

REVISED
LA PINE CITY COUNCIL SPECIAL MEETING AGENDA
Special Session, Public Hearing &
Joint Meeting with the Water and Sewer Districts
Wednesday, April 25th
5:00 pm
16345 Sixth Street
La Pine, Or 97739

A. Special Session & Public Hearing – 5 pm

1. Call to Order
2. Roll Call
3. Pledge of Allegiance.
4. Ordinance 2012-03
An Ordinance adopting the City of La Pine’s Code Section 20A., Historical and Cultural Preservation Program and the La Pine Landmark’s Commission.
 - a. Open Public Hearing
 - b. Staff Report
 - c. Public Comments
 - d. Close Public Hearing
 - e. Council Deliberations
5. Adjourn

B. Joint Meeting with the Water & Sewer Districts – 5:30 pm

1. Call to Order
2. Roll Call
3. Approval of IGA with the Districts
- Rick Allen
4. 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

REVISED
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Wednesday, April 25th
5:00 pm
16345 Sixth Street
La Pine, Or 97739

A. Special Session & Public Hearing – 5 pm

1. Call to Order

Mayor Mullenex called the meeting to order.

2. Roll Call

City Manager Steve Hasson
Interim Public Works Director Allen
Mayor Ken Mullenex
Councilor Stu Martinez
Councilor Dan Varcoe – arrived at 5:10 pm
Councilor Don Greiner
Councilor Kathy Agan
City Recorder/Finance Officer Lori Martin
Admin Ass't Patricia Morgan

Quorum established.

2. Pledge of Allegiance

Councilor Agan led the Pledge of Allegiance.

4. Ordinance 2012-03

An Ordinance adopting the City of La Pine's Code Section 20A., Historical and Cultural Preservation Program and the La Pine Landmark's Commission.

a. Open Public Hearing

Mayor Mullenex opened the Hearing

b. Staff Report

City Manager Hasson stated that the City needs to have its comprehensive plan adopted by the State. He said about ten of the fourteen parts of the comprehensive plan have been approved by the State. City Manager Hasson said that Chapter 5 is regarding Historical Resources. He said that upon review, there was excessive language regarding the owner's property rights. City Manager Hasson said that he met with Mayor Mullenex and Councilor Varcoe to make further revisions to the Ordinance. He said time is of the essence to conclude the comprehensive plan and all of its components.

c. Public Comments

None

d. Close Public Hearing

Mayor Mulenex closed the Public Hearing.

e. Council Deliberations

Councilor Martinez stated that on page 2 of the Ordinance Exhibit A, he asked who oversees the Landmarks Commission. City Manager Hasson said that the Council will oversee the Commission. He said the language was changed to say that the Planning Commission and Landmark Commission can be one and the same. City Manager Hasson said in all cases the Council will have final authority over the Commission every time. He also said that they would prefer Commission members that have some background in historical things but it will not be required. City Manager Hasson said the Mayor would take the initiative but get guidance and counsel from the Council. He also said that a building of historic significance cannot just be demolished. City Manager Hasson said that for historical purposes the landowner must take photos or leave some kind of documentation for the City before demolishing a building that has an historical element. He also said that in all cases the City Council is the final determinant.

A motion was made by Don Greiner and seconded by Dan Varcoe to approve Ordinance 2012-03 as corrected.

<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.

City Manager Hasson stated that a new restaurant in La Pine has applied for a liquor license which the City Manager tentatively approved.

A motion was made by Don Greiner and seconded by Dan Varcoe to concur with the City Manager's tentative approval for the liquor license.

<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.

5. Adjourn

A motion was made by Don Greiner and seconded by Dan Varcoe to adjourn the meeting.

<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.

Mayor Mulenex adjourned the meeting.

B. Joint Meeting with the Water & Sewer Districts – 5:30 pm

1. Call to Order

Mayor Mulenex called the meeting to order for the City Council. President/Chair Wayne Kovacs called the Joint Meeting with the Water and Sewer District to order.

2. Roll Call

City Manager Steve Hasson
Interim Public Works Director Allen
Mayor Ken Mulenex
Councilor Stu Martinez
Councilor Dan Varcoe
Councilor Don Greiner
Councilor Kathy Agan
City Recorder/Finance Officer Lori Martin
Admin Ass't Patricia Morgan

Quorum established.

