



CITY of LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, May 10, 2017

6:00 p.m. Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

A. Regular Session – 6:00 p.m.

1. Call to Order

Meeting called to order at 6:00 p.m. by Mayor Dennis Scott

2. Establish Quorum

Present: Connie Briese, Stu Martinez, Karen Ward, Don Greiner, Dennis Scott

3. Pledge of Allegiance

Student Councilor Trey Plamondon led the Pledge of Allegiance.

4. Added Agenda Items

None

5. Consent Agenda

a. Approval of Minutes

i. April 12, 2017 minutes

ii. April 26, 2017 minutes

b. Reimbursements

i. Approval of Council and Staff Reimbursements

c. Financial Reports

i. Approval of Financial Reports

Don Greiner made a motion to approve the consent agenda. Connie Briese seconded. Approved unanimously.

6. Public Comments

None

7. Ordinance 2017-02 – An ordinance of the City of La Pine establishing time, place, and manner regulations concerning medical marijuana producers and processors

- a. Opened Public Hearing
Opened by Mayor Scott
- b. Staff Comments
City Planner Tammy Wisco stated that the ordinance was recommended by the City's attorney team. City Manager Cory Miskey stated that it is the City's hope that this ordinance will bring the regulatory framework with regard to medical and recreational marijuana to a close and bring medical TPM in line with recreational TPM.
- c. Public Comments
None
- d. Closed Public Hearing
Closed by Mayor Scott
- e. Council Deliberations

Connie Briese made a Motion to adopt Ordinance 2017-02. Stu Martinez seconded. Unanimously approved.

8. Ordinance 2017-03 – An ordinance vacating a portion of Apache Tears Court

- a. Open Public Hearing
Opened by Mayor Scott
- b. Staff Comments
Tammy Wisco stated that this ordinance was already discussed at a public hearing at a prior meeting, but we are making the ordinance official. This was the first right of way vacation application and citizens were happy with the turnout.
- c. Public Comments
None
- d. Close Public Hearing
Closed by Mayor Scott
- e. Council Deliberations:

Don Greiner made a Motion to adopt Ordinance 2017-03. Connie Briese seconded. Unanimously approved.

9. Ordinance 2017-04 – An ordinance amending ordinance nos. 2012-05, 2015-03, 2016-05 and 2017-01; clarifying application review requirements; establishing certain marijuana related businesses as permitted uses in certain zones; establishing criteria and standard for such marijuana business.

- a. Open Public Hearing
Opened by Mayor Scott

b. Staff Comments

Tammy Wisco stated that this remaining marijuana ordinance specifically addresses processing, labs, and remaining marijuana uses that were not previously discussed in land use codes and cleans up the zoning ordinances. She presented information on Applicable Review Criteria, Site Plan Application, Definitions, Traditional Commercial Zone, Transitional Areas, Industrial Zones, Special Uses, Additional Approval Criteria, Additional Criteria for Dispensaries, Production Facilities, Processing Facilities, and Testing Labs. She also discussed process/notices and reiterated that public notice was provided for all hearings.

c. Public Comments

None

d. Close Public Hearing

Closed by Mayor

e. Council Deliberations

Councilor Greiner stated that the 50' rules referenced on page 6, section c and d, should be removed. Councilor Martinez stated that a good job had been done at addressing everything that can be addressed – hopefully businesses can get to doing business like any other business within the City. Councilor Briese asked why marijuana testing was listed as principal use and not conditional. Tammy Wisco explained that it was originally written that way, but impacts of testing lab are not as significant. Trey Plamondon agreed with Councilor Greiner about taking out the 50' setback. Cory Misley stated that the Council made that restriction two years ago when they created the 50' set back.

Councilor Greiner moved to amend Ordinance 2017-04 by removing the language pertaining to the 50' setback. There were no seconds. The motion failed.

Councilor Martinez moved to adopt Ordinance 2017-04 as currently written. Councilor Briese seconded. Councilor Ward, aye. Councilor Greiner, nay. With no unanimous vote, the ordinance must go to a second meeting for another vote.

Councilor Briese stated that we already have two established marijuana businesses in town that have had to operate within the restrictions already set. Other businesses should have to do the same. Councilor Greiner stated that there are liquor stores not held to the 50' setback and they should be treated the same. Trey Plamondon believes business competition is healthy and it's not the government's responsibility to step in. Cory Misley stated that we would need another meeting in order to pass this ordinance NON-unanimously because this was written as an emergency declaration (due to so many businesses waiting to start). It will possibly be added to the May 24th agenda and Mayor Scott recommends we get this resolved asap.

