



CITY OF LA PINE CITY COUNCIL MEETING AGENDA

Wednesday, August 14, 2019

5:30 PM Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

REGULAR SESSION

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 time selected by the City Council

5. Public Comments

Comments will be limited to 3 minutes

6. 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. Minutes 7.24.19
- B. Reimbursements
- C. Legends OLCC Application
- D. KNCP Community Funding Request

7. Other Matters

Only items that were previously added above in the Added Agenda will be discussed

8. Public Hearing Regarding Ordinance 2019-02 Amending Ordinance Nos. 2015-02, 2016-10, and 2017-09, Which Ordinances Concern Recreational Marijuana Businesses and Medical Marijuana Dispensaries – Action Item

- a. Open Public Hearing
 - i. Staff Report
 - ii. Public Comments
 - iii. Close Public Hearing
 - iv. Deliberations

10. Regional Housing IGA Draft #1

11. Pfeifer & Associates Tiny Homes

9. Transportation Funding Discussion

12. Public Comments

Comments will be limited to 3 minutes and will be restricted to the items on the agenda

13. Staff Comments

14. Mayor and Council Comments

15. Adjourn Meeting

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. Council may not take formal actions in Work Sessions. 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 City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.



CITY OF LA PINE CITY COUNCIL – MEETING MINUTES

Wednesday, July 24, 2019

Work and Regular Sessions

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

A. Work Session – 5:30 p.m.

1. Call to Order

Called to order at 5:31 p.m. by Mayor Richer

2. Establish Quorum

Members Present: Mayor Daniel Richer, Councilor Connie Briese, Councilor Donald Greiner, Councilor Michael Harper, Councilor Mike Shields.

Absent by Prior Arrangement: Student Councilor Max Miller.

Staff Present: City Manager Melissa Bethel, Public Works Director Jake Obrist, Accounting Clerk Tracy Read

3. Agreement with La Pine Chamber of Commerce to Provide Tourism-Related Services

Bethel reviewed the staff report and provided an overview of the proposed Agreement. There was discussion regarding reporting of funds given to the Chamber.

4. Event Plan

Bethel stated the proposed Ordinance gives structure to the permit issuance process which has previously not been regulated. She requested council guidance on a number of attendees that would constitute an event. This item will be added to the Regular Session as an Added Agenda Item for Approval.

5. Frontier Days Use of Land Without Conditional Use Permit

Bethel requested council direction on how to proceed with future events on the property and on requirements of the property owner. Ann Gawith, La Pine Chamber of Commerce Director, stated the Chamber is in the process of contracting for land delineation. There was discussion on establishing consistent standards to be met for all land use. A decision was made to allow Cycle Oregon and the Native American Celebration, both events already scheduled, however no other events will be approved until the delineation is complete.

6. A Resolution of the City of La Pine Establishing a Deadline for Properties in the Cagle and Glenwood Acres Neighborhoods to Participate in the City's Program Connecting Properties to the City's Water and Wastewater Systems at City's Cost and Expense

Obrist provided an overview of the project and the reasons for establishing the deadline. This item will be brought back to Regular Session for a vote.

7. Adjourn

Work Session adjourned at 6:35 p.m.

B. Regular Session – Immediately Following Work Session

1. Call to Order

Mayor Richer called the Regular Session to order at 6:47 p.m.

2. Re-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 time selected by the City Council

a. Event Plan

5. Public Comments

None.

6. 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 Council Minutes

i. July 10, 2019 Council Meeting Minutes

Motion by Councilor Harper to approve the Consent Agenda, second by Councilor Greiner. No objections. Unanimously approved.

7. Public Hearing Zone Change File No. 01ZC-19

Zone Change to change the zone from Industrial (I) to Traditional Commercial (C) on the Zoning Map

Tammy Wisco of Retia Consult read the hearing procedures into the record. No commissioner declared any pre-hearing contacts, ex parte observation, or conflict of interest. No one challenged any council member’s ability to hear this matter based on bias, prejudice, or personal interest. Mayor Richer opened the public hearing at 6:50 p.m.

Wisco provided background including a review of the staff report. She suggested any land use action include providing an additional easement.

a. Applicant Presentation

Liz Fancher spoke on behalf of the Applicants. She stated the proposed conditions are acceptable to the Applicants. She further stated they do not intend to build right away.

b. Open Public Testimony

None.

c. Public Comment

None.

d. Close Public Testimony

e. Deliberation and Council Decision

Wisco advised there is no time limit on developing the property. Mayor Richer advised of Kitty Shields' letter of support.

Councilor Harper made a Motion to approve an Ordinance of the City of La Pine Amending the Zoning Map and Comprehensive Plan Map to Change the Designation from Industrial to Traditional Commercial Pursuant to Land Use Approvals 01CA-19 01ZC-19. Second by Greiner. No objections. Unanimously approved.

Roll Call Vote:

Shields: Aye

Greiner: Aye

Harper: Aye

Briese: Aye

8. Public Hearing Regarding Ordinance 2019-02 Amending Ordinance Nos. 2015-02, 2016-10, and 2017-09, Which Ordinances Concern Recreational Marijuana Businesses and Medical Marijuana Dispensaries – Action Item

Mayor Richer opened the public hearing

i. Staff Report

Bethel gave an overview of previous action, staff report, and determination regarding potential conflict of interest with Councilor Harper.

Councilor Harper stated he has no conflict to preclude him from voting on this matter.

ii. Public Comments

None.

iii. Close Public Hearing

iv. Deliberations

Councilor Briese spoke in opposition of the proposed ordinance. Councilors Shields, Greiner, and Harper had no additional comment.

Greiner made a motion to approve 2019-02, an Ordinance Amending Ordinance Nos. 2015-02, 2016-10, and 2017-09, Which Ordinances Concern Recreational Marijuana Businesses and Medical Marijuana Dispensaries.

Roll Call Vote:

Shields: Aye

Greiner: Aye

Harper: Aye

Briese: Nay

9. Deschutes County Health – Tobacco License – Discussion

Patty Kuratek, RN Case Manager with La Pine Community Health Center, spoke in support of the proposal. Tom Kuhn and Karen Ard provided additional information previously requested by council. Council discussion followed on the benefits of youth education and licensing, and in opposition due to cost of enforcement, costs to small businesses, general concern regarding an additional regulation and effectiveness of the program.

10. USDA Community Facilities Grant for La Pine Station – Action Item

Councilor Greiner moved to approve Form RD 1942-8: A Resolution of Members or Stockholders for Submittal of a USDA Grant to Help Fund Phase I of the La Pine Station and Allow the City Manager to Sign Related Document. Second by Harper. No objections. Unanimously approved.

11. Agreement with La Pine Chamber of Commerce to Provide Tourism-Related Services – Action Item
Councilor Briese moved the City of La Pine Approve the Agreement to Provide Tourism-Related Services Between the La Pine Chamber of Commerce and the City of La Pine. Second by Greiner. No objections. Unanimously approved.
12. Other Matters: Only those matters properly added to this Agenda under line item No. 4
 - a. Event Plan Ordinance 2019-05
Councilor Briese moved to approve Ordinance 2019-05, an Ordinance of the City of La Pine Imposing a Permit Requirement for Certain Special Events Held Within the City’s Incorporated Limits. Second by Councilor Greiner. No objections. Unanimously approved.
13. Public Comments
None.
14. Staff Comments
Bethel thanked everyone for their patience with the lengthy agenda and the importance of items on the agenda.
15. Mayor and Council Comments
Harper: Great session, accomplished a lot.
Greiner: Advised council of expenditures on new doors, property and casualty insurance, and organizational dues. Expressed appreciation for our staff.
Shields: None.
Briese: None.
Richer: Attended COCO meeting and brought back information for everyone.
16. Adjourn Meeting
Adjourned at 7:58 p.m.

Attest

Tracy Read

CITY OF LA PINE

NAME: DONALD GRINER DATE 8-2-19

While conducting authorized City business, I the undersigned, properly incurred the following expenses. I now request reimbursement:

1. TRANSPORTATION EXPENSES (explain purpose, City, State, date of mtg)

BEND OR- OLCC MARIJUANA LISTENING SESSION 33.7 miles x 2

AUTOMOBILE

MILEAGE: 67.4 MILES @ 0.58
0.535 = \$ 39.09

2. LODGING/MEALS (explain purpose/meeting/dates)

A. Lodging for _____ nights (attach receipts)

B. Meals for _____ (whom)

Location (attach receipts) Date

3. PURCHASES (food, supplies and materials) (attach receipts)

Chamber BREAKFAST JUNE \$ 12.00

Chamber BREAKFAST JULY 12.00

TOTAL REIMBURSEMENT \$ 63.09

Approved by City Staff [Signature]

[Signature]
Signature of Submitter of Form

CITY OF LA PINE

NAME: DANIEL RICHER

DATE 06 AUG 19

While conducting authorized City business, I the undersigned, properly incurred the following expenses. I now request reimbursement:

1. TRANSPORTATION EXPENSES (explain purpose, City, State, date of mtg)

COCO MEETING ON JULY 15TH, 2019

AUTOMOBILE 96.4 ROUNDTRIP MILEAGE: ~~43.2~~ MILES @ 0.58 = \$ 55.91

2. LODGING/MEALS (explain purpose/meeting/dates)

N/A

A. Lodging for N/A nights (attach receipts)

B. Meals for N/A (whom)

Location (attach receipts) N/A Date N/A

3. PURCHASES (food, supplies and materials) (attach receipts)

N/A

TOTAL REIMBURSEMENT \$ 55.91

Approved by City Staff Allison Burr

Signature of Submitter of Form

CITY OF LA PINE

NAME: Connie Briese DATE 8-5-19

While conducting authorized City business, I the undersigned, properly incurred the following expenses. I now request reimbursement:

1. TRANSPORTATION EXPENSES (explain purpose, City, State, date of mtg)

CoIc Board mtg. Aug. 1

AUTOMOBILE

MILEAGE: 90 MILES @ 0.58 = \$ 52.20

2. LODGING/MEALS (explain purpose/meeting/dates)

A. Lodging for _____ nights (attach receipts)

B. Meals for _____ (whom)

Location (attach receipts) Date

3. PURCHASES (food, supplies and materials) (attach receipts)

TOTAL REIMBURSEMENT \$ 52.20

Approved by City Staff Mrs. Beme

Mrs. Connie Briese
Signature of Submitter of Form



LIQUOR LICENSE APPLICATION

LICENSE FEE: Do not include the license fee with the application (the license fee will be collected at a later time).

APPLICATION: Application is being made for:

- Brewery
- Brewery-Public House
- Distillery
- Full On-Premises, Commercial
- Full On-Premises, Caterer
- Full On-Premises, Passenger Carrier
- Full On-Premises, Other Public Location
- Full On-Premises, Nonprofit Private Club
- Full On-Premises, For-Profit Private Club
- Grower Sales Privilege
- Limited On-Premises
- Off-Premises
- Off-Premises with Fuel Pumps
- Warehouse
- Wholesale Malt Beverage & Wine (WMBW)
- Winery

CITY AND COUNTY USE ONLY

Date application received _____

Name of City or County _____

Recommends this license be ___ Granted ___ Denied

By _____

Date _____

OLCC USE

Application received by J. Harris

Date 7/11/18

License Action: C/LCC

1. LEGAL ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license:

| | |
|---|--|
| Applicant #1 <u>Legend Cider Co. LLC</u> | Applicant #2 RECEIVED |
| Applicant #3 | Applicant #4 JUL 11 2018 Oregon Liquor Control Commission Bend, Oregon |

2. Trade Name of the Business (the name customers will see):

Legend Cider Co.

