

**PUBLIC NOTICE
A WORK SESSION BY THE HINES CITY COUNCIL
February 23, 2021 AGENDA**

***NOTICE: Work Sessions are open to the public for viewing or listening, but there will be no time for public comment given during the Work Session.**

- I. Meeting begins at 6:30 pm
- II. Flag Salute
- III. Work Session
 - a) Discussion of Council Roles, Strategic Planning and Goal Setting
 - b) Discussion of Rules of Order and Council Meeting Decorum
 - c) Review of Priorities 2021-22 Year
 - d) Ordinance 328 – Fuel Tax Review (to be approved on March 9)
 - e) Discussion of Deer Control Program
 - f) Water Rates – Conversion to Gallons
 - g) Resolution 2285 – State of Emergency Assessment
- IV. Adjournment of Work Session

**PUBLIC NOTICE
A REGULAR SESSION BY THE HINES CITY COUNCIL
February 23, 2021 AGENDA**

- | | | | |
|--------|--|----------|------|
| ✓ I. | Meeting Begins at immediately upon adjournment of Work Session | @ 8:30pm | |
| ✓ II. | Flag Salute – skip | | |
| ✓ III. | Approval of February 23, 2021 Agenda | | VOTE |
| ✓ IV. | Approval of previous meeting minutes from February 9, 2021 | | VOTE |
| V. | Approval of Accounts Payable:
\$25,81.04 | | VOTE |
| VI. | Public Comment | | VOTE |
| VII. | Mayor and Council Comments Adjournment | | VOTE |
| VIII. | Adjournment | | VOTE |


This meeting is open to the public. It is anticipated to last approximately one hour and a half.

In accordance with ORS 192.630, City of Hines will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice.

***Due to the effects of the COVID-19 pandemic, all attendees are required to wear masks. If you do not want to attend in person, this meeting will be offered as a teleconference meeting. If you wish to call in to the meeting, please use your phone to dial-in using the following information:**

**DIAL-IN NUMBER - (425) 436-6354
Access code: 710647**

DATED this 23rd day of February 2021

approved 2/23/21


Kirby Letham, City Administrator

City Council Work Session

I. ✓

II. ✓

III. Goals, Strategic Planning

IV. Rules of Order

b) * Section 11 - revise to match reality, e/o of other rules

* Section 2.8 - Roll

→ Add a Mayor's

c) ideas

- Park improvement - parking
- Park lighting: use
- Park Visual Board
- Portable Amphitheater or Stage
- Park movies at night
- Creating a dog park - use TLT
- Fencing along Park: rail fence, at state park

d) Ord 328 gas - nothing

e) Deer -

• Discussion

Where is
is getting \$ for
money.

City Council Regular Session

I.

II.

III.

IV.

V. Quick, Beers, Ayes

VI. ~~Williams, Beers, Ayes~~

VII. Mayor and Council Comm

VIII. Beers, Williams Ayes @ 8:34 pm

REGULAR MEETING OF HINES COMMON COUNCIL

February 23, 2021

AUDIENCE SIGN-IN SHEET

**IF YOU WISH TO ADDRESS THE COUNCIL, PLEASE INDICATE
YOUR SUBJECT TO THE RIGHT OF YOUR NAME**

PLEASE **PRINT** YOUR NAME

SUBJECT, IF YOU WISH TO SPEAK

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



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Pay What You Can

TO: Hines City Council

FROM: Kirby Letham, City Administrator

DATE: February 23, 2021

SUBJECT: Discussion – Strategic Planning: Mission, Vision and Goals

Attachment(s)

- Rough Draft of Mission, Vision and Goals
- La Pine Examples

DISCUSSION:

Defining a Mission Statement, Vision Statement and Goals will give the Council and the City a clear pathway for the future of the City.

Example



Mission Statement

To maintain the friendly, approachable, small-town nature of our City through effective local leadership, fiscal responsibility and efficient management.

Vision Statement

We strive to deliver the highest quality of life for our community, residents, businesses and guests.

City Council Goals for 2018

Beautification & Revitalization:

Enhance the shared character and connectivity of La Pine through quality public improvements and policies.

Effective Communication:

Maintain transparency while engaging the community and encouraging public participation.

Community Safety:

Work towards a safer community while building on the sense of pride and place through leveraged partnerships.

Essential Infrastructure:

Maintain and improve public infrastructure facilities through strategic investment and planning.

Fiscal Responsibility:

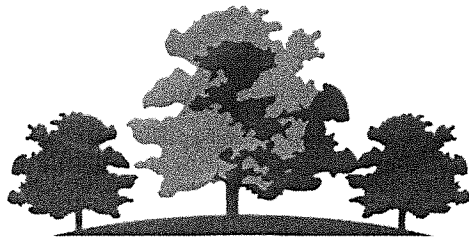
Provide effective, efficient and sustainable services while maintaining a healthy budget for the future.

Economic Development:

Encourage traded-sector investment and job creation while responsibly managing growth.