10. Ordinance 2017-05 – An ordinance amending ordinance no 2012-05 as amended; requiring attached garages for certain single-family and duplex dwellings

a. Open Public Hearing

Opened by Mayor Scott

b. Staff Comments

Tammy Wisco discussed Applicable Review Criteria and Amendment 1. This resulted from a lot of public comments of people wanting more flexibility. She also discussed Process/Notices and clarified that notice was given in town, and that the Planning Commission had two public hearings (this makes the third meeting).

c. Public Comments

Letter from Central Oregon Association of Realtors

d. Close Public Hearing

Closed by Mayor Scott

e. Council Deliberations

Councilor Briese agrees with the ordinance personally, but she has not heard any public comments that are in support of this. She cannot vote for it when the public doesn't support it. She stated that most feel it requires people to do something they can't afford to do. Councilor Martinez agrees, except when it comes to matters of public safety and snow removal. He stated that looking from the City's standpoint, it's a tough situation. Councilor Ward believes everyone should have a structure to put people's belongings away, or parking a car but everyone should also have a choice. Councilor Greiner agrees with Councilor Martinez. Mayor Scott stated that although he does not have a vote, he agrees with Councilor Briese with respect to not meeting anyone from the public that is for this ordinance. He believes that the community is against being forced to do this and that people live in La Pine because of more freedoms than other cities around us. He is adamantly opposed. Councilor Martinez clarified that this is not retroactive and does not apply to existing structures. He asked for Public Works to have an input. Jake Obrist stated that yes, there are issues with snow removals, code enforcement and street maintenance.

Councilor Briese moved NOT to approve Ordinance 2017-05. Councilor Greiner seconded. Unanimously agreed. Ordinance is defeated.

11. Resolution 2017-02 – A resolution requesting Deschutes County surrender jurisdiction over Whitney Road and a portion of Wendy Road to the City of La Pine

a. Open Public Hearing

Opened by Mayor Scott

b. Staff Comments

Tammy Wisco stated that the county continues to maintain the roadways and if the right-of-way vacation doesn't come into fruition, it would go back to the County. The County would have its own public hearing and then we'd start the process which would take several months.

c. Public Comments

None

d. Close Public Hearing

Closed by Mayor Scott

e. Council Deliberations

Councilor Greiner is in favor of asking the County to vacate. Councilor Ward has no comment. Councilor Martinez stated that when the roads were originally put in, the County asked the City to have nothing to do with it – why is that now changing? Tammy Wisco clarified that they would take over ownership and maintenance, and the City's interests would be protected with regard to utilities, etc. Councilor Briese is in favor. Councilor Greiner asked for clarification whether vacating the road would mean all of the property belongs to one person and not the public. Tammy Wisco clarified that is correct. Mayor Scott asked what kind of cost or obligations to the City we might be looking at. Tammy Wisco stated that the risk is low.

Councilor Briese made a motion to pass resolution 2017-02. Councilor Greiner seconded. Unanimously approved.

12. Resolution 2017-03 – A resolution of the City of La Pine, authorizing the issuance of water revenue bonds for a total of not to exceed \$9,000,000 and providing for publication of notice

a. Open Public Hearing

Opened by Mayor Scott

b. Staff Comments

Cory Misley stated that the City has been looking at an expanded water system and making improvements. In order to accomplish it, the City will need to take out some loans to coincide with some grants the City has received.

c. Public Comments

Representatives from Anderson Perry and Associates stated that if the City passes the resolution, it is pursuing revenue bond authority. The loans are paid back strictly from revenues from water and sewer. The City would place a notice in the paper and undergo a 60-day waiting period. It would go to a vote probably in November and the City would need to make sure the public is well aware of what is coming. If none or less than 5% remonstrate, the City can move forward with USDA funding approval.

d. Close Public Hearing

Closed by Mayor Scott

e. Council Deliberations

The Council agreed that this issue has been discussed in length and are in favor of moving forward.

Councilor Greiner moved to adopt Resolution 2017-03. Councilor Briese seconded. Passed unanimously.