3. Business Location: Number and Street

52670 Hwy 97

City La Pine

County Deschutes

ZIP 97739

4. Is the business at this location currently licensed by the OLCC? Yes No

5. Mailing Address (where the OLCC will send your mail):

55777 Wagon Master Way

PO Box, Number, Street, Rural Route

City Bend

State OR

ZIP 97707

6. Phone Number of the Business Location: 541-840-9124

7. Contact Person for this Application: Adrienne Baumann

Name

Phone Number 541-840-9124

Mailing Address, City, State, ZIP 55777 Wagon Master Way
Bend, OR 97707

Email legendsiddercompany@gmail.com

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

Signature of Applicant #1

Signature of Applicant #2

Signature of Applicant #3

Signature of Applicant #4



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

| | |
|---|---------------------------------------|
| 1. Name: (LAST) <u>Baumann</u> (FIRST) <u>Adrienne Tyler</u> (MIDDLE) <u>Kathleen Craig</u> | |
| 2. Other Names Used (Maiden, Etc.): | |
| 3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN _____ | |
| <p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| 4. Date of Birth (MM/DD/YYYY) | 5. Contact Phone: <u>541-840-9624</u> |
| 6. Driver License or State ID #: | 7. State: <u>OR</u> |
| 8. Residence Address: <u>5577 Wagon Master way Bend, OR 97707</u> | |
| 9. Mailing Address (if different): | |
| 10. E-Mail (optional): | |
| 11. Do you have a spouse or domestic partner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list his/her full name: <u>Adrienne Baumann</u> | |
| 12. If yes to #11, will this person be involved in the management of, or have control over the business? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes | |
| 13. In the past 10 years, have you been <u>convicted</u> ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below) | |
| 14. In the past 10 years, have you been <u>convicted</u> ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below) | |
| 15. Have you ever been in a drug or alcohol <u>diversion program</u> in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below) | |

16. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).

No Yes (Please include explanation below) Unsure (Please include explanation below)

currently licenced in ~~the~~ The Dalles, OR

17. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the U.S.?

No Yes (Please include explanation below) Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Please skip questions 19 & 20. Go directly to question 21.
 Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

No Yes (Please include explanation below) Unsure (Please include explanation below)

aldr making on site

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?

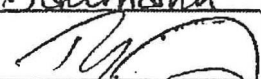
No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Yes (Please include explanation below) Unsure (Please include explanation below)

Hope to have additional tap rooms some day

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

| | | |
|--|---------|--------------|
| Name: (LAST) | (FIRST) | (MIDDLE) |
| Baumann | Tyler | Craig |
| Signature:  | | Date: 6/8/18 |



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

| | | |
|---|-------------------------|---------------------------------------|
| 1. Name: (LAST) <u>Baumann</u> | (FIRST) <u>Adrienne</u> | (MIDDLE) <u>Lauren</u> |
| 2. Other Names Used (Maiden, Etc.): | | |
| 3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: _____ | | |
| <p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | | |
| 4. Date of Birth (MM/DD/YYYY): | | 5. Contact Phone: <u>541-840-9624</u> |
| 6. Driver License or State ID #: <u>ODL</u> | | 7. State: <u>OR</u> |
| 8. Residence Address: <u>5577 wagon master way Blond, OR 97107</u> | | |
| 9. Mailing Address (if different): <u>same</u> | | |
| 10. E-Mail (optional): | | |
| 11. Do you have a spouse or domestic partner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list his/her full name: <u>Tyler Baumann</u> | | |
| 12. If yes to #11, will this person be involved in the management of, or have control over the business? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | | |
| 13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below) | | |
| 14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below) | | |
| 15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below) | | |

16. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).

No Yes (Please include explanation below) Unsure (Please include explanation below)

currently lic. in The Dalles, OR. just moving to new location in La Pine, OR

17. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the U.S.?

No Yes (Please include explanation below) Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Please skip questions 19 & 20. Go directly to question 21.

Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

No Yes (Please include explanation below) Unsure (Please include explanation below)

make and sell cider out of this location and around the state

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?

No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Yes (Please include explanation below) Unsure (Please include explanation below)

hope to open additional tasting room someday
no plans other than tasting room on site currently

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST)

Baumann

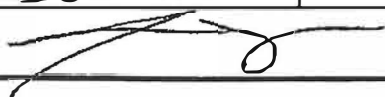
(FIRST)

Adrienne

(MIDDLE)

Lauren

Signature:



Date:

6/8/18



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

RECEIVED

JUN 28 2018

Please Print or Type

Oregon Liquor Control Commission
Bend, Oregon

Applicant Name: Legend Cider Co. LLC Phone: 541 840 9024

Trade Name (dba): ~~same~~ Legend Cider Company

Business Location Address: 52670 Hwy 97

City: La Pine ZIP Code: 97739

DAYS AND HOURS OF OPERATION

Business Hours:

| | | | |
|-----------|----|----|---|
| Sunday | 12 | to | 8 |
| Monday | | to | |
| Tuesday | | to | |
| Wednesday | | to | |
| Thursday | | to | |
| Friday | | to | |
| Saturday | ↓ | to | ↓ |

Outdoor Area Hours:

| | | | |
|-----------|----|----|---|
| Sunday | 12 | to | 8 |
| Monday | | to | |
| Tuesday | | to | |
| Wednesday | | to | |
| Thursday | | to | |
| Friday | | to | |
| Saturday | ↓ | to | ↓ |

The outdoor area is used for:

Food service Hours: 12 to 8

Alcohol service Hours: 12 to 8

Enclosed, how fenced

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

- Check all that apply:
- Live Music
 - Recorded Music
 - DJ Music
 - Dancing
 - Nude Entertainers
 - Karaoke
 - Coin-operated Games
 - Video Lottery Machines
 - Social Gaming
 - Pool Tables
 - Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

| | | | |
|-----------|---|----|---|
| Sunday | 5 | to | 8 |
| Monday | | to | |
| Tuesday | | to | |
| Wednesday | | to | |
| Thursday | | to | |
| Friday | | to | |
| Saturday | ↓ | to | ↓ |

SEATING COUNT

Restaurant: _____ Outdoor: 50

Lounge: _____ Other (explain): tasting room 30

Banquet: _____ Total Seating: 80

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ Date: 6/8/18



CITY OF LA PINE

STAFF REPORT

DATE: August 14, 2019
TO: La Pine City Council
FROM: Tracy Read, Staff
SUBJECT: Community Funding Request

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |

Councilors:

There are sufficient funds in the GL account to approve the Community Funding Request submitted by KNCP.

KNCP FM 107.3 * NEWBERRYMIX.COM

Hi Folks,

KNCP FM 107.3 is happy to announce the continuing support (our 5th consecutive season) of the La Pine Hawks Sports broadcasts for the upcoming 2019-20 sports year. Last year the Hawks concluded a very successful 2018-19 sports year, by not only winning the state 3A title in wrestling and baseball, our golf team finished 4th in the state.

Those accomplishments might be a little difficult to top, (see our scouting report for 2019-20) but KNCP Sports will be there again this year to bring you “LIVE” play by play of all Football and Basketball (Boys & Girls) games, at home, and on the road.

We will also have seasonal coverage of Baseball, Wrestling, Volleyball, Cross Country, Equestrian, Golf, and Track & Field... as well as weekly interviews with coaches, school staff and student athletes on the “Geno & Professor Show” (every Wed 8-10am) and “Hawks Sports Plus” (each Fri. 10am-12pm). Besides the Hawks our sports show also covers the Ducks and Beavers... Tune in it's Fun!

Additionally, our network of sponsors allows us to support school facilities. For example, thanks in-part to our “sponsor team”, we helped to fund and erect the new “state-of-the-art scoreboard” on the football and track & field complex in September 2016. KNCP listener support has grown steadily over the years and we thank all our sponsors both past and present that help make these broadcasts possible.

Attached are copies of our 2019-20 sponsorship (silver & gold) packages for you to review..

Thank you for your support for the Hawks and KNCP FM 107.3.

From your broadcast team,

Kevin McDaniel (the Coach), Gene Bowman (Geno), Gran Norlin (Swaggy G), & Rick Surrey (Rocket Rick)

GO HAWKS !

To Our Listeners and Sponsors: The 2019-20 La Pine Hawk "Scouting Report"

Football. The Hawks look like play-off contenders. Building off a successful 5-4 2018 campaign, the Hawks return a number of starters and welcome a new crop of talented sophomores and freshmen.

Wrestling. As in the past, great things will happen in 2019-20 for Hawk grapplers. The Hawks won the 2019 state title and are poised for a repeat!

Boys Basketball. Teddy Stallard takes over head coaching duties for the Hawks. The team returns four starters and has their sights on the 3A state playoff playoffs.

Girls Basketball. The Hawks return three starters from a 2019 state playoff team plus a talented group of underclassmen. A repeat playoff berth is within reach!

Volleyball. Tiffany Schreiber takes over the reins of the Hawk volleyball program that is expected to be vastly improved in 2019.

Baseball. Will this be a "three-peat" year? The Hawks have won the last two Oregon 3A state championship trophies and hopes are high for a third title! After losing only two seniors to graduation it appears a third title is within reach!

Weekly Programming. A fan of Hawk golf, soccer, cross-country, track and field? Tune in to "Hawks Sports Plus" each Friday at 10 a.m. on KNCP FM 107.3 for **updates on all LHS sports teams**, plus the Gilchrist Grizzlies, and the Ducks and Beavs! Stream us at www.newberrymix.com!

Broadcast schedule 2019-20. KNCP Radio will broadcast all football and basketball (boys and girls) games as well as select regular and post-season baseball and softball contests.

The KNCP Broadcast Team. Kevin "The Coach" McDaniel, Gene "Geno" Bowman, Grant "Swaggy G " Norlin, and "Rocket Rick" Surrey bring you all the action in 2019-20.

Did you know that you can stream us at the game on your portable device at www.newberrymix.com?!

KNCP FM 107.3

NEWBERRYMIX.COM

La Pine, Sunriver, North Klamath County

Hawks SILVER Radio Sponsorship Package

Included in the package: All Hawk football games home and away, all (boys & girls) basketball games home and away. Weekly coverage of all other yearly Hawk sports.

Mentions & spots during every game broadcast plus numerous mentions and spots throughout the week during regularly scheduled programming.

In Addition each silver sponsor receives.

Logoed listings on all games poster schedules, which are distributed throughout the business community and published in our local newspapers.

Logoed listing on banners located at the home stadium and gymnasium.

Weekly (game day) listing in the "on the air" area of the Bend Bulletin sports section.

This package runs from September 1, 2019 through August 30, 2020

Package Cost \$400.00

Billing, Please check one

1 time billing

2 monthly payments

4 monthly payments

Sponsor Name: _____

Address: _____

City & State: _____ Zip: _____

Phone Number: _____

Authorized Signature _____

Printed Name : _____

For more information please contact:

Gene Bowman 503-522-4777

Kevin McDaniel 541-863-1685

Confirmation needed by **August 21, 2019**

Thank You & GO HAWKS!!!



