

LA PINE CITY COUNCIL AGENDA

Wednesday, April 13, 2016

Executive Session - 5:00 pm

Regular Session - 6:00 pm

16345 6th Street, Suite 102 La Pine, Oregon 97739

A. Executive Session - 5:00 pm

- 1. <u>Call to Order</u>
- 2. Establish a Quorum
- 3. The basis for the Executive Session is ORS 192.660(2)(f), which permits the Council to meet in Executive Session to consider information or records that are exempt by law from public inspection.
- 4. Adjourn Executive Session

B. Regular Session – 6:00 pm

- 1. Call to Order
- 2. Establish a Quorum
- 3. Pledge of Allegiance
- 4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such other time selected by the City Council.

5. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

- a. Approval of Minutes
 - i. March 9, 2016 Council Meeting Minutes
 - ii. March 22, 2016 Council Work Session Minutes
 - iii. March 23, 2016 Council Work Session Minutes
- b. Bills and Invoices
 - i. Approval of Reimbursements
- c. Financials
 - Revenue and Expenses
- d. Approval of Liquor License for La Pine 97 Fuels, LLC.
- e. Award contract for Backflow testing

- f. Approval of Landscape Contract
- g. Final Pay Estimate #4 US 97 Wickiup Junction Utility Relocation Project
- h. Partial Pay Estimate No. 1 by BECON 1st & Hwy 97 Irrigation, Landscape & Electrical Project
- 6. Public Comments
- 7. Proclamation Declaring April as Underage Substance Abuse Prevention Awareness Month
- 8. Proclamation Declaring April, 2016 Parkinson's Disease Awareness Month
- 9. Proclamation Declaring April 10th-16th as Week of the Young Child
- 10. <u>Ordinance No. 2016-01</u> An ordinance of the City of La Pine declaring a ban on recreational marijuana retailers; referring ordinance; and declaring an emergency.
 - a) Open Public Hearing
 - b) Staff Report
 - c) Public Comments
 - d) Close Public Hearing
 - e) Council Deliberations
- 11. Ordinance No. 2016-02 An ordinance of the City of La Pine imposing a three percent tax on the sale of marijuana items by a marijuana retailer; and referring ordinance.
 - a) Open Public Hearing
 - b) Staff Report
 - c) Public Comments
 - d) Close Public Hearing
 - e) Council Deliberations
- 12. <u>Ordinance No. 2016-03</u> An ordinance further amending Ordinance No. 2012-05; revising certain definitions and uses permitted in certain zones; and superseding all other ordinances or parts of ordinances in conflict herewith.
 - a) Open Public Hearing
 - b) Staff Report
 - c) Public Comments
 - d) Close Public Hearing
 - e) Council Deliberations
- 13. Approval of Land Purchase Option Agreement and Memorandum of Understanding with Biogreen
- 14. Contribution to Support Public Art Grant and La Pine Arts Roadmap with Arts Central
- 15. Funding Request for Bicycle Fix It Station
- 16. Approval for City Manager to Hire Public Works Manager
- 17. <u>Discussion on County Property (51680 Coach Road) Transfer to City.</u>

- 18. Other Matters: This item concerns any matters that were added to the Agenda under the Added Agenda

 Items portion of this Agenda
- 19. Public Comments
- 20. Staff Comments
- 21. <u>Council Comments</u>
- 22. Mayor's Comments
- 23. Adjourn

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY



LA PINE CITY COUNCIL AGENDA

Wednesday, April 13, 2016

Executive Session – 5:00 pm

Regular Session – 6:00 pm

16345 6th Street, Suite 102

La Pine, Oregon 97739

A. Executive Session – 5:00 pm

- 1. Call to Order
- 2. Establish a Quorum
- 3. The basis for the Executive Session is ORS 192.660(2)(f), which permits the Council to meet in Executive Session to consider information or records that are exempt by law from public inspection.
- 4. Adjourn Executive Session

B. Regular Session - 6:00 pm

- 1. Call to Order
- 2. Establish a Quorum

Mayor Ken Mulenex

Councilor Stu Martinez

Councilor Kathy Agan

Councilor Karen Ward

Councilor Dennis Scott

Student Councilor Sydney Bright

Interim City Manager Rick Allen

Assistant City Manager Cory Misley

City Planner Tammy Wisco

City Attorney Jeremy Green

Accounting Clerk Ashley Williams

Administrative Assistant Patricia Morgan

Quorum established.

