



REGULAR SESSION CITY COUNCIL MEETING AGENDA
Wednesday, March 11, 2020 at 5:30 PM
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

3 minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.

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. Regular Session 2.12.20

ii. Work Session 2.26.20

b. Council and Staff Reimbursements

7. Parking Ordinance - Discussion

8. Gas Tax Consultant Update - Discussion

9. Bryant, Lovlien & Jarvis Contract - Discussion

10. OTHER MATTERS

Only Items that were previously added above in the Added Agenda will be Discussed

11. Public Comments

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

12. Staff Comments

13. Mayor and Council Comments

14. 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.



REGULAR SESSION CITY COUNCIL MEETING MINUTES

5:30 PM

Wednesday, February 12, 2020

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

2. Establish Quorum

Members Present: Mayor Daniel Richer, Council President Don Greiner, Councilor Connie Brieze (by telephone), Councilor Michael Harper, Councilor Mike Shields.

Absent with Prior Notice: Student Councilor Max Miller.

Staff Present: City Manager Melissa Bethel, Public Works Director Jake Obrist, Finance Officer Brenda Bartlett, City Planner Tammy Wisco, City Engineer Erik Huffman, Accounting Clerk Tracy Read

3. Pledge of Allegiance

4. Added Agenda Items

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8. Audit Report – Informational [Item moved up to accommodate auditor's schedule]

Steve Tuchscherer, CPA, President of Umpqua Valley Financial, delivered the audit report. The process went very well as in years past. The City is well placed financially.

5. Public Comments

Teri Myers: Spoke in support of Agenda Item #10.

Mark Sperling: Spoke in support of Agenda Item #10. Feels council needs to hold a closed-door meeting to evaluate how the city is governed and how decisions are made.

Russ Smith: Requested councilors and mayor drive down Cagle and Skidgel at the speed limit to evaluate the road conditions.

6. Consent Agenda

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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. Regular Session Minutes 1.22.2020
- b. Council and Staff Reimbursements

7. 2020 Census – Informational

The community member who requested this agenda item was not present to speak.

9. Public Hearing 02TA-19

15.12.020 Definitions...Time, Place and Manner Restrictions

15.108.050 Marijuana Businesses

- a. Open Public Hearing
 - i. Staff Report
 - ii. Applicant Testimony
 - iii. Open Public Testimony
 - iv. Applicant Rebuttal
 - v. Deliberations
 - vi. Close Hearing

Wisco delivered the staff report and background, and reviewed corresponding changes to the code. The ordinance is a clean-up of current text amendment Code language.

Motion by Councilor Harper: I move for the adoption of Ordinance 2020-05, an Ordinance Amending the La Pine Development Code, Amending the "Time, Place and Manner Restrictions" Definition; Clarifying the Meaning of "Premises"; Revising Marijuana Business Location Restrictions; and Declaring an Emergency". Seconded by Council President Greiner.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields.

10. Frontier Days Request for Extension - Action Item

Ann Gawith, President of the La Pine Frontier Days Association, introduced the Frontier Days board members. She spoke in support of the request for an extension of the pending conditional use permit, stating the association has been working with PBS Bend and the Oregon Department of State Lands. Delays in the delineation process have been unavoidable due to the necessity of an additional site visit, which cannot take place until thawing occurs. Gawith will provide council with her e-mail correspondence with PBS Bend. There was discussion on methods to allow for better drainage on the property including cleaning of the culverts under Third Street. Staff will determine where that responsibility falls and work to facilitate the cleanout.

Motion by Councilor Briese to extend the Frontier Days Conditional Use Permit, pending Frontier Days' submission of requested documentation of progress to date and plans for completion of the delineation. Seconded by Councilor Shields.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields.

11. RFP for Transportation SDC - Action Item

Obrist delivered the staff report. There was discussion regarding public input on the proposed RFP.

Motion by Council President Greiner: I move the City of La Pine approve the attached RFP; a request for proposal for a Transportation System Development Charge Methodology and creation of Capital Improvement Plan and proceed with the RFP process. Seconded by Councilor Harper.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields.

