

LA PINE CITY COUNCIL MINUTES

Wednesday, March 11, 2015

Executive Session – 5:15 pm

Regular Session – 6:00 pm

16345 6th Street, Suite 102

La Pine, Oregon 97739

A. **Executive Session – ORS 192.660(2)(f) – 5:15 pm**

The council will meet in executive session under ORS 192.660(2)(f) – to consider information or records that are exempt by law from public inspection.

B. **Regular Session – 6:00 pm**

1. Call to Order

3. Establish a Quorum

Interim City Manager Rick Allen

Mayor Ken Mulenex

Councilor Stu Martinez – absent by prior arrangement

Councilor Greg Jones

Councilor Kathy Agan

Councilor Karen Ward

Student Councilor Conrad Parker

Public Works Manager Scott Perkins

City Planner Bill Adams

Accounting Clerk Ashley Williams

Admin Ass't Patricia Morgan

Quorum established.

3. Pledge of Allegiance

Planning Commissioner Doug Ward led the Pledge of Allegiance.

4. Added Agenda Items

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

An additional applicant for the Budget Committee will be added on Item #10

5. Consent Agenda

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

a. Approval of Minutes

i. February 11, 2015 City Council Meeting

ii. February 17, 2015 Special Meeting & Hearing

iii. February 24, 2015 Work Session

- b. Bills and Invoices
 - i. Approval of Reimbursements

- c. Financials
 - i. Revenue and Expenses

Mayor Mulenex pulled the financials from the Consent Agenda so they could be reviewed, separately.

A motion was made by Councilor Jones and seconded by Councilor Ward to approve the Consent Agenda.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

Interim City Manager Allen reviewed the financials in particular the revenue and expenditures for the City. He said Franchise Fees are 55% of estimated income to the City. Mr. Allen said the Transient Room Tax is up for the year. There was also a discussion on the expenses and revenue for planning.

A motion was made by Councilor Agan and seconded by Councilor Jones to approve the Financials.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

6. Public Comments

None

7. Presentation by Central Oregon Regional Housing Authority (Housing Works)

Tom Kemper, from Housing Works gave the presentations. He offered a brief history of the housing authority. He also reviewed the members on their board. Mr. Kemper stated that 31% of the La Pine population is below the median income for Deschutes County. He said 87% of renters in La Pine are rent burden (paying more than 30% of income for rent). Mr. Kemper said the split between homeowners and renters is 50/50 in La Pine. He said in Deschutes county it is 66% homeowners versus 33% renters. Mr. Kemper said there is a real need in La Pine for affordable housing. He said there is a housing voucher program that provides 1,200 households with rental assistance to landlords. Mr. Kemper said they assist 2,000 people with resident services that includes kid's programs, adult education, etc. He said there are 74 voucher residents in La Pine. Mr. Kemper said that the voucher residents in La Pine have an income below \$12,000 a year. He said affordable housing in La Pine is desperately needed. Mr. Kemper said they have a Path Works program to assist renters with things like credit repair, budgeting, etc., to improve

their rental situation and prepare them to eventually purchase real estate. He said there are over 4,000 residents on the waiting list for their voucher program. Mr. Kemper said there is a very serious housing shortage crisis at this point in time throughout Deschutes County. Interim City Manager Allen discussed the new zoning ordinance on the La Pine property that will be developed for multi-use housing.

8. Ordinance No. 2015-01 An Ordinance of the City of La Pine Amending the Comprehensive Plan and Zoning Map to Change the Zone Designation for Certain Property from Public Facility to Commercial Residential Mixed-Use and to Change the Zoning Map for that Property from PF to CRMX.

a. Open Public Hearing

Mayor Mullenex opened the Public Hearing.

b. Staff Report

City Planner Bill Adams stated that the Council will ratify what the Planning Commission has already done. He said the property is 8.4 acres. It will be developed for multi-use housing and that is why the Comprehensive Plan and Zoning Map need to be amended.

c. Public Comments

None

d. Close Public Hearing

None

e. Council Deliberations

Council had consensus that the Ordinance would be good for the City of La Pine.

A motion was made by Councilor Ward and seconded by Councilor Agan to approve Ordinance No. 2015-01.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

9. Discussion on Ordinance No. 2015-02 An Ordinance of the City of La Pine Establishing Time, Place and Manner Regulations Concerning Medical Marijuana Dispensaries; and Declaring an Emergency.

a. Staff Report

Interim City Manager Allen stated that there will be a Public Hearing on the ordinance in a couple of weeks. He said tonight they would like to receive comments on the draft ordinance.

Mayor Mullenex adjourned the meeting for a five minute break at 6:35 pm.

Meeting resumed at 6:40 pm.

