



CITY OF LA PINE CITY COUNCIL MEETING REGULAR SESSION AGENDA

Wednesday, September 25, 2019

5:30 PM Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

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
 - i. Minutes 8.28.19
 - ii. Minutes 9.11.19
 - b. Council and Staff Reimbursements
 - c. Community Funding Request
 - i. LPHS 2020 Sober Grad Night
7. Ordinance 2019-08: An Ordinance of La Pine Imposing Rules and Regulations Governing the Operation of Transient Merchants; Prohibiting Unlawful Transfers; and Imposing Penalties – Discussion

a. Staff Report

8. New Equipment Purchase for Public Works – Action Item

9. Other Matters

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

10. Public Comments

Comments will be limited to 3 minutes

11. Staff Comments

12. Mayor and Council Comments

13. 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, August 28, 2019

5:30 PM Regular Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Called to order by Mayor Richer at 5:34 p.m.

2. Establish Quorum

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

Absent by Prior Arrangement: Councilor Connie Briese, Student Councilor Max Miller.

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

3. Pledge of Allegiance

4. Added Agenda Items

None

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. Minutes 8.14.19

b. Financial Reports

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

7. 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 – Action Item

Obrist reviewed the Staff Report and the project. He stated the letters to homeowners provided an opportunity to educate residents of the area on the expansion.

Motion by Greiner to approve Resolution 2019-11: 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. Second by Shields.

Roll Call Vote:

Shields: Aye

Greiner: Aye

Harper: Aye

Motion passed.

8. Public Hearing Regarding Ordinance 2019-07, an Ordinance of the City of La Pine Amending Ordinance No. 2015-04, Which Ordinance Concerns City of La Pine's Water System Utility – Action Item

a. Open Public Hearing

i. Staff Report

Obrist reviewed the report and provided background. He provided detail on changes and clarifications to the previous Ordinance.

ii. Public Comments

None

iii. Close Public Hearing

iv. Deliberations

None

Motion by Harper to approve Ordinance 2019-07, an Ordinance of the City of La Pine Amending Ordinance No. 2015-04, Which Ordinance Concerns City of La Pine's Water System Utility. Second by Shields.

Roll Call Vote:

Shields: Aye

Greiner: Aye

Harper: Aye

Motion passed.

9. Public Comments

None

10. Staff Comments

Bethel: Stated the next meeting will likely be a workshop to discuss a potential gas tax and draft RFP for an SDC methodology consultant.

Obrist: Thanked council for their time and input. Working well with new crew and now has more time to devote to work on projects and other administrative tasks.

Read: Provided information on possible scam e-mails directed at council, mayors and city managers re 5G.

11. Mayor and Council Comments

Greiner: Reviewed invoices and provided information for council members on the GIS system, stating it is a valuable service.

Harper: None.

Richer: Working with community members and city manager.

12. Adjourn Meeting

Adjourned at 6:10 p.m.

Attest

Tracy Read

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CITY OF LA PINE CITY COUNCIL MEETING MINUTES

Wednesday, September 11, 2019

5:30 PM Work Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

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

2. Establish Quorum

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

Absent Without Prior Arrangement: Student Councilor Max Miller.

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

3. Pledge of Allegiance

4. Added Agenda Items

None

5. Public Comments

None

6. Discussion Regarding Gas Tax

Bethel reviewed the staff report, and noted one correction – the amount under consideration is 3 cents per gallon, not 3%. She stressed the importance that Council must be unanimous in their support if the measure is to be placed on the ballot. She then turned the topic over to Council for discussion.

Council discussion:

Community education

Keep the message simple and transparent.

A gas tax presents the least financial impact for citizens, as the tax would be paid by everyone buying gas in the City (impact of pass-through traffic).

Additional funding is necessary due to Deschutes County turning responsibility for the remaining City streets to the City within the next 2-3 years.

The City of La Pine has no other funding mechanism for streets.

Explain why the funds are needed, what they will be used for, and the expense of street repair and maintenance (example stretch of sidewalk on Finley Butte Road)

Council unanimously agreed that staff move forward with gathering information on this.