12. RES 2020-01: DEQ Clean Water State Revolving Fund Loan - Action Item

Obrist delivered the staff report. Discussion followed on the two components to the financing, a 30-year \$1,000,000 term loan at 1.10% interest which includes a 50% forgiveness provision, and a \$7,832,500 USDA RD interim permanent financing loan at 0.69% interest. Approval will allow for construction to begin in 2020.

Motion by Council President Greiner to approve Resolution 2020-01. Seconded by Councilor Harper.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields.

13. La Pine Station Final Construction Drawings - Informational

Bethel delivered the staff report and reviewed changes to prior concept drawings. There was discussion on the dry well, Shields feels it should be wider and less deep to minimize disruption of the natural barrier protecting the water table. Huffman offered a proposed solution which would preserve the barrier.

Motion by Councilor Harper: I move the City Council approve the final concept and civil drawings for the La Pine Station and move forward with going to bid for construction. Seconded by Council President Greiner.

Voting Yea: Council President Greiner, Councilor Briese, Councilor Harper, Councilor Shields.

14. Other Matters

None.

15. Public Comments

Mark Sperling: Appreciates council's support of the Frontier Days CUP and their work on the land.

16. Staff Comments

Bethel: Next meeting will be a workshop. Staff is now working on code enforcement and appreciates the support of council. Leaving City Hall at 9 a.m. for the Aya collection viewing this Friday, February 14. Thanked council for their hard work.

Obrist: Praised PW staff who just obtained his water certification.

Read: LOC Conference - no members will be attending.

16. Mayor and Council Comments

Shields: Will be grading Cagle as soon as conditions allow. Gravel for the area has been budgeted and will be put down.

Briese: None.

Harper: Thanked council, excited for the Finley Butte sidewalk project and for La Pine Station.

Greiner: Requested input from community members in attendance on the proposed design for La Pine station, all of which was positive.

Richer: Thanked Frontier Days board for their time and efforts.

17. Adjourn Meeting



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17. Adjourn Meeting

DONALD GREINER
16489 Charlotte Day Drive
La Pine, Oregon 97739


March 1, 2020

City of La Pine, Oregon
16345 Sixth Streey
La Pine, Oregon

Expenses incurred attending C O I C meeting in Redmond, Oregon,
Thursday, February 6, 2020.

93 miles @ \$0.575 per mile	\$ 53.47
! night Hotel	<u>127.42</u>
Due	\$180.89

All food and drink, personal expense.



Donald Greiner, Council President
City if La Pine, Oregon

Acct 105202700 \$ 180.89
Acct _____ \$ _____
Acct _____ \$ _____
Approved MR
Date _____ Clk# _____



Sleep Inn & Suites (OR188)

1847 N HWY 97
Redmond, OR 97756
(541) 504-1500
GM.OR188@choicehotels.com

Account: 696248513

Date: 2/12/20

Room: 228 SGM

Arrival Date: 2/6/20

Departure Date: 2/7/20

Check In Time: 2/6/20 3:39 PM

Check Out Time: 2/7/20 9:16 AM

Rewards Program ID: GP-AXG38251

You were checked out by: egroom

You were checked in by: egroom

Total Balance Due: 0.00

GULDEN, AUDREY

P O BOX 427
16489 CHARLOTTE DAY DR
LA PINE, OR 97739

Post Date	Description	Comment	Amount
2/6/20	Visa Payment		(127.42)
		XXXXXXXXXXXX2701	
2/6/20	Room Charge	#228 GULDEN, AUDREY	115.00
2/6/20	State Tax		2.07
2/6/20	City / County Tax		10.35

Folio Summary 2/6/20 - 2/6/20

Room Charge	115.00
State Tax	2.07
City / County Tax	10.35
Visa Payment	(127.42)

Balance Due: 0.00

This rate is eligible for partner rewards. If this rate is changed, you may no longer be entitled to Choice Privileges points.

x _____



Congratulations. You are earning Choice Privileges Points for this stay.