All Sponsors will see
 their logo displayed on ...
 Large Glossy Posters
 all around town
 PLUS
 Banners at the ball field
 and in the gymnasium

| MIDSTATE ELECTRIC COOPERATIVE INC. | KODIAK COMMERCIAL REAL ESTATE | WELLS FICHER HENSON GARBARAK & BERGENTZ HUBBY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| bend broadband we're the local dog, we better be good. | point S GILLS TIRE | Ed's Ed Staub & Sons Energy, Community Service. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WICKIUP ANIMAL HOSPITAL | GORDY'S | FINLEY BUTTE AGGREGATE & PAVING | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| La Pine Community HEALTH CENTER | LA PINE EYECARE CLINIC | Dennis Haniford's Cascade Realty | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| THE VALLEY BAR & GRILL | La Pine Signs 541.538.5023 | Habitat for Humanity of La Pine Survivor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LA PINE DENTAL | Tires LES SCHWAB | BANCORP Insurance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| First Interstate Bank Member FDIC - Equal Housing Lender | KNCP FM 107.3 KNCPFM.com <table border="1"> <thead> <tr> <th>DAY</th> <th>DATE</th> <th>SCHOOL</th> <th>GAME TIMES</th> </tr> </thead> <tbody> <tr> <td>Wed.</td> <td>11/28/18</td> <td>vs. Culver</td> <td>5:00pm - GIRLS NL</td> </tr> <tr> <td>Fri-Sat</td> <td>11/30-12/1/18</td> <td>LA PINE TOURNAMENT</td> <td>6:30PM (Boys 8:15pm) NL</td> </tr> <tr> <td>Thursday</td> <td>12/6/18</td> <td>@ Sisters</td> <td>5:30pm - GIRLS NL</td> </tr> <tr> <td>Tuesday</td> <td>12/11/18</td> <td>@ Crook County</td> <td>6:00pm (Boys 7:30pm) NL</td> </tr> <tr> <td>Tuesday</td> <td>12/14/18</td> <td>@ vs. Oakridge</td> <td>6:00pm (Boys 7:30pm) NL</td> </tr> <tr> <td>Tuesday</td> <td>12/18/18</td> <td>vs. Burns</td> <td>7:00pm GIRLS FL</td> </tr> <tr> <td>Friday</td> <td>12/21/18</td> <td>vs. Taft</td> <td>6:00pm (Boys 7:00pm) NL</td> </tr> <tr> <td>Friday</td> <td>1/4/19</td> <td>@ Creswell</td> <td>6:00pm (Boys 7:30pm) L</td> </tr> <tr> <td>Tuesday</td> <td>1/8/19</td> <td>vs. Harrisburg</td> <td>6:00pm (Boys 7:30pm) L</td> </tr> <tr> <td>Friday</td> <td>1/11/19</td> <td>@ Santiam Christian</td> <td>6:00pm (Boys 7:30pm) L</td> </tr> <tr> <td>Wed</td> <td>1/16/19</td> <td>vs. Pleasant Hill</td> <td>6:00pm (Boys 7:30pm) L</td> </tr> <tr> <td>Friday</td> <td>1/18/19</td> <td>vs. Creswell</td> <td>6:00pm (Boys 7:30pm) L</td> </tr> <tr> <td>Tuesday</td> <td>1/22/19</td> <td>@ Harrisburg</td> <td>6:00pm (Boys 7:30pm) L</td> </tr> <tr> <td>Friday</td> <td>1/25/19</td> <td>@ Santiam Christian</td> <td>6:00pm (Boys 7:30pm) L</td> </tr> <tr> <td>Friday</td> <td>2/1/19</td> <td>@ Pleasant Hill</td> <td>6:00pm (Girls 7:30pm) L</td> </tr> <tr> <td>Monday</td> <td>2/4/19</td> <td>@ Creswell</td> <td>6:00pm (Girls 7:30pm) L</td> </tr> <tr> <td>Wed</td> <td>2/6/19</td> <td>vs. Harrisburg</td> <td>6:00pm (Girls 7:30pm) L</td> </tr> <tr> <td>Friday</td> <td>2/8/19</td> <td>@ Santiam Christian</td> <td>6:00pm (Girls 7:30pm) L</td> </tr> <tr> <td>Wed</td> <td>2/13/19</td> <td>vs. Pleasant Hill</td> <td>6:00pm (Girls 7:30pm) L</td> </tr> </tbody> </table> | | DAY | DATE | SCHOOL | GAME TIMES | Wed. | 11/28/18 | vs. Culver | 5:00pm - GIRLS NL | Fri-Sat | 11/30-12/1/18 | LA PINE TOURNAMENT | 6:30PM (Boys 8:15pm) NL | Thursday | 12/6/18 | @ Sisters | 5:30pm - GIRLS NL | Tuesday | 12/11/18 | @ Crook County | 6:00pm (Boys 7:30pm) NL | Tuesday | 12/14/18 | @ vs. Oakridge | 6:00pm (Boys 7:30pm) NL | Tuesday | 12/18/18 | vs. Burns | 7:00pm GIRLS FL | Friday | 12/21/18 | vs. Taft | 6:00pm (Boys 7:00pm) NL | Friday | 1/4/19 | @ Creswell | 6:00pm (Boys 7:30pm) L | Tuesday | 1/8/19 | vs. Harrisburg | 6:00pm (Boys 7:30pm) L | Friday | 1/11/19 | @ Santiam Christian | 6:00pm (Boys 7:30pm) L | Wed | 1/16/19 | vs. Pleasant Hill | 6:00pm (Boys 7:30pm) L | Friday | 1/18/19 | vs. Creswell | 6:00pm (Boys 7:30pm) L | Tuesday | 1/22/19 | @ Harrisburg | 6:00pm (Boys 7:30pm) L | Friday | 1/25/19 | @ Santiam Christian | 6:00pm (Boys 7:30pm) L | Friday | 2/1/19 | @ Pleasant Hill | 6:00pm (Girls 7:30pm) L | Monday | 2/4/19 | @ Creswell | 6:00pm (Girls 7:30pm) L | Wed | 2/6/19 | vs. Harrisburg | 6:00pm (Girls 7:30pm) L | Friday | 2/8/19 | @ Santiam Christian | 6:00pm (Girls 7:30pm) L | Wed | 2/13/19 | vs. Pleasant Hill | 6:00pm (Girls 7:30pm) L |
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| MidOregon Credit Union | pepsi | NAPA AUTO PARTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WICKIUP STATION | McDonald's | Wise Boys | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| HIGHLANDER PIZZA | GROCERY OUTLET | Ray's PLACE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| McCLANE | JAKE RUSSELL EXCAVATION, LLC | FOOD SERVICE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LA PINE REALTY | SHOP SMART | Ray's PLACE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Little d Technology | SLINWEST RED-MIX INC. | rebound physical therapy | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| rebound physical therapy | FIGARO'S PIZZA | FIGARO'S PIZZA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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CITY OF LA PINE

STAFF REPORT

Meeting Date: July 24, 2019
 TO: La Pine City Council
 FROM: Melissa Bethel, Staff
 SUBJECT: New Hearing re: Hours of Operation for MJ Dispensaries.

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|--------------------------|-----------------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input checked="" type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: Discussion |

Councilors:

Ordinance No. 2019-02 for discussion and approval reflects a change in the days of operation for Marijuana Dispensaries. Currently, dispensaries are allowed to operate 7:00 a.m. to 10:00 p.m. Monday through Saturday. The Council is considering changing the days of operation to allow for Sundays. If approved, marijuana dispensaries would be allowed to operate 7:00 a.m. to 10:00 p.m. Monday through Sunday (7 days a week). This item was first presented at the March 27th meeting for discussion. The Council instructed Staff to present an ordinance which reflects this change. This item has been on a workshop agenda, and two Council meetings as a public hearing. Staff found and sought attorney confirmation that the City Charter is clear that Ordinances must be approved by a majority of City Council in two meetings when not approved unanimously. When a member of Council recuses him/herself and another member votes no, this does not leave a majority of Council to approve the Ordinance. In addition, when there is a City Councilor absent and a member must recuse him/herself this also does not leave a majority to approve. Consequently, Staff sought the City Attorney opinion on if Councilor Harper did in fact have a conflict. The City Attorney has been clear he does not feel there is a actual conflict; just a potential. In addition, a request for Commission Advice would be at the cost of the requesting party and not at the request of the City. The Attorney's opinion is stated below:

Background

A member of the City of La Pine's ("City") City Council ("Council") is the founder and CEO of Harper's Highlands, LLC, an Oregon Liquor Control Commission licensed producer, processor, and wholesaler of recreational cannabis. The Council is planning to vote on an ordinance amending time, place, and manner ("TPM") regulations which would expand the hours and days of operation for recreational marijuana retailers and wholesalers. This memorandum addresses whether a potential or actual conflict of interest exists, and as a result, whether or not the councilor may take action on the ordinance after publicly disclosing the conflict. It should be noted that this office represents City, and not the councilor in his individual capacity. It is ultimately the councilor's responsibility to determine whether a conflict exists and how to respond appropriately.

Legal Framework

I. Governing Law. ORS Chapter 244 governs the official conduct of public officials, including elected members of the Council, and dictates how public officials must respond to a conflict of interest. The Oregon Government Ethics Commission's ("Commission") Public Official Guide (the "Manual") provides additional guidance on interpreting conflicts of interests. Per ORS 244.320(5), the Commission may not impose a penalty on a public official for any good faith action the public official takes in reliance on the Manual.

II. Actual Conflict of Interest. An "actual conflict of interest" is defined as any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated." ORS 244.020(1).

A. Example. The Manual describes actual conflicts as those situations where a public official's participation in an action would directly affect the financial interest of the official (or a relative, or associated business). For example, a public official voting to approve payments or to grant a contract to his or her own company would have an actual conflict of interest.

B. Action Required. When met with an actual conflict of interest, an elected public official shall (1) announce publicly the nature of the actual conflict; and (2) refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue. Notice of the conflict shall be recorded in the official records of the public body.

1. If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, the public official is eligible to vote, but may not participate as a public official in any discussion or debate on the issue out of which the actual conflict arises. ORS 244.120(2)(b). The Manual clarifies that this subsection only applies when all members of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action. This exception is inapplicable under the current circumstances as even if the councilor recuses himself due to the conflict, the Council will still have enough members for the Council to take official action.

III. Potential Conflict of Interest: A "potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated. ORS 244.020(13).

A. Example. The Manual describes potential conflicts as those situations where an action could affect the financial interest of the public official, but is not certain to do so. Per the manual, a public official who owns a sheetrock contracting business would only have a potential conflict while acting on invitation for bids on sheetrock installation for a public project.

B. Action Required. When met with a potential conflict of interest, a public official may act on the matter after announcing publicly the nature of the potential conflict. ORS 244.120(2)(a).

IV. Exemptions. Certain circumstances are exempt from provisions relating to conflicts of interest. If the pecuniary benefit to the public official, relative, or associated business arises out of the following circumstances, then the public official need not make a public disclosure and/or refrain from action: (a) an interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position; (b) any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged; or (c) membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

A. Class Exemptions. Only the Commission may make the determination of whether a class exists. The determination of the existence of an exempt class is fact-specific and would likely require a request for an advisory opinion from the Commission.

Opinion

I. Potential Conflict. In my opinion, the conflict at issue is potential rather than actual. The primary distinction between potential and actual conflicts is the whether the action "could" or "would" result in pecuniary benefit to the councilor. In other words, is the benefit potential or certain? Here, it is not certain that the proposed TPM amendment (i.e., allowing retail establishments to operate on Sundays and during expanded hours) would result in pecuniary benefit to the councilor. At most, the TPM amendment "could" result in a pecuniary benefit to the councilor. Thus, it is my opinion that the councilor may take official action on the proposed TPM amendment after he publicly discloses the nature of the potential conflict.