7. Public Comments

Kitty Shields, La Pine resident – stated she supports this funding method.

8. Staff Comments

Bethel: A continuation of the City's IGA with Deschutes County will be presented at a future meeting. She with Andrea of COIC re Sunriver/La Pine transit stops beginning in 2020. Next meeting September 26, work session, the day prior to the start of the LOC conference.

Obrist: Busy closing out summer. Lift station upgrades have been underway. Crews are trying out new equipment. A staff report with suggested equipment will be presented at the next meeting.

9. Council Comments

Greiner: Change in how work gloves are purchased. Workers Compensation bill paid for the year. Attorney bill is less this month. Total invoices paid in the amount of \$44,74271.

Harper: Outpost has boxes of latex gloves for \$9.99 for 100 gloves. Briese suggested checking with Air Gas in Bend for competitive pricing as well.

Briese: Apologized for missing the last meeting.

Shields: Nothing at this time.

Mayor: Nothing at this time.

10. Adjourn Meeting

Adjourned at 6:34 p.m.

Members of the Community in attendance:

Kitty Shields

Russ Smith

Attest

Tracy Read

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CITY OF LA PINE

NAME: Trap Reed DATE 8-9-19

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)

Caselle user group - Newport August 7th & 8th 2019

AUTOMOBILE

MILEAGE: _____ MILES @ 0.58 = \$ _____

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

A. Lodging for _____ nights (attach receipts)

B. Meals for Trap (whom)

Location (attach receipts) _____ Date _____

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

McDonalds 7.39
Topher's 19.00

TOTAL REIMBURSEMENT \$ 26.39

Approved by City Staff Melissa Borne

Trap Reed
Signature of Submitter of Form

**THE TAPHOUSE AT NYE
CREEK**

515 NW Coast St
Newport OR 97365
(541)272-5545

1324

Name: 1 Girl
Table #: 103 Person #: 1
Time: 6:48:46 PM Date: 8/7/2019
Check No: 118560 Server: MattW

1 COMBINACION PIZZA 19.00
~~2 16oz 13 Frt Grg/Cldbrst 8.00~~

SUB TOTAL 27.00

Sales Tax 0.00

TOTAL: 27.00

THANK YOU!
MattW

Come See Us Again Soon!
THE TAPHOUSE AT NYE CREEK

BUY ONE GET ONE FREE ANY ITEM
of equal or lesser value
Go to www.mcdvoice.com within 7 days
and tell us about your visit.

Validation Code: _____
Expires 30 days after receipt date.
Valid at participating US McDonald's.
Survey Code:

30524-13240-80E19-12407-00073-9

McDonald's Restaurant #30524
16505 REED ROAD
LA PINE, OR 97739
TEL# 541-536-3065

KS# 13 08/06/2019 12:40 PM
Side2 Order 24

1 Qtr Cheese Meal 7.39
1 M Sweet Iced Tea

Subtotal 7.39
Tax 0.00
Take-Out Total 7.39

Cash Tendered 10.00
Change 2.61

To apply go to www.snagajob.com



CITY OF LA PINE

STAFF REPORT

Meeting Date: September 25, 2019
TO: La Pine City Council
FROM: Melissa Bethel, Staff
SUBJECT: Transient Merchant Ordinance

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:

Staff has noticed an increase in transient sales of merchandise along the highway and Huntington Ave. The City has received several complaints over the last couple of years. Staff has worked with the City Attorney to create an Ordinance that gives deference to our existing brick and mortar businesses and also address traffic circulation and right of way encroachment issues. Local law enforcement also asked staff to present an ordinance to help curb this type of activity. The draft ordinance is for discussion and staff is seeking approval to put on a future agenda for approval.

Although the Ordinance does allow for permitting (license and fee required) these types of activities, the restriction of these types of sales in the Commercial zones is recommended by staff as this will eliminate most of the reoccurring issues.

ORDINANCE NO. 2019-__

AN ORDINANCE OF CITY OF LA PINE IMPOSING RULES AND REGULATIONS GOVERNING THE OPERATION OF TRANSIENT MERCHANTS; PROHIBITING UNLAWFUL TRANSFERS; AND IMPOSING PENALTIES.