 DRIVING

 DISTANCE

 FLYING

 TIME

A The driving distance from La Pine, Oregon to Redmond, Oregon is:

46 miles / 74 km

City:	<input type="text" value="Redmond, OR"/>	Get:	<input type="text" value="driving distance"/>
Check-in:	<input type="text" value="12/09/2019"/>	From:	<input type="text" value="La Pine, OR"/>
Check-out:	<input type="text" value="12/15/2019"/>	To:	<input type="text" value="Redmond, OR"/>
Get:	<input type="text" value="hotel"/>	<input type="button" value="SEARCH"/>	

Powered by MediaAlpha

[Best area to stay in Redmond?](#) 

Map of driving directions from La Pine, OR to Redmond, OR



View a map with driving directions using your preferred map provider: [Google Maps](#), [Bing Maps](#), or [MapQuest](#). You can use DriveDistance.com to get the full [driving distance from La Pine to Redmond](#) with directions.



CITY OF LA PINE

STAFF REPORT

Meeting Date: March 11, 2020
TO: La Pine City Council
FROM: Melissa Bethel, Staff
SUBJECT: Discussion regarding draft Parking Ordinance

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:

Included in your packet is a draft parking ordinance. The City has become aware that public parking areas are being used as defacto car sale lots. There has been a concern with the Cascade East Transit bus not being able to make turns or enter the Wickiup facility properly because vehicles, boats, trailers, and other items for sale. The concern is this type of use could also occur once the La Pine Station is constructed. The Ordinance before you will restrict the sale of vehicles in public parking areas.

Staff is looking for discussion and direction to place for adoption at a future meeting.

ORDINANCE NO. 2020-__

AN ORDINANCE OF CITY OF LA PINE CONCERNING PARKING ON CITY'S STREETS; RESTRICTING PARKING FOR THE PURPOSE OF SALE AT PRIVATE PARKING FACILITIES; PROVIDING FOR TEMPORARY PARKING RESTRICTION AREAS; AND PROVIDING A PENALTY.

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 an Oregon municipal corporation; and

WHEREAS, subject to state law, the La Pine City Council (the "Council") exercises all municipal traffic authority for City except those powers specifically and expressly delegated by this or another ordinance; and

WHEREAS, the Council finds that regulating parking on City's streets is necessary to provide for the safe movement of emergency vehicles, permit the safe operation of school buses, and to facilitate the safe and efficient movement of people, goods, and services throughout City; and

WHEREAS, the Council finds that it is in the best interests of the health, safety, and welfare of the citizens of City to (a) establish a policy concerning vehicular parking in City, and (b) provide a penalty for vehicles parked in violation of this Ordinance.

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

1. Findings; Applicability of State Traffic Laws. The above-stated findings contained in this Ordinance No. 2020-__ (this "Ordinance") are hereby adopted. Oregon Revised Statutes ("ORS"), Chapter 153, and the Oregon Vehicle Code, ORS Chapters 801 to 823, are adopted by reference. Violation of an adopted provision of those chapters is a violation against City.

2. Short Title; Purpose. This Ordinance No. 2020-__ may be referred to as the "Parking Ordinance." The purpose of this Ordinance is to regulate vehicular parking within City.

3. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

"Council" means the La Pine City Council.

"Emergency vehicle" means a vehicle (a) that is equipped with lights and sirens as required under ORS 820.350 and 820.370, (b) operated by public police, fire, or airport security agencies, (c) designated as an emergency vehicle by a federal agency, and/or (d) designated as an emergency vehicle by the Oregon Director of Transportation.

"Manager" means City's then city manager or his or her designee.

"Owner" means (a) the person in whose name title to a vehicle is issued, and/or (b) any person who is entitled to possession and use of a vehicle either under a security instrument or a lease agreement.

“Park” or “parking” means the stopping, halting, and/or standing of a vehicle, whether occupied or not, for any purpose other than a purpose provided under ORS 811.560.

“Parking Facility” means any property used for motor vehicle parking.

“Peace Officer” has the meaning assigned to such term in ORS 133.005(3).

“Street(s)” refers to every public way, road, street, alley, avenue, highway, right-of-way, shoulder, parking facility and/or other thoroughfare owned and/or maintained by City.

“Vehicle” means any device which is self-propelled or is designed for self-propulsion in, upon, or by which any person or property is or may be transported or drawn upon a street.

