REVISED LA PINE COUNCIL MEETING

Wednesday, October 10, 2012 Regular Session – 6:00 pm 16345 6th Street, Ste 102 La Pine, OR 97739

- A. Regular Session 6:00 pm
 - 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. September 12, 2012 Regular Session Minutes
 - ii. September 26, 2012 Work Session Minutes
- Bills and Invoices
 - i. Approval of Bills
 - ii. Financial Report
 - iii. Approval of Reimbursements
- ** Public Comments
- 6. Budget update staff will provide current budget numbers for Council's review.
- 7. Contract Award: Staff is recommending the awarding of a shared snow removal contract to Vic Russell and Mike Shields [dba La Pine Equipment Inc.] who will each snow plow roughly ½ of the streets in our community, according to a street schedule, in the circumstance where the community receives a snow event exceeding four inches [4"] in depth. Both gentlemen will charge an hourly rate for services rendered and based on equipment used. Mr. Shields will charge \$80 for his equipment and Mr. Russell will charge \$75 85 per hour depending upon type of equipment. These gentlemen have

- previously provided this service in a responsive fashion and staff is suggesting these contracts be approved for a three [3] year period.
- 8. Contract Award: Staff is recommending award of a contract to Bend Backflow Testing for a three [3] year time period to provide backflow assembly testing on behalf of the City's water clients. Bend Backflow Testing provided the low bid of the five (5) vendors vying for this solicitation. They also provided a complete detailed plan of how they would provide this service. Additionally, they are licensed through the LCB or CCB and the State of Oregon as backflow testers, and possess gauge calibration certificates to assure the integrity of their equipment. The bid does not envision the contractor repairing broken back flow devices that will be the property owner's responsibility.
- 9. Contract Award: Staff is recommending the awarding of a road maintenance agreement for purpose of attending to all the gravel roads located in the Cagle subdivision and Drafter Road to Vic Russell. The road maintenance agreement addresses the maintaining of these roads this fall and again in the spring for a flat rate fee of \$3,375 this fall and \$3,375 next spring [2013] for a maximum combined sum of \$6,750. Mr. Russell agrees to grade and compact, pull gravel from the ditches, blend gravel, crown the roads, establish all roads to their existing widths and remove berms in the Cagle subdivision and Drafter Road. Mr. Russell will coordinate this activity with the La Pine Public Works Committee.
- 10. Contract Award: Staff is recommending the awarding of an agreement to provide tree removal and road reclaiming services in the Cagle Neighborhood to Mike Shields (dba: La Pine Equipment) for the lump sum of \$4990. In return, Mr. Shields will cut, remove and prune marked trees on three stretches of roadway in the Cagle Neighborhood this fall in cooperation with City staff. Specifically, Mr. Shields will provide this tree removal service on Pine Drive, Doe Lane and Antler Lane from Burgess Road on the south to Cagle Road on the north.
- 11. Contract Award: Staff is recommending the City enter into an agreement with Rick Allen whereby he will provide certain services for the City as an independent contractor to assist the City work through any number of legal, social, economic and political issues as the need for such assistance arises. Specifically, Mr. Allen will serve as an advocate/spokesman for the City's position in dealing with constituencies, public agencies and/or legislative bodies and overseeing special projects. Mr. Allen has agreed to provide this service for \$60.00 and certain expense reimbursements. Staff is suggesting a one year contract, subject to annually renewal, with a thirty day notice to cancel by either party.
- 12. Discussion and possible action on the La Pine Public Works Committee's recommendation concerning the placement of two [2] street lights where William Foss Road intersects with Highway 97 and two [2] street lights at Finley Butte as it intersects with Highway 97.