WHEREAS, 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, City recognizes the importance of protecting the public health and safety and maintaining the free flow of pedestrian and vehicular traffic on streets, sidewalks, and areas open to the public; and

WHEREAS, City finds it necessary to (a) provide a licensing system for transient merchants, (b) charge fees to recover costs of administering such a license, and (c) impose rules and regulations prohibiting unlawful transfer; and

WHEREAS, City desires to establish reasonable and uniform regulations concerning the licensing and operation of transient merchants and prohibiting unlawful transfer.

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

1. Findings. The above-stated findings are hereby adopted.
2. Short Title. This Ordinance No. 2019-__ may be referred to as the "Transient Merchant Ordinance" and will be cited and referred to herein as this "Ordinance."
3. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

"Applicant" means the person applying for a license to conduct a transient merchant business activity within city.

"Business activity" means the carrying of goods, wares or merchandise from area to area (or city to city), selling or offering the same for retail sale; or the offering of goods, wares, merchandise or services for retail sale from an apparatus temporarily located within the City, or from a temporary location, without making the business permanent and continuous in the City.

"City" has the meaning assigned to such term in the recitals.

"City's representatives" means each present and future officer, employee, agent, contractor, and/or representative of City.

"Council" means the then-appointed La Pine City Council.

"License" means the permission granted by City under this Ordinance to operate, engage, conduct, and/or carry on a transient merchant business activity.

“License fee(s)” means the license fees described under section 5.2 of this ordinance.

“Manager” means city’s then appointed city manager and/or his or her designee(s).

“Person” means any natural person, corporation, limited liability company, partnership, joint venture, firm, association, trust, incorporated organization, and/or any other entity, whether acting in an individual, fiduciary, and/or other capacity.

“Transient merchant” means a person who either carries goods, wares or merchandise from area to area (or city to city), selling or offering the same for retail sale; or who offers goods, wares, merchandise or services from an apparatus temporarily located within the City, or from a temporary location, without making the business permanent and continuous in the City.

“Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public right-of-way and includes vehicles that are propelled or powered by any means.

“Vehicular portion of a highway, road or street” means the area located in the vehicular travel or turning lane or any associated shoulder, driveway or traffic divider area within the right-of-way where vehicles are reasonably expected to be encountered.

4. License Required.

4.1 License. Except as otherwise exempted under section 4.2, no individual, including, without limitation, an employee or agent of a group of individuals, partnership, or corporation, whether a resident of City or not, may engage in a business activity without first applying for and obtaining a license and paying all applicable licensing and other fees in accordance with this Ordinance.

4.2 Exemptions. The following are exempt from the licensing provisions in Section 4 of this Ordinance:

(a) Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for future delivery from local retailers, businesses, governments, schools or wholesale firms;

(b) The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;

(c) The occasional sales of goods and services by local school students related to their school or school activities; or fund-raising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy Scouts or Girl Scouts;

(d) Any political group seeking funds or membership;

(e) Garage sales, yard sales, rummage sales or swap meets conducted on private property, provided that the sale is not conducted over a period in excess of four (4) consecutive days or more often than three (3) times in a calendar year;

- (f) Any organization exempt from taxation as provided by 26 U.S.C. § 501;
- (g) The sale of goods, merchandise or food on a public sidewalk directly adjacent to the licensed brick and mortar business conducting the sale; and
- (h) Any activity conducted pursuant to a special event permit under Ordinance No. 2019-05.

4.3 License Term. Licenses are limited to a three (3) consecutive day period, six (6) times per calendar year on the same property.