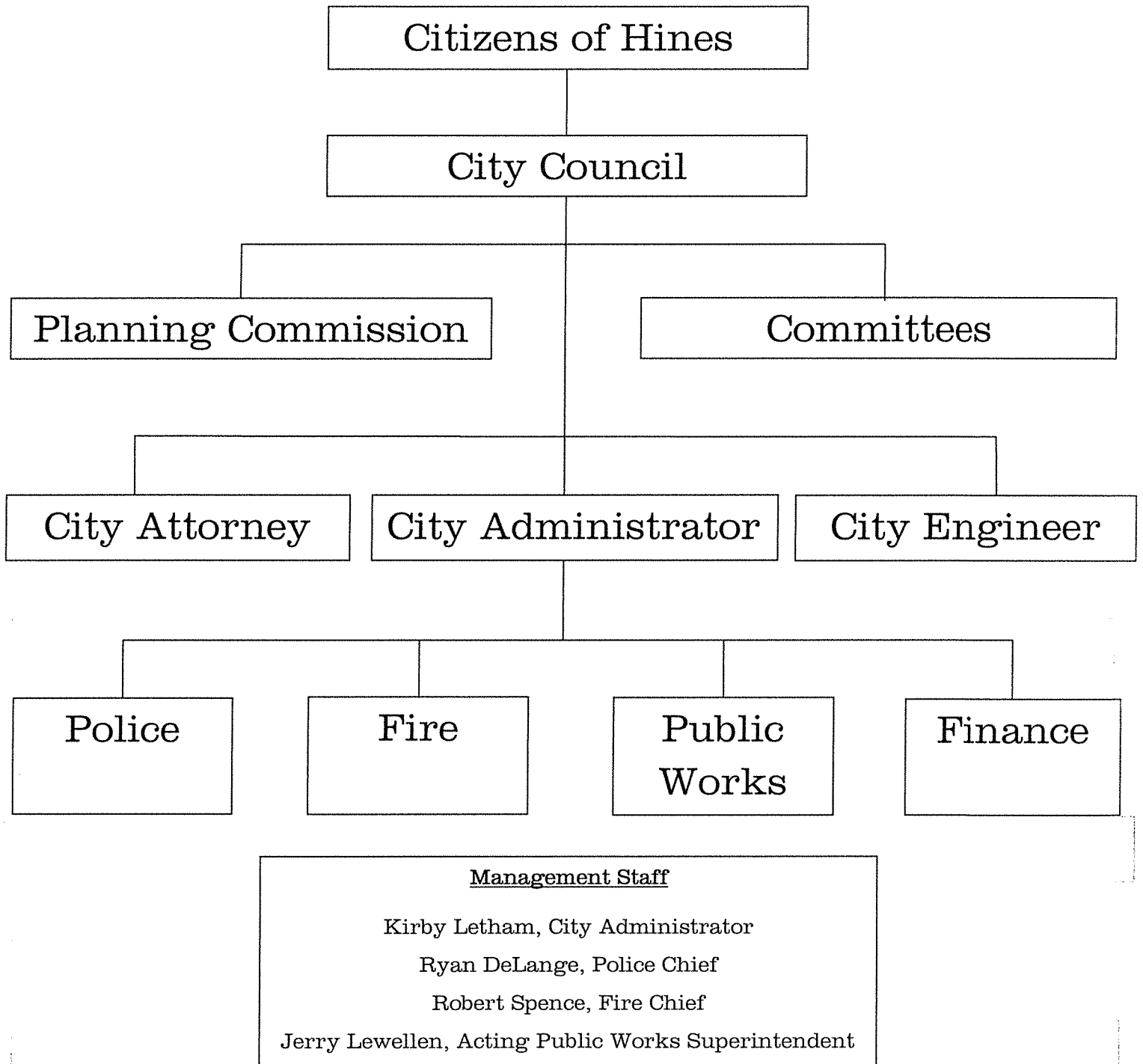
Provide Quality Services:

Support a highly qualified, motivated, and engaged City workforce that prioritizes customer service.



