

# LA PINE CITY COUNCIL MEETING AGENDA

Wednesday, June 9, 2010

Work Session - 5:30 p.m.

Regular Session - 6:00 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

## A. Work Session – 5:30 p.m.

1. Call to Order
2. Roll Call
3. Discussion of Interim City Manager Employment 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. May 12, 2010 – Work Session and Regular Meeting Minutes
- ii. May 13, 2010 – Special Meeting Minutes

#### b. Bills and Invoices

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

### 6. Public Hearings

#### a. State Revenue Sharing Funds

In accordance with Oregon law, the City Council will hold a public hearing concerning the proposed use of the Oregon revenue sharing funds. Citizens will have an opportunity to provide written and oral comment to, and ask questions of, the City Council regarding the proposed use of these funds during this public hearing.

1. Open Public Hearing
2. Staff Report
3. Public Comments
4. Close Public Hearing
5. Council Deliberations

b. 2010-2011 City of La Pine Budget

In accordance with Oregon law, the City Council will hold a public hearing concerning the budget document approved by the Budget Committee. Citizens will have an opportunity to comment on any item in the budget document.

1. Open Public Hearing
2. Staff Report
3. Public Comments
4. Close Public Hearing
5. Council Deliberations

7. Transient Room Tax Proposal for Disbursement of Funds for Fiscal Year 2010-2011

Art Uecker, Chairman of TRT Advisory Committee

8. Designate Regional Advisory Committee Representative from La Pine

9. Deschutes Water Alliance Memorandum of Understanding

10. Newberry Habitat Letter of Support for United States Department of Agriculture Loan

Mike Beeson

11. City Charter Discussion

12. Other Matters

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

13. Public Comments for Items not on the Agenda

14. Committee Reports

15. Staff Comments

16. Council Comments

17. 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 MEETING MINUTES

Wednesday, June 9, 2010

Work Session - 5:30 p.m.

51340 Highway 97, La Pine, Oregon 97739  
South County Building Meeting Room

## A. Work Session – 5:30 p.m.

### 1. Call to Order

Mayor Shields called the meeting to order at 5:35 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 Green  
City Recorder Luana Damerval  
Admin Ass't Patricia Morgan

Quorum established.

### 3. Discussion of Interim City Manager Employment Agreement

Councilor Greiner and Councilor Ward both agreed they were pleased with the agreement. The Council had consensus to use the date of February 28, 2011 as the end of date for the employment agreement. Rick Allen stated that the date would work for his schedule. City Attorney Green agreed with extending the date beyond the six months. Councilor McAfee also suggested that all the City Council sign the employment agreement. The Council had consensus to have a spending limit of \$5,000 for the City Manager to expend City funds. They also had consensus to add that the City Manager can be excused to attend a meeting by either the Mayor or City Council.

The Council had consensus for the City Manager to be a signer on the checking account but he did not wish to have a City credit card in his name. In response to a question posed by Councilor McAfee, she was told there were no other documents or a supplemental that had come in for the City Manager.

Council had consensus to move this employment agreement forward to the regular session.

City Recorder Damerval was given approval to pay the Terminix invoice in full during fiscal year 2009-2010 in order to receive a discount.

4. Adjourn Work Session

**A motion was made by Councilor McAfee and seconded by Councilor Hedges 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 Shields adjourned the meeting at 6:00 pm.

# LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, June 9, 2010

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.

00:25:00

### 1. Call to Order

Mayor Shields called the meeting to order at 6:21 pm.

### 2. Establish Quorum

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.

- 4a) Appointment of Interim City Manager
- 4b) Neighborhood Naming Contest Awards
- 4c) TRT Committee Membership Appointments

Councilor McAfee requested to add to the discussion of Item #11 on the City Charter a topic on considering an at large Councilor from out of the City limits.