 Additionally, a recommendation to install one street light each at the two [2] entryways into the Crescent Creek subdivision. The committee's four [4] month evaluation of possible street light locations took into account safety considerations and noting these intersections pose traffic hazard and the committee's focus on lessening traffic conflict. Additionally, to address connectivity issues and to help create an illumination presence to the effect: you are

- now entering La Pine. The Council may accept and act on the public works committee's recommendations in their entirety, modify or reject them and/or follow some other course of action. Staff believes there a sufficient funds available in the City budget to install these six [6] lights as these noted locations.
- 13. <u>La Pine Chamber of Commerce reconsideration request.</u> The Chamber is requesting as part of the construction of an agreement whereby they will receive and expend public monies [TRT Revenue] for tourism related purposes that a suggested cap on the amount of revenues available for payroll purposes be modified or deleted.
- 14. Evaluation of labor law counsel solicitation submittals. The Council has received certain documents provided by three [3] attorney firms who are desirous of providing for the City's labor attorney services. The Council is expected to determine how they wish to proceed with the evaluation of these three [3] firms.
- 15. <u>Discussion concerning the possible divestiture of La Pine Industrial Group Incorporated</u> [LIGI] and transition of the industrial park responsibilities to another entity.
- 16. Funding Request: The La Pine Park and Recreation District [LRPD] is requesting a funding contribution to help with the annual Trunk or Treat event.
- 17. Public Comments
- 18. Other Matters
- 19. Committee Reports
- 20. Staff Comments
- 21. Council Comments
- 22. 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. For deaf, hearing impaired or speech disabled, dial 536-1432 ext 116 for TTY.

REVISED LA PINE COUNCIL MEETING MINUTES

Wednesday, October 10, 2012 Regular Session – 6:00 pm 16345 6th Street, Ste 102 La Pine, OR 97739

A. Regular Session - 6:00 pm

1. Call to Order

Mayor Mulenex called the meeting to order.

2. Establish Quorum

City Manager Steve Hasson

Mayor Ken Mulenex

Councilor Stu Martinez

Councilor Dan Varcoe

Councilor Don Greiner

Councilor Kathy Agan

Public Works Manager Scott Perkins

City Recorder/Finance Officer Lori Martin

Admin Ass't Patricia Morgan

Office Billing Specialist Ashley Williams

Quorum established.

3. Pledge of Allegiance

Karen Ward, area resident, 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.

5. Consent Agenda

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A. Approval of Minutes

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- B. Bills and Invoices
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 - ii. Financial Report
 - iii. Approval of Reimbursements

Councilor Martinez mentioned a possible conflict of interest since the company he owns, Wilderness Garbage, is on the bills paid list.

AYE NAY
K
X .
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K

** Public Comments

Karen Ward, area resident, stated she was concerned about the number of pan handlers that are in the City. She said some of them stand by the McDonalds where young children go every day.

Loretta Murphy, area resident, stated that Councilor Varcoe had recused himself when a TRT discussion took place on June 8, 2011. She also discussed the monthly accounting that was suppose to be done with the TRT funds. Ms. Murphy said that Councilor Varcoe needs to recuse himself during the TRT discussion tonight. She also said that the Visitor's Center never lived up to the agreement regarding the reporting that was suppose to have been done.

Vicky Jackson, area resident, stated that several people had raised concerns about the lack of reporting for the TRT funds. She said that because of this she would like the Council not to change the agreement with the Visitor's Center. Ms. Jackson also stated that Councilor Varcoe should recuse himself from the TRT discussion.

6. Budget update - staff will provide current budget numbers for Council's review.

City Manager Hasson stated that staff is trying to simplify the financial reports so they are more understandable. He said they would show how much money has been spent to date both in dollar amounts and percentages. City Manager Hasson stated that he has recently constructed a funding request form to give out to various entities requesting funds. He said it would be put on the website. City Manager Hasson also discussed the new form for funding sources and the new profit and loss versus actual report. Councilor Agan stated that making the reporting simpler would be helpful. City Recorder/Finance Officer Martin said that the reports might look different once the City changes its accounting software to Casselle.

