is through the CDGB program (Community Development Grant Block).

01:46:58

8. Selection of Contractor for Cagle Subdivision/Drafter Road Maintenance Work

Mayor Shields recused herself from the discussion on this item because the bid is from her brother, Mike Shields, La Pine Equipment. Mayor Pro Tem Doug Ward conducted the discussion regarding this agenda item. He said despite advertising by the City they only received one bid for this work. Councilor McAfee expressed concern that only one bid had been submitted.

Public Comments

Vicky Jackson, area resident, asked if the Request for Proposal was advertised in The Bulletin. She said she was surprised that Vic Russell did not submit a bid. Councilor Ward said that Vic Russell had overlooked the bid and missed the deadline. Gloria Fleming, area resident, recommended hiring local contractors for City

work whenever possible. Dan Varcoe said he feels it is important to select local contractors for City jobs whenever possible even if you have to pay a little bit more. He said it is very difficult for local contractors here to buy water because they have to pay a high rate to the Water District. Mr. Varcoe said this is another good reason for the City to absorb the Districts as soon as possible.

A motion was made by Councilor Greiner and seconded by Councilor McAfee to Approve La Pine Equipment Incorporated to do the Cagle Subdivision Road Work as Per the Request from the City of La Pine and what they want done at the current price or less than he has quoted.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Kitty Shields (recused)</i>		
<i>Councilor Doug Ward</i>	<i>X</i>	
<i>Councilor Barbara Hedges</i>	<i>X</i>	
<i>Councilor Adele McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed by a vote of 4 to 0 with 1 recused.

City Recorder Damerval was directed to precede with the assistance of legal counsel for preparation of the contract so the work can proceed.

A motion was made by Councilor Greiner and seconded by Councilor Hedges for the Cagle Road Subdivision and Drafter Road, Road Improvement and for the Legal Contract to be Signed by Mayor Pro Tem Doug Ward.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Kitty Shields (recused)</i>		
<i>Councilor Doug Ward</i>	<i>X</i>	
<i>Councilor Barbara Hedges</i>	<i>X</i>	
<i>Councilor Adele McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed by a vote of 4 to 0 with 1 recused.

01:57:09

9. Resolution 2010-08

A resolution amending and restating Resolution 2009-001, which Resolution amended and restated Resolution 2008-005, a resolution that created the La Pine Tourism Advisory Committee and was passed and approved on April 30, 2008.

City Attorney Green discussed the changes that had been requested at a previous Council Meeting:

- (1) renaming of the committee
- (2) having committee terms be consistent with other committee resolutions

City Attorney Green said he ran the resolution by Art Uecker and it looked good to him. In response to a question from Councilor McAfee, City Attorney Green said that the terms were also changed to correspond to calendar years. He said that in section one, Mr. Uecker proposed the addition of one member from the

hospitality industry and one member from the La Pine Parks and Rec Department. City Attorney Green also said that the last paragraph states that should the City Council have difficulty filling a particular member classification that they can go beyond those criteria. City Recorder Damerval then read the resolution by title.

A motion was made by Councilor Ward and seconded by Councilor McAfee to Adopt Resolution No 2010-08 as read.

<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 McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed unanimously.

02:01:45

10. Selection of Councilor for Transportation Advisory Committee

It was announced that the first meeting for the Transportation Advisory Committee will be held on Wednesday, June 16th beginning at 6 pm at the South County Building Meeting Room. This committee functions as a subcommittee to the Planning Commission.

Councilor Greiner volunteered to serve on the committee as the Council representative.

A motion was made by Councilor Ward and seconded by Councilor Hedges to Designate Councilor Greiner to be the Council representative on the Transportation Advisory Committee.

<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 McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed unanimously.