City of Hines

City of Hines Organizational Chart

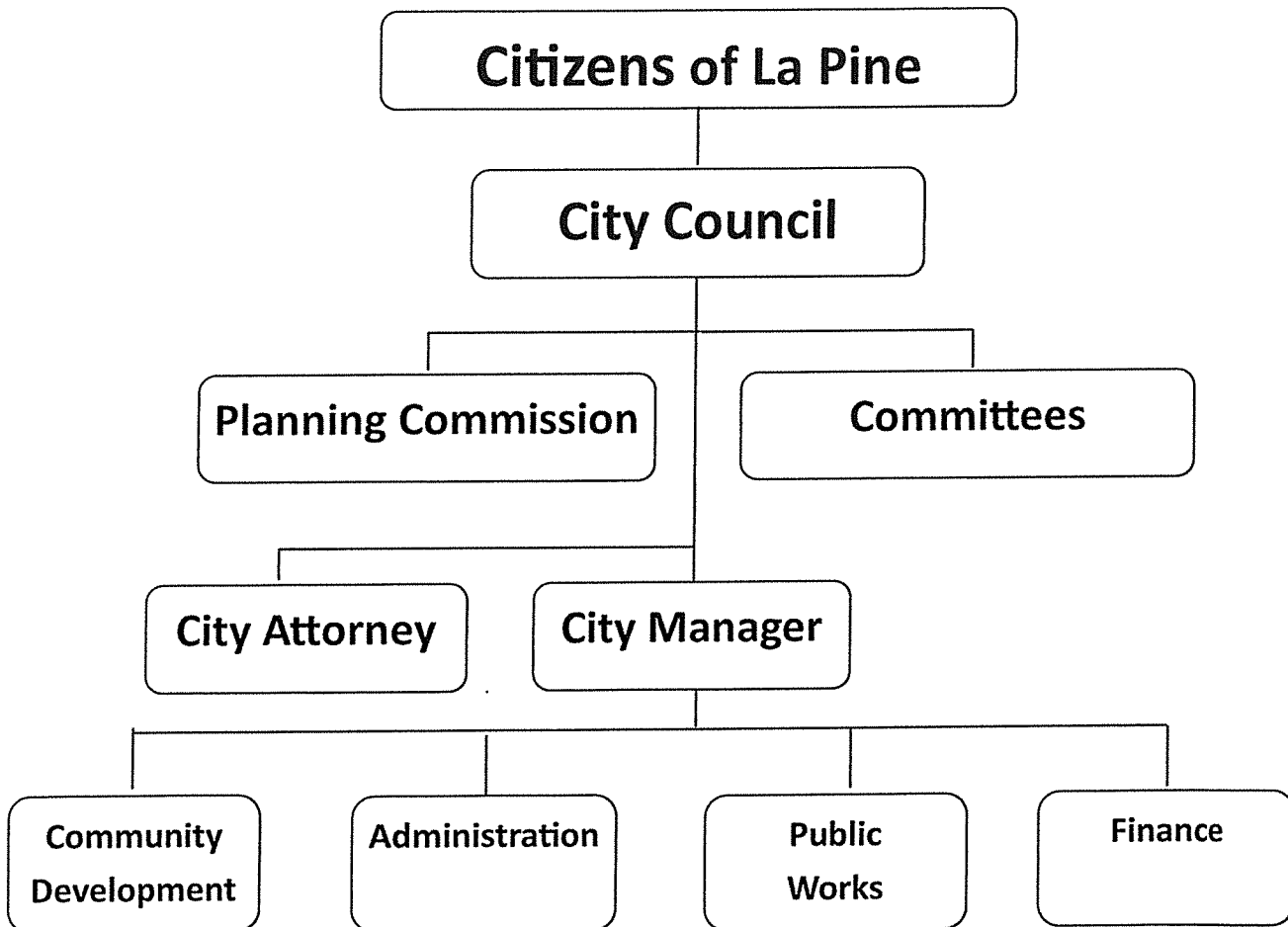




L A P I N E

O R E G O N

City of La Pine Organizational Chart



Management Staff

Cory Mисley, City Manager

Jake Obrist, Public Works Director

Melissa Bethel, CDD

COUNCIL GOALS 2018-2019		Beautification and Revitalization	Effective Communication	Community Safety	Essential Infrastructure	Fiscal Responsibility	Economic Development	Provide Quality Services
DEPARTMENT	OBJECTIVES							
Administration	Promptly respond to citizen inquiries.		X	X		X	X	X
	Pursue next steps from SCYP Projects.	X	X	X	X	X	X	X
	Continue to evaluate City wide operations.	X	X	X	X	X	X	X
	Enhance relationships with other agencies.		X	X		X		X
	Maintain community calendar.		X					X
	Continue to review and update website.		X				X	X
	Conduct annual utility customer survey.		X	X				X
	Continue facilitation of Council goal setting session.	X	X	X	X	X	X	X
	Hold an annual "State of the City" event.		X					X
Community Development	Start Wickiup Junction ODOT refinement plan.	X	X	X	X	X	X	X
	Codification of municipal code.		X					X
	Creation of Storefront Assistant Program.	X	X		X	X	X	
	Pursue Safe Routes to Schools grant funding.	X		X	X	X		X
	Complete Phase II of TGM Grant Code Assistance.	X	X	X	X	X	X	X
	Continue active code enforcement.	X	X	X		X		X
	Streamline permits and services.		X			X		X
	Plan and save for bike/pedestrian path and amenities.	X		X	X	X		X
Economic Development	Increase available industrial building space in La Pine.	X	X		X	X	X	X
	Establish and implement local incentive(s) program(s) for traded sector business.		X		X	X	X	
	Proactively recruit new industry to the La Pine Industrial Park while supporting existing industry expansion.				X	X	X	
	Continue community education about economic development.		X				X	X
	Increase number of land sales, leases and options on publicly owned industrial property.				X	X	X	X
Finance	Maintain 10-15% contingencies in each fund.			X	X	X		X
	Create transparent, easy-to-understand monthly financial statements that are available to the public.		X			X		X
	Assure that the City is leveraging grants and loans at the best rates possible.	X	X		X	X	X	X
	Create and maintain strong reserves.	X	X	X	X	X	X	X