13. Resolution 2017-04 – A resolution of the City of La Pine, authorizing the issuance of wastewater revenue bonds for a total of not exceed \$11,000,000 and providing publication of notice.

a. Open Public Hearing

Opened by Mayor Scott

b. Staff Comments

Cory Misley stated that the City has been looking at an expanded water system and making improvements. In order to accomplish it, the City will need to take out some loans to coincide with some grants the City has received.

c. Public Comments

Representatives from Anderson Perry and Associates stated that if the City passes the resolution, it is pursuing revenue bond authority. The loans are paid back strictly from revenues from water and sewer. The City would place a notice in the paper and undergo a 60-day waiting period. It would go to a vote probably in November and the City would need to make sure the public is well aware of what is coming. If none or less than 5% remonstrate, the City can move forward with USDA funding approval.

d. Close Public Hearing

Closed by Mayor Scott

e. Council Deliberations

The Council agreed that this issue has been discussed in length and are in favor of moving forward.

Councilor Briese moved to pass Resolution No. 2017-04. Councilor Greiner seconded. Unanimously approved.

14. Appointment of Urban Renewal Agency Board Members

a. Staff Comments

Cory Misley stated that the board needs to consist of seven members – three council members and four doing business or residing within five miles of city limits. Staff recommended two serve two-year terms and two serve four-year term, which leaves room for four non-council spots. Vicki Russell, Dan Varcoe, Wendy Potok and Ann Gawith wish to still serve on the board.

b. Council Deliberations

Mayor Scott recommended that one of the four-year terms should be someone living inside the City. Councilor Martinez is excited to get going on Urban Renewal now that funding is starting to come in.

Councilor Briese made a motion to appoint Vicki Russell and Wendy Potok to two-year terms and Ann Gawith and Dan Varcoe to four-year terms. Councilor Martinez seconded. Motion passed unanimously.

Councilor Briese, Councilor Ward and Councilor Martinez volunteered to serve on the board for the Council member positions.

Councilor Martinez made an official motion that all three (Councilors Briese, Ward and Martinez) be appointed to the Urban Renewal Agency Board and serve the same term as their elected positions on the Council. Councilor Briese seconded. Motion passed unanimously.

15. Appointment of Jane Gillette to the Planning Commission

Mayor Scott stated that Jane Gillette could not attend tonight's meeting due to a prior engagement, however he believes she is an excellent choice.

Councilor Greiner moved to appoint Jane Gillette to the Planning Commission. Councilor Ward seconded. Motion passed unanimously.

16. Other Matters:

None

17. Public Comments

None

18. Staff Comments

City Manager Cory Misley introduced the City's new Administrative Assistant, Holly Smith. He will be meeting with the City's attorney regarding property code enforcement issues and how to streamline the process to get results.

19. Council and Mayor's Comments

Student Councilor Trey Plamondon introduced Trentyn Tennant, who will be his successor. Trentyn is the President of the La Pine FLA Chapter, is a sophomore at La Pine High School, went to Washington to serve as a page for the WA Senate and is really interested in government.

Councilor Greiner wanted to know if we'd heard back from the County regarding the code enforcement issue by Crescent Creek. Cory Misley stated that he'd seen emails from the County and believes it's on private property and not County, and that the County will reach out to the property owner.

Councilor Martinez gave an update on Sunriver La Pine Economic Development (SLED). The manager has resigned. Phil Henderson, Roger Lee and Councilor Martinez met Monday for interviews and were impressed with the qualifications. He believes there was a consensus to go with one of the candidates and that an offer was extended yesterday. If offer is accepted, we would have a new manager in about a month from now.

Councilor Briese stated that tonight's meeting had a couple tough issues and believes disagreeing is healthy because we represent different citizens.

Councilor Greiner stated that he attended a COIC meeting and complemented Councilor Briese with how well of a job she did representing the city of La Pine.

Mayor Scott stated that he and Cory Misley went to ODOT to talk about the 5-year plan of what's happening in La Pine. He also stated that we don't have a performance evaluation set up for the City Manager, so the City will be talking with its attorney in order to establish one.

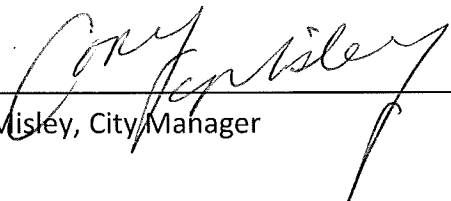
20. Adjourn

Councilor Martinez moved to adjourn. Councilor Briese seconded. No objections. Meeting adjourned.



Dennis Scott, Mayor

Attest



Cory Misley, City Manager

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 Ashley Williams (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY