

LA PINE CITY COUNCIL MEETING AGENDA  
Wednesday, August 12, 2009  
Work Session - 5:00 p.m.  
Regular Session - 6:00 p.m.  
51340 Highway 97, La Pine, Oregon 97739  
South County Building Meeting Room

Work Session – 5:00 p.m.

1. Call to Order
2. Roll Call
3. Priorities, Goals, and Publicity Plan
4. Adjourn Work Session

B. Regular Session – 6:00 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.
  - a. Approval of Minutes
    - i. July 22, 2009 – Work Session and Regular Session Meeting Minutes
  - b. Bills and Invoices
    - i. Approval of Bills
    - ii. Financial Report
    - iii. Approval of Reimbursements
6. Biogreen Letter of Support
7. Proclamation for “Firefighter Appreciation Week”

8. Ordinance No. 2009-03

An ordinance establishing procedures and requirements for conducting special events in the City of La Pine in order to properly provide for traffic and crowd control, street, park, and property maintenance, and the protection of the public health, safety, and welfare; and providing penalties for a violation of this ordinance.

9. Resolution No. 2009-007

A resolution establishing permit fees in accordance with Ordinance No. 2009-03, an ordinance establishing procedures and requirements for conducting special events in the City of La Pine.

10. Outdoor Area Lighting Project Agreement

11. Other Matters

Only those matters properly added to this Agenda under line item No. 4 will be discussed at this time.

12. Public Comments for Items not on the Agenda

13. Staff Comments

14. Council Comments

15. 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. The meeting is subject to cancellation without notice. The meeting is 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 Luana K. Damerval at (541) 536-1432.

# LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, August 12, 2009

Work Session - 5:00 p.m.

51340 Highway 97, La Pine, Oregon 97739  
South County Building Meeting Room

A. Work Session - 5:00 p.m.

1. Call to Order

Mayor Shields called the meeting to order at 5:04 PM

2. Roll Call

Present Were:

Mayor Kitty Shields  
Councilor Doug Ward  
Councilor Barbara Hedges  
Councilor Adele Moilanen  
City Attorney Jeremy Green  
City Recorder Luana Damerval  
Admin Ass't Patricia Morgan

Quorum established.

City planning consultants Deborah McMahon and James Lewis of DMC Consulting Inc. were also in attendance.

00:00:48

3. Priorities, Goals, and Publicity Plan

Deborah McMahon, DMC Consulting, passed out a one page document of core issues entitled "Conceptual Council Goal Areas--General Concepts To Consider." She said she broke it down into three sections:

- Public Safety,
- Efficiency in Delivering Public Services and;
- Livability.

Mayor Shields asked how this handout fits in with the prior handouts. Deborah McMahon stated it is not inconsistent with the other handouts, just more relevant for today.

04:40

Mayor Shields stated, previously, she was confused by the way the goals and proposed priorities were formatted in the old handouts. She said that it was because the category structure was unclear. City Attorney Green stated that the new handout makes them more simplified and clearer.

Councilor Ward asked about the completion date for the comprehensive plan. Deborah McMahon confirmed that they plan to have it completed by the end of December 2009. She also emphasized that communicating to the citizens about how the City is spending their tax dollars is very important.

14:30

Councilor Hedges talked about the difference between citizens that want things to change in the City and the one's that do not want things to change. She also suggested town hall meetings.

Mayor Shields stated that in her experience, the people who have lived here the longest are the ones that want things to change and improve. Regarding a discussion on publicizing what the City is doing, Mayor Shields asked where that fits into the goal areas? Deborah McMahon stated that it probably fits in as communication and would go under efficient delivery of Public Services.

19:55

Mayor Shields suggested listing the topics under 1, 2 and 3 and then prioritizing each of them. The Council agreed to put the creation of a City Charter under efficient delivery of Public Services as well. Deborah McMahon stated that public safety is what matters most to the public.

24:00

The Council had consensus to put roads under public safety. They also agreed to put the comprehensive plan under the Livability category. SDC's were listed under Public Safety on the advice of Deborah McMahon. She also suggested putting traffic control issues under Public Safety.