02:06:30

11. Other Matters

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

11a) Deschutes County Lease – City Attorney Green

City Attorney Green discussed the need to remove the unilateral termination right from the lease that had been proposed by Deschutes County. He said the new proposed terms are:

- go forward with a three year extension, the rent would increase 3% annually over the first year, second year the rent would increase 3.5% and the third year there would be no increase;
- then there would be a three year extension option from there and if they agreed to it, and they would have to initiate it, there would be no increase in rent but Deschutes County would insist on a 180 day termination right.

A motion was made by Councilor Hedges and seconded by Councilor Ward to Approve the proposed terms of the Deschutes County lease as presented with authorization for the City Attorney to work with the County on the revised lease amendment and authorization for Mayor to sign once it is approved by legal counsel.

<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 McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed unanimously.

02:12:15

11b) Discussion on Disseminating Information Better – Councilor McAfee

Councilor McAfee stated that she brought this item up for discussion because of what had transpired regarding the April 30th Special City Council Meeting regarding Little Deschutes Lodge. She said she attended that meeting via teleconference with absolutely no information at all. Councilor McAfee said that Councilors need to be fully aware of all information equally and also be assured that all Councilors have the same information. She said it would be better in written format rather than verbal. Councilor McAfee suggested if a staff person is attending a meeting they should take notes and prepare a staff report so that all Councilors have the same information at the same time.

Mayor Shields stated that it was her understanding that when City Recorder Damerval was calling Councilors and letting them know there were issues, she also gave them a brief overview and told them if there were questions they were to call the attorney. Councilor Hedges understood that City Attorney Green was to call them and she had no understanding of the meeting that City Recorder Damerval had attended. Councilor McAfee said the Council bases their decision on what staff is telling them about what happened at a meeting and it has to be accurate. She said they need a policy in place so they will all have the same information.

City Attorney Green said that he agreed with Councilor McAfee that the Councilors should all have the same information and he liked the idea of having a written staff report prepared, most of the time, by the City Recorder. He said staff reports of a really legal nature might be coming from him but at the very least the Councilor should all have the same information.

02:17:17

City Attorney Green cautioned, along with Mayor Shields, that when communicating via e-mail be sure not to deliberate toward a decision via e-mails. City Recorder Damerval said it was a real time crunch for the April 30th meeting and there was no time to get a staff report done.

-**Public Comments

Stu Martinez stated that when he was on the Council they always tried to not allow those e-mails to transpire because it is against the public meeting laws.

Vicky Jackson, area resident, stated that there was a problem with the way the contractor submitted the figures for the tax exemption and an e-mail from the City Attorney would have been more helpful.

Council gave direction for staff reports to be prepared on all important issues and distributed to all Councilors, at the same time, for background material and information purposes.

02:22:00

11c) Raise for Administrative Assistant

Councilor Hedges stated that Admin Ass't Morgan deserves a raise for all she has done. She said after a year review a staff person is generally offered a raise. Councilor Hedges said that considering the work the Admin Ass't does and the responsibility she has, she would like to see a \$.75 per hour raise. Council McAfee said that the Admin Ass't should get a raise and that a \$.75 an hour raise for the Administrative Assistant sounds like a good figure. She suggested a budget impact statement for any discussion. Mayor Shields and Councilor Greiner stated they would like to think about it for awhile and that they were not prepared to discuss it tonight. Mayor Shields said that the matter could be addressed as a future work session item.

Councilor Ward stated that he was against a pay raise, based on the information he had, but would not discuss. Councilor Hedges said this is another issue that she is in the dark about. She said that several things came up a few months ago that they were supposed to be informed about that have to do with the duties of the Admin Ass't and she has no understanding of any of this and does not think it is right, (the things the Admin Ass't is allowed to do and the things she is not allowed to do). Councilor Hedges said she wanted to bring this up because she feels that the Admin Ass't needs a raise. Councilor Greiner stated that it will be the City Manager's responsibility to oversee the office and he should make a review of not just Patti's salary but Luana's salary and come back to the Council with a recommendation of what he thinks is right and fair for that particular person. He said he would like to have it delayed until there is someone in the City Hall office who has experience and can bring that recommendation back to the City Council.