COUNCIL GOALS 2018-2019		Beautification and Revitalization	Effective Communication	Community Safety	Essential Infrastructure	Fiscal Responsibility	Economic Development	Provide Quality Services
DEPARTMENT	OBJECTIVES							
	Understand the true life of City's infrastructure assets and prepare for cost replacement.		X		X	X		X
	Explore programs to better serve citizen financial needs.		X			X		X
	Continue to improve the budget process and document.		X			X		X
Human Resources	Encourage professional development.		X			X		X
	Cross-train staff.		X			X		X
	Continue to monitor internal controls.		X			X		X
Public Works								
Water	Start design work for Water Improvement and Expansion Project.		X	X	X	X	X	X
	Complete Water Rights and Mitigation Assessment to prepare for present and future needs.			X	X	X	X	X
	Implement new meter reading technology.				X	X		X
	Continue to assess staffing levels.	X	X	X	X	X	X	X
	Continue to identify and implement maintenance programs, such as hydrant maintenance and valve turning.			X	X	X		X
	Increase staff certification in water.			X	X			X
Sewer	Complete design for work for Wastewater Expansion and Improvement Project.			X	X	X	X	X
	Implement a pilot program for septic tank maintenance.				X	X		X
	Upgrade and plan for aging infrastructure components, specifically lift stations (1st St., Newberry and Industrial Park).			X	X	X	X	X
	Continue to assess staffing levels.	X	X	X	X	X	X	X
	Integrate new equipment and technology to improve the collection system.			X	X			X
	Increase staff certification in wastewater collection/treatment.			X	X			X
Streets	Landscaping of Westside Streetscape Project, including HWY 97 from 1st St. through 6th St.	X		X	X		X	
	Chip seal project for Riley Drive, Betty Lane and Preble Way.			X	X	X		X
	4th St. improvements to promote connectivity for the future Transit/City Center Project.	X		X	X	X		X

COUNCIL GOALS 2018-2019		Beautification and Revitalization	Effective Communication	Community Safety	Essential Infrastructure	Fiscal Responsibility	Economic Development	Provide Quality Services
DEPARTMENT	OBJECTIVES							
	Continue to assess staffing levels.	X	X	X	X	X	X	X
	Develop a road maintenance plan.	X		X	X			X
<u>Cemetery</u>	Assess and plan for future operations of the cemetery.				X	X		X
	Install an informational/historical kiosk at the entrance.	X	X	X	X	X		X
	Clear new sections for future expansion.				X			X
	Organize annual clean-up day.	X	X		X	X		X

TO: Hines City Council
FROM: Kirby Letham, City Administrator
DATE: February 23, 2021
SUBJECT: Discussion – Council Rules and Decorum

Attachment(s)

- Council Rules (hard copy available at meeting)

DISCUSSION:

Please refer to the Council Rules handed out at the last meeting. We can discuss further changes if needed.

Here are some topics we may want to revisit and focus in on:

1. Section 11 – Procedures in Parliamentary Motions and Voting
2. Section 4 – Audience Addressing the Council
3. Section 2.11 – Order of Business
4. Section 2.8 – Attendance (can we take an audible roll call for the minutes?)

TO: Hines City Council
FROM: Kirby Letham, City Administrator
DATE: February 23, 2021
SUBJECT: Discussion – Council Priorities

Attachment(s)

- None

DISCUSSION:

What do we want to focus on? The Mission Statement, Vision and Goals should help us to determine what our priorities are.

Here is a list of some possible priorities:

- Planning (building, zoning)
 - ★ ○ Certified Local Governments →
 - Housing
 - Improved access to permitting, etc. (better forms, clear instructions)
- TLT – ↑
- Housing ideas –
- Street improvement
- Park improvement
- Other ideas.....

★ TLT – no

TO: Hines City Council

FROM: Kirby Letham, City Administrator

DATE: February 23, 2021

SUBJECT: Discussion – Ordinance 328 – Fuel Tax review

Attachment(s)

- Copy of Ordinance 328

DISCUSSION:

One last review before the ordinance is placed before the Council for final vote on March 9th.

ORDINANCE 328

City of Hines Fuel Tax Ordinance

Section 1. Purpose and Title. This ordinance is enacted to provide additional funds for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public highways, roads, and streets in the City and those subject to City control. This ordinance shall be known as the "City of Hines Motor Vehicle Fuel Tax Ordinance".

Section 2. Findings. The City Council of the City of Hines finds:

- A. The public highways, roads, and streets in the City and those subject to City control are consistently in need of construction, reconstruction, improvements, repair, upkeep and maintenance, to promote ease of travel and commerce in and around the city;
- B. The city's current revenue sources do not produce adequate funding to fund said construction, reconstruction, improvement, repair, upkeep, and maintenance;
- C. The City wishes to enact a \$0.01 per gallon motor vehicle fuel tax on all motor vehicle fuel dealers, within the City, to provide additional funds for said construction, reconstruction, improvement, repair, upkeep, and maintenance of the public highways, roads, and streets in the City and those subject to City control;
- D. The City referred a proposed \$0.01 per gallon motor vehicle fuel tax to the electors of the City of Hines for their approval at the election held on November 6, 2020;
- E. On November 6, 2020 the electors of the City of Hines approved a \$0.01per gallon motor vehicle fuel tax; and
- F. The monies generated by this ordinance will be dedicated to the construction, reconstruction, improvements, repair, maintenance, operation, and use of public highways, roads, and streets in the City and those subject to City control as required by the Oregon Constitution.

Section 3. Definitions. As used in this ordinance, unless context requires otherwise, the following words and phrases mean:

- A. City. The City of Hines, Oregon, a municipal Corporation of the State of Oregon.
- B. Dealer. Any person who:
 - 1) Imports or causes to be imported motor vehicle fuel for sale, use or distribution in, and after the same reaches the City, but "Dealer" does not include any person who imports into the City motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a Dealer hereunder and who assumes liability for the payment of the applicable license tax to the City; or
 - 2) Produces, refines, manufactures or compounds motor vehicle fuels in the City for use, distribution or sale in the City; or
 - 3) Acquires in the City for sale, use or distribution in the City motor vehicle fuels with respect to which there has been no license tax previously incurred.