II. Request for Commission Advice. A more conservative option is to seek an advisory opinion from the Commission. Per ORS 244.280, any person may request an advisory opinion from the Commission on the application of ORS Chapter 244 to any proposed action. Once an advisory opinion is issued, and unless an advisory opinion is revised or revoked, the Commission may not impose a penalty on a person for any good faith action the person takes in reliance on a Commission advisory opinion.

A. As previously mentioned, only the Commission may determine the existence of a class that would exempt a conflict of interest. Thus, a request for an advisory opinion should request the Commission's opinion regarding (1) whether the conflict is actual or potential; and (2) whether the circumstances give rise to a class exemption for those involved in the recreational marijuana industry.

Suggested Motion: (Roll Call is not necessary – but may be imposed if desired)

I move the La Pine City Council approve Ordinance No.2019-02 an Ordinance amending Ordinance Nos. 2015-02, 2016-10, and 2017-09, which concern Recreational Marijuana Businesses and Medical Marijuana Dispensaries. The approval will allow medical and recreational marijuana dispensaries to operate within the hours of Sunday through Saturday 7:00 a.m. to 10:00 p.m.

Please note: Pursuant to Section 16 of the City Charter; If the vote is not unanimous, this agenda item will be placed on the next City Council meeting (August 14th) for approval and will not become official until 30 days after a second majority vote.

**CITY OF LA PINE
ORDINANCE NO. 2019-02**

AN ORDINANCE OF THE CITY OF LA PINE AMENDING ORDINANCE NOS. 2015-02, 2016-10, AND 2017-09, WHICH ORDINANCES CONCERN RECREATIONAL MARIJUANA BUSINESSES AND MEDICAL MARIJUANA DISPENSARIES.

WHEREAS, the City of La Pine ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, on April 8, 2015, City adopted Ordinance No. 2015-02 (including all amendments thereto, the "Medical TPM Ordinance") to establish, among other things, certain time, place, and manner regulations concerning medical marijuana dispensaries; and

WHEREAS, on October 12, 2016, City adopted Ordinance No. 2016-10 (including all amendments thereto, the "Recreational TPM Ordinance") to establish, among other things, certain time, place, and manner regulations concerning recreational marijuana wholesalers and retailers; and

WHEREAS, on September 13, 2017, the City adopted Ordinance No. 2017-09 to amend, among other things, the hours of operation for recreational marijuana wholesalers and retailers; and

WHEREAS, the Council desires to amend the Medical TPM Ordinance and further amend the Recreational TPM Ordinance to, among other things, expand the operating hours of medical dispensaries and recreational marijuana retailers and wholesalers.

NOW, THEREFORE, City of La Pine ordains as follows:

1. Findings. The above-stated findings contained in this Ordinance No. 2019-02 (this "Ordinance") are hereby adopted.
2. Purpose. This purpose of this Ordinance is to expand the operating hours of medical dispensaries and recreational marijuana retailers and wholesalers.
3. Amendment No. 1. Section 5.1 of the Medical TPM Ordinance is amended to read in its entirety as follows:
 - 5.1 Compliance with Applicable Laws. The dispensary must at all times be operated in strict compliance with ORS 475.300 to 475.346; OAR Chapter 333, Division 8; this Ordinance; all land use/development, building, and fire codes; and all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to medical marijuana, including the payment of all fines, fees, and taxes owing to City. The dispensary must at all times be registered and in good standing as an Oregon medical marijuana facility under Oregon law. Daily operating hours for the dispensary must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.

4. Amendment No. 2. Section 6.6 of the Recreational TPM Ordinance is amended to read in its entirety as follows:

6.6 Operating Hours. Daily operating hours for retailers and wholesalers must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.

5. Miscellaneous. This Ordinance is hereby made part of the Medical TPM Ordinance and the Recreational TPM Ordinance. The provisions of the Medical TPM Ordinance and Recreational TPM Ordinance that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All capitalized terms used in this Ordinance not otherwise defined herein will have the respective meanings assigned to them in the Medical TPM Ordinance or the Recreational TPM Ordinance as applicable. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance or the Sewer Use Regulations Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

This Ordinance was PASSED by the La Pine City Council by a vote of ___ for and ___ against and APPROVED by the Mayor on this __th day of _____, 2019.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager



CITY OF LA PINE

STAFF REPORT

Meeting Date: August 14, 2019
 TO: La Pine City Council
 FROM: Melissa Bethel, Staff
 SUBJECT: Introduction to Transportation Funding mechanisms

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |

Councilors:

This item is being brought to Council as an introduction to the Transportation funding/jurisdictional conversation. During the budget process and adoption, the Council was made aware of issues regarding our Street Fund. The City budgeted \$50,000 this fiscal year for costs associated with creating a new transportation System Development Charge (SDC) methodology. In short, the City has jurisdiction over some streets and supports the upkeep of those streets from large transfers from the General fund. The County also maintains jurisdiction over a majority of streets within the City limits which is increasingly causing issues with maintenance, plowing, and new development and design features which may be preferable to an urban setting that may not be compatible to rural county roads. The conversation is being driven in hopes to accomplish a way for the City to sustain a street fund and eventually take over jurisdiction of all the roads within the City.

To start the conversation staff has included two memos; one from the City Attorney and one from the County Road Department. Please note the City Attorney misunderstood that alternatives to SDC's were being considered. Staff feels a transportation SDC is a viable option for the Council to consider. Also, the County made some assumptions based on our budget that are not entirely accurate. However, the information in both is very relevant to the different mechanisms which are available for the City to consider when addressing street funding.

Unfortunately, the delay in addressing this issue is creating a larger strain on the General Fund which means other areas of the City suffer. In addition, more upkeep and funding are being required for unimproved streets every year.

The City of Redmond recently adopted increases to SDC's which had not been raised since 2010. Councilwoman Clark-Endicott was quoted as saying she didn't want the city [Redmond] to postpone development fee increases any longer, particularly in regards to wastewater, water and transportation because the city would have to pay for infrastructure improvements in those areas regardless. "What happens is you kick the can too far down the path, and the path still has to continue to be built because the needs still remain."

Currently the City of La Pine has only two SDC's; water and sewer. The total SDC required for a single-family home with 5/8" 3/4" meter is 9,248.

SDC's for nearby Cities: most include water, sewer, parks, transportation*

Redmond: \$15,940 (Transportation \$4,095)

Bend: \$24,921 (Transportation \$7,400)

Prineville: \$15,655 (Transportation \$4,545.80)

Madras: \$12,397 (Transportation \$3,659.00)

Sisters: \$9,910 (Transportation is \$1,016) Sisters also has a \$.03 gas tax

*Fees based on single family residence. Some amounts may not reflect increases recently adopted.

It is Staff's intent to bring this topic back for a work session.

Memorandum

To: Melissa Bethel, City Manager

From: Jeremy M. Green, City Attorney, Bryant, Lovlien & Jarvis, P.C.

Date: April 15, 2019

Re: Options to Fund Street Improvements and Maintenance

Background

Like many cities in Oregon, the City of La Pine is exploring options to generate new revenue for street improvements and related infrastructure. The city desires to consider options beyond reallocating existing funds and/or imposing system development charges. This memorandum provides a summary of options that may be considered to increase funding for street improvements and maintenance. This memorandum is not intended to be an exhaustive discussion of options.

Summary of Options

This memorandum identifies nine potential mechanisms for the city to generate new revenue. In preparing this memorandum, we contacted the League of Oregon Cities for input. The league replied that in recent years, gas taxes and bonds seem to be the most popular mechanisms for raising revenue for street improvements and maintenance. Since 1997, bonds and gas taxes have approximately a 50% passage rate.

I. Property Taxes.

A. *Local Option Levy.*

1. Some cities fund street maintenance by raising additional operating funds from property taxes in the form of a local option tax under ORS 266.410(4). As a property tax, a local option levy may only be imposed with voter approval. Approval of a local option levy requires a simple majority at a May or November election. An operation levy may be imposed for a maximum of five years. Taxes approved in November may first be imposed the immediately following tax year. Thus, a tax approved in November 2019 may first be imposed in July 1, 2020.

2. The levy process is closely tied to the budget process. The budget committee approves the proposed tax as part of its approval of the proposed budget. Taxes may not be increased over the amount approved by the budget committee. The budget is the basis for certifying the tax levy. After a budget hearing, and after considering relevant testimony, the council adopts the budget. The council must enact a resolution adopting the budget, making appropriations, and levying and categorizing any tax. This occurs no later than June 30. Also, a ballot measure requesting new taxing authority (or to renew the existing operations levy) must comply with applicable election law. One downside to local option levies is that if a property is in compression local option levies are reduced first.

3. On November 8, 2016, the voters in the town of Lexington (Morrow County) renewed a five-year local option tax for street operations. This tax is for operating revenue for the Lexington Street Department.

B. *General Obligation Bonds.*

1. In Oregon, general obligation bonds (“GO bond”) pledge the “full faith and credit” of a city, and permit a city to levy an additional property tax sufficient to pay the bonds. Authority to issue GO bonds is under ORS 287A.050. Voter approval is required. According to the LOC, voter-approved bonds less than \$1 per \$1000 have been more successful statewide than those over that rate. Unlike the local option levy, GO bonds are not subject to compression. When voters approve GO bonds for capital construction or improvements, they are giving the local government authority to levy property taxes each year to pay principal and interest on the bonds.

2. Projects must be specifically identified in advance of a public vote. The use of bond proceeds (and any interest earned on investment of the proceeds) are also limited to the purposes identified in the ballot title authorizing issuance of the bonds. GO bonds may only be used for capital construction and improvements having an expected useful life of more than one year (and not for maintenance and repair). In 2012, Eugene voters approved Ballot Measure No. 20-197, which provided Eugene funds for costs related to street preservation, bicycle, and pedestrian projects.

II. Other Taxes.

A. *Fuel/Gas Tax.*

1. A city must submit a proposed new or increased gas tax to the electors for their approval, prior to enacting or amending any charter, provision, ordinance, resolution, or other provision taxing fuel for motor vehicles. All revenue derived from a gas tax must be used “exclusively for the construction, reconstruction, improvement, repair, maintenance, operation, and use of public highways, roads, streets, and roadside rest areas . . .” Estimating the amount of revenue a city might collect under a local gas tax can be difficult. However, per the league, gas taxes may provide significant revenue streams for cities that have enacted them.

2. If adopted, there are two options to administer the tax. A gas tax may be administered by the Fuels Tax Group of the Oregon Department of Transportation (ODOT) or the municipality. Depending on the number of gas stations, ODOT charges a 3-4% surcharge to administer the tax. ODOT also charges municipalities a onetime start-up fee.

B. *Food and Beverage Tax.*

In 1990, the City of Ashland voters approved a 5% sales tax on certain food and beverages sold in Ashland. Until recently, Ashland’s food and beverage ordinance directed 20% of tax revenues to park land acquisition and 80% to debt service on the city’s waste water treatment plant. At the November election, Ashland voters approved an increase to the share of tax revenue for parks to 25% and a fixed amount for wastewater debt. Revenues not required for the wastewater debt are directed to Ashland’s street fund for pavement management.