02:28:40

Councilor Ward stated that if there were a pay raise it would have to be in the next fiscal year budget as it could affect the tax rate. Councilor McAfee stated the Council should not correlate a \$.75 an hour raise for an employee to increasing the tax rate. Councilor McAfee said she would like this item on the next agenda.

02:30:08

Mayor Shields said she was more comfortable with waiting until a City Manager will be working in the office and watching staff member's performance and have a better handle on what each of them does on a day to day basis and how they execute those tasks. Councilor Greiner said that revising job descriptions is another task for the City Manager. He said if they find out that they are overburdening either person they should be compensated for what they are overburdened for, that was his personal opinion.

02:32:00

Councilor Hedges requested clarification of why the duties are restricted for the Administrative Assistant. She said if Councilors want information certain things have to come from City Recorder Damerval.

In response to a question from Councilor Hedges, Admin Ass't said that there is no cross training (between the duties of the City Recorder and Admin Ass't).

02:33:40

Councilor McAfee stated that they should all acknowledge that they have had some difficult times because the City has not had an administrative person at City Hall, and that the Council needs to do better and move this matter forward to an appropriate time. She said the Councilors who think Patti Morgan deserves a raise will push that matter forward with the appropriate person.

02:35:00

Mayor Shields stated that the City Manager will be responsible for managing the City staff. Councilor Hedges asked if they would be putting off all decisions until they get a City Manager. Mayor Shields said that when they are so close to getting a City Manager, it makes sense to put this matter off.

02:37:50

11d) Office Space for City Manager – Councilor Hedges

Councilor Hedges stated she was concerned about the space for the new City Manager and also how their need for privacy would be handled. City Recorder Damerval stated that walls or dividers could be put in for a new office space. She said it is something the new City Manager will have to look into and assess. Mayor Shields said the person coming in would want to make those decisions.

02:40:30

11e) Approval of Bills – Councilor McAfee

Councilor McAfee stated that she requested a separate vote on this agenda item. She said she checked over the attorney fees and found that there were extraneous charges and that at a previous meeting she has stated she would not be voting to accept those charges. Councilor Ward stated that Councilor McAfee mentioned illegal charges at which point Councilor McAfee said she had said nothing about illegal charges.

Councilor Greiner said the bill should be discussed at the meeting. Mayor Shields said there might be some things that would need to be redacted. Councilor McAfee made reference to a personnel issue and said that had it been handled correctly, it would never have reached the City Attorney.

02:44:00

City Attorney Green said an invoice is an invoice, the Council knows how many thousands of dollars he writes off and frankly he does not charge the City for some of his time. Councilor Ward said for the record, he is 100% in support of Attorney Green.

Councilor McAfee asked Councilor Ward if he had looked at this month's bill, which he replied no. She said the Council has a fiduciary responsibility to look at the bill to make sure those are legitimate expenditures. Councilor Ward said there is a valid reason for this happening because they do not have a City Manager; when they wrote the budget for this year they planned to spend \$130,000 in legal fees. He said they would probably not spend even \$110,000 in the 2009-2010 fiscal year so that cost has come in under budget. Mayor Shields said she would much rather have staff checking with the attorney, when in doubt, and avoid legal exposure for the City. Councilor McAfee said she would have hoped Mayor Shields had said that perhaps they should have a policy in place that there are certain circumstances where it is appropriate to consult an attorney and there are other circumstances when it is not. She said thank you letters and letters of support should not have to be written by the City Attorney. Mayor Shields said she was ready to conclude the discussion because she is ready to pay the bill in full. Councilor Ward said he agreed with the Mayor.

Councilor Hedges requested a note on the bills when two bills have been paid in a single month for two different months such as what occurred with the City Hall rental invoice.

A motion was made by Councilor Ward and seconded by Councilor Greiner to Approve the check detail as presented.

<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 McAfee</i>		<i>X</i>
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed by 4 Aye votes to 1 Nay Vote.

02:44:15

11f) Approval of Reimbursements – Councilor Hedges

Councilor Hedges stated she wondered about the mileage reimbursement for City Recorder Damerval. She questioned two reimbursement requests for the same day. City Recorder Damerval said one trip was to Deschutes County in the morning regarding the Little Deschutes Lodge and the other was a night meeting for the Transparency/Public Records meeting by the Attorney General. Mayor Shields said she made the decision and asked the City Recorder to attend that meeting.

A motion was made by Councilor Greiner and seconded by Councilor Ward to Approve the Reimbursements as presented.

<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 McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed unanimously.

02:58:45

12. Public Comments for Items not on the Agenda

Dan Varcoe wanted to invite the Councilors to the following:

- May 22, 2010, dedication of the new sign at the City Park on Huntington and Hwy 97 and he would appreciate it if the Mayor or a Councilor could be there to say a few words. Mayor Shields said it was on her calendar to attend.
- There will be a La Pine Tourism Summit on Monday, May 24th at the Midstate Electric Building. He said they are hoping to put together a tourism committee for the community so there can really be a focus on getting a return on tourism. Dan Varcoe said he hoped some of the Council could attend the Summit.
- June 11, 2010 the Governor will be on hand to do a dedication of some of the old Gilchrist

timberlands that are being turned into State forests. He encouraged Councilors to attend this opportunity to interact with the Governor.

- LIGI (La Pine Industrial Group) will have their annual meeting at Midstate on June 8, it will be a luncheon meeting and the Council is invited to attend from 11:30 am to 1:30 pm.

03:03:43

Vicky Jackson, area resident, questioned the purpose of the Council approving the check detail when the checks have gone out and been paid the previous month.

In response to a question from Ted Scholer, City Attorney Green stated that Oregon law has certain limited situations under which an Executive Session can be handled.

3:07:50

13. Committee Reports

Mr. Scholer, Chair of the Utilities Committee, said he will be attending an infrastructure funding workshop put on by RCAC.

Councilor Ward said at the LIGI meeting yesterday, that Biomass still has a couple of permits that have not been completely granted yet but the County has said they will be soon. He said the traffic study is proceeding and the stakeholders have recommended a company named Kittelson and Associates to do the study and that a recommendation will go to the County and then it will come to the City for approval or disapproval. Councilor Ward said the study is projected to be done by October of 2010.

Councilor Hedges stated she attended the COIC (Central Oregon Intergovernmental Council) meeting and it was held at the new intermodal building that they are spending thousands of dollars redoing and also putting in an elevator. She said their buses come out here so they can take advantage of it as well. Councilor Hedges said they are still anxious to help us out and Phil Chang would be happy to come out and speak to the Council. She said she also favored Kittelson & Associates for the traffic study. Councilor Hedges said she found the economic development meeting held in La Pine recently to be very informative and she looks forward to more of these types of meetings.

Mayor Shields said she went to the DEQ (Department of Environmental Quality) steering committee meeting. She said that they favored each agency having a representative called in for technical support, and they would not have to attend every meeting. Mayor Shields said she went ahead and put in an application. Councilor Hedges said she was not able to attend the meeting and did not put in an application as an alternate. Mayor Shields also stated that there may be an issue with having two relatives on the committee like herself and her brother Leon Shields who has also applied. She said DEQ may not want a City representative, they will tell them later when they decide about technical advisors. Councilor Greiner said he also attended the COIC which Councilor Hedges had already been reported on.

