



CITY of LA PINE CITY COUNCIL AGENDA

Wednesday, March 8, 2017

5:30 p.m. Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

A. Regular Session – 5:30 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 of any member of the City Council.

a. Approval of Minutes

i. February 8, 2017

ii. February 22, 2017

b. Bills and Invoices

i. Approval of Reimbursements

c. Financials

i. Revenue and Expenditures

6. Public Comments

7. Discussion on Water & Wastewater Improvements and Expansion Projects – USDA Funding Applications

8. Contract for Oregon Community Development Block Grant, City of La Pine, La Pine Wastewater Systems Improvements – Final Design, Project Number P16006, (\$1,195,500)

9. Resolution No. 2017-01: A Resolution of the City of La Pine Adopting a Policy Prohibiting the Use of Excessive Force Against Individuals Engaged in Nonviolent Civil Rights Demonstrations

10. Contract Amendment No. 1 with Anderson Perry for Water & Wastewater Funding Assistance, Bond Authority Assistance and Engineering Services
11. Award Contract for 1st Street and Highway 97 Pedestrian and Landscaping Improvements and Authorize City Manager to Sign the Contract
12. Appointment of John Cameron to the Planning Commission
13. Appointment of Cory Misley, City Manager as Budget Officer
14. Appointment of Budget Committee Members
15. Other Matters: Only those matters properly added to this Agenda under line item No. 4
16. Public Comments
17. Staff Comments
18. Council and Mayor's Comments
19. Adjourn

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. 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 (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY

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A. Regular Session – 5:30 p.m.

1. Call to Order

Mayor Scott called the meeting to order at 5:30.

2. Establish Quorum

Mayor Dennis Scott
Councilor Stu Martinez
Councilor Don Greiner
Councilor Karen Ward
Councilor Connie Briese
Student Councilor Treyton Plamondon
City Manager Cory Misley
Public Works Manager Jake Obrist
Accounting Clerk Ashley Williams

Quorum Established

3. Pledge of Allegiance

Jim Fleming 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.

A discussion regarding contracting out the utility billing was added to the agenda.

5. Consent Agenda

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- a. Approval of Minutes
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- b. Bills and Invoices
 - i. Approval of Reimbursements

- c. Financials
 - i. Revenue and Expenditures

Staff removed the minutes for approval from the Consent Agenda because there were some errors in those minutes.

A motion was made by Councilor Greiner and seconded by Councilor Briese to approve the consent agenda with the exception of the meeting minutes.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

Motion passed unanimously.

6. Public Comments

None.

7. Discussion on Water & Wastewater Improvements and Expansion Projects – USDA Funding Applications

Brandon Mahon, with Anderson Perry, provided some explanation about the USDA funding applications. Cory said that on the record the Council will need to discuss the intention of going out for grant funding from USDA. Brandon said that the City completed the Water and Wastewater system plan updates, and those updates identified the need for the improvements related to the grant funding. The City went to a one stop meeting, which is an opportunity to discuss these projects with multiple funding agencies at the same time. After the meeting, the City submitted multiple applications. He listed the applications sought and the status of those applications. Brandon left copies of the list of applications for any interested parties in the audience.

Connie asked if there were any updates to the status of those applications since the work session, Brandon said that there were not. Cory said that the latest updates on the other applications should likely be available in late spring or early summer. He said at that point we will have an open house to let the public know where we are at as far as project status. Cory asked for clarification about whether not we needed a motion. Brandon advised that we did not need a formal motion and that the discussion only needs to be presented in the minutes.

8. Contract for Oregon Community Development Block Grant, City of La Pine, La Pine Wastewater Systems Improvements – Final Design, Project Number P16006, (\$1,195,500)

Cory stated that the City invited Tawny from IFA (Infrastructure Finance Authority) to come to this meeting tonight to discuss the contract for the CDBG (Community Development Block Grant), however she had prior obligations. IFA said that they will give the City the sum above to design the project. As part of that offer the City has 60 days to accept the contract which was provided to us in January. If we do not accept the contract the funds will be awarded to other entities. The resolution we are adopting tonight in relation to this grant. The resolution will create a policy that the City can't use excessive force during a non-violent protest. Dennis asked if there were any questions about the contract. In response to a question from Don, Cory explained that the invoices will be received by IFA before the funds are disbursed to the City. Don mentioned that all lots will need to be connected, and that he was concerned that all City lots are not connected currently. Cory said that everyone will have to connect to receive this funding. Adding that the issue with the current customers is the overarching project that that the staff has been talking about for a long time. Staff will address this issue later in the meeting as well. Cory said that by agreeing to the grant contract, we are agreeing to the wastewater project. Connie said that the project is well accepted by the public. She wants us to be aware that there are people who will need help with paying these bills. Cory said that he and Jake have done some preliminary research on the topic. They will

review the policies, looking into different ways the City can provide financial assistance. Jake said that they are trying to be proactive rather than reactive to the situation. **Item was tabled until discussion about the resolution is discussed. Motion was passed after discussion about the resolution below.**

A motion was made by Councilor Greiner and seconded by Councilor Breise to Contract for Oregon Community Development Block Grant, City of La Pine, and La Pine Wastewater Systems Improvements – Final Design, Project Number P16006, and (\$1,195,500).