III. Additional Options.

A. *Transportation Utility Fee*

1. A transportation utility fee (also referred to as a street user fee, street utility fee, road maintenance fee, etc.) is a fee dedicated to a specific purpose (e.g., road maintenance). The city may charge a modest amount through an existing collection method. For example, the fees may appear on the city's utility billing, along with water, wastewater, and storm water fees. This fee is not subject to the limits imposed under Measure 5. Unlike a property tax, the transportation utility fee may be enacted by ordinance without voter approval. At least thirty communities in Oregon have (or have had) some form of transportation utility fee.

2. Payment of the fee is triggered by an occupant's use of the streets; not property ownership. Some cities impose a flat fee while others develop variable-related fee. Actual rates may be based on a land-use category. Transportation utility fees are often set with a road-use methodology, such as trip generation. The idea is that rates are based on estimated use of the transportation system. By way of example, commercial businesses that generate large volumes of traffic may pay more than a single-family home. At the same time, a fee structure may provide discounts to a business if the business provides employees with transportation options that reduce single-occupancy vehicle traffic, such as carpooling or transit group-pass.

B. *Parking Fees.*

As the road authority, the city has exclusive authority to regulate, control, and/or prohibit parking of vehicles on its own highways. The city may adopt regulations concerning parking within the city, including, without limitation, implementing on-street time limits, designating zones for parking, requiring parking permits in certain areas, and/or creating a parking benefit district where proceeds are used for improvements within that area. Parking benefit districts have an added benefit that revenue collected in those districts may be reinvested in improvements within the district. Businesses may be more likely to support parking fees when they will benefit from the improvements. Regardless, fees derived from these policies may be used to fund street maintenance.

C. *Local Improvement Districts.*

1. A local improvement district may be formed to cover costs of capital construction projects. The costs are passed on to those properties specially benefitted by the district as a special assessment on their property tax statements. In other words, the amount of assessment is based upon the benefit received rather than the property's assessed value. Thus, the special assessment is excluded from Oregon property tax limitations.

2. A benefit to the district process is that property owners may elect to make payment of the assessments plus appropriate interest over a period of ten years. However, property owners have remonstrance rights and, therefore, may defeat the formation of a district upon a sufficient number of votes.

D. *Urban Renewal Districts.*

1. Oregon law permits a city to establish an urban renewal agency with power to propose and act on plans and projects to remove "blight." "Inadequate streets" fall within the definition of conditions characterizing a blighted area. Urban renewal funds may be used for constructing or

widening streets and other street related projects within the boundaries of the urban renewal district (however, funds cannot be used to maintain streets).

2. An urban renewal agency is activated when the council declares, by ordinance, that a blighted area exists in the city and there is need for an urban renewal agency to function in that area. There are certain notice and hearing requirements prior to forming the district. In most cities in Oregon, the council serves as the board of the urban renewal agency.

3. "Tax increment financing" is the primary way urban renewal projects are financed. Tax increment financing uses tax revenues generated by increased taxable values in a defined urban renewal area to pay for improvements within that area. In other words, tax revenue generated by the incremental increase in value in the renewal area can be used to pay for the improvements in the area being renewed. In general, urban renewal does not increase property taxes; rather, it allows for the reallocation of growth on taxes to the urban renewal agency rather than the overlapping taxing districts. The concept behind urban renewal is that the extra investment, and expectation of investment, in the area generates growth that would not have occurred but for the investment.

E. *Utility Licensing Fee.*

Many cities in Oregon have utility right-of-way licensing ordinances designed to replace individual franchise agreements. These ordinances contain provisions generally included in franchise agreements and require utilities desiring to locate in a city's public right-of-way to obtain a license. Utilities must pay a license fee established by council resolution. The fee generally equals a percentage of gross revenues from utility operations within the city. Many cities direct part of the utility license fees to transportation or street maintenance.



Report Title:

Jurisdictional Transfer of County Roads within the La Pine City Limits

Narrative/Introduction:

The City of La Pine was incorporated in 2006 by a vote of the citizens. At the time of incorporation, all county roads (roads maintained and operated by the County) within the city limits remained under the jurisdictional authority of Deschutes County. Joint approval between the City and County is required to transfer jurisdictional authority from the County to the City.

In the 12 years since incorporation, the City has continued to grow and slowly urbanize. The City government has matured through addition of a water and wastewater utility, development of a comprehensive plan, approval of utility master plans and a transportation system plan. The City provides in-house community development services and has implemented System Development Charges (SDCs) for water/wastewater as well as collection of franchise fees.

The City has set a course for its future through development of various planning efforts and has forward vision for delivery of a full array of municipal services – with one exception – transportation. The majority of streets within the City are maintained and operated by the County, as the City has yet to request jurisdictional transfer.

The primary obstacle to jurisdictional transfer is funding. Cities typically supplement their street fund with revenue from the general fund. Compared to other cities in the region, the City of La Pine has a relatively low tax rate and low valuation such that a substantive general fund transfer has been difficult to summon in the initial years post incorporation.

The purpose of this report is to address the following:

1. Identify the system needs and resource requirement necessary to achieve jurisdictional transfer of County roads to the City of La Pine.
2. Identify funding sources that could be created or leveraged to maximize investment in the City's street system.
3. Outline phasing options for jurisdictional transfer from County to City jurisdiction.

Why Transfer Jurisdiction?

There are many reasons why the City of La Pine should be the jurisdictional authority for streets within the City limits, such as:

1. **Implementation of La Pine's Transportation System Plan and overall vision.** Through its TSP and other planning documents, the City of La Pine has crafted a vision for how its transportation system will look and function for its residences, businesses and visitors. The City's planned improvements exceed the County's generally rural road standards.
2. **Limited urban maintenance capabilities of the County.** The County maintains a 900 mile rural road network and provides a rural level of service. This can result in a variety of unmet expectations within an urban area.
3. **Align Road Authority with Jurisdictional Authority:** By state statute, the City is the Road Authority for all streets within the City (even County maintained roads) when the vehicle code requires the exercise of jurisdiction by the road authority. This authority includes the responsibility to establish speed limits and place, maintain, and operate traffic control devices in addition to other items allowed by the vehicle code.
4. **Confusion to citizens.** The City is the jurisdictional authority for streets created after incorporation as well as local access roads (non-county maintained) within the city limits that were in existence prior to incorporation. In some cases the County and City each have road maintenance responsibility on difference streets within the same subdivision.
5. **Development process confusion and inefficiencies.** The City issues development approvals which impact roads which may or may not require permitting from the Deschutes County Road Department. This adds to confusion, especially when different standards may apply for County jurisdiction than City jurisdiction.
6. **Funding Equity:** While the City's biggest obstacle to requesting jurisdiction is funding, it is worth noting that the City's existing transportation funding sources are reflective of the entire population and area of the City and not those living on solely on City streets. The State Highway Fund (gas tax) is distributed to the City based on population and the City's franchise fees are applied to all utility rate payers living within the City limits.
7. **Hierarchy of Government:** Cities are formed in part to provide improved urban style infrastructure in support of residences and businesses. Construction and maintenance of the transportation system is an expected governmental service for residence of a city.

Needs Assessment

The following is a needs assessment and resource analysis for City and County transportation infrastructure in the La Pine city limits.

Existing Street Infrastructure Summary – City of La Pine

The City of La Pine operates and maintains approximately 12.5 miles (centerline miles) of city streets consisting of 8.4 miles of gravel road and 4.1 miles of paved road. The majority of the gravel road was “inherited” at the time of incorporation and is located within the Cagle Neighborhood located in the northern tip of the city. By state statute, the City becomes the jurisdictional authority for Local Access Roads (roads previously dedicated for public use, but not accepted by the County for maintenance). The majority of the paved streets in the City are within several subdivisions that developed after incorporation (Crescent Creek, Huntington Meadows, and the Finley Butte Industrial Park).

The existing paved streets maintained by the City have a pavement condition index (PCI) of 73 (out of 100) which is considered on the low end of “good” and a point at which low cost maintenance treatments remain effective.

The City funds their transportation system with a combination of State Highway Fund allocation (\$90,000) and Franchise Fee Revenue (\$223,500). The City has accumulated an \$800,000 beginning fund balance (unspent funds from prior years).

The City Budget includes a Street Fund, summarized as follows:

| Resources | FY 16 | FY 17 | FY 18 (projected) | FY 19 (budget) | Dedicated Street Funds |
|----------------------------------|---------------------|---------------------|---------------------|---------------------|------------------------|
| Beginning Fund Balance | \$ 646,710 | \$ 841,021 | \$ 1,002,667 | \$ 801,088 | |
| Misc Income | \$ 130,065 | \$ 40,375 | \$ 250 | \$ 250 | |
| State Highway Fund Allocation | \$ 98,791 | \$ 101,251 | \$ 90,000 | \$ 90,000 | \$ 90,000 |
| Transfers-In (GF-Franchise Fees) | \$ 350,000 | \$ 275,000 | \$ 340,000 | \$ 223,500 | \$ 223,500 |
| Total Resources | \$ 1,225,566 | \$ 1,257,647 | \$ 1,432,917 | \$ 1,114,838 | \$ 313,500 |

| Requirements | Routine Ops and Maintenance Expenditures | | | |
|--------------------------------------|--|-------------------|-------------------|---------------------|
| Personnel Services | \$ 40,555 | \$ 32,351 | \$ 35,417 | \$ 55,541 |
| Materials and Services | \$ 50,545 | \$ 83,331 | \$ 76,412 | \$ 136,297 |
| Capital Equipment (in Capital Fund) | \$ - | \$ 9,163 | \$ 20,000 | \$ 31,000 |
| Street Maintenance (in Capital Fund) | | | | \$ 32,000 |
| Capital Projects | | | | \$ 254,838 |
| Sidewalk/Multi-use Path | \$ 20,873 | \$ - | \$ 50,000 | \$ 100,000 |
| Landscape | \$ 118,738 | \$ - | \$ 250,000 | \$ 20,000 |
| Street Lights | | \$ - | \$ 50,000 | \$ 50,000 |
| Trans System Plan | | | \$ - | \$ 10,000 |
| Projects | \$ 153,834 | \$ 130,135 | \$ 150,000 | \$ 110,000 |
| Contingency Reserve | | | | \$ 70,000 |
| | | | | \$ 500,000 |
| Total Fund Requirements | \$ 384,545 | \$ 254,980 | \$ 631,829 | \$ 1,114,838 |
| Net Resources over Requirements | \$ 841,021 | \$ 1,002,667 | \$ 801,088 | \$ - |

In review of the Street Fund, it appears that the City is able to maintain and operate their existing street system (12.5 miles) with State Highway Fund and Franchise Fee revenue (\$313,500) with approximately \$60,000 available for Capital Projects in FY 19 (Dedicated Revenue less Routine Operations and Maintenance expenditures). Prior General Fund contributions have permitted development of a small Capital Program as well as resulted in the accumulation of an increasing Beginning Fund Balance thru FY 18 and a budgeted Reserve line of \$500,000 in FY 19 for future maintenance and improvements (specifically the Cagle Neighborhood).

The City’s FY 19 Budget includes approximately \$255,000 in maintenance and operating costs, including a \$32,000 street maintenance project and \$31,000 for capital equipment, in addition to approximately \$192,000 in personnel services and materials (and services). This investment equates to \$20,400 per mile which is within the range of a typical municipal investment level for street maintenance and operation. Although the majority of the existing street mileage maintained by the City is unpaved, it is worth noting the unpaved areas (namely the Cagle neighborhood) are most likely high maintenance areas due to the density of development and other factors.