- C. Distribution. In addition to its ordinary meaning, the delivery of motor vehicle fuel by a dealer to any service station or into any tank, storage facility, or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the service station, tank, or storage facility is owned, operated, or controlled by the dealer.
- D. Motor vehicle. All vehicles, engines or machines, moveable or immovable, operated or propelled by the use of motor vehicle fuel.
- E. Motor vehicle fuel. Means and includes gasoline, diesel, and any other inflammable or combustible gas or liquid, by whatever name that gasoline, gas, or liquid is known or sold, usable as fuel for the operation of motor vehicles. Propane fuel and motor vehicle fuel used exclusively as a structural heating source are excluded as a taxable motor vehicle fuel.
- F. Person. Every natural person, association, firm, partnership or corporation.
- G. Service station. Means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Section 4. Tax Imposed. A business license tax is hereby imposed on every dealer. The tax imposed shall be paid monthly to the City and the City's authorized tax administrator. The City is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection and administration of the business license tax.

- A. A person who is not a licensed dealer shall not accept or receive motor vehicle fuel in the City from a person who supplies or imports motor vehicle fuel who does not hold a valid motor vehicle fuel dealer license in this City. If a person is not a licensed dealer or licensed motor vehicle fuel handler in this City and accepts or receives motor vehicle fuel, the purchaser shall be responsible for all taxes, interests and penalties prescribed herein.
- B. A licensed dealer who accepts or receives motor vehicle fuel from a person who does not hold a valid dealer license in this city, shall pay the tax that would have otherwise been imposed upon the unlicensed dealer by this ordinance to the city, or its authorized agent, upon the sale, use or distribution of the motor vehicle fuel.

Section 5. Amount and Payment.

- A. Subject to subsection (B) of this Section 5, in addition to any fees or taxes otherwise provided for by law, every dealer in the City engaging in the sale, use or distribution of motor vehicle fuel shall:
 - 1) Not later than the 25th day of each calendar month, render a statement to the City or its authorized agent on forms prescribed, prepared and furnished by the City of all motor vehicle fuel sold, used or distributed by him or her in the City as well as all such fuel sold, used or distributed in the City by a purchaser thereof upon which sale, used or distribution the dealer has assumed liability for the applicable license tax during the preceding calendar month; and
 - 2) Pay a motor vehicle fuel tax on the basis of \$0.01 per gallon of such motor vehicle fuel so sold, used, or distributed as shown by such statement in the manner and within the time provide in this Ordinance.

- B. The motor vehicle fuel tax shall not be imposed wherever it is prohibited by the Constitution, laws of the United States, or the State of Oregon.

Section 6. License Requirements. No dealer, shall sell, use, or distribute any motor vehicle fuel until they have secured a dealer license as required herein.

Section 7. License Application and Issuance.

- A. Every person, before becoming a dealer in motor vehicle fuel in this City, shall make an application to the City or its duly authorized agent, for a license authorizing such person to engage in business as a dealer.
- B. Applications for the license must be made on forms prescribed, prepared, and furnished by the City or its duly authorized agent.
- C. Applications shall be accompanied by a fully acknowledged certificate containing:
- 1) The business name under which the dealer is transacting business;
 - 2) The address of the applicant's principal place of business and location of distributing stations in and adjacent to the City;
 - 3) The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.
- D. If an application for a motor vehicle fuel dealer license is completed and accepted for filing, the City or its authorized agent, shall issue to the dealer a license in such form as the City or its duly authorized agent may prescribe to transact business in the City. The license so issued is not assignable and is valid only for the dealer in whose name it is issued.
- E. The City shall keep on file a copy of all applications and licenses.

Section 8. Failure to Secure License.

- A. If any dealer sells, distributes or uses any motor vehicle fuel without first filing the certificate and securing the license required by Section 7, the license tax shall immediately be due and payable on account of all motor vehicle fuel so sold, distributed or used.
- B. The City shall proceed forthwith to determine, from the best available sources, the amount of such tax, and it shall assess the tax in the amount found due, together with a penalty of 200% of the tax, and shall make its certificate of such assessment and penalty, determined by the City Administrator or the duly authorized agent. In any suit or proceeding to collect such tax or penalty or both, the certificate is prima facie evidence that the dealer therein named is indebted to the City in the amount of the tax and penalty stated.
- C. Any tax or penalty so assessed may be collected in the manner prescribed in Section 12 of this ordinance with reference to delinquency in payment of the fee or by an action at law.

- D. In the event any suit or action is instituted to enforce this section, if the City is the prevailing party, the City shall be entitled to recover from the person sued, reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

Section 9. Revocation of License. The City or its authorized agent shall revoke the license of any dealer refusing or neglecting to comply with any provision of this ordinance. The City or its authorized agent shall mail by certified mail addressed to such dealer at their last known address on file, a notice of intention to revoke. The notice shall give the reasons for the revocation. The revocation shall become effective without further notice if within 10 days from the mailing of the notice, the dealer has not made good its default or delinquency.

Section 10. Cancellation of License.