Quorum was established for both districts, the following members were present for La Pine Water District: President Wayne Kovacs, Vice-President Bill Sawders, Secretary/Treasurer Makinson, and Commissioner David Harms. The following members were present for the La Pine Special Sewer District: Chairman Wayne Kovacs, and Secretary/Treasurer Bill Sawders. Also present was Donna Zigler, Operations Manager and Office Administrator

3. Approval of IGA with the Districts

- Interim Director of Public Works Rick Allen

Director Allen stated that just today Attorney Monson raised a couple of issues. It had previously been reviewed by her and also the City's attorney. He said they will need to decide who the District Coordinator will be. Chair/President Kovacs stated that he had a concern because there was no termination date for the Districts. Director Allen said that the City listed three reasons that they

could terminate. He said what Chair/President Kovacs wanted was an open ended termination date. Director Allen said that they could terminate if the City determines not to pursue the termination, or the District fails to comply with any law, or the District breeches and/or otherwise fails to perform. City Manager Hasson said that they could add a termination date to the IGA (Intergovernmental Agreement). Director Allen said that they could put in that the agreement could be terminated by either party in writing and remove the three previous reasons for termination. He said they could approve the IGA tonight with that change and obtain signatures from the Mayor and President/Chair Kovacs.

Operations Manager/Office Administrator Donna Zigler stated that the dates for reviewing the financials needed to be changed from the three day time period to the 15th day of the month.

Public Comment

Kitty Shields mentioned that the wording under number four “notwithstanding anything contained in this agreement to the contrary” is not something that either attorney would want left out.

President/Chair Kovacs stated that the withdrawal date mentions July 1, 2012 but he thinks the wording should be changed to “at the completion of all aspects of the City’s responsibility to take over the Districts.” He said he was not sure that the July 1st date was obtainable. City Manager Hasson stated that there are certain performances that have to occur like the loan transfer. Director Allen said that the two parties can agree on another date than July 1st. He also said that since there are so many changes to the IGA that he would like the City Attorney to review the IGA, again, with the changes.

President/Chair Kovacs asked if all procedures are not meant by July 1, 2012 does that negate the IGA. Director Allen said the IGA does not end on July 1st. Director Allen said that if you get too technical with the IGA it will make for a very large document requiring other meetings for review. He said they could always do an addendum if in late June it looks like the withdrawal will not occur on July 1st. Director Allen said that they have told the USDA that they will not initiate withdrawal until the loan has been transferred.

City Manager Hasson said he has asked the District numerous questions so that if there are issues we can know about them in the near future. He said Donna Zigler has responded to all his questions in a very efficient manner.

Councilor Martinez stated that July 1st is the legal requirement in the wording. He said that in late June they can step back from that date if necessary. Mayor Mulenex stated that if something comes up they will coordinate the date. Director Allen said there is no expiration date, the agreement goes on as long as none of the parties ends it.

A motion was made by Vice-President/Secretary/Treasurer Bill Sawders and seconded by Commissioner David Harms for Water and President/Chair Kovacs seconded for Sewer to accept the IGA for the transitional period with the corrections imposed on Section 4 and also Section 3.3 for 15 days and authorize President/Chair Kovacs to sign the agreement.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>President/Vice-Chair Wayne Kovacs</i>	<i>X</i>	
<i>Vice-President/Secretary Treasurer Bill Sawders</i>	<i>X</i>	
<i>Secretary/Treasurer Terry Makinson</i>	<i>X</i>	
<i>Commissioner David Harms</i>	<i>X</i>	

Motion passed unanimously.

A motion was made by Councilor Martinez and seconded by Councilor Greiner to approve the IGA with the corrections to item 4 and the change to item 3.3 for 15 days.

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

Motion passed unanimously.