Existing County Road Infrastructure in the La Pine City Limits:

Deschutes County maintains and operates approximately 21.0 miles of road within the La Pine city limits. Of the 21.0 miles, 19.5 miles (all paved) would be eligible for jurisdictional transfer (the 1.5 mile section of Darlene Way within the city limits is maintained by the County per an agreement with the BLM and is not eligible for transfer).

The County system is comprised of 1.5 miles of arterial roadway, 7.3 miles of collector roads, and 10.7 miles of local (residential) roads. The existing paved maintained by the County have a pavement condition index (PCI) of 82 (out of 100) which is considered within the middle range of “good” and a point at which low cost maintenance treatments remain effective.

The County utilizes a cost accounting system to track expenditures for road segments within its maintenance authority within a variety of categories and the average annual cost for maintenance activities for County roads within the city limits are as follows:

| Activity | Total, 7-yrs | Annual Average |
|---|---------------------|-------------------|
| 1-Sign Maintenance and Replacement | \$ 79,722 | \$ 11,389 |
| 2-Striping and Stenciling | \$ 79,798 | \$ 11,400 |
| 3- Clearing, Grubbing and Limbing | \$ 66,133 | \$ 9,448 |
| 4-Vegetation Spraying/Maintenance | \$ 25,126 | \$ 3,589 |
| 5-Patching, Crack Sealing, Shoulder Building | \$ 242,241 | \$ 34,606 |
| 6-Chip Sealing | \$ 343,076 | \$ 49,011 |
| 7-Paving | \$ 184,223 | \$ 26,318 |
| 8-Brooming and Miscellaneous Maintenance | \$ 82,568 | \$ 11,795 |
| 9-Snow Removal, De-icing, Sanding, Sand Removal | \$ 142,460 | \$ 20,351 |
| 10-Pavement Overlay | 1,240,562 | 177,223 |
| 11-Other Capital Projects | \$ 338,830 | \$ 48,404 |
| Totals | \$ 2,824,739 | \$ 403,534 |
| Annual average per mile | | \$ 19,216 |

As noted, the County expended an average of \$19,216 per mile to maintain and operate the existing paved roads within

the La Pine city limits over a preceding seven year period. Adjusted for inflation to 2018 dollars, this equates to \$21,137/mile.

In addition to the cost accounting data available to use for projecting future operations and maintenance cost of all County road infrastructure within the La Pine city limits, the County commissioned an evaluation of future pavement maintenance budget needs and performed an internal evaluation of ADA curb ramps to determine costs for retrofit.

PAVEMENT EVALUATION

Capital Asset and Pavement Services (CAPS) Inc, (a pavement management consultant based out of Salem, OR) prepared a Pavement Management and Budget Needs Report (attached). The report includes an evaluation of the pavement of all City streets and County roads within the city limits (24.0 miles combined) in which each street/road was visually inspected and modelled using industry standards pavement management techniques. The existing overall Pavement Condition Index of the system was measured at 79 (out of 100) and pavement management and maintenance treatments were programmed for a 10-year period to determine future budget needs for system maintenance. In summary, an annual average of \$150,000 per year will be required to maintain (and slightly improve to an ideal condition) the pavement conditions.

In contrast, the County's level of pavement management investment (patching/crack seal, chip seal, overlay) has averaged in excess of \$250,000 per year in La Pine, approximately \$100,000 more than what will be required to sustain the existing pavement condition for the next 10 years per the CAPS report.

ADA CURB RAMP EVALUATION

Liability associated with ADA ramps conditions are a concern for any agency given federal requirements to replace or retrofit ramps to meet the current standards. The standards have changed after the majority of curb ramps have been constructed in La Pine. Agencies are required to maintain an inventory of ramps and must have a plan to perform retrofits to achieve compliance.

The County's evaluation of all ADA ramps in La Pine has concluded that 22 of the 85 ADA ramps are mostly or fully compliant, with the remaining 63 ramps requiring either some type of modification or replacement to meet standards. The estimated cost of this compliance work is \$108,000. It is anticipated that the County will contract or perform work as necessary to achieve full compliance prior to, or as a condition of, any jurisdictional transfer.

STORMWATER INFRASTRUCTURE EVALUATION

The La Pine stormwater system is comprised of a mixture of traditional roadside ditches in uncurbed areas, stormwater swales, piped outlets, and limited underground injection control (UIC). Deschutes County obtained a UIC permit from the Department of Environmental Quality to manage the UIC system in La Pine. This permit may need to be transferred to the City upon jurisdictional transfer. Some UIC systems may be decommissioned to avoid monitoring and maintenance costs required of the DEQ permit.

BRIDGE INFRASTRUCTURE

The existing bridge over the Little Deschutes River on Burgess Road, west of Huntington Road, is the only county bridge asset contained within the La Pine City Limits that could be included in a jurisdictional transfer. The bridge was constructed in 19XX. The Oregon Department of Transportation performs semi-annual inspections and calculates bridge

sufficiency ratings to measure the bridge condition. As of the most recent inspection (XX) the bridge's sufficiency rating is XX.XX on a scale of 0 to 100 in which bridges measured below XX are considered structurally deficient.

Infrastructure Maintenance Funding Needs Summary:

In review of existing City (FY 19) and County historic expenditures and budgets, it appears that the City requires approximately \$255,000 per year to operate and maintain the existing 12.5 miles of street within their current jurisdictional authority. The 19.5 miles of County road within the city limits require annual operation and maintenance budget of approximately \$412,000 (19.5 miles at \$21,137/mile) based on historic expenditure and approximately \$100,000 less annually based on projected needs over the next 10 years within the Pavement Management Program.

In summary, the City of La Pine will need additional funding ranging from \$312,000 to \$412,000 annually to maintain and operate all street infrastructure within the city limits, with the following caveats:

1. The County will address ADA curb ramp deficiencies prior to, or as a condition of, jurisdictional transfer to the City.
2. Stormwater maintenance costs are not extraordinary and considered a part of the historic maintenance costs provided by the County (miscellaneous maintenance). The parties should review the potential to decommission some UIC infrastructure prior to jurisdictional transfer to the City.
3. The Burgess Road Bridge is a unique piece of infrastructure that should be separately addressed in any jurisdictional transfer agreement regarding strategies for maintenance and eventual replacement.

Funding Source Development

To enable a successful jurisdictional transfer, the City will need to develop new funding sources to maintain and operate an additional 19.5 miles of paved city street at an annual cost ranging from \$312,000 to \$412,000.

Although generation of new revenue can be very difficult and involve hard choices, cities do have a variety of tools available to generate revenue for transportation operations and maintenance as well as capital project development.

The following funding sources can be considered by the City of La Pine:

Traditional Transportation Revenue Sources for Cities:

1. General Fund

Most cities utilize a portion of the General Fund (property taxes and other revenue sources) for transportation system expenses. The City's current strategy of utilization of franchise fees for transportation system investment is a form of use of general fund resources as franchise fees are considered general fund resources. With growth in property tax revenue anticipated in the coming years, property tax revenue increase presents another opportunity to incrementally finance transportation system investment with additional general fund resource.

If the City's General Fund grew at 5% annually for the next 10 years – and the City directed 25% to 50% of that growth increment to the Streets Fund, the annual revenue would be in the **\$40,000 to \$80,000 range**.

2. Franchise Fees

ORS 221.420 provides the City with authority to regulate public utilities and charge fees for use of the public right-of-way within the city. The City has developed franchise agreements and established fees with most, if not all public utilities within the city limits. The City has also structured the Street Fund to be the recipient of the franchise fee revenue given the nexus of the revenue source to street operations and maintenance. Most of the franchise fees established by the City are at 7% gross utility revenue, which is on the upper end of typical municipal franchise fee rates.

The City does not charge a franchise fee to its water and wastewater customers as many municipalities have done for the same rationale as other utilities; use of the public right-of-way. A 7% franchise fee assigned to water and wastewater customers would generate approximately **\$78,000 per year** for the City's Street Fund based on FY 19 water/wastewater revenue estimates. This franchise fee revenue will mirror the growth of the City and also increase as additional customers connect to the City's system.

3. State Highway Fund

The State Highway Fund (SHF) is comprised of all fuel tax revenue and DMV fees collected by the State of Oregon. State and local government share the revenue in a 50-30-20 split whereby ODOT receives 50%, counties receive 30% and cities receive 20%. In 2017, the legislature passed House Bill 2017 which resulted in a phased increase in the fuel tax, DMV fees, and other revenue sources.

In the City's FY 19 budget, the SHF revenue is projected to be \$90,000. Upon full implementation of HB 2017 in FY25, the projected SHF revenue for the City is estimated to be \$154,600, HB 2017 will result in a SHF revenue **increase of \$64,600** from FY 19 projections.

4. Transportation Utility Fee (TUF)

The transportation system operates and has similar functionality to that of a utility. Many cities in Oregon (20+) have established a Transportation Utility Fee as a tool to generate revenue for transportation system maintenance. A TUF is generally in the form of an added fee to a customer's utility bill. As is the nature of a utility (pay for consumption), the TUF is typically tied to the trip generation of a user where residential pays a flat rate (for simplicity's sake) and commercial users pay fees tied to the number of trips generated by the development. A TUF can be established via ordinance, which is the attraction of the mechanism to municipalities as local fuel taxes are required to go to the voters.

A TUF of \$5/month per residence is a common municipal fee amount. Assuming a methodology which produces a TUF of \$25/month per commercial account, the fee could generate approximately **\$34,000 annually** for transportation system maintenance.

5. Local Fuel Tax

The City of La Pine is uniquely positioned to leverage significant funding from a local fuel tax. With the presence of US 97 (significant thru traffic) and acting as an urban hub to a much larger rural area, a local fuel tax passed by City voters could generate revenue from many non-city residents. As many non-city residents receive a benefit of use of the City's system without directly paying for it (no property tax, franchise fees, etc.), the fuel tax would be a fair way to spread the cost of maintenance. Many cities in Oregon (20+) have established local fuel taxes.

A 3-cent per gallon local fuel tax would generate **approximately \$180,000 to \$210,000 annually** based on data provided by the League of Oregon cities. Locally, the City of Sisters generates approximately \$180,000 annually from their local fuel tax with many similar characteristics between the two communities.

Compared to the Transportation Utility Fee, the local fuel tax would generate significantly more revenue with less burden to the City rate payer. A household which drives 20,000 miles per year (at 20 mpg) would pay approximately \$2.50 per month in local fuel tax (assuming 100% of fuel purchased in the City).

Non-Traditional Transportation Revenue Sources for Cities:

6. Diesel-only Local Fuel Tax

Some highway/interstate centric communities are considering a local diesel-only fuel tax as a way to shield the tax from some residents while generating revenue from pass-thru freight. The city of Phoenix (Oregon) has established this type of fuel tax. It is difficult to estimate the revenue generation potential of a diesel-only tax. Assuming one-third the revenue potential of an all-fuel tax, the City could estimate annual revenue of **\$60,000 to 70,000** from this type of revenue source.

7. Data Center Development

While recruitment of data centers usually involve some form of incentive in the way of property tax relief, the fact is data centers generate extraordinary franchise fees for cities due to their use of the local power grid. The City of Prineville currently generates over \$2M annually in franchise fees from their data centers.

Data center siting typically centers on the availability of low cost and redundant power. It is unknown if the La Pine area would be attractive to data center development.

Exclusive Capital Project Funding Sources:

In addition to operations and maintenance funding needs, the City will need to develop capital project funding sources to improve and modernize their transportation infrastructure. All of the discussed and outlined revenue sources can be used for capital projects, however some funding sources exist that can only be used for capital projects, listed as follows:

8. Small City Allotment

In HB 2017, the legislature increased the funding for ODOT's Small City Allotment (SCA) program from \$500,000 annually to \$5,000,000 annually. The SCA program funds infrastructure projects for small cities (less than 5,000 population); the project amounts are limited to \$50,000 per project.