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

Motion passed unanimously.

9. Resolution No. 2017-01: A Resolution of the City of La Ping Adopting a Policy Prohibiting the Use of Excessive Force Against Individuals Engaged in Nonviolent Civil Rights Demonstrations

Stu said that he is concerned with the resolution. He said that he doesn't remember there being anything like this needed when the City took possession of the water and sewer loans. He is concerned because the City doesn't have a law enforcement department. Cory stated that he spoke with the sheriff's department today and learned that this policy already mirrors Department policies. Additionally, it was the Lieutenant's opinion, that there is no contract with the City of La Pine for the services provided by the Department so they would not be bound by the City adopting this resolution. Cory said that he talked to Jeremy Green, City Attorney, and his opinion was that, as an attorney he wants to keep the city from being held liable for anything, but felt that as a business decision the City has little choice in the matter, and that the resolution should be adopted. Don said if we want the money we need to pass the resolution. Connie said she sees no issues with it, and Karen was of the same opinion. Dennis stated that he isn't bothered by the resolution because the City does not have its own police force. **The Council then made the motion adopting the above contract. There were no further comments to the resolution prior to the motion to adopt it.**

A motion was made by Councilor Briese and seconded by Councilor Greiner to adopt Resolution No. 2017-01: A Resolution of the City of La Ping Adopting a Policy Prohibiting the Use of Excessive Force Against Individuals Engaged in Nonviolent Civil Rights Demonstrations.

<i>Roll call vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

Motion passed unanimously.

10. Contract Amendment No. 1 with Anderson Perry for Water & Wastewater Funding Assistance, Bond Authority Assistance and Engineering Services

Cory said this item was discussed at the work session in late February. Cory said that the legal contract was provided to Council in their packets, as well as a description of services and Anderson Perry's rate sheet. Connie said that she thinks they do a good job and was happy with approving the contract. Stu mirrored Connie's comments.

A motion was made by Councilor Briese and seconded by Councilor Martinez to approve the contract amendment with Anderson Perry.

Vote as follows: *AYE* *NAY*

Councilor Martinez *X*

Councilor Ward *X*

Councilor Greiner *X*

Councilor Briese *X*

Motion passed unanimously.

11. Award Contract for 1st Street and Highway 97 Pedestrian and Landscaping Improvements and Authorize City Manager to Sign the Contract

Cory said that there are two parts to this project and commended the City Engineer, Erik Huffman, for bidding the project this way. The project includes the oversized swale on Hwy 97 and 1st Street and the frontage improvements on 1st Street in front of the La Pine Community Health Center. He briefly described the project. Jake said that three contractors bid on the project. Erik said that he has prepared the final contracts. He said that the engineers' project estimate was \$119,000 and that the winning bid was within a couple hundred dollars. Erik said that he has issued the intent to award last Wednesday, and there is a 7 day appeal period. Once the award is made and the appeal period has lapsed, they can enter into contract.

The work for the project will be done from March to May, and ideally should be completed before Memorial Day weekend. Stu asked if this was the process for all street scape bids because it would be nice to have continuity in the bidding. Jake said that unfortunately the City can't guarantee that would happen due to the bidding processes that have to be followed. Connie discussed her experience with contract bidding and said that this bid was interesting to watch. She also said that it is rare that a contract come so close to the engineers estimate. Karen discussed the selection of street trees because she did not want to see what happened with the last trees happen again. Dennis asked if we could put up some graphics of the project in City Hall for the public to view. Jake said that we could do that.

A motion was made by Councilor Ward and seconded by Councilor Briese to award the bid and allow the City Manager to enter into the contract with the selected bidder, Vic Russell Construction.

Vote as follows: *AYE* *NAY*

Councilor Martinez *X*

Councilor Ward *X*

Councilor Greiner *X*

Councilor Briese *X*

Motion passed unanimously.

12. Appointment of John Cameron to the Planning Commission

Cory said that the Planning Commission reviewed three applications in mid-February at their meeting. They made the recommendation that John Cameron be appointed to the Commission. Mr. Cameron said that this will be a challenge that he is looking forward to. He said that he worked in IT, specifically Technical Writing and budging mainly. Dennis said that John said he comes to all of the Chamber breakfasts, his wife has a business and it is nice to see a combination of old and new faces working in the City.

A motion was made by Councilor Greiner and seconded by Councilor Briese to appoint John Cameron to the Planning Commission.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

Motion passed unanimously.

13. Appointment of Cory Misley, City Manager as Budget Officer

Cory stated that budget season is in full swing. Staff is currently putting together a budget that we will provide to the committee and council in spring. He said that he would like to see the budget more and understandable for the public.

A motion was made by Councilor Greiner and seconded by Councilor Briese to appoint Cory Misley as the budget officer.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

Motion passed unanimously.

