

REVISED  
LA PINE COUNCIL MEETING  
Wednesday, August 8, 2012  
Regular Session – 6:00 pm  
16345 6<sup>th</sup> 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. July 3, 2012 Special Meeting Minutes
- ii. July 11, 2012 Regular Session Minutes
- iii. July 25, 2012 Work Session Minutes

b. Bills and Invoices

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

6. Public Comments

7. Joel McCarrol, Oregon Transportation Department [ODOT] Traffic Manager, will provide a presentation on the road diet concept proposal intended to attenuate Highway 97 roadway widths between 3<sup>rd</sup> and 6<sup>th</sup> Streets, to include placing a portion of the roadway into bicycle paths. The overall intent of this transportation improvement project is to positively modify driver behaviors and increase highway safety.

8. Gary Farnsworth, Oregon Transportation Department [ODOT] Area Manager will discuss ODOT's Statewide Transportation Improvement Program, known as the STIP. This is Oregon's four year transportation capital improvement program. It is the document that identifies the funding for, and scheduling of, transportation projects and programs. It includes projects on the federal, state, city, and county transportation systems, multimodal projects (highway, passenger rail, freight, public transit, bicycle and pedestrian), and projects in the National Parks, National Forests, and Indian tribal lands.
9. Approving a Cooperative Agreement with ODOT to provide for certain transportation services and subject to the City attorney's ability to make for further contract modifications, if necessary. The agreement is necessary to the performing all the work associated with developing an alternative transportation strategy for eliminating the US97 Wickiup Junction at-grade intersection of the BNSF railroad crossing also known as the Wickiup Junction Overpass Project.
10. Approval of an agreement with the La Pine Chamber of commerce whereby they will receive and expend public monies [TRT Revenue] on behalf of the City, to include the manner and method for expending and reporting the expenditure of this revenue.
11. Solicitation for Labor Law Counsel: Advising the public of the City's intent to solicit a proposal for a qualified law firm to provide certain labor law services, if the need for those services should arise, and noting the City Attorney, Jeremy Green with Bryant, Lovlien and Jarvis, P.C. provides for all legal services needed by the City except for labor law and bond counsel services.
12. Council discussion: who should serve on the Economic Development for Central Oregon [EDCO] Board? The Council recently determined to join EDCO to enhance the City's economic development opportunities but it has not yet determined who will represent the City in this effort.
13. Approval of personal services agreement: this action would continue Rick Allen's association with the City as a public works liaison through September 30, 2012 for purposes of assisting the City with any number of public works processes including the federal land swap, the City Hall landscaping project, Cagle Neighborhood tree removal project, State land use transition process and negotiations with USDA to conclude the loan transfer process. The compensation would be at the rate of \$65 per hour not to exceed \$2,500 per month for the months of August and September.
14. Discussion and possible action concerning a contractual agreement with HGE and associates for purposes of preserving the City's water rights, which are permitted through Oregon's Water Resources Department [OWRD]. Specifically, HGE would update La Pine's Water Management and Conservation Plan, negotiate a permit time extension with Oregon's Water Resources Department [OWRD] and seek to withdraw a June 2009 claim of beneficial usage with OWRD. The estimated cost for providing these products is \$3,550.

15. Proclamation for Pat Yeager - recognizing her years of public service and declaring August 30<sup>th</sup> 2012 as "Pat Yeager Day".

16. Other Matters

- Scheduling Six Month Performance Review for City Manager
- Huntington Meadows Neighborhood Clean Up Day – September 8th

17. Public Comments

18. Committee Reports

19. Staff Comments

20. Council Comments

21. 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.

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Wednesday, August 8, 2012  
Regular Session – 6:00 pm  
16345 6<sup>th</sup> Street, Ste 102  
La Pine, OR 97739

A. Regular Session – 6:00 pm

1. Call to Order

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

2. Establish Quorum

City Manager Steve Hasson  
Mayor Ken Mulenex  
Councilor Stu Martinez  
Councilor Dan Varcoe  
Councilor Don Greiner  
Councilor Kathy Agan  
Scott Perkins, Public Works Manager  
City Recorder/Finance Officer Lori Martin  
Admin Ass't Patricia Morgan – absent by prior arrangement

**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.

5. Consent Agenda

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- a. Approval of Minutes
  - i. July 3, 2012 Special Meeting Minutes
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  - i. Approval of Bills
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  - iii. Approval of Reimbursements

Councilor Martinez noted a possible conflict of interest citing a bill paid to his company by the City.

