



## LA PINE CITY COUNCIL WORK SESSION

Wednesday, January 27, 2016

**6:00 pm**

16345 Sixth Street

La Pine, Oregon 97739

1. Call to Order
2. Roll Call
3. Recreational Marijuana Retail Banning Ordinance – Referral – Discussion
4. Recreational Marijuana Taxing Ordinance – Referral – Discussion
5. Finley Butte Water Memorandum of Understanding - Discussion
6. Public Comments
7. Staff Comments
8. Council Comments
9. Mayor Comments
10. 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 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 Patti Morgan (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY

## LA PINE CITY COUNCIL WORK SESSION MINUTES

Wednesday, January 27, 2016

**6:00 pm**

16345 Sixth Street  
La Pine, Oregon 97739

1. Call to Order

Councilor Agan called the meeting to order.

2. Roll Call

Interim City Manager Rick Allen  
Assistant City Manager Cory Misley  
Mayor Ken Mulenex – via telephone conference  
Councilor Stu Martinez – absent per prior arrangement  
Councilor Kathy Agan  
Councilor Karen Ward  
Councilor Dennis Scott  
Student Councilor Sydney Bright  
Public Works Manager Scott Perkins – absent by prior arrangement  
Accounting Clerk Ashley Williams  
Admin Ass't Patricia Morgan  
**Quorum established.**

Planning Commissioner Don Greiner led the Pledge of Allegiance

Interim City Manager Rick Allen stated there was one additional agenda item. He said it was for the TGM Grant.

3. Recreational Marijuana Retail Banning Ordinance – Referral – Discussion

Mr. Allen said the Council will need to place an Ordinance on the ballot for a vote for recreational marijuana in the City of La Pine. He said House Bill 3400 allowed the City to put this issue to a vote. Mr. Allen said that staff needs to know what Ordinance to bring back. He said that they can ask the public if they want to ban medical marijuana, processing sites, medical marijuana dispensaries, recreational marijuana producers and processors, recreational marijuana wholesalers and recreational marijuana retailers. Mr. Allen said the Council has several choices to make for what goes on the ballot. He said there is a currently a medical marijuana growing plant in the Industrial Park. Mr. Allen said he has been approached by potential recreational marijuana growers that want to establish a business in the Industrial Park. He said right now it looks like the legislature will combine medical marijuana and recreational marijuana in one dispensary. Mr. Allen said that they would know in April all the changes the legislature will make regarding marijuana. He said the City would not get any state tax monies if marijuana is banned.

Councilor Scott said it is premature to make any decision on marijuana until the legislature has concluded their session. Mr. Allen said staff still needs direction from the Council. Mayor Mulenex stated that he thinks the amount of tax going back to the City is relatively small so banning something does not really have that great of effect. Mr. Allen said there is too much support for medical marijuana in the legislature to ban it. Councilor Ward said she has not seen any problem with medical marijuana sales in La Pine. Mayor Mulenex said he would not support banning medical marijuana. He said the Council should just address the recreational marijuana. Councilor Scott said that nothing should be banned except recreational marijuana and that should go before the voters. Mayor Mulenex said he supported putting recreational marijuana on the ballot.

#### Public Comments

Charlie Ringo, Bend resident, stated he is interested in starting a recreational marijuana producing business. He said he has been looking at some land in the Industrial Park. Mr. Ringo said he would like his facility to be all indoors. Chris Scott, area resident, stated that marijuana will create jobs in the City. He said it is no different than alcohol, some people can handle it and some people cannot. Barbie Dunham, with Think Again Parents of South County, said that there needs to be safe guards for children where marijuana is involved. Mr. Misley said the application process with the OLCC requires a site visit and also has very stringent regulations. Planning Commissioner Doug Ward stated that medical marijuana is here to stay. He said recreational marijuana should be put on the ballot, it is the right thing to do. Gary Gordon, area resident, asked if it was possible to put both the recreational marijuana and the tax on the ballot and was told yes. Chris Scott stated that the parents are the frontline with children. He is interested in the business of growing marijuana. Cory Misley said only in the Industrial Park is it zoned for growing marijuana.