- A. The City or its authorized agent may upon written request of a dealer, cancel any license issued to such dealer. The City shall, upon approving the dealer's request for cancellation, set a date not later than thirty (30) days after receipt of the written request, after which the license shall no longer be effective.
- B. The City may, after thirty (30) days' notice has been mailed to the last known address of the dealer, cancel the license of dealer upon finding the Dealer is no longer engaged in the business of a dealer.

Section 11. Remedies Cumulative. Except as otherwise provided in Sections 12 and 14, the remedies provided in Sections 8, 9 and 10 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this ordinance.

Section 12. Payment of Tax and Delinquency.

- A. The license tax imposed by this ordinance shall be paid to the City on or before the 25th day of each month.
- B. Except as provided in subsection (D) and (E) of this section, if payment of the license tax is not paid as required by subsection A of this Section 12, a penalty of 1% of such license tax shall be assessed and be immediately due and payable.
- C. Except as provided in subsections (D) and (E) of this section, if the payment of the license tax and penalty, if any, is not made on or before the 1st day of the next month following that month in which payment is due, a further penalty of 10% of the license tax shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (B) of this section and shall be immediately due and payable.
- D. Penalties imposed by this section shall not apply if a penalty has been assessed and paid pursuant to Section 8 of this Ordinance.
- E. If the City determines that the delinquency was due to reasonable cause and without an intent to avoid payment, the City or its authorized agent may for good cause shown waive any penalties assessed under this section.
- F. If any person fails to pay the license tax, interest, or any penalty provided for by this section, the tax, interest, and/or penalty shall be collected from that person for the use by the City. The City shall commence and prosecute the final determination in any court of competent jurisdiction an action at law to collect the same.

- G. No dealer who collects from any person the license tax provided for herein shall knowingly and willfully fail to report and pay the same to the City as required herein.
- H. In the event any suit or action is instituted to collect the license tax, interest, or any penalty provided for by this section, if the City is the prevailing party, the City shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

Section 13. Monthly Statement of Dealer. Every motor vehicle fuel dealer shall provide to the City or its authorized agent on or before the 25th day of each month, on forms prescribed, prepared and furnished by the City or its authorized agent, a statement of the number of gallons of motor vehicle fuel sold, distributed or used by the dealer during the preceding calendar month. The statement shall be signed by the dealer or its agent. All statements as required in this section are public records.

Section 14. Failure to File Monthly Statement. If a dealer fails to file any statement required by Section 13, the City or its authorized agent shall proceed forthwith to determine from as many available sources as the City or its authorized agent determines reasonable the amount of motor vehicle fuel sold, distributed, used, or stored by such dealer for the period unreported, and such determination shall in any proceeding be prima facie evidence of the amount of fuel sold, distributed, used, or stored. The City or its authorized agent immediately shall assess the license tax in the amount due determined, as pertaining to the reportable dealer, adding thereto a penalty of ten percent for failure to report. The penalty shall be cumulative to other penalties provided in this ordinance. In any suit brought to enforce the rights of the City under this section, any such determination showing the amount of tax, penalties, and costs unpaid by any dealer and that the same are due and unpaid to the City or its authorized agent is prima facie evidence of the facts as shown.

Section 15. Billing Purchasers. Dealers in motor vehicle fuel shall render bills to all purchasers of motor vehicle fuel. The bill shall separately state and describe to the satisfaction of the City or its authorized agent, the different products sold or shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the City or its authorized agent are maintained. The bills required hereunder may be the same as those required under ORS 319.210.

Section 16. Failure to Provide Invoice or Delivery Tag. No person shall receive and accept any shipment of motor vehicle fuel from any dealer, or pay for the same, or sell or offer the shipment for sale, unless, the shipment is accompanied by an invoice or delivery tag showing the date upon which shipment was delivered, purchased or sold and the name of the dealer in motor vehicle fuel.

Section 17. Transporting Motor Vehicle Fuel in Bulk. Every person operating any conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk shall, before entering upon the public streets of the City with such conveyance, have and possess during the entire time of such hauling or transporting of motor vehicle fuel, an invoice, bill of sale, or other written statement showing the number of gallons conveyed, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by the City to inquire into, or investigate such matters, produce and offer for inspection the invoice, bill of sale, or other statement.

Section 18. Exemption of Exported Fuel.

- A. The license tax imposed by Section 4 shall not be imposed on motor vehicle fuel that is:
 - 1) Exported from the City by a dealer; or

- 2) Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area, or areas outside the City in containers other than the fuel tank of a motor vehicle, but every Dealer shall be required to report such exports and sales to the City in such detail as may be required.
- B. In support of any exemption from license taxes claimed under this section other than in the case of stock transfers or deliveries in their own equipment, every Dealer must execute and file with the City or its authorized agent, an export certificate in such form as shall be prescribed, prepared and furnished by the City or its authorized agent, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the City, and giving such details with reference to such shipment as may be required. The City or its authorized agent may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The City or its authorized agent, may, in a case where it believes no useful purpose would be served by filing of an export certificate, waive the certificate.
- C. Any motor vehicle fuel carried from the City in the fuel tank of a motor vehicle shall not be considered as exported from the City.
- D. No person shall, through false statements, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the City tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof to be used, distributed or sold in the City and fail to notify the City or its authorized agent and the dealer from whom the motor vehicle fuel was originally purchased of their act.
- E. No dealer or other person shall conspire with any person to withhold from export, divert from export, or return motor vehicle fuel to the City for sale or use so as to avoid any fees imposed herein.
- F. In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the City or its authorized agent. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

Section 19. Sales to Armed Forces Exempted. The license tax imposed by Section 4 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States for use in ships, aircraft or for export from the City; but every dealer shall be required to report such sales to the City, in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

Section 20. Fuels in Vehicles Coming into City Not Taxed. Any person coming into the City in a motor vehicle may transport in the fuel tank of such vehicle motor vehicle fuel for their own use only and for the purpose of operating such motor vehicle without securing a license or paying the tax provided in Section 4, or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the City is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing the fuel into the City shall be subject to all provisions herein applying to dealers.