Mr. Allen discussed the various regulations of the Ordinance. He said the open hours would be no sooner than 9 am and no later than 7 pm. Mr. Allen said that they could not produce marijuana or smoke the marijuana at the place it was purchased. He said that the dispensaries must be at least 1,000 feet from a public school and 750 feet from the library. Mr. Allen said that most of Huntington road and most of the west side of Hwy 97 would not be eligible for dispensaries. He said, that in regard to edibles, that the City is requiring a warning label that states to keep it away from children. No minors are allowed in a dispensary unless they have a medical marijuana card and are accompanied by an adult. There was also a discussion on penalties that would be imposed if anything unprofessional was going on with dispensary record keeping in relation to the tax the City collects. The City also would have a right to audit their accounting records. There was a discussion on marijuana clubs. If the ordinance is not followed by the dispensary they can be labeled a public nuisance and possibly shut down. Mr. Allen said that the City is declaring an emergency as the ordinance will be approved at the April 8th City Council Meeting and then become effective before May 1st when the moratorium will be expired. Bill Adams, City Planner, said that because of the medical marijuana dispensaries the zoning ordinance for the City will need to be amended at both the April 15th Planning Commission Meeting and the April 22nd City Council Meeting.

b. Public Comments

Gary Gordon, area resident, stated that suppose a private or career school choses to open within 1,000 feet of a dispensary does that effect the dispensary staying open and also can a dispensary cause a school not to be opened within the 1,000 feet. Staff said they would have to check this out with the City Attorney. Randy Huff, business owner, passed out information about his dispensary application with the State. He said the State has stringent regulations on medical marijuana dispensaries. Mr. Huff encouraged the City to have controls on the accounting part of the business. Mike Bowington, business owner, asked about the times of operation. He said some dispensaries in Bend open at 7 am and he was in favor of it. Doug Watt, business owner, passed out a letter to the Council and also said he thought the City was taking the right approach in the ordinance. Matt Tofer, business owner, asked about the stipulation in the ordinance requiring the dispensaries to release City staff and officers, etc., from any issues as a result of operating the business in La Pine. Mr. Allen said this stipulation is in the ordinance because the selling of marijuana is still against federal law. Mr. Tofer discussed the changes that are going on with the federal government in the selling of marijuana.

c. Close Public Comments

Mayor Mullenex closed the Public Hearing.

d. Council Discussion

The Council had no additional comments or changes regarding the ordinance.

10. Appointment of Budget Committee Member
- Dennis Scott

A motion was made by Councilor Agan and seconded by Councilor Jones to Appoint Dennis Scott to the Budget Committee.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

Mayor Mulenex said that a second candidate had come forward to apply for a position on the budget committee. Her name is Connie Briese and she was unable to attend this evenings meeting.

A motion was made by Councilor Agan and seconded by Councilor Jones to Appoint Connie Briese to the Budget Committee.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

11. Appointment of Public Works Committee Members
- Linda Johnston, Russ Smith, Tom Weller, Jim Fleming

A motion was made by Councilor Agan and seconded by Councilor Jones to Appoint Linda Johnston, Russ Smith, Tom Weller and Jim Fleming to the Public Works Committee.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

12. Appointment of Budget Officer for FY 2015-2016 Budget

A motion was made by Councilor Ward and seconded by Councilor Jones to Appoint Rick Allen as the Budget Officer.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

13. 765 Acres of City Land to be Classified as Forestland and Protected from Fire by the Oregon Dept. of Forestry.

Interim City Manager Allen stated that the land is being classified as forest land so it can be protected from fires by the Oregon Department of Forestry. The cost will be put in the new budget.

A motion was made by Councilor Ward and seconded by Councilor Jones to Approve the 765 acres be Protected by the Oregon Department of Forestry.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

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

None

15. Public Comments

None

16. Staff Comments

None

17. Council Comments

None

18. Mayor's Comments

Mayor Mullenex mentioned that the "If I Were Mayor" contest is starting up again. Winners will be announced at the May 13th Council Meeting and participants will be present for presentation of their awards.

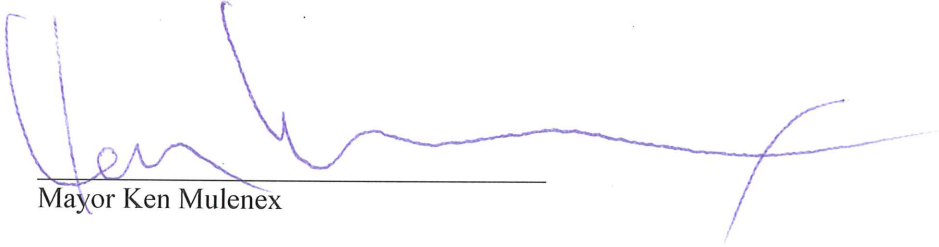
19. Adjourn

A motion was made by Councilor Ward and seconded by Councilor Jones to Adjourn the Meeting.

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Greg Jones</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

Motion passed unanimously.

Mayor Mulenex adjourned the meeting.



Mayor Ken Mulenex

Attest



Rick Allen, City Recorder