4. Method of Parking. Except as authorized by this Section 4, where parking spaces are marked on a Street, no person may park a vehicle other than within a single marked space, both width and length. Notwithstanding the immediately preceding sentence, in areas marked for parallel parking, oversized vehicles may use up to two parking spaces as needed for vehicle length. Vehicles parked parallel must be parked in the direction of the traffic flow in the adjacent traffic lane. No person may park a vehicle in an angled parking stall in a manner that orients the front of the vehicle so that it is angled towards the flow of oncoming traffic in the adjacent vehicle travel lane. For purposes of this Section 4, “angled parking stall” does not include a parking stall that is at a 90-degree angle to the curb.

5. Prohibited Parking. Subject to the provisions of this Ordinance and except when necessary to avoid conflict with other traffic and/or in compliance with the directions of a Peace Officer or official traffic control device, no operator shall park and no owner shall allow their vehicle to be parked in violation of this Ordinance. No operator shall park and no owner shall allow their vehicle to be parked on any Street under any of the following circumstances:

5.1 Any truck in excess of 12,000 pounds between the hours of 9:00 p.m. and 7:00 a.m. in front of or adjacent to a residence.

5.2 In any manner that is in and/or blocking an alley, except for a stop of not more than fifteen (15) consecutive minutes for purposes of loading or unloading persons or materials while displaying emergency flashers.

5.3 In violation of a sign placed by City.

5.4 Adjacent to a curb painted yellow by City to designate no parking at any time.

5.5 Adjacent to a curb painted green by City to designate a loading zone unless the parked vehicle is involved in the act of loading and/or unloading.

5.6 Adjacent to a curb painted red by City to designate a fire lane or special security area.

5.7 For the primary purpose of displaying the vehicle for sale.

5.8 For purposes of repairing or servicing the vehicle, except repairs necessitated by an emergency.

5.9 For purposes of selling merchandise from the vehicle, except when authorized by City.

5.10 For more than three consecutive business days.

5.11 If the vehicle does not have a license plate, has expired tags, and/or the vehicle's registration has been expired for more than thirty (30) days.

5.12 Adjacent to or within ten (10) feet of a fire hydrant.

5.13 On a sidewalk.

5.14 In such a manner which interferes with the safe flow of traffic and/or creates a safety hazard by obstructing the view of other drivers.

5.15 In violation of any applicable federal, state, and local law, rule, regulations, and/or ordinance, including, without limitation, City Ordinance No. 2016-11.

6. Unlawful Parking of Vehicle for Sale at Private Parking Facility. No person may leave and/or park a vehicle at a private parking facility for the principal purpose of selling the vehicle if there is a sign posted in plain view that states the following:

No Parking of Vehicles for Sale.
City of La Pine Ordinance No. 2020-___.

The provisions of this Section 6 are in addition to and not in lieu of all other remedies available to owners of parking facilities relating to unlawfully parked vehicles, including, without limitation, ORS 98.805 through 98.840.

7. Use of Loading Zone. No person may park a vehicle for any purpose or length of time in a place designated as a loading zone when the hours applicable to that loading zone are in effect, except for purposes of loading or unloading persons or materials. When the hours applicable to the loading zone are in effect, any stop for loading and/or unloading must not exceed the posted time limits. If no time limits are posted, use of the zone must not exceed thirty (30) minutes. Vehicles must display emergency flashers for the duration of any loading and/or unloading.

8. Unattended Vehicles. When a Peace Officer finds an unlocked vehicle parked and/or standing unattended with the ignition key in the vehicle, the Peace Officer is authorized to remove the key from the vehicle.

9. Temporary Parking Restriction Areas.

9.1 Subject to the provisions of Section 9.2, the Manager may identify areas within City as temporary parking restriction areas and may establish durational limits or other restrictions for parking vehicles based on a reasonable determination of the safety, convenience, and necessity of the

public and based on one or more of the following criteria: (a) history of citizen complaints or citations of vehicles parking against City parking regulations, or other parking violations; (b) evidence of a lack of adequate parking for businesses and other uses in the district, due to identified parking violations; (c) availability of a public agency partner to share in enforcement costs; and/or (d) other criteria as determined by the Manager.

9.2 The Manager will adopt an administrative policy establishing a temporary parking area. The policy will identify the following: (a) the temporary parking area; (b) the restrictions that will be implemented; (c) the reasons for establishing the area; (d) the intended means of enforcement; and (e) the anticipated duration the restrictions will be in effect. Signage or other markings must be installed to inform the public of the parking restrictions. Temporary parking restrictions under this Section 9 are in addition to and not in lieu of any parking restrictions imposed under applicable law, including, without limitation, under City Ordinance No. 2016-11. Temporary parking restrictions implemented under this Section 9 may not last longer than two years without Council approval.

