



CITY of LA PINE CITY COUNCIL AGENDA
Wednesday, October 12, 2016
6:00 pm Regular Session & Public Hearing
La Pine City Hall
16345 Sixth Street, La Pine, Oregon 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 of any member of the City Council.

a. Approval of Minutes

i. September 14, 2016 Council Meeting Minutes

ii. September 27, 2016 Work Session and Regular Session Minutes

b. Bills and Invoices

i. Approval of Reimbursements

c. Financials

i. Revenue and Expenditures

6. Public Comments

7. Community Funding Request Application – La Pine Lodgepole Dodgers

8. Quarterly Economic Development Update from Janet Burton

9. Resolution No. 2016-18 A Resolution of the City of La Pine Supporting the Oregon Department of Transportation's Acquisition of Certain Real Property for Purposes of Improving Mass Transit Opportunities in the City of La Pine and Surrounding Areas
 - a. Open Public Hearing
 - b. Staff Report
 - c. Public Comments
 - d. Close Public Hearing
 - e. Council Deliberation

10. Ordinance No. 2016 -10 An Ordinance of the City of La Pine Establishing Time, Place, and Manner Regulations Concerning Recreational Marijuana Producers, Processors, Wholesalers, Laboratories, and Retailers
 - a. Open Public Hearing
 - b. Staff Report
 - c. Public Comments
 - d. Close Public Hearing
 - e. Council Deliberation

11. Arts Roadmap Contract with Consultant

12. Proposal to Provide Landscape Architectural Services for Monument Sign at City Hall

13. Proposal to Complete Water and Wastewater System Development Charges (SDCs)

14. Other Matters: Only those matters properly added to this Agenda under line item No. 4

15. Public Comments

16. Staff Comments

17. Council and Mayor's Comments

18. 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

CITY of LA PINE CITY COUNCIL MINUTES

Wednesday, October 12, 2016

6:00 pm Regular Session & Public Hearing

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

A. Regular Session – 6:00 pm

1. Call to Order

Mayor Mulenex called the meeting to order.

2. Establish Quorum

Mayor Ken Mulenex
Councilor Stu Martinez
Councilor Kathy Agan
Councilor Karen Ward
Councilor Dennis Scott
Student Councilor Treydon Plamondon – absent by prior arrangement
City Manager Cory Misley
Public Works Manager Jake Obrist
City Planner Tammy Wisco
Accounting Clerk Ashley Williams
Administrative Assistant Patricia Morgan
Quorum established.

3. Pledge of Allegiance

Janice Burton 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) Appointment of Jayne Benner to Public Works Committee
- b) Agreement of 3% commission for the county industrial land
- c) Contractors payment for Wickiup Junction Project

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. September 14, 2016 Council Meeting Minutes
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- b. Bills and Invoices
 - i. Approval of Reimbursements
- c. Financials
 - i. Revenue and Expenditures

Councilor Martinez stated that there may be a possible conflict of interest with the Wilderness Garbage bill.

A motion was made by Councilor Ward and seconded by Councilor Agan to approve the Consent Agenda.			
<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>	<i>Abstention</i>
<i>Councilor Martinez</i>			<i>X</i>
<i>Councilor Agan</i>	<i>X</i>		
<i>Councilor Ward</i>	<i>X</i>		
<i>Councilor Scott</i>	<i>X</i>		
Motion passed 3 to 0 with 1 abstention.			

6. Public Comments

None

7. Community Funding Request Application – La Pine Lodgepole Dodgers

Rick Bice, President of the Lodgepole Dodgers, discussed the last time the event was held in La Pine. He said the money they are requesting would be for advertising and promotion of the event. City Manager Misley stated that there is about \$4,500 in the community funding account. He said this event certainly sounds like it would qualify for the funds. Councilor Martinez said that the motels were all full the last time the event was held. Councilor Agan said the event was very good for the City the last time it was held in La Pine.

A motion was made by Councilor Ward and seconded by Councilor Agan to approve the Lodgepole Dodgers request for funds in the amount of \$750.00		
<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Agan</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Scott</i>	<i>X</i>	
Motion passed unanimously.		