### 4a) Appointment of Interim City Manager

Mayor Shields stated that the Council had consensus to enter into the employment agreement for the City Manager effective tonight, June 9<sup>th</sup>. She also said a Conflict of Interest letter had been received at City Hall stating that Bryant, Lovlien & Jarvis (City of La Pine’s legal firm) is the same law firm that represents Rick Allen and his businesses. City Attorney Green stated that the Conflict of Interest letters are critically important under the rules of ethics.

Councilor McAfee asked Mr. Allen if the City decided to go out for an RFP (Request for Proposal) for legal services would he have any issue with it and he said no. Rick Allen stated that his involvement with the law firm is only in regard to his businesses in Jefferson County. Mayor Shields stated that in the past there had been several Conflict

of Interest Letters from Bryant Lovlien & Jarvis on behalf of contractors and other business people they represent that also are involved with the City.

The following revisions to the Employment Agreement were agreed upon:

- 4.1: February 28, 2011 as the proposed expiration date of the agreement
- Schedule 1.2, pg 4: Rick Allen has authority to purchase goods and services up to \$5000. Purchases would be in accordance with City policy and applicable Oregon law
- 1.2, page 8: Provide that Rick Allen can be excused from attending a Council Meeting by the Mayor or the City Council
- That the appointment of Rick Allen be authorized by all of the City Council and made effective June 9, 2010

00:37:27

**A motion was made by Councilor Greiner and seconded by Councilor McAfee to approve the Employment Contract with Rick Allen for Interim City Manager subject to the following legal revisions, to identify Feb. 28, 2011 as the proposed expiration date, to identify in paragraph 4 schedule 1.2 that Rick Allen has the authority to make purchases for goods and services up to \$5,000 and these purchases will be in accordance with City policy and applicable Oregon law, also to identify in paragraph 8, schedule 1.2 that Rick Allen can be excused by the Mayor and also to authorize signature of this contract by all Councilors and make it effective June 9, 2010.**

<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.**

Councilor McAfee stated that she wanted to thank Mayor Shields for stepping in and acting as the administrator in lieu of a City Manager and also now acknowledging that her role in City Administration has concluded. City Manager Allen then was seated at the Council table.

4b) Neighborhood Naming Contest

Mayor Shields discussed the contest and how it created greater citizen participation by giving names to the three neighborhoods contained in the City. She said the three winners of the contest were being presented with an Honorary Resolution from the City of La Pine: Delmar Olman for Rosland Crossing, Audrey Gulden for Ranchside and Dan Varcoe for Prairie Meadow.

North Neighborhood	Rosland Crossing
Central Neighborhood	Ranchside
South Neighborhood	Prairie Meadow

Mayor Shields then read Honorary Resolution No. 2010-1.

**A motion was made by Councilor McAfee and seconded by Councilor Ward to Adopt Honorary Resolution No. 2010-1.**

<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.**

Public Comment

- Dan Varcoe, Chamber of Commerce, thanked Mr. & Mrs. John Thomas, Mr. & Mrs. Sanchez, and Councilors McAfee and Hedges, and Jane Gillette for the neighborhood canvassing they did for the Name the Neighborhood contest.

00:48:00

4c) TRT Committee Membership Appointments

Chair Art Uecker discussed the need for making these appointments now for the future tasks of the committee and to fill out the now seven members instead of five. There would still be two vacancies. Council had reviewed the three applicants and talked with the candidates at a prior Council Meeting. The recommended applicants were Justin Cutler, Ann Gawith and Linda Smith.

**A motion was made by Councilor Ward and seconded by Councilor Greiner to Appoint Linda Smith, Justin Cutler and Ann Gawith to the TRT Committee for three of the vacated seats with terms beginning January 1, 2011.**

<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.**

00:52:40

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.

Mayor Shields stated that the May 12<sup>th</sup> and May 13<sup>th</sup> Meeting Minutes were very long and City Recorder Damerval did not have time to do her review of them. City Recorder Damerval said that basically they were not finished and were not ready. Councilor McAfee stated that there was a lot of community concern about these Minutes but instead

of addressing it here she will be speaking with the City Manager and let everyone concerned about it know or he can let them know what was decided.