14. Appointment of Budget Committee Members

Cory said that the budget committee had two vacancies and two expired terms. He said that the Council was provided with applications from John Cameron, Kathy Agan, Frank Schultz, and Kitty Shields. Frank and Kitty would both like to re-appointed and Kathy and John would like to be appointed committee. Connie said that having John on the committee is always a good introduction to the City. Ashley Williams stated for the record that Kathy and John are appointed to fill 2 year terms, and that Kitty and Frank are reappointed for 3 year terms.

A motion was made by Councilor Martinez and seconded by Councilor Ward to appoint Kitty Shields, Frank Schultz, Kathy Agan and John Cameron to the budget committee.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

Motion passed unanimously.

15. Other Matters: Only those matters properly added to this Agenda under line item No. 4

Contracting of Utility Billing

Ashley said gave a brief history of utility billing and the time needed to do it. She said that they asked for bids and that Bend Mailing Services were the low bid. Connie asked who the second bidder on was. Ashley said that they were a company based out of the valley. Don said that he thought it was money well spent. Stu gave some testimony about the company since that is the company he uses at Wilderness Garbage. The Council had consensus to go forward with it.

16. Public Comments

None.

17. Staff Comments

Cory said that he is looking for efficiencies and asking staff to look for those as well. Cory said that there are some covenants associated with the Newberry Business Park that he has just been made aware of. The county legal counsel is looking at these as well as City and County staff to see how they affect the agencies, and the best way to handle these covenants moving forward. Cory said that he intends to bring it up at the next SLED meeting, so that he can get their take on the new information. He said this is the first opportunity he has had to mention it. Dennis mentioned that a local realtor had discovered these. Stu said that he knew about the covenants and that he was fairly confident that Vic Russell was aware of them too.

The connection letter for water and sewer project is underway. We got back the letter from legal to get the process rolling. There are some people who aren't hooked up to sewer and/or water. Each of those situations is unique in its own way. We have our legal team looking at those situations. Staff will come to council with the final recommendation from legal counsel before moving forward. Jake said that he is certain that we can come to a fair solution for all of those people.

Cory said that Scott Aycock from COIC got some people together from all of the cities and applied for a grant to help with rural amenities. The grant was funded, and the City of La Pine is receiving about \$10,000 for technical assistance. Cory said that he is expecting for there to be some public outreach about the transit center and some professional design fees spent with that money.

Cory said that there will be a joint session with the Planning Commission and the Council on Wednesday March 15th. He said that Jeremy will be here to discuss dynamics between staff and council, and also, dynamics between council and commission. Jeremy will also likely discuss ex parte contact. Cory would also like to have some meetings about goal setting and budget priorities for the upcoming fiscal year. Dennis said that we had a goal setting a couple years ago that was really good.

18. Council and Mayor's Comments

Connie said that she is excited about the water and wastewater projects. She said that she enjoyed the COIC meeting she went to. She said that COIC is accepting some bus shelters that are coming from Salem. She said that all cities have put forth some requests from COIC and that it was interesting to see the list and see what other cities are working on.

Karen said it was a good meeting. She said that she is excited that we are moving ahead with the grant. She also congratulated the people who got appointed to the Planning Commission and Budget Committee.

Don said that he is excited for the meeting next week. He said he found some documentation that he handed out to the council. He said that there is a 40 minute program on LOC about being on the City Council. He said he would like to compliment everyone on the committees, and thank them. He said that those volunteers are particularly important to him.

Stu said that the congratulations were echoed. He said that spring is around the corner, and that there is hope! He is hoping that staff will evaluate how the winter went, but he thought that they did a great job. Stu said that the SLED meeting was postponed this month. He said it has been exciting to work with the people from Sunriver. He said that there is a good partnership there and that you can really see it.

Dennis said that he has been to a lot of meetings where they are mainly talking about the state budget. He also said he spent the day in Salem for Day at the Capitol. He also said he had gone to Prineville and met the governor. He said that he has been busy, but it has been fun. He said that the city is moving ahead, and he appreciates staff moving forward on old stuff, like the water and sewer connections.

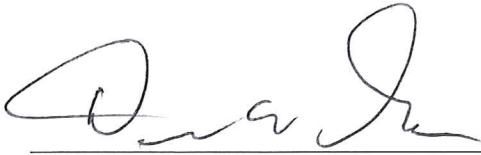
19. Adjourn

A motion was made by Councilor Briese and seconded by Councilor Martinez to adjourn the meeting.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Greiner</i>	<i>X</i>	
<i>Councilor Briese</i>	<i>X</i>	

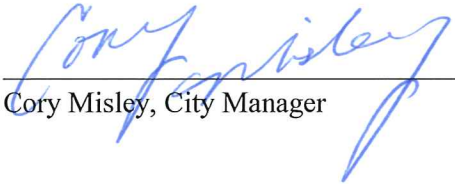
Motion passed unanimously.

Signature page to follow



Dennis Scott, Mayor

Attest



Cory Misley, City Manager