5. License Application Requirements; Fees; Review.

5.1 Application Requirements. Each person desiring to engage in a business activity who is not exempt must apply for a license to engage in a business activity on such application forms and in such manner as the manager may then prescribe. Each application will be evaluated on its own merits. The application must be filed with the manager and, in addition to all other information reasonably requested by the manager, must include, without limitation, the following information:

- (a) The name, permanent address, and mailing address of the applicant and the names of all persons having an interest in the business;
- (b) A brief description of the nature of the business and the goods and/or services to be sold and/or provided;
- (c) The location where the business will be conducted and if on private property, the written consent of the property owner;
- (d) The days for which the license is desired;
- (e) Personal identifying information of the applicant as necessary for the public safety department to conduct a limited background check;
- (f) Known consumer complaints made to local or state consumer agencies against the applicant or against any person acting as an employee or agent of the applicant; and
- (g) Proof of compliance with all relevant federal, state and local licensing requirements;
- (h) Proof of the required insurance coverage set forth in Section 7.7.

5.2 License Fee. The application must be accompanied by the then applicable transient merchant license fee. The license fee shall be payable in full at the time of submission of an application and shall be non-refundable. The transient merchant license fee will be determined by council resolution. The fee may be increased or decreased at any time and from time to time by council resolution. The fee imposed under this Ordinance will be in addition to, and not in lieu of, any other City license and/or permit fees, charges, and/or taxes.

5.3 Manager Review. Any application for a transient merchant license required under this Ordinance will be reviewed by the manager. The manager may approve, approve with conditions, or deny an application for a license. The manager's approval of an application for a license (or any part thereof) is not a guaranty, representation, and/or warranty of the correctness or suitability of the business activity. The manager is authorized to conduct whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the business activity complies with this Ordinance and all applicable federal, state, and local laws, regulations, and ordinances. The manager may waive or modify procedural and substantive conditions and requirements under this Ordinance. Notwithstanding this broad authority, the manager will act reasonably, in compliance with applicable federal, state, and local laws, regulations, and ordinances, and in a manner the manager reasonably believes is in City's best interests. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager.

6. Location.

6.1 Prohibited Locations. Transient merchants are not be permitted to engage in business activities in [REDACTED] zones.

6.2 Fixed Location. Each license shall be issued for a single fixed location, and no transient merchant shall change location except upon issuance of a new license.

7. Standards of Operation.

7.1 Hours of Operation. No transient merchant are engage in any business activity before 7:00 a.m. or after 9:00 p.m.

7.2 Compliance with Laws. Each business activity must be conducted in accordance with all applicable federal, state, and local laws, regulations, and/or ordinances. The issuance of a license does not authorize a business to operate in violation of any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a license by City is not evidence that the applicant and/or business activity is in compliance with, or exempt from, any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a license will not be construed to constitute permission to engage in any activity prohibited by federal, state, and/or local laws, regulations, and/or ordinances, or a waiver of any other regulatory or license requirement imposed under applicable federal, state, and/or local laws, regulations, and/or ordinances.

7.3 Waste. All waste must be disposed of in compliance with all City, Deschutes County and state standards. Any person licensed to engage in a business activity must provide adequate trash receptacles to enable proper disposal of all waste.

7.4 Display of License. Any person licensed to engage in a business activity must display the license, together with any conditions, at all times on the business premises as identified in the approved license application, in a location visible to customers.

7.5 Removal of Structures. Any structures, carts, vending units, tents, tables or other appurtenances used by the transient merchant may not be located or relocated on the property

until commencement of the license term, and must be removed from the property promptly upon expiration of the license term.

7.6 Impediment. The activities of the transient merchant must not impair or impede the flow of pedestrian or vehicular traffic on public or private property.

7.7 Insurance. License applicants must obtain and maintain liability insurance concerning the business activity with limits of not less than \$2,000,000.00 for injury to one person, \$2,000,000.00 for any one accident or occurrence, and \$2,000,000.00 for property damage. Liability insurance will (a) be the primary insurance policy for all covered losses, (b) name City and City's representatives as additional insureds, and (c) apply to, and provide coverage for, all injuries, claims, demands, actions, suits, proceedings, damages, liabilities, losses, costs, and expenses of any kind, including, without limitation, bodily injury and property damage, arising out of the business activity. The liability insurance policy(ies) (and endorsements) required under this section 7.7 will be in form and content satisfactory to City and will be provided to City for inspection at the time the application is submitted. Notwithstanding anything contained in this ordinance to the contrary, the minimum insurance required under this ordinance (x) will provide coverage in amounts sufficient to meet the minimum tort claim liability limits under applicable law, and (y) may be increased at any time and from time to time through council resolution or manager determination.