Councilor McAfee asked for 5bi, Approval of Bills, to be removed to regular discussion.

- a. Approval of Minutes
  - i. May 12, 2010 – Work Session and Regular Meeting Minutes
  - ii. May 13, 2010 – Special Meeting Minutes
  
- b. Bills and Invoices
  - i. Approval of Bills
  - ii. Financial Report
  - iii. Approval of Reimbursements

00:55:55

Councilor McAfee mentioned that Ted Scholer’s approval of reimbursement should not have been on the Consent Agenda since the Council had already approved the expenditures at an earlier Council Meeting.

00:57:22

**A motion was made by Councilor Ward and seconded by Councilor Greiner to Approve the Consent Agenda items 5bii Financial Report and 5biii Reimbursements with the omission of the Reimbursement Request from Ted Scholer as it was previously approved.**

<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.**

00:58:40

- 6. Public Hearings
  - a. State Revenue Sharing Funds

In accordance with Oregon law, the City Council will hold a public hearing concerning the proposed use of the Oregon revenue sharing funds. Citizens will have an opportunity to provide written and oral comment to, and ask questions of, the City Council regarding the proposed use of these funds during this public hearing.

    - 1. Open Public Hearing

Mayor Shields opened the Public Hearing at 6:56 pm.

- 2. Staff Report

City Recorder Damerval stated the Hearing is open to hear any public comments of how the money is spent by the City for the shared revenue funds.

- 3. Public Comments

There was no public comment.

4. Close Public Hearing

In response to a question from Councilor McAfee regarding a possible reduction in state revenue sharing funds, City Manager Rick Allen stated that for the next biennium the State could grab some of those monies because of their current deficit.

**A motion was made by Councilor Greiner and seconded by Councilor McAfee to Close the Hearing on State Revenue Sharing Funds.**

<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 Shields closed the Hearing at 6:59 pm.

5. Council Deliberations  
None

b. 2010-2011 City of La Pine Budget

In accordance with Oregon law, the City Council will hold a public hearing concerning the budget document approved by the Budget Committee. Citizens will have an opportunity to comment on any item in the budget document.

1. Open Public Hearing

Mayor Shields Opened the Public Hearing on the 2010-2011 City of La Pine Budget at 7:00 pm

2. Staff Report

City Recorder Damerval stated that this is a Public Hearing for any questions to come before the Council regarding the budget. The Budget reflects all the changes that were discussed and approved by the Budget Committee and Council.

3. Public Comments

- Vicky Jackson, 17346 Mink Court, referenced Scott Hammers recent article in the Bend Bulletin where it compared legal fees of La Pine with other cities of similar size. She said she would like to see legal fees around \$40,000 - \$50,000 and not the \$75,000 amount that has been budgeted for next year.
- Art Uecker, 52670 Wayside Loop, Chair of the TRT Committee, stated that regarding the TRT fund, because of the current economic issue, he would like the Council to consider raising the percentage that the City charges for the Transient Room Tax to be more like the amount charged throughout the State. He said the funding is critical for the Visitor's Center and also a number of organizations like the Frontier Days and recommended to at least investigate to obtain an average.

4. Close Public Hearing

**A motion was made by Councilor Greiner and seconded by Councilor Ward to Close the Hearing on 2010-2011 City of La Pine Budget.**

<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 Shields closed the Public Hearing at 7:04 pm.