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16. Funding Request: The La Pine Park and Recreation District [LRPD] is requesting a funding contribution to help with the annual Trunk or Treat event.

This item was moved forward. La Pine Park and Recreation District Director Mr. Schulz said that they have received more funds and do not now need as much money as they originally requested the Council to donate. He said that the City will be recognized on the printed materials that go out regarding the activity.

A motion was made by Councilor Varcoe and seconded by Councilor Agan to donate \$250 for the Trunk and Treat activity.

Vote as follows:

Councilor Dan Varcoe

Councilor Don Greiner

Councilor Stu Martinez

Councilor Kathy Agan

Motion passed unanimously.

7. Contract Award: Staff is recommending the awarding of a shared snow removal contract to Vic Russell and Mike Shields [dba La Pine Equipment Inc.] who will each snow plow roughly ½ of the streets in our community, according to a street schedule, in the circumstance where the community receives a snow event exceeding four inches [4"] in depth. Both gentlemen will charge an hourly rate for services rendered and based on equipment used. Mr. Shields will charge \$80 for his equipment and Mr. Russell will charge \$75 – 85 per hour depending upon type of equipment. These gentlemen have previously provided this service in a responsive fashion and staff is suggesting these contracts be approved for a three [3] year period.

City Manager Hasson stated that there was an adjustment for fuel charges in the contract due to the fluctuating gas prices that currently exist. He then discussed the fuel escalator clause that was put in the contract by the contractor's request. City Manager Hasson said that every fall they would look at what the base rate was and possibly adjust the hourly rates to cover a base rate increase.

A motion was made by Councilor Varcoe and seconded by Councilor Agan to approve the contract for award of snow removal services as listed and explained and also to give the City Manager and City Attorney the ability to negotiate with the contractor.

Vote as follows:	AYE	NAY
Councilor Dan Varcoe	\boldsymbol{X}	
Councilor Don Greiner	\boldsymbol{X}	
Councilor Stu Martinez	\boldsymbol{X}	
Councilor Kathy Agan	\boldsymbol{X}	

8. Contract Award: Staff is recommending award of a contract to Bend Backflow Testing for a three [3] year time period to provide backflow assembly testing on behalf of the City's water clients. Bend Backflow Testing provided the low bid of the five (5) vendors vying for this solicitation. They also provided a complete detailed plan of how they would provide this service. Additionally, they are licensed through the LCB or CCB and the State of Oregon as backflow testers, and possess gauge calibration certificates to assure the integrity of their equipment. The bid does not envision the contractor repairing broken back flow devices that will be the property owner's responsibility.

There was a discussion on financially assisting the homeowner for backflow devices that need repair. City Manager Hasson said that he would bring back a policy on this at a future meeting.

A motion was made by Councilor Agan and seconded by Councilor Greiner to approve the contract as outlined and allow the City Manager to finalize the contract negotiations.

Vote as follows:

AYE

NAY

Councilor Dan Varcoe

X

Councilor Don Greiner

X

Councilor Stu Martinez

Councilor Kathy Agan

Motion passed unanimously.

9. Contract Award: Staff is recommending the awarding of a road maintenance agreement for purpose of attending to all the gravel roads located in the Cagle subdivision and Drafter Road to Vic Russell. The road maintenance agreement addresses the maintaining of these roads this fall and again in the spring for a flat rate fee of \$3,375 this fall and \$3,375 next spring [2013] for a maximum combined sum of \$6,750. Mr. Russell agrees to grade and compact, pull gravel from the ditches, blend gravel, crown the roads, establish all roads to their existing widths and remove berms in the Cagle subdivision and Drafter Road. Mr. Russell will coordinate this activity with the La Pine Public Works Committee.

