

# LA PINE CITY COUNCIL WORK SESSION AGENDA

Wednesday, January 26, 2011

Regular Session - 6:00 p.m.

Executive Session – 7:30 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

## A. Regular Session – 6:00 pm

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Public Comments
5. Water and Sewer Districts – Cagle Annexation
6. City Charter
7. Midstate Franchise
8. Adjourn

## B. Executive Session – 7:30 p.m.

1. Call to Order
2. Establish Quorum
3. Executive Session – ORS 192.660(2)(e) – to conduct deliberations with persons designated by the governing body to negotiate real property transactions. The executive session is closed to the public. In accordance with applicable Oregon law, representatives of the news media are permitted to attend the executive session. However, the media is prohibited from disclosing any information discussed in the executive session. All discussions in the executive session are confidential and those present may not disclose any information discussed in the executive session. The executive session will not be held for the purpose of taking any final action or making any final decision.

4. Executive Session – ORS 192.660(2)(i) – To review and evaluate the employment- related performance of the chief executive officer of any public body, a public officer, employee, or staff member who does not request an open hearing. The executive session is closed to the public. In accordance with applicable Oregon law, representatives of the news media are permitted to attend the executive session. However, the media is prohibited from disclosing any information discussed in the executive session. All discussions in the executive session are confidential and those present may not disclose any information discussed in the executive session. The executive session will not be held for the purpose of taking any final action or making any final decision.
  
5. 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 Patti Morgan at (541) 536-1432.

# LA PINE CITY COUNCIL WORK SESSION MINUTES

Wednesday, January 26, 2011

Regular Session - 6:00 p.m.

Executive Session – 7:30 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

## A. Regular Session – 6:00 pm

### 1. Call to Order

Mayor Ken Mulenex called the meeting to order at 6:00 pm.

### 2. Establish Quorum

#### Roll Call:

City Manager Rick Allen  
Mayor Ken Mulenex  
Councilor Stu Martinez  
Councilor Dan Varcoe  
Councilor Adele McAfee  
Councilor Don Greiner  
City Attorney Jeremy Green  
Admin Ass't Patricia Morgan

Quorum established.

### 3. Pledge of Allegiance

Mayor Mulenex led the Pledge of Allegiance.

### 4. Public Comments

None

### 5. Water and Sewer Districts – Cagle Annexation

Brian Earls and James Newton from the Water and Sewer Districts discussed a letter regarding the Cagle annexation that had recently been sent to the City. In this letter the Districts asked that the City support the annexation. Mr. Earls also said he had been working with Councilor Martinez as a go between for various issues between the City and the Districts.

Councilor McAfee stated she had some grave concerns about that letter. She said the part of the letter dealing with public health safety with the ground water issues was odd, particularly since the Districts had not been involved in the nitrate issue previously. Councilor McAfee also said that the County and Council had both stated they would not support the Cagle annexation. She said it was clearly stated at the time of incorporation that the Districts would be absorbed by the City at a future

time. Councilor McAfee also said the City still needs numerous documents they had requested several weeks ago from the Districts but had not received.

Councilor Varcoe stated that the public health safety issue raised in the letter may undermine the work that is going on with the DEQ Steering Committee. Councilor Martinez said he talked with Mr. Earls this afternoon and he conveyed to him that the City's goal as outlined is to bring all services under one roof within one year. He said they, the City and Districts, need to start planning now for the coming year.

#### Public Comment

Doug Ward, Cagle area resident, stated there had never been in fifteen years a government agency test the water in the Cagle subdivision. Mr. Ward also said he believed the City should be operating the Districts.

Councilor Greiner stated that the City and Districts need to know what the people living in the Cagle subdivision want regarding the water and sewer hookups. Until that happens he did not feel he could vote for it.

00:37:21

Mayor Mulenex stated he liked the idea of going out and doing another survey and making the results public. He said it should be a broad survey that explained to the homeowners that based upon the loans from USDA they cannot be charged SDC's (System Development Charges). Mayor Mulenex stated that he had reservations about the Cagle annexation because the City is stepping into being the management for the Districts. He said the community would benefit in several areas when the withdrawal is complete and had been fully implemented. One reason given was that it eliminates the necessity of three boards, three elections and three audits. In addition once the withdrawal had occurred there would be both employees and equipment that could be utilized in additional ways than they are used now which would be another benefit to the public.