#### 4. Recreational Marijuana Taxing Ordinance – Referral – Discussion

Mr. Allen said that the City needs to decide if they want a tax if recreational marijuana is allowed. He said if recreational marijuana is allowed, the City would receive the tax from the State. Mr. Allen said there will be two questions on the ballot; one for allowing recreational marijuana and one asking for a tax on it should it be approved. He said the tax rate would be 3%. Council had consensus for taxing the sale of recreational marijuana.

#### Public Comments

Charlie Ringo mentioned that people living in Christmas Valley, Crescent, etc., all go to Bend to get their recreational marijuana.

Mayor Mulenex stated that recreational marijuana allows four plants to be grown by the homeowner and there is probably some sharing that goes on with it. He said he does not see a great impact, economically, if the voters decide to not approve recreational marijuana. Barbie Dunham also spoke about the damage marijuana can do to children's brains. Mr. Allen said that there will be an Ordinance stating where the recreational marijuana dispensaries can be located, hours of operation, etc. Planning Commissioner Don Greiner stated that just like alcohol, marijuana has the potential to cause a lot of problems.

Councilor Agan discussed growing operations. There would be no individual sales in those operations, they are a wholesaler. Charlie Ringo stated that the OLCC requirements for marijuana sales are extensive. Connie Briese, area resident, stated that she was in favor of taxing recreational marijuana sales. She said several students have been suspended from class due to bringing their parent's marijuana to school.



5. Finley Butte Water Memorandum of Understanding - Discussion

Mr. Misley stated that staff needs to find out if they can move forward on an MOU regarding Finley Butte Park. He said the draft MOU is what staff had come up with after Council gave comments about Finley Butte Park. Mr. Misley said there are two baseball fields at the Park and they want to add a third baseball field. He said they decided to use 200,000 square feet for irrigation. Mr. Misley said they calculated the irrigation amount based on 3.5 million gallons. He said that the Park District has said that the enlargement of the Park will bring in tourists, etc., due to baseball tournaments. Mr. Misley also mentioned that the City does support green spaces. He said the draft MOU is to have the City make a one time a year donation of 3.5 million gallons and would start in July and run to the following June. Mr. Misley said the District would pay for any water used above the 3.5 million gallons. He said the District would also need to pay the monthly utility charge based on a 2-inch meter that costs, base charge, \$311 per month and does not include any usage. Mr. Misley said that all watering needs to be done between 8:00 pm and 8:00 am and can only occur during those time periods. He said, in an emergency, the City could suspend water to the Park. Mr. Misley also said that the City needs to be recognized for the awarding of 3.5 million gallons of water for the Park according to the MOU.

Councilor Ward said she thought the MOU was very understandable. Councilor Agan stated that she would like to stay with the rate charges discussed in the MOU, for at least 36 months. Councilor Scott said he thought the Council needed a lot more input from the Parks District. Mayor Mullenex said he had issues with the times for watering as he thought more water gets used at 6 am and after 8 pm by residents of the City. He also said he wanted to see a partnership in place and also know how the Parks District plans to use the fields at Finley Butte Park. Mayor Mullenex said that there should be an additional fee of \$150.00 on top of the monthly meter costs. He also said the termination date for the MOU should be 90 days instead of 180 days. Councilor Ward said that she thought even the monthly meter charge could be a real problem for the Parks District to meet.