City Manager Hasson stated that Vic Russell had this same contract last year and this year's contract is for the same amount of money. He said that La Pine Equipment came in with a much larger bid than Vic Russell. City Manager Hasson said that Vic Russell will coordinate his effort with the Public Works Committee. In response to a question, he said that there was no fuel adjustment in this contract. City Manager Hasson stated that next time he would like to put the work out for bid for a three year contract.

A motion was made by Councilor Varcoe and seconded by Councilor Greiner to approve the contract as presented and with the City Manager to negotiate the final agreement.

Motion passed unanimously.

10. Contract Award: Staff is recommending the awarding of an agreement to provide tree removal and road reclaiming services in the Cagle Neighborhood to Mike Shields (dba: La Pine Equipment) for the lump sum of \$4990. In return, Mr. Shields will cut, remove and prune marked trees on three stretches of roadway in the Cagle Neighborhood this fall in cooperation with City staff. Specifically, Mr. Shields will provide this tree removal service on Pine Drive, Doe Lane and Antler Lane from Burgess Road on the south to Cagle Road on the north.

City Manager Hasson stated that the long term goal is to be able to remove all the trees that are aggressively taking over the right-of-way in the Cagle neighborhood. He said there are over five miles of road in that neighborhood. City Manager Hasson said they would be doing the worst roads this year, Doe, Pine and Antler. He said that the contractor would cut trees within two feet of the property line. City Manager Hasson said that letters would go out to all affected property owners regarding the tree work.

A motion was made by Councilor Greiner and seconded by Councilor Agan to approve the contract for removing the trees to Mike Shields as presented and with the City Manager to negotiate the final agreement.

Vote as follows:	AYE	NAY
Councilor Dan Varcoe	\boldsymbol{X}	
Councilor Don Greiner	\boldsymbol{X}	
Councilor Stu Martinez	\boldsymbol{X}	
Councilor Kathy Agan	\boldsymbol{X}	

11. Contract Award: Staff is recommending the City enter into an agreement with Rick Allen whereby he will provide certain services for the City as an independent contractor to assist the City work through any number of legal, social, economic and political issues as the need for such assistance arises. Specifically, Mr. Allen will serve as an advocate/spokesman for the City's position in dealing with constituencies, public agencies and/or legislative bodies and overseeing special projects. Mr. Allen has agreed to provide this service for \$60.00 an hour and certain expense reimbursements. Staff is suggesting a one year contract, subject to annually renewal, with a thirty day notice to cancel by either party.

City Manager Hasson stated that Rick Allen is very talented with his political contacts throughout the State. He said the LIGI (La Pine Industrial Group) issue is an ideal project for Mr. Allen to work on for the City. This could also help with the City Manager's workload. It was noted that this agreement would start after the current two month contract with Rick Allen has expired on November 12, 2012.

A motion was made by Councilor Vathe contract as stated.	arcoe and secon	ded by Councilor Greiner to approve
Vote as follows:	AYE	NAY
Councilor Dan Varcoe	\boldsymbol{X}	
Councilor Don Greiner	\boldsymbol{X}	
Councilor Stu Martinez	\boldsymbol{X}	
Councilor Kathy Agan	\boldsymbol{X}	

12. Discussion and possible action on the La Pine Public Works Committee's recommendation concerning the placement of two [2] street lights where William Foss Road intersects with Highway 97 and two [2] street lights at Finley Butte as it intersects with Highway 97. Additionally, a recommendation to install one street light each at the two [2] entryways into the Crescent Creek subdivision. The committee's four [4] month evaluation of possible street light locations took into account safety considerations and noting these intersections pose traffic hazard and the committee's focus on lessening traffic conflict. Additionally, to address connectivity issues and to help create an illumination presence to the effect; you are now entering La Pine. The Council may accept and act on the public works committee's recommendations in their entirety, modify or reject them and/or follow some other course of action. Staff believes there a sufficient funds available in the City budget to install these six [6] lights as these noted locations.