3. Pledge of Allegiance

Mayor Mulenex led the Pledge of Allegiance.

4. Added Agenda Items

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such other time selected by the City Council.

- a. Approve bond counsel for Re-financing USDA loans
- b. Separation agreement with Scott Perkins
- c. Authorize City Manager to enter into a contract with Direct Drilling, Inc.

5. Consent Agenda

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

- a. Approval of Minutes
 - i. March 9, 2016 Council Meeting Minutes
 - ii. March 22, 2016 Council Work Session Minutes
 - iii. March 23, 2016 Council Work Session Minutes
- b. Bills and Invoices
 - i. Approval of Reimbursements
- c. Financials
 - Revenue and Expenses
- d. Approval of Liquor License for La Pine 97 Fuels, LLC.
- e. Award contract for Backflow testing
- f. Approval of Landscape Contract
- g. Final Pay Estimate #4 US 97 Wickiup Junction Utility Relocation Project
- h. Partial Pay Estimate No. 1 by BECON 1st & Hwy 97 Irrigation, Landscape & Electrical Project

Councilor Agan said on 5f. Landscape Contract the customer name is La Pine City Hall c/o Cory Ashley and should be changed to one or both full names.

Councilor Martinez said there was a possible conflict of interest with the Wilderness Garbage bill. City Attorney Jeremy Green said that Councilor Martinez should abstain from voting at all future meetings. Councilor Martinez agreed to abstain moving forward.

A motion was made by Councilor KathyAgan and seconded by Councilor Scott to approve the Consent Agenda as corrected.

Vote as follows: AYE NAY ABSTAIN

Councilor Dennis Scott X

~~

...

Councilor Stu Martinez Councilor Kathy Agan

X

Councilor Kathy Agan X
Councilor Karen Ward X

Motion passed 3 Ayes and 1 abstention.

6. Public Comments

None

7. Proclamation Declaring April as Underage Substance Abuse Prevention Awareness
Month

Mayor Mulenex read the Proclamation.

Page 5 of 13

Council Meeting

A motion was made by Councilor Kathy Agan and seconded by Councilor Ward to approve the Under Age Substance Abuse Proclamation as read.

Vote as follows:

AYE

NAY

Councilor Dennis Scott

 \boldsymbol{X}

Councilor Stu Martinez

X

Councilor Kathy Agan Councilor Karen Ward \boldsymbol{X} \boldsymbol{X}

Motion passed unanimously.

8. Proclamation Declaring April 2016 Parkinson's Disease Awareness Month

Mayor Mulenex read the Proclamation.

A motion was made by Councilor Ward and seconded by Councilor Agan to approve the Parkinsons Disease Awareness Proclamation as read.

Vote as follows:

AYE

NAY

Councilor Dennis Scott

 \boldsymbol{X}

Councilor Stu Martinez

 \boldsymbol{X}

Councilor Kathy Agan Councilor Karen Ward \boldsymbol{X} X

Motion passed unanimously.

Proclamation Declaring April 10th-16th as Week of the Young Child 9.

Mayor Mulenex read the Proclamation.

A motion was made by Councilor Ward and seconded by Councilor Agan to approve the Week of the Young Child Proclamation as read.

Vote as follows:

AYE

NAY

X

Councilor Dennis Scott Councilor Stu Martinez

 \boldsymbol{X}

Councilor Kathy Agan

 \boldsymbol{X}

Councilor Karen Ward

 \boldsymbol{X}

Motion passed unanimously.

- Ordinance No. 2016-01 An ordinance of the City of La Pine declaring a ban on recreational marijuana retailers; 10. referring ordinance; and declaring an emergency.
 - a) Open Public Hearing

Mayor Mulenex opened the Public Hearing.

Page 6 of 13

b) Staff Report

City Attorney Jeremy Green stated that the Council has discussed this ordinance on a number of occasions. This is a referral ordinance and will go before the voters on November 8th ballot. He said if this ordinance is passed it will be sent to the State to discontinue issuing any licenses for recreational marijuana retail sales within the City of La Pine until the vote has been conducted. This ordinance does not affect medical marijuana sales or growing operations of marijuana.

d. Public Comments

None

e. Close Public Hearing

Mayor Mulenex closed the Public Hearing

f. Council Deliberations

The Council agreed that this issue has been discussed on numerous occasions and does not need further discussion.