**A motion was made by Councilor Greiner and seconded by Councilor Agan to approve the consent agenda.**

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

**Motion passed unanimously.**

6. Public Comments

None

7. Joel McCarrol, Oregon Transportation Department [ODOT] Traffic Manager, will provide a presentation on the road diet concept proposal intended to attenuate Highway 97 roadway widths between 3<sup>rd</sup> and 6<sup>th</sup> Streets, to include placing a portion of the roadway into bicycle paths. The overall intent of this transportation improvement project is to positively modify driver behaviors and increase highway safety.

City Manager Hasson stated that the whole reason for the transportation plan is for increased safety between 3<sup>rd</sup> and 6<sup>th</sup> streets.

Mr. Joel McCarrol stated that wider street crossings contribute to higher rates of accidents. He said the first phase of the corridor study is to narrow Highway 97 between 3<sup>rd</sup> and 6<sup>th</sup> streets from five lanes to three lanes. He said bicycle crashes frequently occur with multi-lane crossings. Mr. McCarrol said that the plan is to have a three to four foot buffer between the automobile travel lane and the bicycle lane.

In response to a question from Councilor Martinez, Mr. McCarrol said that the planned work is funded by a grant. Mr. McCarrol said that currently there are no defined spaces for bicycles in La Pine.

He said the proposed bike lane will be six feet wide with an eight inch stripe. There was also a discussion on a new pedestrian crossing on Highway 97. Mr. McCarrol said there is a negative safety element associated with on street parking.

**A motion was made by Councilor Agan and seconded by Councilor Varcoe to move forward with this project.**

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

**Motion passed 3-1.**

8. Gary Farnsworth, Oregon Transportation Department [ODOT] Area Manager will discuss ODOT's Statewide Transportation Improvement Program, known as the STIP. This is Oregon's four year transportation capital improvement program. It is the document that identifies the funding for, and scheduling of, transportation projects and programs. It includes projects on the federal, state, city, and county transportation systems, multimodal projects (highway, passenger rail, freight, public transit, bicycle and pedestrian), and projects in the National Parks, National Forests, and Indian tribal lands.

City Manager Hasson stated that this transportation program is very important to La Pine. Mr. Farnsworth stated that the program covers a variety of projects. He said that ODOT is in the process of changing the STIP (Statewide Transportation Improvement Plan) program. Mr. Farnsworth said the changes are a result of the poor economy. He said they are trying to determine the highest transportation related needs are at. Mr. Farnsworth stated that they are constantly looking at ways to maintain the systems. He said they are looking at a four year program. Mr. Farnsworth said they typically update every two years. He said approximately one million dollars will be put toward the "fix it" program. Mr. Farnsworth said that the funds will be allocated out to the five ODOT regions in the State. He said Region 4 (along Hwy 97) gets about 10-12% of the monies allocated Statewide. Mr. Farnsworth stated that they will be prioritizing projects. He said they will be looking at projects for the 2015-2020 timeframe.

9. Approving a Cooperative Agreement with ODOT to provide for certain transportation services and subject to the City attorney's ability to make for further contract modifications, if necessary. The agreement is necessary to the performing all the work associated with developing an alternative transportation strategy for eliminating the US97 Wickiup Junction at-grade intersection of the BNSF railroad crossing also known as the Wickiup Junction Overpass Project.

City Manager Hasson stated there is a need to separate the railroad crossing from Highway 97 using an overpass. In order to make this occur, ODOT needs to have an agreement with the City. He said he has turned over the agreement to the City Attorney for his review. City Manager Hasson said that they have tried to identify that there is a disconnect with the overpass between the Cagle neighborhood and Wickiup Junction. He said one of the concerns is a negative impact on businesses along the route. As part of the scope of work they will look at the disconnect issue and try to minimize the impact on businesses.

**A motion was made by Councilor Greiner and seconded by Councilor Agan to Approve the Cooperative Agreement with ODOT to Provide Certain Transportation Services subject to the City Attorney's Ability to Make any further Corrective Modifications if Necessary.**

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

**Motion passed unanimously.**

10. Approval of an agreement with the La Pine Chamber of commerce whereby they will receive and expend public monies [TRT Revenue] on behalf of the City, to include the manner and method for expending and reporting the expenditure of this revenue.