Section 21. Refunds. Refunds will be made pursuant to Chapter 319 of the Oregon Revised Laws. Claim forms for refunds may be obtained from the City.

Section 22. Examination and Investigations. The city, or its duly authorized agent, may make any examination of accounts, records, stocks, facilities, and equipment of dealers, service stations, and other persons engaged in storing, selling, or distributing motor vehicle fuel within this City, and such other investigations as it considers necessary in carrying out the provisions of this ordinance. If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the City or its authorized agent pursuant to the requirements herein, have shown incorrectly the amount of gallons of motor vehicle fuel distributed or the tax accruing thereon, the City or its authorized agent may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors by its examinations or investigation. The dealer shall reimburse the City for the reasonable cost of the examination or investigation if the action discloses that the dealer paid ninety-five percent (95%) or less of the tax owing for the period of the examination or investigation. In the event that such an examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of twelve percent (12%) per year from the date that the original tax payment was due.

Section 23. Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.

- A. Except as otherwise provided in this chapter, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a dealer must be so taken or filed within three (3) years after the date on which the overpayment was made to the City or to its authorized agent.
- B. Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this chapter shall be served on dealers within three (3) years from the date upon which such additional taxes become due.

Section 24. Records to be Kept by Dealers. Every dealer in motor vehicle fuel shall keep a record in such form as may be prescribed by the City or its authorized agent of all purchases, receipts, sales, and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and purchases, and shall at all times during the business hours of the day be subject to inspection by the City or its authorized agent.

Section 25. Examining Books and Accounts of Carrier of Motor Vehicle Fuel. The City or its duly authorized agents may, at any time during normal business hours, examine the books and accounts of any carrier of motor vehicle fuel operating within the City for the purpose of checking shipments or use of motor vehicle fuel, detecting diversions thereto or evasion of taxes in enforcing the provisions of this ordinance.

Section 26. Records to be Kept Three Years. Every dealer shall maintain and keep, for a period of three (3) years, all records of motor vehicle fuel used, sold, and distributed within the City by such dealer, together with stock records, invoices, bills of lading, and other pertinent papers as may be required by the City or its authorized agent. In the event such records are not kept, the dealer shall reimburse the City or its authorized agents for all travel, lodging, and related expenses incurred in examining such records. The amount of such expenses shall be an additional tax imposed hereunder.

Section 27. Use of Tax Revenues.

- A. The City Administrator or designee shall be responsible for the disposition of the revenue from the tax imposed by this ordinance in the manner provided by this section.
- B. For the purposes of this section, "net revenue" means the revenue from the tax imposed by this ordinance remaining after providing for the cost of administering the license tax to motor vehicle fuel dealers and any refunds and credits authorized herein. The program administration costs of revenue collection and accounting activities shall not exceed ten and one-half percent (10.5%) for the first year and ten percent (10%) thereafter, of annual tax revenues.
- C. The net revenue shall be used only for the activities related to the construction, reconstruction, improvement, repair, and maintenance of public highways, roads and streets within the City which are subject to City control.

Section 28. Administration. The City Administrator or designee is responsible for administering this ordinance. In addition, the City Administrator or designee may enter into an agreement with the Oregon Department of Transportation as an authorized agent for the implementation of certain sections of this ordinance.

Section 29. Voter Referral. This ordinance was referred to the electors of the City of Hines at the general election. A copy of the ballot measure for this referral is attached hereto and by this reference incorporated herein.

Section 30. When Tax Shall Take Effect. The taxation imposed by this ordinance shall commence April 1, 2021.

Section 31. Severability. If any portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of any remaining portions of this ordinance.

TO: Hines City Council
FROM: Kirby Letham, City Administrator
DATE: February 23, 2021
SUBJECT: Discussion – Deer Population Control

Attachment(s)

- None

DISCUSSION:

This agenda item continues the discussion on Deer Population Control.

The Council has fulfilled the requirements to enact a population control system as created by the State of Oregon and ODFW.

The Council may choose from the following options:

1. to move forward with the program immediately
2. wait and enact the program at a future time if deemed necessary
3. take steps to eliminate the program
4. place a measure on the ballot

Note: The deadline for a spring ballot measure is March 18th. Also, a ballot measure must be legislative in language, not just a poll.

TO: Hines City Council

FROM: Kirby Letham, City Administrator

DATE: February 23, 2021

SUBJECT: Discussion – Water Rate Conversion – Ft³ vs. Gallons

Attachment(s)

- Spreadsheet of original cubic feet tier rate initiated January 2020
- Spreadsheet of proposed gallons tier rate

DISCUSSION:

This will be the beginning of the discussion on converting water rates from cubic feet to gallons.