Vote as follows:	AYE	NAY
Councilor Dennis Scott	\boldsymbol{X}	
Councilor Stu Martinez	\boldsymbol{X}	
Councilor Kathy Agan	\boldsymbol{X}	
Councilor Karen Ward	\boldsymbol{X}	

- 11. Ordinance No. 2016-02 An ordinance of the City of La Pine imposing a three percent tax on the sale of marijuana items by a marijuana retailer; and referring ordinance.
 - a) Open Public Hearing

Mayor Mulenex opened the Public Hearing.

b) Staff Report

Mr. Green said if approved by the voters, this ordinance will tax 3% of retail recreational marijuana sales. He said a resolution will be brought back to the Council.

c) Public Comments

None

d) Close Public Hearing

Mayor Mulenex closed the Public Hearing.

e) Council Deliberations

Councilor Scott stated he was in favor of putting it before the voters. Councilors Agan and Martinez agreed. Mayor Mulenex said he was also in favor.

A motion was made by Councilor Ward and seconded by Councilor Scott to approve Ordinance 2016-02.			
Vote as follows:	AYE	NAY	
Councilor Dennis Scott	\boldsymbol{X}		
Councilor Stu Martinez	\boldsymbol{X}		
Councilor Kathy Agan	\boldsymbol{X}		
Councilor Karen Ward	\boldsymbol{X}		
Motion passed unanimously.			

12. <u>Ordinance No. 2016-03</u> An ordinance further amending Ordinance No. 2012-05; revising certain definitions and uses permitted in certain zones; and superseding all other ordinances or parts of ordinances in conflict herewith.

a.) Open Public Hearing

Mayor Mulenex opened the Public Hearing.

b) Staff Report

City Planner Tammy Wisco introduced the ordinance. She reviewed the amendments to the ordinance:

- changes to the Table of Contents
- Section 8, some definitions being omitted and some inserted
- Section 10, under conditional uses remove minimum lot amount
- Section A, add a third bullet to read no metal shipping compartment may be used as a living dwelling at any time or for the storage of items for no more than 30 days.
- Section 10, for transition areas, proposal should say all principal residential uses
- Site Plan Review, insert the proposed site plan conforms to the standards within the adopted La Pine Transportation System Plan.
- The Site Plan conforms to the water and sewer standards as may be amended from time to time.
- Proposed site plan review conforms to the central Oregon storm water management
- All utilities shall be installed underground
- Landscaping Requirements proposal is to insert CRMX as it was not included in the list

Ms. Wisco said that at the Hearing before the Planning Commission they recommended these changes for approval by the City Council. She then reviewed the comprehensive plan goals and how they related to the changes.

Ms. Wisco said they did receive one public comment, a letter from Scott Henderson. She said the letter addressed:

- She referenced the TSP, should be more of a balance between public and private funds
- She had comment on the SDC's
- She also had comments on the shipping containers

c) Public Comments

Kevin Haun, area resident, stated that he bought his property with shipping containers already on it. Ms. Wisco said the ordinance did not address existing storage containers. Scott Henderson stated he had issues with the addition of the TSP and the effects on Site Plan Review. Mr. Allen said that the TSP has to be included in a Site Plan Review and that it is done in all Oregon Cities. Mr. Henderson also said he had questions about when the dedications would be finalized.

d) Close Public Hearing

Mayor Mulenex closed the Public Hearing.

e) Council Deliberations

Councilor Martinez said he was not in a position to approve the ordinance at this point in time due to the detailed information contained within the ordinance. Councilor Scott said there is too much information and he would like to review it further. Mr. Allen said they would schedule a Special Meeting before the Work Session on April 27th to do a continuation of the hearing. He said the ordinance was very important for St. Charles Medical Center and other pending applications. Ms. Wisco said that she had met with the Planning Commissions on several of the issues in the proposed ordinance. The issues had been discussed thoroughly and recommended approval by the Council. Councilor Agan said the review of the ordinance, tonight, clarified issues. Councilor Ward had some questions about livestock on private property and was told that the ordinance tonight does not address those kinds of issues.