8. Permit Denial, Suspension, Revocation, and Review; Appeals.

8.1 Grounds for Denial, Suspension, Revocation. The manager may deny, suspend, and/or revoke a license for the following: (a) the application is incomplete and/or fails to meet the requirements under this Ordinance; (b) fraud, misrepresentation, and/or false statement(s) contained in the application for a permit and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application for a license; (c) fraud, misrepresentation, and/or false statement(s) made in the course of carrying on the business activity; (d) a violation of this Ordinance and/or the terms and conditions imposed under the license; (e) conducting the permitted business activity in an unlawful manner and/or in such a manner as to present an immediate danger to the health, safety, and/or general welfare of persons or property; and/or (f) failure to comply with any applicable federal, state, and/or local law, regulation, and/or ordinance, and/or any agreement with city. After revocation, the license holder may not conduct the business activity, or if the business activity has commenced, will immediately cause the business activity to be terminated in a safe, proper manner.

8.2 Review. If City receives complaints about any licensed transient merchant, the applicable license may be reviewed by the manager.

8.3 Notice of Denial, Suspension or Revocation. The manager must provide to the applicant or license holder notice of any license denial, suspension, and/or revocation and the reasons thereof within a reasonable period of time after the manager's determination. All notices must be in writing and must be delivered to the applicant or license holder at the address set forth in the license application. Any notice will be deemed delivered upon actual receipt if delivered personally, via email or facsimile (with electronic confirmation of delivery), or an overnight delivery service, or at the end of the third business day after the date deposited in the united states mail, postage pre-paid, certified, return receipt requested. If the violation ends prior to the manager's notice of a license denial, suspension,

and/or revocation, the manager may discontinue any revocation proceedings. The notice will inform the applicant or license holder of its appeal rights under this Ordinance.

8.4 Appeal. A decision to deny, issue subject to conditions, suspend, and/or revoke a license may be appealed by delivering written notice of appeal to the manager within ten (10) days of the notice of denial, suspension, and/or revocation. Failure to file notice of appeal within the 10-day appeal period is deemed a waiver of all rights to object to a license denial, issuance subject to conditions, suspension, and/or revocation determination. Unless the manager has declared that immediate danger to the health, safety, and/or general welfare of persons or property exists, the manager's decision to revoke or suspend is stayed pending appeal. The manager will transmit the notice of appeal together with the file of the appealed matter to the council. Upon receipt of the notice and file, the council will fix a time and place for hearing the appeal. The council will give the appellant not less than ten (10) days' prior written notice of the time and place of the hearing. The council will hear and determine the appeal on the basis of the written statement and any additional evidence the council considers appropriate or relevant, including any information provided by the manager. At the hearing, the appellant may present testimony and oral argument, personally or through legal counsel, and any additional evidence; provided, however, the rules of evidence as used by courts of law do not apply. The decision of the council is final and conclusive.

9. Unlawful Transfer. A person commits the offense of unlawful transfer under this ordinance if the person (a) while a driver or passenger in a vehicle on the vehicular portion of a highway, road or street within the boundaries of City, gives or relinquishes possession of, or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian; or (b) while a pedestrian, accepts, receives or retains possession or control of any item of property from a driver or passenger in a vehicle on the vehicular portion of a highway, road or street within the boundaries of City.

9.1 Exceptions. The prohibitions of this Section 9 do not apply (a) if the vehicle is parked in a legal parking space located on or off the right-of-way, (b) during a law enforcement stop or action; and/or (c) if the person(s) is participating in a "pedestrian activity" as defined in Oregon Administrative Rules 734-058-0020(7) for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of the permit have been met.

10. Penalties. City may maintain an action in a court of competent jurisdiction to enforce the provisions of this ordinance. Violation of or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$500.00 per violation, per day. City will be entitled to collect from any person violating or otherwise failing to comply with this Ordinance City's reasonable attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance. Each violation, and each day that a violation continues, constitutes a separate civil infraction. The remedies available under this Ordinance are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within City's discretion to seek cumulative remedies for a violation of this Ordinance.