27:55

City Attorney Green discussed how the City would set-up a fee schedule for SDC's by an ordinance. He also said that code enforcement could consist of things beyond land use. Deborah McMahon suggested putting code enforcement under the Delivery of Public Services category. She said this would give the Council the broad authority to do other kinds of code enforcement.

City Attorney Green suggested dropping the business license ordinance into one of the categories. He also detailed the current progress on the City's project list. City Attorney Green said that the status of the projects is constantly changing and that the Council will get an updated list at every meeting.

42:20

City Attorney Green stated he would e-mail his information to Deborah McMahon to incorporate into the finalized version of the City's goals. That version would then be brought back to the Council at a future meeting to review. City Attorney Green suggested getting the final version approved by the Council before distributing it to the public.

Deborah McMahon gave an update on the Planning Commission and their training program. She said they will understand the rules and legal issues they will face when deciding on planning issues. Deborah McMahon stated that they are very close to starting the Public Hearings for the Comprehensive Plan. She also discussed the Technical Assistance grant that the City can apply for and that should be applied for by August 15<sup>th</sup> for priority placement. Deborah McMahon said that they will be able to complete the zoning ordinances as well as other work through this grant.

48:50

In response to a question from Mayor Shields, Deborah McMahon stated that there are either matching funds or a complete grant for the project. She said it depends on what DLCD wants to do but they are aware of La Pine being a new City and in need of funds. Mayor Shields asked at what

point we would know if they are asking for matching funds. Deborah McMahon said she would make an estimate of room usage time, the City Recorder's time, etc. on the form just like she did for the Comprehensive Plan. She said she would also like to add in the sign codes and some other work that the City will need. Deborah McMahon said she could e-mail the completed form to the Mayor for signature.

52:50

Mayor Shields asked the Council if they had consensus to move the grant request forward to the Regular Session. The Council agreed.

James Lewis from Forterra LLC, presented the Council with an updated map to accompany the Comprehensive Plan text. Deborah McMahon said that they will continue to refine the plan as they go through the Public Hearing process.

56:17

City Attorney Green suggested swearing in the Planning Commission members during one of the Council Meetings. James Lewis stated that Council members are welcome to attend the training for the Planning Commission. City Recorder Damerval was asked to schedule the swearing in of the Planning Commission for the next meeting on August 26<sup>th</sup>. DMC Consulting will coordinate with City staff for the scheduling of the training meetings.

57:45

Mayor Shields discussed that the City's bank, Community First, was recently taken over by Home Federal Bank. She asked if the Council would like to continue using this bank as the City's bank and proceed with transferring the LGIP account. The Council had consensus to stay with Home Federal Bank for the entire City's banking needs.

59:49

4. Adjourn Work Session

Mayor Shields adjourned the meeting at 6:04 pm meeting.

  
\_\_\_\_\_  
Mayor Kitty Shields

Attest:

  
\_\_\_\_\_  
City Recorder Luana Damerval

## LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, August 12, 2009

Regular Session - 6:00 p.m.

51340 Highway 97, La Pine, Oregon 97739

South County Building Meeting Room

B. Regular Session - 6:00 p.m.

1. Call to Order

Mayor Shields called the meeting to order at 6:19 pm.

2. Establish Quorum

Present Were:

Mayor Kitty Shields

Councilor Doug Ward

Councilor Barbara Hedges

Councilor Adele Moilanen

City Attorney Jeremy Green

City Recorder Luana Damerval

Admin Ass't Patricia Morgan

Quorum established.

3. Pledge of Allegiance

The pledge of allegiance was led by Planning Commissioner John Thomas.

00:01:14

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.

11a) CCL Issue Update

11b) Authorization for DMC Consulting Inc to apply for Technical Assistance Grant

00:02:16

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

Administrative Assistant Patti Morgan stated that on page 9, first paragraph, Tim Riley; add his position which is Power Engineer for LD Jellison, Inc. Councilor Moilanen stated that on page 10 in the motion on the top of the page, change Adele to Councilor Moilanen.

Councilor Hedges asked about the charges for the City storage payments. City Recorder Damerval stated that that payment was for the entire year, not just for one month. She said they decided to do this because the storage company does not send out monthly statements.