A motion was made by Councilor Martinez and seconded by Councilor Scott to continue the hearing on Ordinance 2016-03 to April 27th at 5:00 pm.

*Vote as follows: AYE NAY

*Councilor Dennis Scott X

*Councilor Stu Martinez X

*Councilor Kathy Agan X

*Councilor Karen Ward X

Motion passed unanimously.

13. Approval of Land Purchase Option Agreement and Memorandum of Understanding with Biogreen

Mr. Allen said they have been working for several months on a new agreement with Biogreen. He said some of the staff and some of the council toured a similar facility in Eugene. He said the original option was extended three times but expired last year. Mr. Allen said one of the requirements was for de-commissioning of the plant after its useful life. Mr. Allen said it is for a three year option with a two year extension. He also said the Labor Union filed a dispute with LUBA which has taken some time. Mr. Allen said the extension they are proposing should be the last one considered with Biogreen. Councilor Scott said he was confident regarding the Option Agreement. Councilor Agan agreed.

NAY

Mr. Allen said the MOU (Memorandum of Understanding) involved the Special Districts and their agreement to provide sewer and water to Biogreen many years ago. This MOU dissolves those agreements.

A motion was made by Councilor Scott and seconded by Councilor Ward to approve the MOU between the City of La Pine and Biogreen.

Vote as follows:

Councilor Dennis Scott

Councilor Stu Martinez,

Councilor Kathy Agan

Councilor Karen Ward

X

Motion passed unanimously.

Mayor Mulenex called for a break at 7:10 pm. The meeting reconvened at 7:20 pm.

14. Contribution to Support Public Art Grant and La Pine Arts Roadmap with Arts Central

Deborah Allen, Art Education Director for Arts Central and Jennifer McGee, teacher at the La Pine Middle School introduced themselves. Mayor Mulenex said a \$7,000 art grant was approved. He said there is money in the budget for a contribution for the proposed art project in La Pine. A teaching artist, who has been hired, will work with the middle school students to create their mural for downtown La Pine. She said they are asking for \$4,400 to contribute to the grant for the project. She said they have received \$3,200 of in-kind contributions. The Council had consensus to approve of the project. Ms. Allen said there is a new product that is put over the mural and makes cleaning of vandalism easier. Mayor Mulenex said he thought this was a great opportunity for the students in La Pine.

A motion was made by Councilor Agan and seconded by Councilor Ward to approve the request from Arts Central of \$4,400 to move forward on the mural partnership.

Vote as follows:

Councilor Dennis Scott

Councilor Stu Martinez

Councilor Kathy Agan

Councilor Karen Ward

X

Motion passed unanimously.

15. Funding Request for Bicycle Fix It Station

Mr. Misley said that the City would purchase the station and the Park & Recreation District would do the maintenance on the station. In addition to the \$1,000 cost there is a \$150 shipping charge. He said the funds would come from the TRT (Transient Room Tax) fund. Gary Gordon, Board Chair for the District, said that the district was looking forward to having the station. Councilor Ward was impressed that the Park and Recreation District will be doing the maintenance on it

A motion was made by Councilor Agan and seconded by Councilor Ward to approve the request of \$ 1,150.00 for purchase of a bicycle fix-it station.

Vote as follows: AYE NAY
Councilor Dennis Scott X
Councilor Stu Martinez X
Councilor Kathy Agan X
Councilor Karen Ward X

Motion passed unanimously.

16. Approval for City Manager to Hire Public Works Manager

Mr. Misley said they have conducted interviews but are still reviewing the candidates. He would like a motion authorizing the City Manager to hire a Public Works Manager.

A motion was made by Councilor Ward and seconded by Councilor Scott to authorize the City Manager to hire a Public Works Manager.

Vote as follows:

Councilor Dennis Scott

Councilor Stu Martinez

Councilor Kathy Agan

Councilor Karen Ward

X

Motion passed unanimously.

17. Discussion on County Property (51680 Coach Road) Transfer to City.

Mr. Allen said the property was used by the Deschutes County Public Works Department in the past. He recommended a Phase One Environmental Assessment of the property. He said it would probably cost around \$2,000. Councilor Martinez said the building on the property is in very bad condition.

A motion was made by Councilor Ward and seconded by Councilor Scott to authorize staff to move forward on the property transfer after the Environmental Assessment is done.