8. Quarterly Economic Development Update from Janet Burton

Janet Burton, EDCO Manager for this area, discussed the three year plan to increase businesses and help businesses grow in the Sunriver/La Pine area. She said the Enterprise Zone was expanded to include Sunriver Business Park and Spring River Plaza. Ms. Burton said that Phase 1 of the Branding initiative has been completed. She said twenty new jobs with a payroll of \$600,000, and capital investments of \$3.2 million happened from new businesses and expanding businesses. Ms. Burton said that land in the Industrial Park purchase agreements have brought in an income of \$19,000.00. In lease income they have received \$8,800 through September. She also discussed business referral meetings in the amount of 65 meetings through September. She said Cory and she are working on a revision to the economic development documents on the website as well as the design. Councilor Scott suggested that some of the facts and numbers Ms. Burton provided should be put on the website.

Ms. Burton said that by the end of November, the initial candidates for her job should be identified. She also discussed the criteria that will go before the County Commissioners on managing and marketing the Industrial Park.

9. Resolution No. 2016-18 A Resolution of the City of La Pine Supporting the Oregon Department of Transportation's Acquisition of Certain Real Property for Purposes of Improving Mass Transit Opportunities in the City of La Pine and Surrounding Areas

a. Open Public Hearing

Mayor Mulenex opened the Public Hearing

b. Staff Report

Tammy Wisco, City Planner, discussed the transit center that ODOT (Oregon Department of Transportation) wants to create in downtown La Pine. She said they would like public involvement in the planning for the transit center. Amenities like a bicycle fixing station a shelter and electric car charging station are all possible with the transit center as time goes on. Mr. Misley discussed the need for the transit center to take up the entire lot for future needs. Councilor Ward asked about the matter of someone else having put in an offer on the property. Mr. Misley said that could be discussed after the public hearing is closed. Councilor Scott said the City has been great partners with ODOT. Councilor Martinez stated that the purchase of the Transit Center needs to go on the record so everything is being done properly.

c. Public Comments

Mayor Mulenex opened the Public Hearing. Gary Farnsworth, with ODOT, introduced himself. Also with Mr. Farnsworth was David Brown who was with ODOT. Councilor Ward stated she wanted to know if the property had already been sold and was in escrow. Mr. Farnsworth said there is no new owner of the property per the title report. No new owner has been recorded with Deschutes County. He said an appraiser has been hired to determine the fair market value of the property. Mr. Farnsworth said ODOT will make an offer dependent upon the appraisal. He also said they would work with anyone who has an interest in the property. Mr. Farnsworth said they would like to purchase the whole parcel. He said they have been very transparent in handling this matter. Imminent Domain may also factor in this purchase. Councilor Martinez said that ODOT has obtained the information that the City required and that the City should support them. He also said the proposed transit center will really benefit the entire south county population. Mayor Mulenex said he was glad that ODOT had done all the research on the property for sale.

Diane Willis, owner of High Lakes Realty, said she was the listing broker on the property. She said they do not have an open escrow on the property, it has an accepted offer. Ms. Willis said that ODOT must offer the same amount of money for the property as the accepted offer. Linda Johnston, High Lakes Realty, stated her concern about the legally binding contract that they have on this property.

- d. Close the Public Hearing

Mayor Mulenex closed the Hearing.

- e. Council Deliberations

Gary Farnsworth stated he does not believe the contract is void. He said he would like to include all the people involved, when ODOT makes an offer. He also said that all the information he has about the property is what is recorded with Deschutes County. Councilor Ward expressed that she was concerned that the seller may not get as much money from ODOT as they would from an accepted offer. Mr. Farnsworth said he would like to know what the accepted offer price is and also look at the value of other similar properties. Councilor Ward said the seniors she has talked with think the proposed location for the transit center is excellent.

A motion was made by Councilor Agan and seconded by Councilor Martinez to approve Resolution 2016-18 Supporting ODOT to Purchase Property for the Purposes of a Transit Center.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Agan</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Scott</i>	<i>X</i>	

Motion passed unanimously.

10. Ordinance No. 2016 -10 An Ordinance of the City of La Pine Establishing Time, Place, and Manner Regulations Concerning Recreational Marijuana Producers, Processors, Wholesalers, Laboratories, and Retailers

- a. Open Public Hearing

Mayor Mulenex opened the Public Hearing.

- b. Staff Report

Cory Misley said on November 8, 2016 the residents of La Pine will have an opportunity to ban recreational marijuana retail establishments in the City of La Pine. Most of the TPM (Time, Place and Manner) was similar to the Ordinance concerning medical marijuana. It includes the distance between recreational marijuana establishments and also how close they could be to schools, library, etc. However, the Council had indicated that they wanted a permit for the recreational marijuana which would be reviewed annually by the City Manager including performing criminal background checks, a visit to the site where the product is sold and some other requirements. Mr. Misley said the Council had also wanted the recreational marijuana businesses to be closed on Sundays. He said this Ordinance may need to be reviewed again depending on how the election goes.

c. Public Comments

Mayor Mulenex opened the Public Comments.

Matt Topher, owner of High Desert Botanicals, asked about the cost for permitting fees. Mr. Misley said a rate resolution would need to be passed by the City Council on an annual basis to determine the cost. He also said that he does not expect the permitting fee to be very costly but that would depend on the rate resolution. Mr. Topher also stated that requiring him to be closed on Sundays would create a hardship for him. He also said he favored having marijuana growers only in the Industrial Park.

d. Close Public Hearing

Mayor Mulenex closed the Public Hearing.

e. Council Deliberation

The Council decided to move forward on the Ordinance.

A motion was made by Councilor Agan and seconded by Councilor Scott to approve Ordinance No. 2016-10 establishing time, place, and manner for recreational marijuana dispensaries.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Agan</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Scott</i>	<i>X</i>	

Motion passed unanimously.

11. Arts Roadmap Contract with Consultant

Mr. Misley discussed his recommendation on a proposed contract for an arts consultant. He said he did not support hiring an arts consultant at this time. Mr. Misley said he was concerned about the proposed mural that never got done and the \$4,500 that the City donated and must now try to get back from the disbanded organization. Councilor Martinez stated that he did not feel the time was right what with getting new benches and garbage receptacles in the City. Councilor Agan said she favored hiring a consultant at some point in time, but not right now. Councilor Scott stated he was very impressed with the art consultant that had met with the Council. Mr. Misley stated that besides taking staff time, he was not certain of what the art consultant would be doing for the City. Councilor Scott said he thought an art consultant would give the City a direction to go in with art. Councilor Ward said that she did not support the art consultant at this time. Mayor Mulenex said the art consultant would develop a roadmap and how it would be implemented with a timeframe. He said if the art consultant is not hired the art roadmap will be put off for years. Councilor Martinez stated he felt he did not get anything out of the presentation by the art consultant.

Councilor Scott made a motion to hire the art consultant for \$5,000 and develop a roadmap and a plan of how to put together an organization for the arts. There was no second so motion died.

12. Proposal to Provide Landscape Architectural Services for Monument Sign at City Hall

Mr. Misley stated that Szabo Landscape Architect was on the preferred qualified list that the City had developed. He said there is a significant amount of money for capital outlay for city improvements, etc. Szabo would bring to the City a full design for the monument sign. Councilor Martinez stated that he also met with Szabo when they came to City Hall. He said he was embarrassed that the City does not even have a flag pole. Councilor Martinez said that the current sign in front of City Hall would need to be replaced. Councilor Agan said she favored moving forward with the monument sign and design for City Hall. Councilor Scott stated he was in favor of the project but that the cost for design and construction management seemed high to him. Councilor Ward said she supported hiring Szabo Landscape Architect. Mayor Mullen said the issue should have been brought to a Work Session, first. Councilor Martinez said that this matter was discussed at a Work Session and that the Council said to move ahead with it. It was discussed to have Szabo Landscape Architects come to a Work Session. Councilor Ward said she was in favor of having the design architect come to a Work Session. The Council had consensus to bring back this topic to a Work Session.

13. Proposal to Complete Water and Wastewater System Development Charges (SDCs)

Mr. Misley stated FSC is providing cost analysis for new System Development Charges and their staff will attend the Nov. 16th Council Meeting. He said in January or February 2017, a proposal will be brought to the Council for approval to create new SDC's.