City Manager Hasson stated that what precipitated this agreement is the involvement of public money. He said that previously there had been a contract in place but the contract had expired. City Manager Hasson said that it serves the public and the City's best interest to re-activate the contract. He said it is just a control device to look at for public monies. City Manager Hasson noted one addition to the contract would be to have some kind of a cap on the amount of TRT monies that are relied upon for payroll purposes. Councilor Agan suggested a 35% cap.

**A motion was made by Councilor Agan and seconded by Councilor Greiner to limit the expenditure of TRT funds for payroll to 35%.**

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

**Motion passed 3-1.**

Motion was amended by Councilor Agan to embrace that the City is going to direct the Attorney, absent some liability for imposing the conditions of an independent contractor.

11. Solicitation for Labor Law Counsel: Advising the public of the City's intent to solicit a proposal for a qualified law firm to provide certain labor law services, if the need for those services should arise, and noting the City Attorney, Jeremy Green with Bryant, Lovlien and Jarvis, P.C. provides for all legal services needed by the City except for labor law and bond counsel services.

City Manager Hasson stated that the intent is to add a Labor Attorney to the City's staff if it should be needed. He said he would like to do an RFP (Request for Proposal) to some labor attorney law firms. Council had consensus for City Manager Hasson to proceed with the RFP.

12. Council discussion: who should serve on the Economic Development for Central Oregon [EDCO] Board? The Council recently determined to join EDCO to enhance the City's economic development opportunities but it has not yet determined who will represent the City in this effort.

Mayor Mulenex stated this is an issue around who would serve on the EDCO Board. He said he has had feedback from Vic Russell to serve on the Board. Mayor Mulenex said that Councilor Martinez has also volunteered to serve on the EDCO Board. It was discussed that Mr. Russell would be the lead and Councilor Martinez would be the alternate. Council had consensus for this to happen

13. Approval of personal services agreement: this action would continue Rick Allen's association with the City as a public works liaison through September 30, 2012 for purposes of assisting the City with any number of public works processes including the federal land swap, the City Hall landscaping project, Cagle Neighborhood tree removal project, State land use transition process and negotiations with USDA to conclude the loan transfer process. The compensation would be at the rate of \$65 per hour not to exceed \$2,500 per month for the months of August and September.

City Manager Hasson said that it has been suggested to do a continuation of the original contract with Mr. Allen for a two month time period. He said if the contract is for more than \$5,000 it would have to go out to bid and work for Mr. Allen would stop during that time period. City Manager Hasson said that Mr. Allen would be helpful to work on the USDA loan which he has so much experience with. City Manager Hasson is asking Council to allow him to enter into an agreement with Mr. Allen for a month to month employment with a maximum of twenty hours per week and a salary of between \$15 and \$25 per hour (the \$65.00 an hour was based on Mr. Allen being an independent contractor, only and not being a temporary employee of the City).



A Motion was made by Councilor Greiner and seconded by Councilor Agan to allow the City Manager to negotiate with Rick Allen and not place a cap on salary but then come to an agreeable amount that is good for Mr. Allen and also for the City.

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

Motion passed unanimously.

14. Discussion and possible action concerning a contractual agreement with HGE and associates for purposes of preserving the City's water rights, which are permitted through Oregon's Water Resources Department [OWRD]. Specifically, HGE would update La Pine's Water Management and Conservation Plan, negotiate a permit time extension with Oregon's Water Resources Department [OWRD] and seek to withdraw a June 2009 claim of beneficial usage with OWRD. The estimated cost for providing these products is \$3,550.

City Manager Hasson stated that it is really important that the City preserves its water rights. He said that HGE is able to do this for the City and it needs to be done.

A Motion was made by Councilor Varcoe and seconded by Councilor Greiner to direct the City Manager to move forward with this agreement with HGE for the purpose so stated.

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

Motion passed unanimously.

15. Proclamation for Pat Yaeger - recognizing her years of public service and declaring August 30<sup>th</sup> 2012 as "Pat Yaeger Day".

City Manager Hasson stated that the Proclamation was discussed previously to honor Ms. Yaeger by modifying one of the street names although there was a possible conflict of re-naming the Reese Street but the City does have the authority to do so as it is a City street.