5. Council Deliberations

Councilor McAfee stated she thought the idea of raising the Transient Room Tax was a good suggestion and should be looked into further. She also said that the consensus of members at the Budget Committee meeting was to have that amount for legal fees although one member of the committee disagreed with it. Councilor Ward stated that if we do not budget sufficiently it could create a problem for the City later on. Councilor Greiner said that the Council has referred many things to the City Attorney for him to do. He said he did not think that \$75,000 was out of line and that the City Attorney was doing a good job. Mayor Shields stated that the \$75,000 was there if they needed it and they had to plan for the unforeseen. She said in regard to the Transient Room Tax issue she was concerned about making people spend more. In response to a question posed by Budget Officer Ken Kendall, Art Uecker stated that the City should at least look into the tax and see how they compare on a state basis. He also said that the RV Parks for short term stays are not paying any taxes and that should be discussed with those business owners as an additional revenue source.

01:15:15

Public Comment

- Robin Mirrasoul, TRT Committee member, stated that raising the tax by 1% is really a very small amount. She also said that some of the lodging or RV Parks are not paying the tax while other ones are paying the tax and that is not a fair playing field in business.

City Manager Allen stated that he could look into the Transient Tax and review what other cities are charging and also what the law says and bring the information back to the Council in a month or two.

City Attorney Green stated that the Midstate Franchise fee was absent from the budget. Budget Officer Ken Kendall stated that the budget would not need to be amended for any unexpected income. Councilors Greiner and McAfee understood that direction was given to City Attorney Green to look into the agreement at a previous meeting. City Attorney Green said yes to look into it, but was not given direction to pursue getting the agreement with Midstate Electric. City Attorney Green was then given direction to pursue the Midstate Franchise Agreement.

There was some discussion as to whether Midstate has been assessing a franchise fee and City Attorney Green will look into the matter. City Manager Allen recommended for the Council to first determine how the franchise tax is assessed etc., so they would know upfront how much a person's bill would go up per month, to get this information first, then move forward on the agreement, to save attorney time. He recommended a work session on the Midstate Franchise.

Public Comment

- Pat Murphy, area resident, was told that people living outside the City would not have the franchise tax on their electric bills. (The fees are for use of the right-of-way.)

01:30:26

7. Transient Room Tax Proposal for Disbursement of Funds for Fiscal Year 2010-2011

Art Uecker, Chairman of TRT Advisory Committee

- Mr. Uecker asked that Mike Jensen, TRT Committee Member, do the presentation since he drafted the proposal.

- Mr. Jensen stated that the committee was very impressed with the proposals they received, particularly the proposal from the Visitor’s Center regarding combined marketing for a variety of events.

City Attorney Green confirmed that the monies dispersed to the Visitor’s Center would also be used for combined marketing of events (with a committee comprised of the organizations putting on the events). It was determined the 2% was to be used for incidentals.

01:41:00

Public Comments

- Robin Mirrasoul, TRT Member, stated that the 2% set aside was good for a fast track applicant that had a last minute event and needed some funding assistance but was too late to apply through TRT Grant process.

- Mike Jensen also confirmed that the 2% set aside always stays in a specific account.

- Wendy Korn, The Eagle, expressed concern about the amount of monies going to the Visitor’s Center but was reassured by Art Uecker, that the Chamber of Commerce and the Visitor’s Center have two separate accounting systems.

- Mr. Uecker also assured Ms. Korn that as long as a grant applicant meets the criteria, they will receive a recommendation from the TRT Committee for a percentage of TRT funds.

**A motion was made by Councilor Greiner and seconded by Councilor Ward to Approve the Proposal Presented by the TRT Committee for Dispersal of Funds for 2010-2011.**

<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.**

01:54:08

8. Designate Regional Advisory Committee Representative from La Pine

Councilor McAfee stated that the County got a grant for looking into large lot building. She said there will be a lot of deliverables through this grant. She said some of the members will be from DLCD, (Dept of Land Conservation & Development), Oregon Business Development, EDCO (Economic Development of Central Oregon) and hopefully the City of La Pine. Councilor McAfee said she approached Lee Smith about being the representative from La Pine

and he seemed positive about it. She also suggested the alternates be Deborah McMahon and James Lewis. Council had consensus for the City of La Pine to participate in this advisory committee.