City Manager Hasson stated that Chair Weller of the Public Works Committee did a cost analysis for all the different locations. He said that the first proposal includes two street lights at William Foss and Hwy 97 and then two lights at Finley Butte and Highway 97. City Manager Hasson stated that they also recommended a light at Caldwell and Huntington and Findley and Huntington. He said that the Public Works Committee asked that the City commit to lights at twenty locations over the next four years. Councilor Agan pointed out that Huntington Meadows was left out of these initial lighting recommendations. Councilor Varcoe asked if the Homeowner's Association at Crescent Creek would

welcome lighting. City Manager Hasson said that where they have lights scheduled for would probably not intrude on any of the Homeowner's wishes. There was a discussion on increasing the number of lights for the project. City Manager Hasson said that the BMX track was going to have a light and since that project is delayed perhaps a light from that plan could be put in Huntington Meadows. City Manager Hasson said that there were funds available to put up two more lights in addition to the six lights in the recommendation. It was decided to put a light at Memorial Lane and Huntington (instead of Findley and Huntington) and additionally put two lights in Huntington Meadows (one would go on Heath Drive and Huntington and one would go on Riley Drive and Huntington).

A motion was made by Councilor Varcoe and seconded by Councilor Greiner to approve the placement of lights as has been described, one at Memorial, one at Caldwell, one at Heath, one at Riley, two at William Foss and two at Finley Butte.

Vote as follows: AYE NAY

Councilor Dan Varcoe X

Councilor Don Greiner recused

Councilor Stu Martinez X
Councilor Kathy Agan X

Motion passed 3-0 with one recused.

There was also a discussion about the Council reviewing the four year lighting project on an annual basis.

A motion was made by Councilor Varcoe and seconded by Councilor Agan to proceed with the scheme of events as outlined over the next four years regarding light placement in the City subject to available funding and final approval of the Council on an annual basis.

Vote as follows: AYE NAY

Councilor Dan Varcoe X
Councilor Don Greiner X
Councilor Stu Martinez X
Councilor Kathy Agan X

13. La Pine Chamber of Commerce reconsideration request. The Chamber is requesting as part of the construction of an agreement whereby they will receive and expend public monies [TRT Revenue] for tourism related purposes that a suggested cap on the amount of revenues available for payroll purposes be modified or deleted.

City Manager Hasson stated that the Council, in the past, had approved a TRT (Transient Room Tax) contract with a restriction on the amount of TRT monies that could be used for salaries up to 35%. He said the Chamber of Commerce is now asking for reconsideration on the salary cap and to have it removed or modified. City Manager Hasson stated that determining what is tourist related is the primary issue.

Mayor Mulenex stated he would like to see the Council and the Chamber get some training as to what the TRT monies are to be used for in more detail. Councilor Martinez stated the Chamber and Council need to come to a fair agreement to work this issue out. Councilor Varcoe stated it is very common to use the TRT money toward salaries and other expenses related to operating the Visitor Center.

Ann Gawith, Director of the Chamber of Commerce, stated that it is pretty clear that the TRT funds can go toward running the basic tourist center. She passed out survey results of other tourist centers and how they use the TRT monies. Ms. Gawith stated that neither survey showed if there was a stipulation on salaries. She said local communities like Sisters and Redmond have no salary stipulation for using those TRT monies. Councilor Varcoe stated that staffing is a necessity for the Visitor's Center. Ms. Gawith then passed out the quarterly report to the Council members. Linda Stephenson, Director of the Chamber of Commerce, stated that Ann Gawith did not hear anything about a required report until April of this year. She said that Ms. Gawith started working on a report in May of this year. Ms. Stephenson also said that whenever she goes into the Visitor's Center it is always very busy, especially being located on Hwy 97.

Ms. Gawith said that they tried to be very careful with tracking visitors that came into the office as well as other activities. Mayor Mulenex suggested having a tourism council, a group of people that actually would provide some kind of oversight and guidance of the tourism activities under the umbrella of the Chamber. Ms. Gawith said that they have already instituted that idea. She said they had their first meeting yesterday. Mayor Mulenex suggested that one of the members of the committee be a City Councilor.