00:05:30

**A motion was made by Councilor Hedges and seconded by Councilor Moilanen to Approve the Consent Agenda with corrections to the Minutes as noted:**

| <i>Vote as follows:</i>         | <i>AYE</i> | <i>NAY</i> |
|---------------------------------|------------|------------|
| <i>Mayor Kitty Shields</i>      | <i>X</i>   |            |
| <i>Councilor Doug Ward</i>      | <i>X</i>   |            |
| <i>Councilor Barbara Hedges</i> | <i>X</i>   |            |
| <i>Councilor Adele Moilanen</i> | <i>X</i>   |            |

**Motion passed unanimously.**

00:05:59

6. Biogreen Letter of Support

Mayor Shields stated that a concern has recently been raised by Biogreen to the City. She said Biogreen is concerned about their water rights agreement with La Pine Water District when the City eventually absorbs that District. They are asking if the City has authority to modify those agreements. City Attorney Green stated, without doing the research, most likely the City would honor or perform the obligations that exist under their current contracts. He said he could review this in a short amount of time if the City would like him to do so. Mayor Shields suggested the City Attorney review if there is or is not anything in the Administrative Rules that specifically would allow the City to go in and restructure their agreements.

00:12:03

City Attorney Green stated he has reservations about giving Biogreen any type of support letter without additional qualifications, etc. He said the City could still support the project without giving a letter of support. Councilor Moilanen cautioned against giving a letter of support at this point in time

with the limited information the City has received. City Recorder Damerval said that she did not believe a verbal support, only, would satisfy Biogreen. The Council had consensus for City Attorney Green to contact Biogreen and discuss the matter with them further, but not provide them with a letter for support.

00:17:30

7. Proclamation for “Firefighter Appreciation Week”

Dan Daugherty, Interim Fire Chief of the La Pine Fire District, stated they appreciated the Council recognizing them with this proclamation. City Recorder Damerval read the proclamation out loud.

**A motion was made by Councilor Ward and seconded by Councilor Moilanen to Authorize the Proclamation for Firefighter Appreciation Week.**

*Vote as follows:*

*AYE*

*NAY*

*Mayor Kitty Shields*

*X*

*Councilor Doug Ward*

*X*

*Councilor Barbara Hedges*

*X*

*Councilor Adele Moilanen*

*X*

**Motion passed unanimously.**

00:21:40

8. Ordinance No. 2009-03

An ordinance establishing procedures and requirements for conducting special events in the City of La Pine in order to properly provide for traffic and crowd control, street, park, and property maintenance, and the protection of the public health, safety, and welfare; and providing penalties for a violation of this ordinance.

City Attorney Green stated that the Council has before them the revised ordinance from the discussion the Council had about it last month during the Work Session. He stated that City Recorder Damerval, after reviewing the ordinance, expressed concern about the limitation of this ordinance only applying to public property. She also told him that nearly all the mass gathering activities in La Pine are held on Park and Recreation property. City Attorney Green stated he also spoke with Tony DeBone, Chairperson of the Park & Rec Board, regarding the matter. They agreed that the ordinance benefitted Park & Rec property as well. City Attorney Green suggested that the ordinance be re-noticed if it is going to include private property as well. He said he was asking tonight if the City Council wanted to expand the ordinance to include private property and in particular Park and Rec property to capture all the mass gatherings that are not held on public property.

00:30:05

Tony Debone asked the Council to reconsider the number of people that constitute a large event due to the nature of many of the Park & Rec’s events. City Attorney Green stated that because of the way



the ordinance was written, the Council or City staff would have wide discretion to determine if a particular event needed a permit or not. He also said the ordinance could be amended very easily.

00:29:20

City Attorney Green said he would drop off public and just call it property and define property to include Park & Rec., etc. He said he would take care of it and it would be on the next meeting agenda.

00:34:27

Mayor Shields stated that each event is different, i.e., alcoholic beverages not being served for example, and staff should use discretion in these cases. Dan Daugherty suggested that under section 6.6 in the ordinance, requiring an "Emergency Medical Technician" be replaced with the wording, "suitable medical care provider" as that would qualify more medical care staff.

