

**LA PINE CITY COUNCIL AGENDA**

Wednesday, April 8, 2015

**Regular Session – 6:00 pm**

**Public Hearing**

16345 6<sup>th</sup> Street, Suite 102

La Pine, Oregon 97739

**A. Regular Session – 6:00 pm**

1. Call to Order

2. Establish a Quorum

3. Pledge of Allegiance

4. Added Agenda Items

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

5. Consent Agenda

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

a. Approval of Minutes

i. March 11, 2015 Council Mtg. Minutes

b. Bills and Invoices

i. Approval of Reimbursements

c. Financials

i. Revenue and Expenses

6. Public Comments

7. Presentation On the 2013-2014 Audit - Pauly Rogers & Company

8. Presentation for Week of the Young Child – Healthy Beginnings

9. 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) Open Public Hearing
  - b) Staff Report
  - c) Public Comments
  - d) Closed Public Hearing
  - e) Council Deliberations
10. Other Matters: This item concerns any matters that were added to the Agenda under the Added Agenda Items portion of this Agenda.
11. Public Comments
12. Staff Comments
13. Council Comments
14. Mayor's Comments
15. Adjourn

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.

**LA PINE CITY COUNCIL MINUTES**

Wednesday, April 8, 2015

**Regular Session – 6:00 pm**

**Public Hearing**

16345 6<sup>th</sup> Street, Suite 102

La Pine, Oregon 97739

**A. Regular Session – 6:00 pm**

1. Call to Order

Mayor Mulenex called the meeting to order.

2. Establish a Quorum

Interim City Manager Rick Allen

Mayor Ken Mulenex

Councilor Stu Martinez

Councilor Greg Jones

Councilor Kathy Agan

Councilor Karen Ward

Student Councilor Conrad Parker - absent

Public Works Manager Scott Perkins – absent by prior arrangement

Accounting Clerk Ashley Williams – absent by prior arrangement

Admin Ass't Patricia Morgan

**Quorum established.**

3. Pledge of Allegiance

Jim Fleming, a member of the Public Works Committee, said 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.

Mayor Mulenex added an agenda item called Purple Heart.

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. March 11, 2015 Council Mtg. Minutes
  
- b. Bills and Invoices
  - i. Approval of Reimbursements
  
- c. Financials
  - i. Revenue and Expenses

Councilor Martinez mentioned a possible conflict of interest with the Wilderness Garbage invoice.

**A motion was made by Councilor Ward and seconded by Councilor Martinez 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 Stu Martinez</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

Linda Crew, area resident, complimented Rick Allen on his professionalism and concern for the City of La Pine's health. She said she had concerns about the building of the Biogreen Plant. Ms. Crew said there are 104 articles regarding biomass companies and she wanted to pass them on to the Council. She said the health implications of a biomass company are severe.

7. Presentation On the 2013-2014 Audit - Pauly Rogers & Company

Tamara Graham, from Pauly Rogers, presented the 2013-2014 audit review to the Council. She said that the financial statements prepared by City staff were complete and accurate. Ms. Graham said there were no issues except for an over expenditure in the water fund. She said some areas of internal control could be strengthened and she believed action was already being taken by the City. Ms. Graham said there was no disagreements with management about the auditing matters. No issues required a second opinion. She said that the City did not have a written policy on internal control with policies and procedures. Mr. Allen said that they are working on a policy for internal controls. She also suggested an additional person sign off on journal entries. Mr. Allen said he has been signing off on journal entries. The Finance Director does the journal entries for the City. Ms. Graham said that when reviewing cash there was not a second person approving the bank reconciliations but that was corrected in 2014. Mr. Allen said he approves all of them, now. Ms. Graham said there is no review of the meter readings register that are used to bill out to customers. She recommended that the billing register be reviewed by another person prior to billing out to customers. Mr. Allen said that Scott Perkins, Public Works Manager, does review some of this function. Ms. Graham also recommended fidelity insurance coverage which they recommend to entities with a small office staff like La Pine. She said that there was a few I-9's that were

not completely filled out. Mr. Allen said that currently the City has a RFP (Request for Proposal) for an auditor for future audits. He also said the audit was on the City's website.

8. Presentation for Week of the Young Child – Healthy Beginnings

Angela Saraceno, from Healthy Beginnings, read the proclamation for education of the young child.