**A motion was made by Councilor McAfee and seconded by Councilor Greiner to Designate Lee Smith as the City of La Pine’s Regional Advisory Representative Pending his Agreement and with Deborah McMahon and James Lewis as alternates pending their Agreements.**

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

**Motion passed unanimously.**

02:00:40

9. Deschutes Water Alliance Memorandum of Understanding

City Attorney Green stated that this issue came before the City Council in the past. He said this current version may have some additional revisions. City Attorney Green recommended the Council approve the agreement today subject to legal review of the final version. He said the changes will probably be minor and the issue that has been identified is that some of the Water Districts want to make sure that any decision made by the DWA is made unanimously rather than be consensus.

City Manager Allen stated that La Pine will not be a big player in the Alliance because currently the City does not provide water; it will be most useful to cities with large water and irrigation districts. City Manager Allen said that the Alliance will be working on legislative bills, etc., and does think there will be a conflict with DLCD. Councilor McAfee stated that everyone on the Alliance may play a role in the nitrate solution and suggested there be language in the agreement regarding the issue. Councilor Hedges stated that it would be good to support the Alliance whether we have much involvement with it or not. City Manager Allen stated that the Alliance will be dealing with water rights for irrigation and drinking water. This is to make sure that Oregon legislature does not goof up water rights for irrigation districts, cities and counties.

Public Comment

- Austin Gillette, 52416 Sunset Court, stated that the federal government, starting in 2012, will be raiding the water supplies of regional and local water entities and get national ownership of water. He also said that the nitrate issue, funded by the USGS (US Geological Society) will eventually become an issue throughout the nation.
- Vicky Jackson, 17346 Mink, stated that with the Interim City Manager reviewing it now and because the City Attorney has been working on it for some time and Council needs to make a decision if they want to spend more time legally and then make a decision on the Memorandum of Understanding.

**A motion was made by Councilor McAfee and seconded by Councilor Hedges to Approve the Deschutes Water Alliance Memorandum of Understanding.**

<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.**

02:18:46

10. Newberry Habitat Letter of Support for United States Department of Agriculture Loan

Mike Beeson – not present at the meeting

Council had full consensus to support the Newberry Habitat Letter.

**A motion was made by Councilor Ward and seconded by Councilor Greiner to approve the Newberry Habitat Letter of Support for the Newberry Habitat for the United States Department of Agriculture Loan.**

<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.**

02:20:07

11. City Charter Discussion

City Attorney Green distributed a memo to the Council on the timeline for the City Charter. He said that the ballot title needs to be to the County Clerk by September 2, 2010. City Attorney Green suggested discussing the City Charter by the first Council meeting in July during a Work Session. Councilor Hedges stated that she would like a Councilor at Large provided for in the City Charter. City Attorney Green said that it appears that it would probably be possible to have a non resident on the City Council. Councilor McAfee stated that a Resolution could be done according to 221.910 the City Council shall judge the qualifications of its members. City Attorney Green said that he believed that statue comes under the 1893 Act which the City of La Pine was not incorporated under. Councilor McAfee said that the City of Greenhorn, with only two residents, had legislation done so they could have Councilors outside the City and that may be another way to go. She suggested someone could sponsor it on the City's behalf.

City Manager Allen recommended a five to seven person committee to work on the City Charter and to appoint them at a meeting in July. Councilor McAfee recommended the Council discuss the nonresident Councilor position prior to the Committee working on the issue. Councilor Ward stated that he does not feel it is legal to have a non resident on the City Council and that it might cause the City Charter to be rejected by the voters if the Charter included it.

02:33:03

Public Comments

- Ted Scholer, Chair of the Utilities Committee, stated that a non resident Councilor was not against Deschutes County law it was because of the ordinance under which the City was formed which was a State Charter.
- Tom Bradler, 16032 Dyke Road, stated that right now the City allows non residents on their commissions and committees.
- Bob Cox, Chamber of Commerce Board Member, stated that the community is interested in expanding the definition of who can be a Councilor. He said that the community is very diverse and the Council should reflect that diversity.