Vote as follows:

Councilor Dennis Scott

Councilor Stu Martinez

Councilor Kathy Agan

Councilor Karen Ward

X

Motion passed unanimously.

- 18. Other Matters: This item concerns any matters that were added to the Agenda under the Added Agenda

 Items portion of this Agenda
 - a. Mr. Allen said a bond counsel was necessary for the refinancing of the USDA loan which will save the City over \$600,000. He said the cost to the city would probably be around \$15,000 \$20,000.

A motion was made by Councilor Martinez and seconded by Councilor Scott to authorize staff to hire Mersereau Shannon, LLP as the bond counsel.

NAY

Vote as follows:

Councilor Dennis Scott

Councilor Stu Martinez

Councilor Kathy Agan

Councilor Karen Ward

X

Motion passed unanimously.

b. Mr. Allen said there is a separation agreement with Scott Perkins, Public Works Manager. He said the money being paid to Mr. Perkins is for his sick time that he brought over from the Districts in 2012.

A motion was made by Councilor Martinez and seconded by Councilor Agan to accept Mr. Perkin's resignation and separation agreement, allowing up to \$7,518 be paid to him for sick time.

Vote as follows:

Councilor Dennis Scott

Councilor Stu Martinez

Councilor Kathy Agan

Councilor Karen Ward

X

Motion passed unanimously.

c. Mr. Huffman said the sleeves are the three inch pipe that goes under the driveways. The sleeves are three inches in size that would contain a two inch irrigation pipe. This is just a method to get the pipe underneath those crossings. He said the sleeves that were put in were too deep and under the sidewalk and inaccessible.

A motion was made by Councilor Martinez and seconded by Councilor Agan to authorize \$5,190 on the first phase to Direct Drilling in order to move forward on the landscaping work.

Vote as follows: AYE NAY
Councilor Dennis Scott X
Councilor Stu Martinez X
Councilor Kathy Agan X
Councilor Karen Ward X

Motion passed unanimously.

19. Public Comments

None

20. Staff Comments

Mr. Misley said a Planning Commission meeting will be held on April 20th where they will be dealing with a number of issues. There will also be a special meeting for the City Council on April 27th where Text Amendments will be discussed about Indoor Agriculture in the City of La Pine. Mr. Misley said there will also be a mobile/transit opportunity, and discussion of an ordinance requiring maintenance of sidewalks by property owners. Mr. Misley said after the budget is finished he will start to do code enforcement again. He said the Sustainable City Program is also being worked on as they are applying for a grant with the Ford Foundation. Mr. Misley said up to \$40,000 has been budgeted (FY16-2017 Budget) for the program. Mr. Allen also said the City is moving forward on creating a list of preferred companies to do engineering, architecture, and surveying. He also said they would like to increase the amount that the City Manager can authorize for payment without Council consent. Currently the amount is \$5,000. He said he would like to raise the level to \$20,000. A new document will be prepared and brought to the Council at a meeting regarding this request.

21. Council Comments

Councilor Martinez mentioned the trip he took to Eugene to the processing plant. He said he was impressed that they had employees from the local area. Councilor Martinez said it would be great if more jobs would be available for local residents in La Pine with the construction of the Biogreen Plant. Councilor Agan thanked staff for the list of business licenses that had been applied for in 2016. She also said the local genealogy group in La Pine is interested in helping with clean up at the cemetery. Mr. Misley said he would like to see designated clean-up days for the cemetery. Mayor Mulenex said the Band of Brothers have also been involved in cleaning up the cemetery. Councilor Scott mentioned that Shine on La Pine has teamed up with the Mayor's annual clean-up day.

22. Mayor's Comments

Mayor Mulenex mentioned the "Night of the Arts" with various schools participating on April 28th at 6:00 pm at the La Pine High School. He said it was very enjoyable when he attended last year.

23. Adjourn

Vote as follows:	AYE	NAY
Councilor Dennis Scott	\boldsymbol{X}	
Councilor Stu Martinez	\boldsymbol{X}	
Councilor Kathy Agan	\boldsymbol{X}	
Councilor Karen Ward	\boldsymbol{X}	

Mayor Mulenex adjourned the meeting.

Mayor Ken Mulenex

Attest

Interim City Manager Rick Allen