**A motion was made by Councilor Jones and seconded by Councilor Martinez to approve the Proclamation as Written.**

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

**Motion passed unanimously.**

9. 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) Open Public Hearing

Mayor Mullenex opened the Public Hearing.

b) Staff Report

Interim City Manager Allen stated that this Ordinance was reviewed by the Planning Commission and the Council and some changes were made as a result. He said since 1998 medical marijuana has been legal in Oregon. Mr. Allen said that the legislature made a law that Cities/Counties could regulate rules that address time, place and manner of dispensaries. If these rules are not regulated by the time the moratorium expires there would be no rules regulating medical marijuana dispensaries. This Ordinance is about regulating the rules for the dispensaries concerning time, place and manner. The Ordinance states that someone cannot consume the marijuana at or directly outside the dispensary. Also, according to the Ordinance the marijuana cannot be produced at the dispensary. In addition, dispensaries have to be at least 1,000 feet apart from each other. There is also a 50' buffer along Highway 97 that is for no dispensaries within that buffer area. Also, smoking clubs cannot be next door to a dispensary. There is a fine of up to \$500.00 for a violation of the rules. He said because ordinances normally become law after thirty days there is an emergency clause on this ordinance so it can go into effect before May 1<sup>st</sup> when the moratorium expires. Councilor Martinez asked if the ordinance could be amended. Mr. Allen said it could be amended. He said the legislature is still working on the particulars in regard to recreational marijuana.

c) Public Comments

Barbie Dunham, area resident, asked if any of the tax monies collected from the dispensaries could be used for education. Mayor Mullenex said it had not yet been addressed. Matt Toefer business owner, said that he plans on opening a dispensary next door to his current business in La Pine. He said the 50' buffer

was a good idea. Andrew Oliver, resident of Bend, said that his family would not want to camp in the La Pine area if the dispensaries were on the roadways and that he liked the 50' buffer. Linda Crew of La Pine stated that she was against any dispensaries in the City of La Pine. She said she feels it will be harmful for the young people in the area and she is very against it. Reverend Dowler, of a local church, stated that dispensaries give a bad name to La Pine and he is against them. Faye Berg, area resident, stated that she is against medical marijuana dispensaries. She was concerned about children being overdosed by marijuana. Ms. Berg said it would also effect the City's reputation. Gary Bourne, area resident, stated that La Pine did not need a dispensary in the City. He said he was very concerned about drivers that used marijuana and the safety of children. Marty Collins, area resident, stated that La Pine is known for its illegal drugs so why is there a need for marijuana dispensaries.

d) Closed Public Hearing

Mayor Mulenex closed the Public Hearing.

e) Council Deliberations

Councilor Ward stated that what the Council is doing tonight is not saying that they want La Pine to be a medical marijuana dispensary town but to have rules in place for the marijuana businesses that are coming into the City. She said the rules will help protect the residents of La Pine. Councilor Jones stated that while he does not want the dispensaries in La Pine if they were forbidden the City may get hit with some heavy lawsuits. He said he was in favor of the rules in the ordinance. Councilor Martinez stated that if we do nothing there will be nothing in place. He said this way there is some control for the City. Councilor Martinez stated that the legislature has not done what they need to do as far as creating guidelines for the Cities. He said that is why the City had to come up with some regulations to protect the youth and others. Councilor Agan stated that the legislature has not come through with the guidelines that were needed. She said she was personally against the dispensaries but was concerned about possible lawsuits if they were outlawed. Councilor Agan said she did not see anything positive for La Pine with these dispensaries. She said it was a no win situation. Councilor Agan said if the ordinance is not passed it would create problems for the City. Mayor Mulenex stated that in the time, place, manner in the Ordinance it is the best way the City can handle this issue for its residents. Councilor Martinez recommended that the dispensaries work with the City for the benefit of all. Councilor Ward thanked the audience for the public comments. Mayor Mulenex stated that he would expect that each dispensary, in the City, would be working toward helping the community.

**A motion was made by Councilor Ward and seconded by Councilor Jones to approve Ordinance 2015-02.**

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

**Motion passed unanimously.**

A break was taken at 7:05 pm. Meeting resumed at 7:15 pm.