9. Urban Renewal

ORS 457 allows the formation of Urban Renewal Agencies and Districts whereby capital resources obtain via tax increment financing can be utilized to construct capital improvements. The City of La Pine developed an Urban Renewal Plan in 2014 with a maximum indebtedness of \$7M.

10. System Development Charges

System Development Charges (SDCs) are fee charged to growth (development or expansions of existing development) to pay for system improvements necessitated by growth – particularly improvements which add system capacity. The City of La Pine has established SDCs for water and wastewater improvements, but not transportation system improvements). In order to establish a Transportation SDC, the City will need to create a Capital Improvement Plan (usually a product of a Transportation System Plan) and determine a Transportation SDC rate and methodology in compliance with ORS 223.297-223.314. Within central Oregon, Transportation SDCs range between \$3,000 to \$7,000 per peak hour trip (ie, per dwelling unit) in various municipalities. Transportation SDC revenue (assuming a \$4,000 per peak hour trip SDC) could produce between \$200,000 to \$400,000 annually for specific transportation system projects.

11. Local Improvement Districts

Local Improvement Districts (LID) allow property owners to share in the cost of infrastructure improvements to benefit their property through a process in which the City would obtain a loan to construct infrastructure and then receive bi-annual payments from property owners (over a 10-20 year period) to pay the debt service.



CITY OF LA PINE

STAFF REPORT

Meeting Date: August 14, 2019
 TO: La Pine City Council
 FROM: Melissa Bethel, Staff
 SUBJECT: Regional Housing IGA for Housing Rehabilitation Loan Program

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|-------------------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input checked="" type="checkbox"/> | Formal Motion | <input checked="" type="checkbox"/> | Other/Direction: |

Councilors:

NeighborImpact is requesting approval of the attached IGA which is a requirement for applying and receiving Community Development Block Grant (CDBG) funding for the regional housing rehabilitation loan program. The IGA involves 8 jurisdictions -The City of Prineville will be the grant applicant and manage the grant if awarded. The City of La Pine's role would be limited to expressing support for the project (via signing the IGA), and helping to publicize the opportunity to low- and moderate-income homeowners in our community. The deadline for the grant is September 30. Based on La Pine's limited role in the grant facilitation and the upcoming deadline, the following motion is recommended for expediency of getting all 8 signatures.

Suggested motion:

I move the La Pine City Council approve the Intergovernmental Agreement for the Central Oregon Regional Collaborative and allow the City Manager to sign the IGA barring any major changes which might impact the City of La Pine.

**INTERGOVERNMENTAL AGREEMENT
FOR THE
CENTRAL OREGON REGIONAL COLLABORATIVE**

THIS AGREEMENT between NeighborImpact and the City of La Pine, City of Madras, City of Prineville, and City of Sisters, all municipal corporations, (hereinafter the "Cities") and Crook County, Deschutes County and Jefferson County (hereinafter the "Counties") is entered into on the date last signed below for the purpose of developing a request for funding to address housing rehabilitation needs in Central Oregon through a collaborative partnership of the Cities, Counties and NeighborImpact (hereinafter the "Central Oregon Regional Collaborative").

RECITALS:

WHEREAS, Business Oregon will finance low- and moderate-income owner-occupied, single family housing rehabilitation projects through awards granted to city or county applicants; and

WHEREAS, an application for said grant funds must be submitted within a region by one jurisdiction as lead applicant on behalf of the collaborative and the award is made to the lead applicant within the limits of use set forth in the application; and

WHEREAS, the Central Oregon Regional Collaborative must partner with a 501c (3) non-profit meeting the requirements of 105(a)(15) of the Housing and Community Development Act to carry out the housing rehabilitation program as a sub grantee on behalf of the grant applicant which will result in a grant award being made available to income eligible owner-occupied households in the form of a grant; and

WHEREAS, submission of a CDBG Housing Rehabilitation application to IFA requires documentation of need and the establishment of a partnership between a minimum of three local municipalities and a local 501c(3) non-profit corporation with certified sub-grantee status; and

WHEREAS, the Cities and the Counties are aware of and committed to addressing the serious and ongoing need for housing rehabilitation services with sustainable program action within the project designated service area; and

WHEREAS, the Cities, the Counties, and NeighborImpact desire to cooperate in order to provide for the assessment and documentation of that need, the development of the partnership, and the preparation of the application including all requisite attachments and due diligence; and

WHEREAS, NeighborImpact has achieved certification from the Business Oregon as an eligible 501c3 nonprofit subgrantee meeting the requirements of 105(a)(15) of the Housing and Community Development Act for the Regional Housing Rehabilitation CDBG program.

NOW, Therefore, in consideration of the mutual covenants and agreements hereinafter contained, Cities, Counties and NeighborImpact agree as follows:

SECTION 1. The designated service area for Central Oregon Regional Collaborative activities under this agreement shall include all of Crook, Deschutes and Jefferson counties outside of the

boundaries of the City of Bend, City of Redmond, and Confederated Tribes of Warm Springs.

SECTION 2. The City of Prineville will serve as the lead applicant for a 2019 CDBG Housing Rehabilitation Grant.

SECTION 3. The lead applicant responsibilities will include:

- Provide needed due diligence as required for the application, including (but not limited to) adopting and publishing a Fair Housing Resolution, adopting an Excessive Force Policy and all other such federal overlay requirements.
- Submission of the CDBG application to Business Oregon.
- Compliance with federal, state and program requirements.

SECTION 4. The Cities and the Counties responsibilities will include the following for the completion of the scope of work for this application and project:

- Adherence to the National Objective that 100% of the CDBG Housing Rehabilitation Program funds will serve low-moderate income households.
- Ongoing marketing of the Housing Rehabilitation Program in its community and the region.
- Referral of housing units within its jurisdiction that have been determined by the Cities and Counties to have health, safety, and/or other housing rehabilitation needs.

SECTION 5. NeighborImpact's responsibilities will include providing the following for completion of the scope of work for this application and project:

- Facilitation for the formation and ongoing development of the Central Oregon Regional Collaborative.
- Creation of a waiting list of potential applicants.
- Development and preparation of the grant application and requisite attachments, for submission by the lead applicant.
- Implementation and management of the Regional Housing Rehabilitation Revolving Loan Fund program, upon approval of the grant application by Business Oregon.
- Compliance with all federal, state and program requirements.
- Reporting of program activity to the State of Oregon, Central Oregon Regional Collaborative Members and the community.

SECTION 6. NeighborImpact shall be compensated for grant administration and program management with CDBG grant funds at a level established by Business Oregon within the CDBG contract issued to the lead applicant. The lead applicant and NeighborImpact shall enter into a subgrant agreement prior to the implementation of program activities.

SECTION 7. This IGA may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

SECTION 8. ENTIRE AGREEMENT: This Agreement signed by all parties is the final and entire agreement and supersedes all prior and contemporaneous oral or written communications between the parties, their agents, and representatives.

SECTION 9. AMENDMENTS: This Agreement may be supplemented, amended, or revised only in writing signed by all parties.

Date this _____ of 2019

The City of La Pine

By: _____

Date this _____ of 2019

The City of Madras

By: _____

Date this _____ of 2019

The City of Prineville

By: _____

Date this _____ of 2019

City of Sisters

By: _____

Date this _____ of 2019

Crook County

By: _____

Date this _____ of 2019

Deschutes County

By: _____

Date this _____ of 2019

Jefferson County

By: _____

Date this _____ of 2019

NeighborImpact

By: _____



CITY OF LA PINE

STAFF REPORT

Meeting Date: August 14, 2019
 TO: La Pine City Council
 FROM: Melissa Bethel, Staff
 SUBJECT: Pfeifer & Associates tiny home update

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|--------------------------|-------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input type="checkbox"/> | Formal Motion | <input checked="" type="checkbox"/> | Other/Direction: |

Councilors:

Last September (see attached 9-25-18 minutes) the Council was made aware Pfeifer & Associates located at 16440 Finley Butte Rd. moved 4 tiny homes onto the property and were occupying them as transitional housing for clients. The discussion ended with staff being directed to look into the situation and see what liability there may be to the City and what if any solutions may be available. Staff is bringing this topic forward again to hopefully bring about an outcome and positive solution for all parties involved. Staff recently reached out to Pfeifer & Associates to get an update on how the homes are being used, what services are available and other facts Council may feel relevant. I recently contacted Sally Pfeifer and she stated:

The facility provides bathroom services, garbage, water and electricity. They have not had any police or ambulance calls to the property. The facilities are monitored 7 days a week. The tiny homes are used as transitional housing until more permanent or supportive housing can be secured. They move people into other Pfeifer transitional, supportive and permanent housing options in La Pine, Bend and Redmond. They also help people move to Bethlehem Inn or Shepherds House. The facility monitors for drug use and offers treatment. The average stay is around 4 to 6 weeks before other housing can be found. In addition, recovery mentors certified by the State of Oregon are offered to help manage needs and barriers they are experiencing to employment, treatment, housing.

Staff contacted the Deschutes County Building Department and received the following response in asking if tiny homes could be allowed:

Building Code:

446.265 Transitional housing accommodations; regulation and limitations; definition. (1) A municipality may approve the establishment of a campground inside an urban growth boundary to be used for providing transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use as living units by one or more individuals or by families. The person establishing the accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways.

(2) Transitional housing accommodations described under subsection (1) of this section shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing. A municipality may limit the maximum amount of time that an individual or a family may use the accommodations.

(3) Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations. The shared facilities of the campgrounds are subject to regulation under the recreation park specialty code described under ORS 446.310 to 446.350. The transitional housing accommodations are not subject to ORS chapter 90.

(4) To the extent deemed relevant by the Department of Consumer and Business Services, the construction and installation of yurts on campgrounds used for providing transitional housing accommodations established under this section is subject to the manufactured structures specialty code described in ORS 446.155. Transitional housing accommodations not appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.

(5) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.

(6) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat. [1999 c.758 §6]

The property is zoned Traditional Commercial which allows Residential Care Homes as a Conditional Use Permit (CUP). A CUP would allow the City the flexibility to mitigate any potential issues with the tiny homes; restrict by number, place and require specified time limits for residents, and require improvements such as fencing to shield neighboring properties. If the City Council is interested in this avenue as a solution, it just needs to direct staff to have the owner proceed with the required application process.

6(a)(iii)



L A P I N E

O R E G O N

CITY OF LA PINE CITY COUNCIL MEETING MINUTES

Tuesday, September 25, 2018

6:00 p.m. Work Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Meeting called to order at 6:00 p.m.