A motion was made by Councilor Varcoe and seconded by Councilor Greiner to have the contract in place but with no cap and for the regular quarterly reporting with the Council retaining the right to make any adjustment as needed. The agreement stands as written except for that one change with the salary cap.

Vote as follows: AYE	NAY
Councilor Dan Varcoe X	
Councilor Don Greiner X	
Councilor Stu Martinez X	
Councilor Kathy Agan X	

14. Evaluation of labor law counsel solicitation submittals. The Council has received certain documents provided by three [3] attorney firms who are desirous of providing for the City's labor attorney services. The Council is expected to determine how they wish to proceed with the evaluation of these three [3] firms.

Mayor Mulenex stated he would prefer to interview the three law firms at a separate meeting. City Manager Hasson discussed the evaluation form that was prepared by the City Attorney.

A motion was made by Councilor Varcoe and seconded by Councilor Martinez to establish the process of inviting the law firms to meet with the Council in a Special Meeting.

Vote as follows:

AYE

NAY

Councilor Dan Varcoe

X

Councilor Don Greiner

X

Councilor Stu Martinez

Councilor Kathy Agan

Motion passed unanimously.

15. <u>Discussion concerning the possible divestiture of La Pine Industrial Group Incorporated</u> [LIGI] and transition of the industrial park responsibilities to another entity.

City Manager Hasson stated that LIGI (La Pine Industrial Group Incorporated) has been sponsoring all the activities in regard to the industrial park. He said now the industrial group is suggesting that they want to go in a different direction. He said the County Commission that is overseeing the industrial park is also saying they would like to see a different direction. City Manager Hasson said that possibly there would be a relationship between the county and the city as an outgrowth of the transition. He said he would like direction from the Council if they are receptive to this happening. City Manager Hasson said that Rick Allen could work on this project.

A motion was made by Councilor Martinez and seconded by Councilor Agan to direct the City Manager, through Rick Allen, to have the City participate in the new role of LIGI and for the City Manager to address the financing at a later time.

Vote as follows:	AYE	NAY
Councilor Dan Varcoe	\boldsymbol{X}	
Councilor Don Greiner		\boldsymbol{X}
Councilor Stu Martinez	\boldsymbol{X}	
Councilor Kathy Agan	\boldsymbol{X}	

Motion passed 3-1.

Mayor Mulenex stated that it is in the City and the City has a legal capacity which LIGI does not. He said he liked having someone like Rick Allen work on this project and bring back updates to the Council.

16. Funding Request: The La Pine Park and Recreation District [LRPD] is requesting a funding contribution to help with the annual Trunk or Treat event.

This item was moved forward.

17. Public Comments

Doug Ward, Planning Commissioner, thanked the Council for accepting the street light proposal made by the Public Works Committee.

Fred Lytle, area resident, stated that he would like to see something done with the industrial park so people would have more local job opportunities.

18. Other Matters

None

19. Committee Reports

None

20. Staff Comments

City Manager Hasson stated that he is seeing the City become a hub for a whole bunch of things.

21. Council Comments

Mayor Mulenex thanked the Council for working through the long agenda tonight.

22. Adjourn

A motion was made by Councilor M the Council meeting.	lartinez and sec	onded by Councilor Varcoe to adjourn
Vote as follows:	AYE	NAY
Councilor Dan Varcoe	\boldsymbol{X}	
Councilor Don Greiner	\boldsymbol{X}	
Councilor Stu Martinez	\boldsymbol{X}	
Councilor Kathy Agan	X	
Motion passed unanimously.		

Mayor Mulenex adjourned the Council meeting.

Mayor Ken Mulenex

Attest:

Lori Martin, City Recorder/Finance Officer