10. Removal of Vehicles.

10.1 Authority to Remove Vehicle. A vehicle parked in violation of this Ordinance may be removed, or caused to be removed, by the Manager. Removal and storage of any vehicle under the provisions of this Ordinance will not prevent or preclude City from pursuing any and all rights and remedies available to City under applicable law.

10.2 Towing of Vehicles and Storage at Owner's Expense. The Manager may remove, or cause to be removed, any vehicle parked in violation of this Ordinance to a location where the vehicle may be lawfully parked or to a privately-owned tow yard. The Manager will maintain a record of all vehicles removed including, without limitation, (a) the date and time of removal, (b) the location where the vehicle was removed, (c) the place of storage, and (d) the name of towing service and/or company. The costs and expense of removal and storage, including, without limitation, staff time, will be assessed to and paid by the owner of the vehicle.

10.3 Notice of Removal. Within twenty-four (24) hours of the removal of a vehicle pursuant to this Ordinance, the Manager will make reasonable efforts to notify the owner of vehicle removed, and inform the owner of the location where the owner may retake possession of the vehicle. For the purposes of this Section 10.3, a telephone call to, or personal contact with, the owner of such vehicles will be deemed reasonable notification.

10.4 Requisites to Retake Possession. Before the owner of any vehicle removed and/or stored pursuant to this Ordinance will be permitted to retake possession of such vehicle, the owner will perform the following: (a) furnish satisfactory evidence to the Manager and/or to the person in charge of the tow yard of the owner's identity and ownership of the vehicle; (b) pay all charges and expenses for towing, removing, and/or storing such vehicle; and (c) sign a written statement acknowledging delivery of such vehicle. Any charges made or incurred under this provision will not be construed to be a fine, penalty, or forfeiture.

10.5 Damage to Vehicle. City will not be liable for any damage to vehicles parked in violation of this Ordinance, or for any damaged caused during or by the removal and/or storage of any vehicle parked in violation of this Ordinance.

11. Penalties. Any violation of this Ordinance is punishable by a fine not to exceed \$500.00 per violation. City will be entitled to collect from any person violating this Ordinance City's 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. City may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section 11.

12. No Mandatory Duty of City; Indemnification.

12.1 No Mandatory Duty of City. Nothing in this Ordinance is intended to create a mandatory duty on the part of City and/or the Manager to protect persons or property from a violation of the provisions of this Ordinance.

12.2 Indemnification. An owner of a vehicle parked in violation of this Ordinance is liable for, and will defend and indemnify, any individual injured because of such owner's failure to remove the vehicle as required under this Ordinance and for any claims, demands, action, suits, damages, liabilities, costs, and/or expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from his, her, and/or its failure to remove the vehicle as required under this Ordinance. No liability will be imputed to or imposed upon City and/or its officers, employees, and/or agents because of injuries or damages sustained by any person or property by reason of any vehicle parked in violation of this Ordinance and/or City's removal of a vehicle.

13. Interpretation; Severability; Errors. 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 this ___ day of _____, 2020.

(Signatures on Following Page)

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager

DRAFT



CITY OF LA PINE

STAFF REPORT

Meeting Date: March 11, 2020
TO: La Pine City Council
FROM: Melissa Bethel, Staff
SUBJECT: Gas Tax Discussion regarding consultant

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:

Over the last year the Council made the decision to place a 3-cent gas tax on the November 2020 ballot. Last meeting the Council asked staff to check into hiring a consultant and what that process would look like, what one would do or help with and if other Cities have had success. Below are the responses I received from the only two Cities which replied:

From the City of Coburg City Administrator:

The City of Coburg hired a consultant in 2016 and went out for a .03 cent increase to our tax. It did not pass. I'm not saying it was the consultant's fault, but I think that what was missing was good community involvement.