Attorney Green clarified that ORS 221.910 does not apply, as it is under the 1893 Act.

City Manager Allen stated that the Council should probably decide if they want to consider having an at large Councilor if indeed it is found to be legally allowable. Councilor Ward stated he was against it. Councilor Greiner said he would pass on it at this time. Mayor Shields stated if it is legal, she would support it. She also said that if it is legal, it still has to go to the vote of the citizens. Councilor McAfee and Councilor Hedges said they would support it.

02:43:02

Public Comment

- Robin Mirrasoul, area resident, stated that she owns two pieces of commercial property and a business within the City but she feels she has no representation within the City although she, along with others, pays a lot of taxes. She said a lot of people, like herself, have made long term investments in the City. Ms. Mirrasoul said that having an at large Councilor would make the business owners feel more like a part of the City.
- Ted Scholer, area resident, stated that the incorporation effort in 2002 was affected by misinformation and out and out lies distributed by opponents and that is why it did not pass. He said that he would like to see the Charter work not rushed for the November election but have time to really do it right.
- Dan Varcoe, Chamber of Commerce, stated that it would be nice to have some caring folks outside the City on the Council. He said if they are elected by the residents it makes the statement that they are comfortable with their representation. Mr. Varcoe said that a lot of people that live outside the City have a higher care meter than those people that live inside the City.
- Jayne Benner, area resident, stated that the business owners need to have a voice because they care. She said that it has been very difficult to get a full seating of Council members over the last few years. Ms. Benner said there are many non residents that are qualified to be on the Council.
- Art Uecker, Chamber of Commerce, stated that caring is the key and why would one object to someone wanting to be part of the process when they have nothing to gain from it. He said one more voice at the table may have a view that has not been heard previously and it has nothing to do with control.
- Austin Gillette, area resident, stated that Councilor McAfee's suggestion of going through the legislature to be able to have an at large Councilor may be a good idea. He also said there was not enough time to create a City Charter before the November election.
- Gloria Fleming, Planning Commissioner, stated that she would like to see people other than just business interests be represented on the Charter Committee.

Interim City Manager Allen stated that he felt the timeline was too tight. After discussion by the Council and a poll of the present citizens, the City will try to have the Charter ready by the next May ballot in 2011. The Council had consensus to begin advertising for the Charter Committee with a total of nine members to include five residents and up to four non residents. The Council will appoint the members at the July 28, 2010 Council Meeting and also approve the Resolution for the committee. Mayor Shields stated she wanted it to go on the record that she did not stonewall the Charter process.

12. Other Matters

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

03:10:47

12a) Approval of Bills

Councilor McAfee stated that based on the meeting tonight, she believed that the Council had found the solution to the legal expenditures and would approve the check detail.

**A motion was made by Councilor McAfee and seconded by Councilor Ward to Approve Agenda Item 5bi, Approval of Bills.**

<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.**

13. Public Comments for Items not on the Agenda

- Dan Varcoe, Chamber of Commerce, announced that the Governor will be in Gilchrist for a dedication on June 11<sup>th</sup>. He also suggested the City keep some kind of documentation of how much people are volunteering for the City. Mr. Varcoe asked if the mosquito abatement had started and City Recorder Damerval confirmed it had started last Saturday.
- Art Uecker, Chamber of Commerce, thanked the Council for the extremely qualified choice they made for the Interim City Manager.
- Gloria Fleming, Planning Commissioner, said that those volunteer hours can translate into grant monies and it is important to keep track of them.
- Tom Bradford discussed the Relay for Life to be held on June 26<sup>th</sup>.
- Vicky Jackson, area resident, welcomed the new City Manager and talked about the various groups in the community and asked that Interim City Manager Allen attend the CAG (Citizen Action Group) meeting on Friday.
- Dan Varcoe also mentioned that there will be a weed pull in La Pine on Saturday, June 12<sup>th</sup>.