Director Allen said the agreement does not just contain USDA debt. He said there will be another agreement with the debt removed. He said the District Coordinator would be the contact with the City for questions. Director Allen said the attorneys felt it could be an employee or a Board member. He said because of the labor issues it was felt that someone other than Donna should be the Coordinator. President/Chair Kovacs did not see why there was a middle person when Donna could provide the necessary information, alone. Mayor Mullenex said the main piece of this is the labor agreement. He said when a piece comes that Donna cannot handle, the Coordinator would work with Director Allen to get the information. City Manager Hasson said that the Coordinator would be a bridge if Donna had a conflict of interest at various times.

A motion was made by Secretary/Treasurer Makinson and seconded by Vice-President/Secretary/Treasurer Sawders to accept Commissioner Harms as the District Coordinator for Water.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>President/Vice-Chair Wayne Kovacs</i>	<i>X</i>	
<i>Vice-President/Secretary Treasurer Bill Sawders</i>	<i>X</i>	
<i>Secretary/Treasurer Terry Makinson</i>	<i>X</i>	
<i>Commissioner David Harms</i>	<i>X</i>	

Motion passed unanimously.

A motion was made by President/Chair Kovacs to nominate Brian Earls to be the District Coordinator for Sewer, motion was seconded by Vice-President/Secretary Treasurer Sawders.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>President/Vice-Chair Wayne Kovacs</i>	<i>X</i>	
<i>Vice-President/Secretary Treasurer Bill Sawders</i>	<i>X</i>	

Motion passed unanimously.

Director Allen stated that the City received a letter stating that Rural Development has reviewed the application for federal assistance and has determined that the City's proposal to assume the La Pine Water Districts loans and grants has been determined eligible for funding.

City Manager Hasson discussed the letter from the Water and Sewer District in support of the BLM (Bureau of Land Management) land transfer. The City has also prepared a letter.

Director Allen stated that he met with DEQ (Dept of Environmental Quality) regarding a failing septic system in the Cagle neighborhood and the need for a conventional repair. He said, because of the nitrate issue, that the cost for repairs at the Cagle residence would be substantial and could not be handled as a conventional repair. However, if the property were to hook-up to sewer within the next five years than they would allow the conventional repair. Director Allen said the expanding of the sewer and water system is something he thinks they should pursue. He said it would be good to start getting the funding for it in the next year.

4. Adjourn

A motion was made by President/Chair Kovacs to adjourn the meeting for Sewer. Vice-President/Secretary Treasurer Sawders seconded the motion.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>President/Vice-Chair Wayne Kovacs</i>	<i>X</i>	
<i>Vice-President/Secretary Treasurer Bill Sawders</i>	<i>X</i>	
<i>Commissioner David Harms</i>	<i>X</i>	
<i>Secretary/Treasurer Terry Makinson</i>	<i>X</i>	

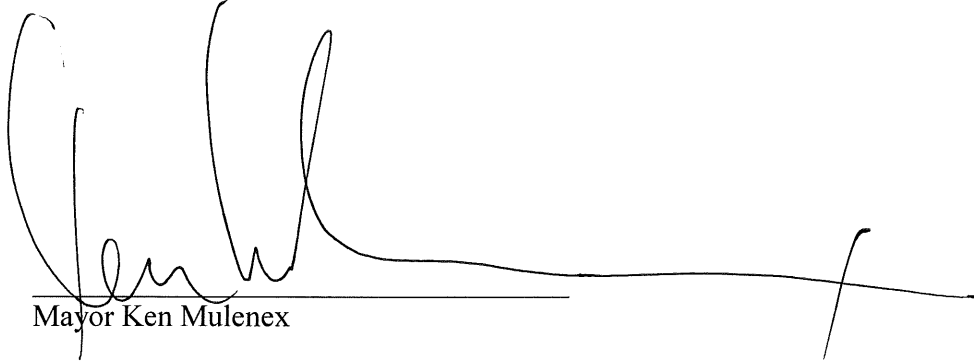
Motion passed unanimously

A motion was made by Councilor Greiner and seconded by Councilor Varcoe to Adjourn the meeting.

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

Motion passed unanimously.

The meeting was adjourned.



Handwritten signature of Ken Mulenex, consisting of large, stylized loops for the first few letters, followed by a long horizontal line that ends in a small vertical tick.

Mayor Ken Mulenex

Attest



Handwritten signature of Lori Martin in cursive script.

Lori Martin, City Recorder/Finance Officer