In 2018, we formed a committee of citizens to review the need for an increase in revenues for our streets. They engaged the public, put out information such as newsletters in the utility billing, invited the public in to community meetings, etc. In 2019 we passed the tax without a consultant. The difference was a total open and honest conversation with the community led by the community. Plenty of time to ask their questions, and an engagement of our City Council when they actually went door to door talking to people. It takes more time and effort. But Coburg has a .06 cent fuel tax in place at this time which is one of the highest in the state.

I'm guessing that Lapine is similar to Coburg in the fact that the majority of fuel purchased is motorists and trucks passing through on the highway. The truck stop owner in Coburg was on the Committee of citizens. An important voice to be heard that was trusted in the community.

From the City of Brookings City Manager:

The fuel tax passed twice in Brookings. No consultant. We did two informational mailings (blessed by the Secretary of State) designed and produced in-house; produced an informational video on street conditions which we ran on local cable TV; contracted for a street conditions engineering study; talked about street improvement projects at every City Council meeting for three months prior to the election; posted a list of priority projects which we adjusted somewhat following two public workshops. The only opposition was from residents of the adjacent unincorporated territory; there was no organized opposition. During the reauthorization election we posted the attached signs along the streets where improvements had been made with fuel tax revenues. The first year we slurry-sealed a bunch of streets all over town. We also eliminated an "street system replacement fee" that was on our water/sewer utility bills.

These are the only two Cities that responded to my inquiry.

For discussion; Does Council feel it has enough information to make a decision on hiring a consultant? Our informational flyers will need to be completed by the end of this month, so timing is critical.

**SECOND EXTENSION TO
PROFESSIONAL SERVICES AGREEMENT**

This Second Extension to Professional Services Agreement (this “Extension”) is made and entered into effective on February __, 2020 (the “Effective Date”) between City of La Pine (“City”), an Oregon municipal corporation, whose address is 16345 Sixth Street, La Pine, Oregon 97739, and Bryant, Lovlien & Jarvis, P.C. (“Attorney”), an Oregon professional corporation, whose address is 591 SW Mill View Way, Bend, Oregon 97702.

RECITALS:

A. City and Attorney are parties to a certain Professional Services Agreement dated effective September 14, 2011 (the “Agreement”), pursuant to which Attorney agreed to provide certain Services for and on behalf of City for an initial term of three years (the “Initial Term”). The Initial Term was extended for one additional term of two years, which extended term ended on September 13, 2016. City and Attorney extended the Agreement for an additional term of two years pursuant to a certain First Extension to Professional Services Agreement dated effective April 12, 2017. The extended term ended on September 13, 2019.

B. City and Attorney desire to enter into this Extension in order to, among other things, further extend the term of the Agreement.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises contained in this Extension and the Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Extended Term. The term of the Agreement expired on September 13, 2019. Subject to the terms and conditions contained in the Agreement, City and Attorney extend the term of the Agreement for one additional term of five years, commencing on September 14, 2019 and ending on September 13, 2024 (the “Extended Term”), unless sooner extended or terminated as provided in the Agreement. The Extended Term will be on the same terms and conditions contained in the Agreement; provided, however, effective July 1, 2020, attorneys will bill City at the rate of \$225.00 per hour under Section 2.2(a) of the Agreement (subject to any further adjustments as provided in the Agreement) and Attorney may provide certain Services (e.g., audit letters and legal opinions) at a fixed fee. Commencing on July 1, 2021, City and Attorney will annually review the Agreement, to determine whether changes or modifications to Attorney’s hourly billing rates are necessary or appropriate.

2. Miscellaneous. City and Attorney affirm and reaffirm to each other each of the representations, warranties, covenants, and agreements set forth in the Agreement, except as modified and supplemented by this Extension, with the same force and effect as if each were separately stated in, and made part of this Extension. This Extension is hereby made part of the Agreement. The provisions of the Agreement that are not amended and/or modified by this Extension remain unchanged and in full force and effect. All capitalized terms contained in this Extension that are not otherwise defined in this Extension will have the meanings assigned to them in the Agreement.

[end of extension – signature page follows]

IN WITNESS WHEREOF, the undersigned have caused this Extension to be executed and effective as of the Effective Date.

CITY:
City of La Pine
an Oregon municipal corporation

ATTORNEY:
Bryant, Lovlien & Jarvis, P.C.,
an Oregon professional corporation

By: Melissa Bethel, City Manager

By: Jeremy M. Green, Vice President