11. General Requirements.

11.1 Release; Indemnification. Nothing contained in this Ordinance will be construed as imposing on City and/or its officials or employees any liability or responsibility for any injury, damage, and/or destruction to person or property caused or in any way connected to the business activity. City

and City’s representatives will not be deemed to have assumed any liability and/or responsibility by reasons of inspections performed, the issuance of any permit, and/or the approval of any use of the right-of-way. By accepting a license issued under this ordinance, each sponsor, organizer, and person issued a license under this ordinance will, on a joint and several basis, release, defend, indemnify, and hold harmless City and City’s representatives for, from, and against all injuries, claims, demands, actions, suits, proceedings, damages, liabilities, losses, costs, and expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from, whether directly or indirectly, the following: (a) the acts or omissions of the license holder and/or its affiliates, officers, directors, shareholders, managers, members, employees, agents, representatives, and/or contractors in the establishment, maintenance, operation, and/or participation in the business activity; and/or (b) license holder’s failure to comply with the requirements of this Ordinance.

11.2 No Vested Rights or Privileges. Nothing contained in this Ordinance may be construed as vesting any right or privilege in a license or license holder or a contractual obligation on the part of City.

11.3 Administration. The manager is responsible for the administration of this Ordinance. The manager may establish reasonable rules and regulations necessary or appropriate to carry out the purpose and intent of this ordinance. Violations of any rules and/or regulations established by the manager pursuant to this Ordinance will be subject to the penalties described in this Ordinance. No person may violate or fail to comply with any rule or regulation established by the manager or willfully make any false or misleading statement to the manager regarding information relevant to the issuance of a license.

11.4. Severability; Corrections; Effective Date. 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. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. 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. This Ordinance may be corrected by order of the council to cure editorial and/or clerical errors. This Ordinance will become effective thirty (30) days after its passage by the council and approval by the mayor.

This Ordinance was passed and adopted by the La Pine City Council by a vote of ___ for and ___ against and approved by the mayor on _____, 2019.

Daniel Richer, Mayor

Attest:

DRAFT



CITY OF LA PINE

STAFF REPORT

Meeting Date: September 25, 2019
TO: La Pine City Council and Staff
FROM: Jake Obrist, Staff
SUBJECT: Purchasing of new equipment for PW Fleet

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: |

Councilors and Staff:

The City Public Works Department has budgeted and planned accordingly to purchase a Skid-steer or like equipment to add to our fleet. A skid-steer or like equipment is a small, rigid-frame, engine-powered machine with lift arms used to attach a wide variety of labor-saving tools or attachments. These attachments can include: clean-up loader bucket, sweeper broom, snow blower, pallet-forks, drill auger, grader, and dump bed. This equipment will be utilized for all facets of Public Works, including, Water, Sewer, Streets, and Cemetery. Whether its backfilling and bedding water/sewer pipe, assisting in setting fire hydrants, sweeping city streets and aiding in snow removal, or clean-up work in the cemetery, this asset to our fleet will be greatly welcomed.

**Attached are several bids for equipment from numerous vendors. Bids include equipment and attachments (4) (bucket, forks, snow blower, and sweeper)*

We have had several pieces of equipment on-site to demonstrate their capabilities and functionalities. After several weeks of performing demonstrations with day-to-day operations, we have found a piece of equipment that suits our needs and meets our budget. This piece of equipment is called a “Toolcat” 5600 by Bobcat. This piece of equipment is very versatile with the capabilities of using all the attachments needed for our department and it has great maneuverability. We tested on City sidewalks, cemetery, and backfilling sewer/water trenches, and this equipment best fit our needs. This equipment is \$67,341.67 with attachments

*City Funds to Utilize-Capital Outlay-**Streets** \$40,000, **Sewer** \$12,397 **Water** \$11,000 **Cemetery** \$3,944.67*

Suggested Motion

I move to purchase the Bobcat 5600 Toolcat for \$67,341.67 from the respective Public Works funds.