City Manager Allen stated that USDA (United States Department of Agriculture) would not allow the grant loans unless the Districts do this from start to finish and close it out. He said it could take months to do a close out of a project and the project itself could take a couple of years based on a number of factors. Mayor Mulenex stated the Cagle annexation had been talked about at various meetings. He said that the project is beyond the time limit of when the City wants to do the withdrawal.

Councilor McAfee stated that the City had voted on the annexation issue a number of times. She said she would not vote to support the annexation. Councilor Greiner stated the District's presentation tonight was not going to change his vote.

Mayor Mulenex stated that there was not a feeling at tonight's meeting that there was a need to vote on the annexation, that the Council had made their position clear over a long period of time. Mayor Mulenex asked City Manager Allen to re-send out to the Districts a letter that was signed by both current and former Councilors, and sent to the Districts a couple of weeks ago.

01:14:00

7. Midstate Franchise

This item was moved forward on the agenda due to time constraints.

City Manager Allen stated that both he and City Attorney Green had been communicating with Midstate regarding the franchise process. Darwin Thurston and General Manager Bill Kopacz from Midstate Electric were present during the discussion. City Manager Allen said the main concern seems to be the burying of the power lines.

01:15:29

City Attorney Green reviewed some of the changes in the draft franchise agreement. He said one of the issues was that any new construction of electrical facilities concerning a new residential subdivision would be buried underground. City Attorney Green said another issue was if the City required Midstate to relocate an overhead line underground the City would pay the difference in cost between relocating the overhead line overhead and relocating the line underground. He said an additional issue was that the City would not require Midstate to put overhead transmission lines underground.

City Attorney Green stated that the other issue they worked on was approval of construction work. All construction work would receive the City's prior approval however if the City does not object to the proposed construction work within fifteen days it would then be deemed approved. He said the other change that was made included a definition of gross revenue that was identical to some other municipalities. The Council had consensus that gross revenues would not include the revenue that was derived from the use, rental and/or lease of electrical facilities to the extent that it was less than \$250.00. City Manager Allen stated that approximately July 1, 2011 the franchise fees would probably start creating revenue for the City and be put in 2011-2012 budget.

01:45:59

6. City Charter

City Manager said there would need to be a Public Hearing on the City Charter sometime in February so it could be on the ballot within the time line required.

City Attorney Green had revised the section that would now state 'councilors were allowed to attend a meeting via a teleconference' instead of not being allowed. The Council had consensus that they would not receive any compensation for their service. The Council also had consensus that if an ordinance would be adopted at a single meeting the vote for it would need to be unanimous.

8. Adjourn

**A motion was made by Councilor McAfee and seconded by Councilor Varcoe to adjourn the Work Session.**

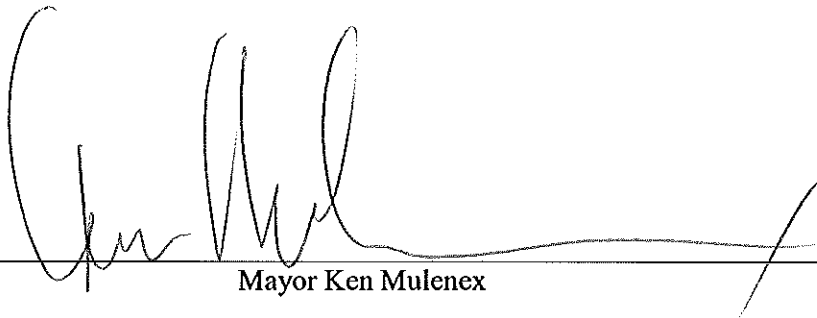
<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Mayor Ken Mulenex</i>	<i>X</i>	
<i>Councilor Stu Martinez</i>	<i>X</i>	
<i>Councilor Dan Varcoe</i>	<i>X</i>	
<i>Councilor Adele McAfee</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	

**Motion passed unanimously.**

Mayor Mulenex adjourned the meeting at 8:18 pm.

B. Executive Session – 7:30 p.m.

The Council went into Executive Session after the Work Session ended with no written record (Minutes) necessary.

  
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Mayor Ken Mulenex

Attest:

  
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City Manager/Recorder Rick Allen