14. Other Matters: Only those matters properly added to this Agenda under line item No. 4

a) Addendum to Intergovernmental Agreement

Mr. Misley stated that this agreement concerned having realtors sell a piece of property in the Industrial Park. He said that a realtor commission would be 3% and after the County deducts their costs, half of it would go to the City.

A motion was made by Councilor Martinez and seconded by Councilor Agan to have the City Manager proceed with the signing of the Addendum to the Intergovernmental Agreement for sale's commissions in the Industrial Park.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Agan</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Scott</i>	<i>X</i>	

b) Appointment of Jayne Benner to the Public Works Committee

Mr. Misley said that Jayne Benner has been on other City committees and has been involved with the City for many years.

A motion was made by Councilor Martinez and seconded by Councilor Agan to appoint Jayne Benner to the Public Works Committee.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Agan</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Scott</i>	<i>X</i>	

Motion passed unanimously.

c) Payment to the contractor for the Wickiup Lift Station

Mr. Obrist said this is another payment for the Wickiup Lift Station. He said he hopes it will be completed in a couple of weeks.

15. Public Comments

Connie Briese stated that she was very disappointed that the Council did not approve the hiring of an Arts Consultant. She thought that the City is moving so fast we need someone that can communicate with various parts of the City government. Ms. Briese also said she would like to see more landscape architects on the pre-qualified list.

16. Staff Comments

Mr. Misley said there will be a meeting for the CDBG funding on Oct. 18th at 5:00 pm for the Council to attend and approve the CDBG grant. A public notice was put out about the meeting seven days ahead of time. He said the League of Oregon Cities conference was a good opportunity to see how other cities are managed. Mr. Misley said the website is still being developed.

17. Council and Mayor's Comments

Councilor Ward said that ODOT is really helpful to South Deschutes County and that has changed since the past. Councilor Scott said that every City seems to have the same problems. He said the City of La Pine looks great in comparison. Councilor Agan said she also took a lot from the conference, especially various issues that come up with cities. Councilor Martinez said he hears many good things about La Pine from people in Portland, that he recently visited. He said there are twenty new homes going up in the City of La Pine.

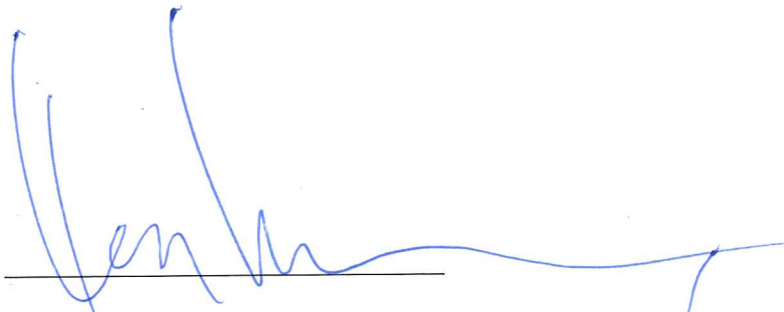
Mayor Mulenex stated that having a City Manager really helped the City moved forward. Also, to discover that there was different monies available to assist the City. He also said he thought Rick Allen was an excellent City Manager. Mayor Mulenex said he hears many positive things about La Pine as he travels around the area. He said he was also very disappointed that the Council and staff have chosen to step back from the arts. Mayor Mulenex said not putting out a newsletter to encourage residents to attend City Council meetings has really hurt resident involvement. He also said that the new Student Councilor had a conflict with attending tonight's meeting but he feels confident that he will be at every meeting from now forward.

18. Adjourn

A motion was made by Councilor Ward and seconded by Councilor Agan to adjourn the meeting.

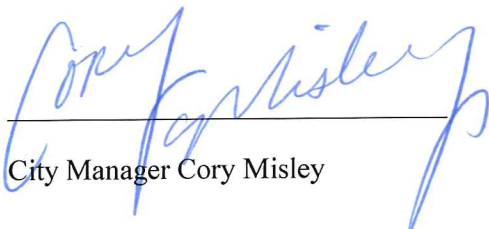
<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Martinez</i>	<i>X</i>	
<i>Councilor Agan</i>	<i>X</i>	
<i>Councilor Ward</i>	<i>X</i>	
<i>Councilor Scott</i>	<i>X</i>	

Motion passed unanimously.



Mayor Ken Mulenex

attest



City Manager Cory Misley