Short video clip for reference: <https://www.youtube.com/watch?v=YAIE4PL-oGc>



MACHINERY

Quote Summary

Prepared For:
CITY OF LA PINE
Po Box 2460
La Pine, OR 97739
Business: 541-536-1432

Prepared By:
SAM DUNLAP
Pape Machinery, Inc.
20434 Ne Cady Way
Bend, OR 97701
Phone: 541-389-5869
sdunlap@papemachinery.com

Quote Id: 20098390

Expiration Date: 29 July 2019

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 317G CAB COMPACT TRACK LOADER	\$ 49,700.00 X	1 =	\$ 49,700.00
JOHN DEERE BA72C 72" Angle Broom	\$ 6,800.00 X	1 =	\$ 6,800.00
JOHN DEERE SB72B Snow Blower	\$ 6,400.00 X	1 =	\$ 6,400.00
2019 PSM 48FK 48" Pallet Forks - PM117153	\$ 725.00 X	1 =	\$ 725.00
Equipment Total			\$ 63,625.00

Quote Summary

Equipment Total	\$ 63,625.00
SubTotal	\$ 63,625.00
Total	\$ 63,625.00
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 63,625.00

Salesperson : X _____

Accepted By : X _____

Phone: (541) 548-6744
 Fax: (541) 548-6747
 3290 S. Hwy 97
 Redmond, OR 97756

MIDSTATE POWER PRODUCTS
 PLATT EQUIPMENT CO. INC.



QUOTATION

La Pine
 Public works

DATE: 7/18/19

ATTENTION: Ken Douglas

WE ARE PLEASED TO SUBMIT THE FOLLOWING QUOTATION FOR YOUR CONSIDERATION.

QUANTITY	DESCRIPTION	UNIT PRICE
1	SVC 65-2HFC with strobe light, Rear View mirror, Front + Rear lights, Hi Flow + Hydraulic quick coupler	\$48,083.55
	Retail	\$61,597
1	SVC 75-2HFC with strobe light, Rear View mirror, Front + Rear lights, Hi Flow + Hydraulic quick coupler	52,472.31
	Retail	\$67,821
1	Angle Broom 72" smallest They make	\$6057
1	Snow blower 66"	\$2,290
1	48" Pallet Forks	1100
	The Implements will work on either one	

DELIVERY FREIGHT & TERMS:

SVC 65-2HFC w/attachments = \$63,030.55

SVC 75-2HFC w/attachments = \$67,419.31

IMPORTANT:

PRICES GOOD FOR ACCEPTANCE AND SHIPMENT IN 30 DAYS ONLY, UNLESS SUCH TIME IS EXTENDED IN WRITING.

RESPECTFULLY SUBMITTED,

BY: Kerwin West





Bobcat

Product Quotation

Quotation Number: HMM-17675

Date: 2019-09-18 10:48:27

Customer Name/Address:	Bobcat Delivering Dealer	ORDER TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF LA PINE	Bobcat of Central Oregon, Bend, OR	Clark Equipment Co dba Bobcat Company
LA PINE, OR 97739	63084 CRUSHER AVENUE BEND OR 97703 Phone: (541) 389-2347 Fax: (541) 385-6120	250 E Beaton Dr, PO Box 6000 West Fargo, ND 58078 Phone: 701-241-8719 Fax: 855-608-0681 Contact: Heather Messmer Heather.Messmer@doosan.com