00:39:20

Mayor Shields asked the Council if they wanted to change the numbers on the mass gathering ordinance. The Council had consensus for City Attorney Green to bring the ordinance back to the next Council meeting with the following changes:

- Change the number for large events to 150+ people; and small events up to 149 people
- Change the wording under section 6.6 from "Emergency Medical Technician" to "suitable medical care provider."

9. Resolution No. 2009-007

A resolution establishing permit fees in accordance with Ordinance No. 2009-03, an ordinance establishing procedures and requirements for conducting special events in the City of La Pine.

Mayor Shields tabled this item to the next Council Meeting scheduled for August 26, 2009.

00:42:01

10. Outdoor Area Lighting Project Agreement

City Attorney Green stated that he was concerned because the Agreement was not consistent with what was presented to the City Council by the Ford Foundation. He said during that presentation it was made very clear that there would be no costs to the City. City Attorney Green advised the City to clarify what the financial obligations would be, especially after termination of the lighting agreement in ten years when the City would now be required to purchase the lighting facilities.

Tony DeBone stated that he believes there may have been some kind of misunderstanding between the Ford Foundation and Midstate Electric and that it should easily be resolved because this was not the intention of the group. City Attorney Green said he has a phone conference tomorrow with Tom Weller, of Midstate Electric, to review the agreement. He said he will hopefully have it ready for signature by the August 26<sup>th</sup> Council Meeting.

00:49:45

11. Other Matters

Only those matters properly added to this Agenda under line item No. 4 will be discussed at this time.

11a. Central Cascades Lines - Issue Update

Councilor Moilanen stated that after careful consideration and research done by staff, they came to the conclusion that it is not in the best interest of the City to get involved in this matter. Mayor Shields read the letter that staff had put together to send to CCL. Council had consensus to send the letter to CCL.

00:52:14

11b. Authorization for DMC Consulting Inc to apply for Technical Assistance Grant

Mayor Shields stated that this grant opportunity had been discussed during the Work Session. She said DMC Consulting Inc., offered to apply for this grant on behalf of the City for land use related work that will be required. Council had no further discussion on the matter.

**A motion was made by Councilor Hedges and seconded by Councilor Ward to authorize DMC Consulting Inc., to apply for a Technical Assistance grant for a zoning ordinance and any related land use items and authorization for the Mayor to sign the application.**

*Vote as follows:*

*AYE*

*NAY*

*Mayor Kitty Shields*

*X*

*Councilor Doug Ward*

*X*

*Councilor Barbara Hedges*

*X*

*Councilor Adele Moilanen*

*X*

**Motion passed unanimously.**

01:10:29

12. Public Comment

John Thomas, area resident, stated that on Saturday, August 29<sup>th</sup> there will be a grand opening for the new La Pine Community Clinic. Gloria Fleming, area resident, stated she was very concerned that the City did not know about Senator Wyden's visit on August 13<sup>th</sup> at the La Pine Community Clinic. She said the Senator's office should have let the City know in advance about his visit.

Dan Varcoe stated that they were trying to keep the Senator's visit discreet because of possible protesters but he agreed that the City should have been notified about his visit in advance. He also discussed his interest in publicizing the Council and staff's hard work at getting the City up and running. John Thomas suggested a monthly column in the Newberry Eagle updating citizens about the priorities and projects of the City.

00:15:30

Mayor Shields stated that if citizens would like to form a communications committee they need to talk with staff and get it started. She said, unfortunately, people have not been signing up for volunteer positions. John Thomas said he would talk with staff in the next week about forming some kind of committee for City publicity. Mayor Shields stated they could discuss it further at the next Council Meeting if people wanted to start a committee. Jim Fleming, area resident, stated that Ghost Rock Ranch needs help with feeding their rescue horses. Dan Varcoe also said that many Chamber members have volunteered for fund raising activities to offset the cost of feeding and taking care of the rescue horses. Mr. Fleming also said it was an insult to the City when they are not notified about high public officials coming to La Pine.

00:54:11

13. Staff Comments

City Recorder Damerval stated that there was a local beer garden event held recently that the City did not receive prior notification about and found out about it through the newspaper. She said after checking with OLCC she was told that with some temporary liquor permits the business only needs to get approval through the Sherriff's office. City Recorder Damerval said that if the Council desires, the City can set a policy so that they will always be included in the process. The Council had consensus that they would like the City to always be included in the temporary liquor permit process.