Mr. Allen said the 180 day termination date was used so that the Parks District could complete one year of irrigating at a budgeted cost. He said the City knows when the water is being heavily used and that is why the watering schedule was set. Mr. Allen said the MOU was created to help the Parks District succeed. Mayor Mullenex said that if the Parks District is going to be making money with all their plans for the Park, adding a stipend to the meter fee is reasonable. He also said the well was supposed to be upgraded at the Park and that was never done. Councilor Scott stated that this is a partnership with the Parks District. He said he just wants to be sure they can succeed. Gary Gordon, Board Member for the Park and Rec District, said a partnership with the City is essential. He said that because of the new Board, the Park and Rec District is in much better shape than before and all the programs are paying for themselves. Mr. Gordon said that the Park and Rec District has done a lot and also uses a well for Heritage Park. He said that the District will have to find a way to pay for the maintenance of the equipment/sprinklers at the Park. Mr. Gordon said ten new residences would have to be built in the District in order to increase the income of the District. He stated that the well at Finley Butte Park had an incorrectly sized pump that caused it to breakdown. Mr. Gordon said that the well, under code, could only be used on a half acre of land and only a maximum of 5,000 gallons per day could be used. He said that the Parks District has been receiving grants and plans are in place to improve the stands and dugout. Mr. Gordon said that Finley Butte Park is the number one priority for the Park and Rec District.

Mr. Allen said the Park will not generate any income for at least two years, with the baseball fields condition. He also said the Park and Rec District will need to update their system and that will cost

thousands of dollars. Councilor Agan said that the Council, except for the Mayor, likes the MOU as it reads now. Mr. Allen said they could add something that says if the hours of irrigation needs to be changed, the City has the ability to do that as needed. He said they could come up with an adjusted MOU, send it to the Council and also Cory will meet with the Park & Rec Board for feedback on the MOU. Mr. Allen said there could be a joint meeting in late February with the Park & Rec Board and the Council. He said then in March take it to the appropriate jurisdictions so it is ready to go in April. There was also a discussion on how La Pine needs to support their youth and also that there are few activities in the City for young people.

**Added Item – TGM Grant**

Cory Misley stated that last year the City applied for a grant through the Oregon Dept of Transportation and the Department of Land Conservation and Development through a program called Transportation Growth Management. A few months ago, SERA Architects came to La Pine and held a workshop about what a downtown could look like with various architectural designs. He also said there were grants, from the State, to assist with updating and revising codes for the City. Mr. Cory said there will be a Resolution, at the Feb. 10<sup>th</sup> Council Meeting, to receive additional grant monies for code assistance. Mr. Allen says staff always need a commitment from the Council to move forward on a grant request. Mayor Mulenex said he was in favor with moving forward. Council had consensus for Councilor Agan to sign the grant request letter.

6. Public Comments

None

7. Staff Comments

None

8. Council Comments

Councilor Ward said she was in favor of the TGM Grant and thought it should be pursued.

9. Mayor Comments

None

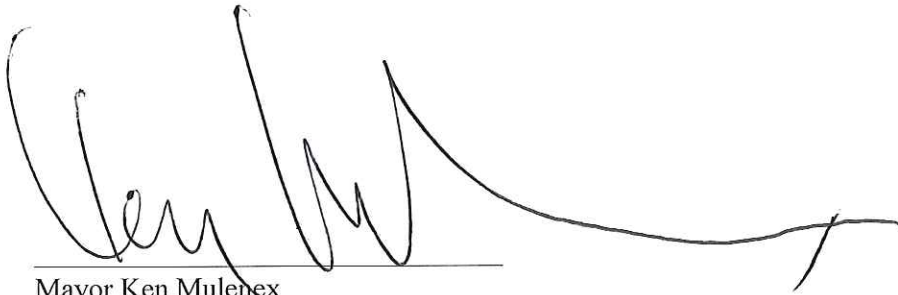
10. Adjourn

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

<i>Vote as follows:</i>	<i>AYE</i>	<i>NAY</i>
<i>Councilor Dennis Scott</i>	<i>X</i>	
<i>Councilor Karen Ward</i>	<i>X</i>	

**Motion passed unanimously.**

Councilor Agan adjourned the meeting.



Mayor Ken Mullenex

Attest



Rick Allen, City Recorder