The Council had consensus to do a Proclamation for Pat Yaeger. They also discussed renaming Reese Way to Yaeger Way. Councilor Martinez stated that he felt it was appropriate to name the street next to

the school that Ms. Yeager worked at. Councilor Varcoe expressed concern about how the Reese family would feel about their street being renamed. City Manager Hasson suggested that the City develop a street naming policy to clarify the process for this action.

**A Motion was made by Councilor Martinez and seconded by Councilor Greiner to accept the Proclamation for issue and re-name Reese Way to Pat Yeager Way.**

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

**Motion passed unanimously.**

16. Other Matters

- Scheduling Six Month Performance Review for City Manager

Mayor Mulenex stated that he had talked with the Range Rider, Roger Jordan, and he would be interested in being involved in the six month review. He suggested mid-September as a time for the review to be done.

Council had consensus to schedule the review.

- Huntington Meadows Neighborhood Clean Up Day – September 8<sup>th</sup>

City Manager Hasson stated that there is a Homeowner's Association in Huntington Meadows. He said they are trying to give the neighborhood strength and purpose. City Manager Hasson said that Wilderness Garbage said they would provide a dumpster over there to help with the clean-up of the neighborhood. Mayor Mulenex said he has met with the Homeowner's Association and is aware of some of the issues. He thinks this is an excellent way for the City to participate. He said the neighborhood residents are more than willing to step up and do what they need to do. Councilor Agan also suggested this would be a time for the young people to get involved with Park and Rec for activities.

**A Motion was made by Councilor Greiner and seconded by Councilor Agan to allow the City to proceed with the Huntington Meadow Clean-up Day on September 8<sup>th</sup>.**

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

**Motion passed unanimously.**

17. Public Comments

Gloria Fleming, area resident, wondered how the changes to Hwy 97 would affect the median regarding beautification and safety issues. She also said that the Play Day is on September 8<sup>th</sup> at the Rodeo Grounds and that could conflict with the Huntington Meadows clean-up day.

18. Committee Reports

Councilor Greiner stated that most of the COIC (Central Oregon Intergovernmental Council) meeting was about transporting farm goods from the farm to the consumer.

19. Staff Comments

City Manager Hasson stated that Councilor Martinez and he met with the Sheriff today and the Coordinator for Emergency Services for the County. He said the next meeting is scheduled for August 29<sup>th</sup> at 10:00 am. City Manager Hasson said that there is a lot for the City to do to prepare themselves in case of an emergency. He also said that La Pine will be the southern command center for South Deschutes County and possibly for other southern counties.

20. Council Comments

Mayor Mulenex stated that the La Pine basket was very successful that was used to raise money at the Mayor's conference. He also said that the "if I were Mayor" contest (with young people) was also very successful at the conference. Mayor Mulenex said he had an opportunity to sit down and talk with many of the State agencies that were at the conference.

21. Adjourn

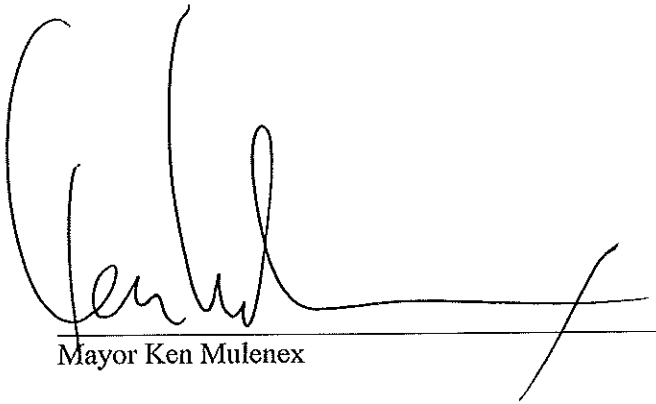
**A Motion was made by Councilor Varcoe and seconded by Councilor Agan to adjourn the meeting.**

*Vote as follows:*

	<i>AYE</i>	<i>NAY</i>
<i>Councilor Dan Varcoe</i>	<i>X</i>	
<i>Councilor Don Greiner</i>	<i>X</i>	
<i>Councilor Stu Martinez</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	

**Motion passed unanimously.**

Mayor Mulenex adjourned the meeting.



Mayor Ken Mulenex

Attest



Lori Martin, City Recorder/Finance Officer