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

Councilor Martinez discussed La Pine becoming a Purple Heart City that honors the veterans and deceased veterans in our wars. He said there will be one sign on the south end of the City and one sign at the north end of the City. Councilor Martinez said the signs will need to be dedicated and one of the dates proposed was May 8<sup>th</sup> which is VE Day (Victory in Europe) but there may not be enough time to get everything together. It was decided that dedication details would be discussed at a future Council meeting.

11. Public Comments

None

12. Staff Comments

Mr. Allen discussed the tour and the materials that were presented to the doctors and staff from St. Charles Hospital that were exploring putting a medical clinic in La Pine. He said that they will make the decision on the new clinic in the near future. It would be a 10,000 foot clinic. Urgent Care will also be part of the facility with expanded hours that will relieve stress on the ambulances. Mr. Allen said it is a great opportunity for the City. The cost of the new clinic was estimated at \$6 million dollars.

Mr. Allen introduced the new EDCO (Economic Development) Manager, Janet Burton. Ms. Burton said she wanted to be part of the community and do service to it.

Mr. Allen said there will be a joint meeting in May (May 12<sup>th</sup> at 10:00 am) with the Public Works Committee, the City Council, and ODOT (Oregon Dept of Transportation) regarding the sidewalk construction project in La Pine. The public will be invited to the meeting. He said they estimate the project at 1.7 million. Mr. Allen announced that the ground breaking for the new stoplight will be on April 14<sup>th</sup> at 10:00 am. He also announced that the City is hiring a new City Planner. He said staff will receive some training to answer some of the entry level questions for the City Planner. Mr. Allen said that the City has received proposals for the audit and they are being reviewed. He also said he is receiving applications for the Assistant Manager position. In addition, Mr. Allen said that the City is going to hire an engineering consultant. Mr. Allen said he is also working on the budget. He said the TRT (transit room tax) tax income was up by quite a bit. Mr. Allen advised the Council to let that fund grow a while for future tourism projects. He also discussed that the City was not responsible for maintaining the community sign outside of City Hall. Mr. Allen said he was additionally working on the new sewer and water rates.

13. Council Comments

Councilor Martinez stated that on April 28<sup>th</sup> there is an Arts Event at the High School. A meal will be provided. Councilor Jones stated that he hoped what the Council put in place will keep the City nice and quiet.

14. Mayor's Comments

Mayor Mulenex discussed his desire to appoint an Arts & Culture Commission. He said he would bring an outline about the commission to the budget meeting. Mayor Mulenex said he would like to do the appointments sometime in July. Mayor Mulenex also announced that the "If I were Mayor" contest was going on and that winner's would be announced and honored at the May 13th City Council Meeting. The Council will do the judging. Mr. Allen suggested having a cake reception prior to the Council Meeting at around 5:30 pm.

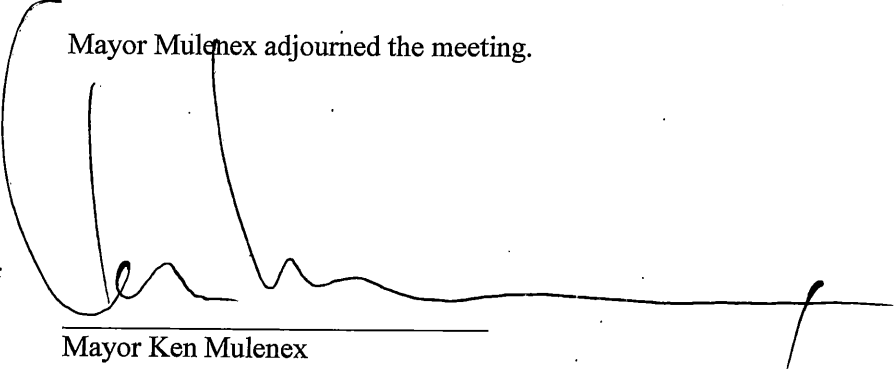
15. Adjourn

**A motion was made by Councilor Martinez 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 Stu Martinez</i>	<i>X</i>	
<i>Councilor Kathy Agan</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

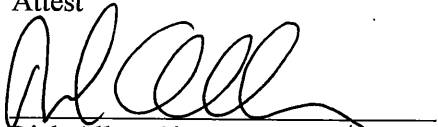
**Motion passed unanimously.**

Mayor Mulenex adjourned the meeting.



\_\_\_\_\_  
Mayor Ken Mulenex

Attest



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Rick Allen, City Recorder