3:15:15

14. Staff Comments

City Recorder Damerval said that the committee recommendation for the selection of a company to do the traffic study was a unanimous decision for Kittelson and Associates. She said the road work for Cagle Road has been completed and paid for. City Recorder Damerval said she sent in the Small Cities Allotment Grant information and it should be here by the end of next week that was applied for two years ago for \$25,000 and that money will go back into the street fund. City Recorder Damerval said that there was an issue on Doe

Lane because one of the residents decided to dig a ditch across the road for speed control and a lady was injured as a result of the ditch. She said that the road bed was pretty much ruined because of the work the homeowner did on it. City Attorney Green said they may want to send that homeowner a letter from the City Attorney's office because he is digging a ditch on City property creating a safety issue and costing the City monies to repair. The Council had consensus that if the problem continues the Mayor will contact City Attorney Green to write a letter to the homeowner in question. Mayor Shields said she will be in contact with Mayor Pro Tem Ward and City Recorder Damerval to see if they will need a letter.

03:21:05

15. Council Comments

Councilor Ward said the ditch was 24" by 18" and went clear across the road. He also congratulated the proposal to manage the street light banners by Dan Varcoe. Councilor Ward said that the new City Manager should be involved in the banner approval process.

Councilor McAfee stated that she attended the economic community development meeting. Councilor McAfee said that she would like to apologize to the public on how things were brought up tonight. She said that there are some issues that are important to her and she just hopes that she can bring them up in the most respectful and informed way and that would be her goal.

Councilor Hedges said she would like to apologize for making everybody uncomfortable. She said trying to find out facts has been very difficult and there is no one to go to for clarification.

Councilor McAfee said that on May 8th she participated in handing out flyers in the three neighborhoods for the Name the Neighborhood contest. Councilor Hedges said that she got an opportunity to meet all her neighbors.

03:28:13

Councilor Greiner stated he attended a Transparency/Public Records Law Meeting held by the Attorney General. He said that the editor of The Bulletin, John Costas, stated at that meeting that his newspaper was asked to do an investigation of the legal fees charged to the City of La Pine. Councilor Greiner said he has written a letter to the editor and it was also given to all the Council members. He stated at the meeting there was a claim that 50% of the Council budget went to pay the City Attorney. Councilor Greiner said he does not believe that was correct and it needs to be corrected to whoever did it. He also said he looked in at the City Recorder's office to find out how many people were really interested in how much money the attorney charges for his services. Councilor Greiner said he found out that Councilor McAfee has been researching this since December of 2009 if not prior to that and that on April 5th Vicky Jackson, area resident, requested the information, April 13th Scott Hammers requested a full year of invoices and then on May 11th Loretta Murphy requested the same thing.

03:30:26

Councilor Greiner said that no one that lives in the City has requested this information except Councilor McAfee. He asked what their motivation was. Councilor Greiner said it bothers him that somebody that does not pay the bills, does not pay taxes, does not vote in the city, why they need that information. Councilor Greiner said that he agrees with Councilor McAfee that staff were using the attorney too often but by the same token they are a new City and they do not have an experienced Council or staff that has been trained in municipal government. He said staff should call the attorney to keep them out of trouble. Councilor Greiner stated that at the Town Hall meeting City Attorney Green did not charge the City to attend the Saturday meeting. He said he will back the City Attorney all the way. Councilor Greiner said if the investigation finds that the charges are unrealistic he will be the first one to say City Attorney Green 'you are out of here and they are going to get somebody else.'

03:34:06

Mayor Shields asked that the selection committee not use the name "high desert" for any of the neighborhoods involved in the naming contest. She said she would like to apologize for some of the tension that was at the meeting tonight, they have mostly just Council and two staff members and they have things coming at them all the time. A new City Manager should help a lot.

Public Comment

Austin Gillette, area resident, stated that the County told him when his house was being built that the neighborhood was Burgess Beautification. He said that he liked the name and would like to enter it into the contest. Gloria Fleming suggested that maybe the City could give the three contest winners a sign for their neighborhood.

16. Adjourn

A motion was made by Councilor Ward and seconded by Councilor Greiner 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 McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

Motion passed unanimously.

Mayor Kitty Shields

Attest:

City Recorder Luana Damerval