03:17:40

14. Committee Reports

- Chair Thomas, Chair of the Planning Commission, stated that the committee is starting work on the zoning ordinances and also will be discussing the Biogreen work and the Industrial Park and are additionally welcoming comments.
- Ted Scholer, Chair of the Utilities Committee, stated that BarbeAnn Nelson-Dodson turned in her resignation from the committee. He said that Ms. Nelson-Dodson was asked to resign by the Water & Sewer Districts Board because she was not a voting member. Mr. Scholer said the workshop on financing that he attended in Pendleton was excellent and provided great resources. He also discussed an Oregon House Bill 3617 that appeared to be helpful with the City absorbing the Water and Sewer Districts. Mr. Scholer said that Representative Whisnant's office is looking into the matter for him.
- Art Uecker, City Insurance Agent, also stated that he has submitted the Water and Sewer Districts insurance policy information to the City's insurance company for a comparison analysis. He will have the report soon, defining what the financial impact would be in respect to the indemnities and impact for the City.
- Councilor Ward stated that he attended the LIGI (La Pine Industrial Group Inc) meeting and it was discussed that the County had stated it would be about four months for final approval on Biogreen's application. Then,

the construction could commence with a scheduled opening for June of 2012. He said that the company doing the geothermal wells at Newberry Crater is possibly looking for a possible business location in the Industrial Park.

- Councilor Greiner stated that he attended a COIC (Central Oregon Intergovernmental Commission) meeting on June 3<sup>rd</sup> regarding climate change and how it will effect the Deschutes Basin. He said COIC is looking for a name for their new transportation building and if anyone has a suggestion contact COIC.

#### Public Comments

Stu Martinez, area resident, stated that the City should have planned two meetings for all the matters that were on the agenda tonight. He suggested adjourning the meeting and also welcomed City Manager Allen.

#### 15. Staff Comments

None from City Recorder Damerval or Admin Ass't Morgan.

03:27:20

#### 16. Council Comments

#### Public Comment

- Ted Scholer mentioned that another company is interested in possibly coming into the Industrial Park and utilizing some of the steam generated by Biogreen.

City Manager Allen stated that he looks forward to the challenges ahead and that people seem to be coming at things from different positions. He said he plans to be in La Pine on Wednesdays and Thursdays or Tuesdays and Wednesdays.

City Attorney Green stated that the Council needs to be developing the SDC (System Development Charge) ordinance. He said he has contacted the attorney for the Water and Sewer Districts regarding a status update on when he will receive the revised Intergovernmental Agreement with the Districts. City Attorney Green stated that the City Council wanted the Districts removed from voting and that was why it was stated that way in the Resolution for the Committee. He also said that the Council rules should be amended so that he does not have to attend the meetings unless requested by the City Manager, Mayor or City Council. City Attorney Green stated that after a preliminary review of House Bill 3617 he believes that it impacts the analysis and the Utilities Committee recommendation, but he will take a look at it again.

03:36:58

Councilor Hedges stated that she wanted to know the outcome result of the May 24<sup>th</sup> Special City Council Meeting regarding Councilor McAfee. Mayor Shields said that it has not been determined yet. She said that she needs to do more research and she does not have a timeline. Councilor McAfee expressed surprise that it was not resolved at the May 24<sup>th</sup> meeting and that her integrity was therefore still in question. She said it was her understanding that it has been resolved and that the Council was in agreement to move forward. Mayor Shields said that she will need to review the recording and get back to them about it, to make sure she did not overlook something.

#### Public Comment

Tom McAfee, husband of Councilor McAfee, stated his family has been under a lot of strain over the matter and he needs the matter resolved. He also accused Mayor Shields of stonewalling and he is very tired of this whole matter.

17. 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 Shields adjourned the meeting at 9:39 pm.

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Mayor Kitty Shields

Attest:

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City Recorder Luana Damerval