2. Establish Quorum

Present: Mayor Scott, Councilor Briese, Councilor Heaton, Councilor Martinez, Councilor Greiner and Student Councilor Tennant

Staff Present: City Manager Cory Misley, Public Works Manager Jake Obrist, Planning Manager Melissa Bethel and Administrative Assistant Holly Smith

3. Pledge of Allegiance

Led by Colleen Scott

4. Added Agenda Items

- a) Flag Pole Update (requested by Councilor Martinez)
- b) Letter from La Pine Chamber of Commerce regarding Newberry Trail (requested by Mayor Scott)
- c) Wickiup Park and Ride Update (requested by Mayor Scott)

5. Public Comments

None

6. Presentation by Sally Pfeifer and Larry Kogosvek from Sagewood Sanctuary

Sally Pfeifer and Larry Kogosvek were present from Sagewood Sanctuary to give the Council information regarding the four tiny homes on Sally's property behind Finley Butte that were placed there in June. Sally owns Pfeifer and Associates, a drug and alcohol company. They've seen a high need for housing for the homeless. There's no place for people who are simply homeless, not involved with Pfeifer and Associates with regard to rehabilitation. She stated that La Pine and Redmond are more progressive towards helping the homeless right now and they are here to talk to the Council about supporting tiny homes on her property. Councilor Heaton asked if they've acquired permits for this yet and they have not. Councilor Greiner asked whether it would require land use planning from the City. Melissa explained that per the current code, if the tiny homes were on a foundation and hooked up to water and sewer, it could work. If not, they're considered RV's and she doesn't know how the building inspectors would respond to them. Councilor Briese wants to see the City allow them. She has seen other cities do these sorts of programs well and believes they could be good examples of how to

proceed, i.e. water and shower sources. Larry stated that these tiny homes allow people a place to go that's away from their current housing situations that often involve drugs and alcohol, therefore giving them the opportunity to get sober. Councilor Briese likes the proposed location because Sally is the homeowner and is supportive of this project. She asked whether there was a plan to get those in the tiny homes into more stable housing and Sally and Larry responded that the plan is not for them to stay long term. Councilor Martinez questioned the decision to place these tiny homes on the property without City permission and Sally stated that she was afraid that the process would take too long. Larry stated that they're providing a safe place, a port-a-potty and trash pickup and this is a better situation than them camping on BLM and leaving their trash and waste whenever and wherever. Councilor Martinez reminded them that this is one of the reasons La Pine incorporated because these kinds of issues have been a problem in the past and there are proper ways of doing things. Councilor Heaton stated that we haven't done enough for the homeless and it's a nationwide problem. He believes La Pine needs to do something to help. Councilor Greiner questioned Larry's statement about the drug problem in these housing situations and Larry stated that that's what he's trained to do. He stated that the people he works with have tremendous impulse to relapse because when they're done with treatment, they have no housing and end up going back to the people they lived with before who are users. Sally stated that they've done interventions on people who've lived there already and told them they cannot stay in those homes unless they enter treatment. Councilor Greiner is in favor of the program providing they follow City land use procedures. Mayor Scott stated that he was irritated that they snuck the tiny homes onto the property without permission and although he believes in this type of program, he feels very strongly that it was wrong for them to do since they didn't do it the right way. He stated that it's unfair to the rest of the community and that it's a legal issue. He is hopeful that the code update will address some of these issues. He thanked them for coming and said the Council would consider the issue.

Cory stated that the issue is whether it's temporary or permanent. Melissa stated that she can get creative and look at the code to see if there's a way to allow it and make it work. Councilor Martinez was concerned that this could set precedence in the future. Cory asked if Council wanted staff to look into options from a temporary, emergency or transitional situation to see if a situation like this could be approved. Jake Obrist stated that he is an advocate but he's concerned about whether these buildings are even safe for them, such as electrical issues and believes Sally has taken on a major liability in doing this. Councilor Greiner stated that the rules should be the same for everyone across the board. Councilor Briese stated that there are other cities who actually have allowed only one or two places like this on a case by case basis. Cory stated that this now falls under a code enforcement issue. There are also potential building code violations. Mayor Scott is concerned about the city's liability, so he urged Melissa to do her research and find out what the City's options are. Cory is also going to consult with our land use attorney. The Council was very clear in their feelings about not having any more tiny homes added until this issue is researched and attorneys are consulted.

7. Discussion on Topics for Joint Meeting with Deschutes County

Cory stated that there will be a joint meeting with the Board of County Commissioners on October 9th at 4:30 pm. Some of the topics tossed around for discussion have been 1) multi use path; 2) Industrial

Park; and 3) County-owned roads. Mayor Scott said we should discuss all items that were on last year's agenda. Councilor Briese was concerned that the Council is on the same page with regard to the Industrial Land issue. Cory gave some background – in 2014, the City signed an IGA with DESCO regarding the property that the County owns in the Industrial Park (around 250 acres). The City has authority to sell and lease the land, however it splits the proceeds with the County. The IGA is a five-year agreement that runs through November 2019. Councilor Briese is not currently in favor of taking over the rest of the land left. She doesn't think we have the staff to do it and the County is currently a cooperative partner. Councilor Martinez disagrees and thinks it's in the City's best interest in taking it over. Mayor Scott agrees with Councilor Martinez. He stated that it was supposed to be turned over when the City incorporated. He thinks the added time frame of getting County approval makes it more difficult for buyers to finalize the deal. Councilor Heaton wanted to know if we'd lost any sales because of the extra time it takes to get County approval and Cory stated that we haven't. Cory stated that he doesn't believe partnering with the County has hurt us, but he also doesn't think they've helped us either. He stated that the big issue was the fact that the City knows where it's 50% goes – it's spent in La Pine. However, the City has no idea where the County's 50% goes and there's no obligation to it being spent in south county. Cory said that James Lewis stated there's no obligation on spending the County's portion here in La Pine. It's possible it has to be spent for economic development, but only in Deschutes County, not necessarily La Pine or even south county. Mayor Scott feels something needs to change and that the City has prime land and it's not being sold in what is currently a good economy. Councilor Briese wants to know why ownership of the land is going to make a difference and Mayor Scott feels it's easier to market and get it in realtor's hands to sell. The County hasn't promoted the sale of any lots. He stated that it was the recommendation of the SLED board to get full ownership. Councilor Greiner is concerned about what Ryan is actually trying to sell in the Industrial Park and is concerned that we're not targeting the right people. It is Councilor Briese's understanding that he's marketing to small, medium and large sized businesses.

8. Discussion on Cell Tower Lease on City Wastewater Property

In 2003, the La Pine Special Sewer District entered into the lease with Western Tower. We're halfway through the lease and they are looking to amend the agreement that would extend the lease even further. This was not drafted by our attorneys or on our usual template. Cory wanted the Council's input on amending the agreement with a simple one to two page amendments, or a complete overhaul of the agreement with our City attorney's involvement. Councilor Martinez stated that we should have legal look at it, especially with how much telecommunications has changed and the rest of Council agreed.

9. Update on Contract with SGA Certified Public Accountants

Cory explained that with Ashley's resignation, the "not to exceed" amount needs to be updated in the most recent agreement with SGA. This is because Ashley had taken on quite a few responsibilities that SGA had previously been handling that they now have to take back. Councilor Greiner asked for clarification on what the time would be spent on, which Cory explained would be audit and on a monthly basis, reconciliations, financial statements, financial reports, transfers, and behind the scenes house cleaning in Caselle. Councilor Heaton questioned on what the options are – whether we take out

the not to exceed amount or increase the amount of the contract. Councilor Martinez stated that we should just up it to \$30k and discuss again at the next budget. Cory stated that our actuals were about \$20k. Councilor Briese questioned whether these were tasks Tracy could take on. This could be discussed at a later date, but it's not something that would happen at this time.

10. Update on Septic Pumping Services RFP

Jake Obrist stated that we had one bidder come back and that it was a good price. We originally budgeted \$30k and their bid is just above \$31k. These funds are budgeted in contracted services and there is plenty to cover these costs. He wanted to make sure Council was still on board with this project and that this would need to be rolled out in the next month or so if it's going to happen. Councilor Briese stated that her understanding was that we'd see how this worked for one year, so she's in support of trying it out and the rest of Council agreed.

11. Other Matters: This item concerns any matters that were added to the Agenda under the Added Agenda Items portion of this Agenda

a) Flag Pole Update (requested by Councilor Martinez)

Cory stated that a 30' flag pole is coming from Minneapolis by truck, however the City hasn't solidified who is going to do the work. Eric Huffman has not heard back from the person we reached out to for a quote. The original contractor has some punch list items that need to be addressed. The City could contract with them again to do the flag pole, or go with someone else. The target is to have it completed by the Town Hall BBQ. A decision needs to be made in the next week or two. The pole requires a bigger footing, so there will be some masonry and electrical work.

b) Letter from La Pine Chamber of Commerce regarding Newberry Trail (requested by Mayor Scott)

Mayor Scott explained that the letter requests the City recognize Chiloquin as a sister city to enhance advertising for the Newberry Country Trail. Cory clarified that it doesn't obligate the City to anything. There was discussion on the difference between being an honorary sister city versus an official sister city. The Council wants further information on the potential requirements before it commits.

c) Wickiup Park and Ride Update (requested by Mayor Scott)

The City is not authorized to do work on this property. Mayor Scott wanted to know how the Council felt about using the temporary sign used for the monument sign is going to be used at the Park and Ride. Councilor Briese clarified that Drafter is actually the beginning of the City, not Burgess, but she understands that Burgess is a busier road. She also wanted to make sure that if we'd claim that property by putting up a sign, there will be a lot of work done in order to clean it up. Cory stated that we don't have a plan in the budget specifically for this area, but there are funds available to use. There will be further discussion on how much to spend and what projects to take on there in the spring.

12. Public Comments

Commissioner Tony DeBone clarified that the underlying ownership of Wickiup Park and Ride is actually the federal government, not the County.

13. Staff Comments

Cory stated that the City will have two staff members starting October 1st. Ken Douglas – Public Works Lead and Kelly Notary – Admin Assistant. He stated that staff isn't looking at bringing any new projects on board at this time because staff has so much going on right now. Jake Obrist is still working on utility billing assistance program with legal. The ODOT streetscape project is coming along well and most hard scape elements are coming to fruition. Crosswalks and landscaping should be coming shortly. Pahlisch is doing some road upgrades in their subdivision. Housing Works is ahead of scheduled by two months. Oregon Regional Water Utility Users – will have a meeting in Bend and will meet some water conservation people in our area. Melissa Bethel had a meeting with ODOT regarding the refinement plan. City is selecting a consultant and they are tallying our evaluation sheet. She'll have a follow up phone call regarding the final selection and start the next phase of the process. Mayor Scott asked if the streetscape project would be done by fall – Jake will follow up.

14. Council Comments

Councilor Greiner questioned whether we'd have sufficient pickups to handle separating employees – Jake has no intention of getting a new pickup and stated that they can use his if needed. Councilor Martinez – SLED had annual luncheon in Sunriver. Councilor Briese – Tammy Baney was selected for COIC new executive director position. Looking forward to League of Oregon Cities Conference. Great way to connect with other cities and see how they're handling things. Councilor Briese is going to Houston for a Neighbor Impact Grant event since Cory cannot attend.

15. Mayor's Comments

Mayor Scott thanked Dan Richer for the Octoberfest event – he heard it went really well. He is happy staff is going to take a break for taking on any additional projects for a bit. Election signs will be going up soon – he hopes public works won't have to pick up too many signs that are wrongly placed in the right of way. Streetscape is looking great.

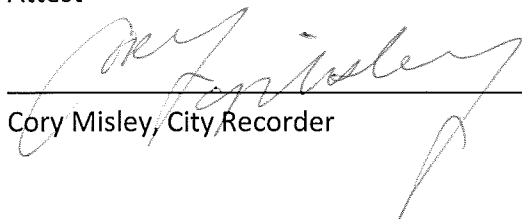
16. Adjourn Meeting

Councilor Briese made a motion to adjourn. Councilor Heaton seconded. No objections. Meeting adjourned.



Dennis Scott, Mayor

Attest



Cory Misley, City Recorder