City Attorney Green suggested that City Recorder Damerval conduct the research to ensure that the City take the necessary action to always be involved in the temporary liquor permit process. Dan Varco, La Pine Chamber of Commerce, stated that it is too much and that he does not favor the City being involved to that extent. Mayor Shields said that it does help that the City knows when these types of events are going on and can also notify the Sherriff's department.

01:02:01

City Recorder Damerval stated that she has been invited to a meeting on August 13<sup>th</sup> at Midstate Electric to discuss a possible \$500,000 grant for the Community Kitchen. She said that the way the grant is set up the money would need to pass through a municipal agency's accounting system. City Recorder Damerval also said, from what she understood, all the City would have to do is cut the check and forward it to the Community Kitchen. Jim Fleming, area resident, stated that from what he understood the involvement of the City with the grant would require very little time.

01:05:45

City Recorder Damerval stated that Clark Jackson has been re-hired by Oregon Business Development Department for the same position he held with them previously. Also, she said that Roger Lee is now the La Pine representative. She also said she had just received a phone call from David Blair, Field Representative for Senator Wyden, asking that the Mayor and Councilors try to attend the ribbon cutting ceremony for the La Pine Community Clinic tomorrow. Senator Wyden will be the special guest at the ceremony. Councilors Ward and Hedges plan to attend.

City Recorder Damerval also reported that:

- the ribbon cutting for the new McDonald's in La Pine is on August 25<sup>th</sup> starting at 9:30 am;
- the Chamber Breakfast is on August 21<sup>st</sup> at 7:45 am. at the Senior Center;
- a questionnaire is now on the City's website asking citizen's if the City should do a mosquito abatement program;

- August 16<sup>th</sup> at the White School, there will be community party at the White School with the Old Time Fiddlers performing and starting around 1 pm.

01:19:23

Administrative Assistant Patti Morgan discussed the visitors and phone calls that staff has tracked at City Hall over the past month. She said, due to the fact that the County has only part-time staffing at the building, a number of calls and visitors come into City Hall for County needs.

01:20:02

14. Council Comments

Councilor Ward discussed that he and City Recorder Damerval attended the LIGI meeting that morning. He said that LIGI had a land use problem in approving the Biogreen plant but the County Planning Department has assured the County Commissioners that they are going to rewrite the rules and have the permits available for them to begin construction in the not too distant future. The Council had consensus for Councilor Ward, should he have the opportunity, to ask Senator Wyden why the City received such late notice about his visit.

01:23:34

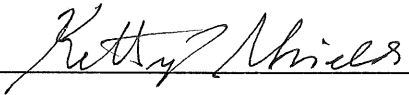
Mayor Shields stated she found the tracking sheet of phone calls and visitors coming into City Hall interesting and also commented on the number of interruptions that creates for staff. City Recorder Damerval stated that staff just did it for one month and will not continue to give Council reports on it. She also said, regarding the traffic calming committee, it is only supposed to meet a couple of times regarding what kind of temporary measures can be put in place. Councilor Moilanen stated both she and Councilor Hedges were interested in attending.

01:26:25

Mayor Shields stated she attended the Water District and Sewer District meetings and that the Water District is now looking for surface water rights due to the water shortage. She also reported that the new school has requested a separate meter for their irrigation water usage. Although the Water District does not normally do this, because they do not have a separate rate structure, they are going to put in a separate water meter. Mayor Shields said that both the Water District and Sewer District are going back and looking at their ordinances and resolutions to make changes in their rate structures. She also reported that the water line and sewer line for the Little Deschutes Lodge is complete. Mayor Shields said that at the Sewer District meeting the contract is almost complete that would allow a contractor to upgrade the lines along Morson Street to replace the too small and shallow lines that had been put in there before. She also said there was nothing new on the BLM land transfer and also the sewer line for Little Deschutes Lodge is now complete. Mayor Shields also briefly discussed the thank you letters the Council had received from LD Jellison, Inc., regarding the Biogreen presentation.

15. Adjourn

Mayor Shields adjourned the meeting at 7:50 pm.



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Mayor Kitty Shields

**Attest:**



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City Recorder Luana Damerval