Description	Part No	Qty	Price Ea.	Total
Bobcat 5600	M1221	1	\$44,859.36	\$44,859.36
Adjustable Vinyl Seats				
All-Wheel Steer				
Automatically Activated Glow Plugs				
Auxiliary Hydraulics				
<ul style="list-style-type: none"> Variable Flow with dual direction detent 				
Beverage Holders				
Bob-Tach				
Boom Float				
Cargo Box Support				
Cruise Control				
Deluxe Operator Canopy includes:				
<ul style="list-style-type: none"> Front Window, Rear Window , Front Wipers, and Electrical Power Port 				
Lower Engine Guard				
Limited Slip Transaxle				
Engine and Hydraulic Monitor with Shutdown				
Front Work Lights				
Full-time Four-Wheel Drive				
Horsepower Management				
<ul style="list-style-type: none"> Roll Over Protective Structure (ROPS) . Meets Requirements of SAE-J1040 & ISO 3471 Falling Object Protective Structure (FOPS) . Meets Requirements of SAE-J1043 & ISO3449, Level I 				
Dome Light				
Factory Installed				
Deluxe Road Package	M1221-P01-C01	1	\$1,950.48	\$1,950.48
Backup Alarm				
Turn Signals				
Flashers				
Tail Lights				
Brake Lights				
Rear View Mirror				
Hydraulic Dump Box Instrumentation:				
<ul style="list-style-type: none"> Hour meter, Job Hours, Speedometer, Tachometer, Fuel Gauge, Engine Temperature Gauge, and Warning Lights 				
Joystick, Manually Controlled with Lift Arm Float				
Lift Arm Support				
Parking Brake, automatic				
Power Steering with Tilt Steering Wheel				
Radiator Screen				
Rear Receiver Hitch				
Seat Belts, Shoulder Harness				
Spark Arrestor Muffler				
Suspension, 4-wheel independent				
Tires: 27 x 10.5-15 (8 ply), Lug Tread				
Toolcat Interlock Control System (TICS)				
Two-Speed Transmission				
Machine Warranty: 12 Months, unlimited hours				
Bobcat Engine Warranty: Additional 12 Months or total of 2000 hours after initial 12 month warranty				
Cab Enclosure with Heater & Air Conditioning	M1221-R02-C03	1	\$4,085.76	\$4,085.76
High Flow Package	M1221-R03-C02	1	\$1,458.24	\$1,458.24
29 X 12.5 Turf Tires	M1221-R05-C05	1	\$660.24	\$660.24
Heavy Duty Battery	M1221-R07-C02	1	\$81.48	\$81.48
Attachment Control	M1221-R08-C02	1	\$198.24	\$198.24
Power Bob-Tach	M1221-R12-C02	1	\$923.16	\$923.16
Radio Option	M1221-R15-C02	1	\$447.72	\$447.72
Side Mirrors				
Horn				
Lower Engine Guard				
Rear Work Lights				
Headlights				

	Traction Control	M1221-R16-C02	1	\$457.80	\$457.80
	Engine Block Heater	M1221-A01-C02	1	\$109.20	\$109.20
	Interior Trim	M1221-A01-C05	1	\$172.20	\$172.20
Attachments	68" Angle Broom	7337703	1	\$4,265.88	\$4,265.88
	4K Heavy Duty Pallet Fork Frame	7294305	1	\$304.76	\$304.76
	--- 48" 4K Heavy Duty Pallet Fork Teeth	6540182	1	\$227.24	\$227.24
	SB200 Snowblower - 66" Width	M7002	1	\$3,677.64	\$3,677.64
	--- 9.6 Hyd Motor Package (25 - 31 gpm)	M7002-R01-C04	1	\$955.32	\$955.32
	68" Heavy Duty Bucket	7272679	1	\$786.60	\$786.60
	--- Bolt-On Cutting Edge, 68"	6718006	1	\$207.60	\$207.60
Description		Part No	Qty	Price Ea.	Total
	50 hour ASI first service oil and filters		1	\$0.00	\$0.00

Total of Items Quoted	\$65,828.92
Freight Charges	\$1,464.00
Dealer Assembly Charges	\$48.75
Quote Total - US dollars	\$67,341.67

Notes:

**Prices per the Sourcewell Contract -040319-CEC*
**Terms Net 30 Days. Credit cards accepted.*
**FOB Origin within the 48 Contiguous States.*
**Delivery: 60 to 90 days from ARO.*

****State Sales Taxes apply. Must include a Tax Exempt Certificate with order placed.***

**TID# 38-0425350*

****Orders Must be Placed With: Clark Equipment dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078.***

ORDER ACCEPTED BY:

SIGNATURE

DATED

PRINT NAME AND TITLE

PURCHASE ORDER #

SHIP TO ADDRESS: _____

BILL TO ADDRESS (if different than Ship To): _____