The Water System Improvement Project included upgrading and replacing all residential and some commercial water meters. An error was made ordering the new water meters. The City had measured usage in cubic feet, the new meters were ordered to measure in gallons. The City Council decided to go ahead and convert to measuring usage in gallons.

Also, the Council decided to temporarily suspend usage charges until the new meters were all installed and able to read usage.

This discussion will be a finalization of how much usage in gallons will be part of the base rate, and how many gallons of usage will be designated in each tier of charging.

The City does have an obligation to ensure that the rates at minimum meet the requirements of the loan from IFA.

PER BILLING CYCLE (gals)

	Current Tier - 1,000 Cubic Feet Included with Base					
	Usage	Base	0.005	0.007	0.01	Cost
1	5,654	0	\$ 5.00	\$ 7.00	\$ 26.54	\$ 38.54
2	6,318	0	\$ 5.00	\$ 7.00	\$ 33.18	\$ 45.18
3	11,974	0	\$ 5.00	\$ 7.00	\$ 89.74	\$ 101.74
4	14,221	0	\$ 5.00	\$ 7.00	\$ 112.21	\$ 124.21
5	1,772	0	\$ 3.86	\$ -	\$ -	\$ 3.86
6	427	0	\$ -	\$ -	\$ -	\$ -

	Modified Tier - 2,000 Cubic Feet Included with Base					
	Usage	Base	0.005	0.007	0.01	Cost
1	5,654	0	\$ 5.00	\$ 7.00	\$ 16.54	\$ 28.54
2	6,318	0	\$ 5.00	\$ 7.00	\$ 23.18	\$ 35.18
3	11,974	0	\$ 5.00	\$ 7.00	\$ 79.74	\$ 91.74
4	14,221	0	\$ 5.00	\$ 7.00	\$ 102.21	\$ 114.21
5	1,772	0	\$ -	\$ -	\$ -	\$ -
6	427	0	\$ -	\$ -	\$ -	\$ -

Tier Cost Comparison by User			
	Current	New	+/-
1	\$ 38.54	\$ 28.54	\$ 10.00
2	\$ 45.18	\$ 35.18	\$ 10.00
3	\$ 101.74	\$ 91.74	\$ 10.00
4	\$ 124.21	\$ 114.21	\$ 10.00
5	\$ 3.86	\$ -	\$ 3.86
6	\$ -	\$ -	\$ -

TO: Hines City Council
FROM: Kirby Letham, City Administrator
DATE: February 23, 2021
SUBJECT: Discussion – Assessment of Resolution 2285

Attachment(s)

- Copy of Resolution 2285
- Copy of Resolution 2282

DISCUSSION:

These two resolutions were passed last year as a response to the COVID-19 pandemic.

This will be an opportunity to assess whether or not the City needs to continue in its status of "State of Emergency."

* State has been extending very l@ deep w/out gaps.
* State is re-evaluating on March 3rd



00020364202000003920020022

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Co. Clerk's records.

Derrin Robinson
Derrin E. Robinson, Harney County Clerk



RESOLUTION NO. 2282

A RESOLUTION OF THE CITY OF HINES OREGON, TEMPORARILY SUSPENDING THE REGULATION FOUND IN ORDINANCE #317 REGULATING THE HOME DELIVERY OF RECREATIONAL MARIJUANA

FINDINGS: In recent months, the Coronavirus (COVID-19) pandemic has spread from China to the rest of the world. Each day, the number of cases and deaths increase in the United States. Oregon has seen similar increases in the last month. The President, Governor and County Commissioners have declared a state of emergency in response to the spread of COVID-19.

WHEREAS, the City, through its governing body, has declared a State of Emergency as of March 24, 2020; and

WHEREAS, Governor Brown by Executive Order, including Executive Order 20-12 has caused many residents to be homebound during the Coronavirus pandemic; and

WHEREAS, the State of Oregon, through the Oregon Liquor Control Commission (OLCC) has made allowable by licensure the delivery of recreational marijuana to a home location within the city limits in which the dispensary is licensed; and

WHEREAS, the OLCC in a special meeting held March 22, 2020, voted to allow drive-up and curbside delivery of recreational marijuana; and

WHEREAS, the City of Hines through Ordinance number 317, section 5.05.050, Paragraph P – Sales and Transfer specifically bans all walk-up, drive through, or home delivery sales of recreational marijuana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF HINES, OREGON:

That effective immediately, Paragraph P – Sales and Transfer, found in section 5.05.050 of City Ordinance number 317, is temporarily suspended. Retail dispensaries may, for a time, until the temporary suspension is terminated by resolution of the City Council of Hines, deliver recreational marijuana in the following ways:

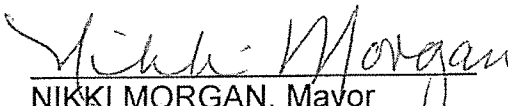
- 1- Home Delivery – is allowed if dispensary has or obtains proper licensing through the OLCC and strictly adheres to all of the OLCC Home Delivery Requirements.

- 2- Drive-up, or Curbside Delivery – is allowed, as expressly allowed by Executive Order 20-12 and by strict adherence to OLCC rules established March 22, 2020.

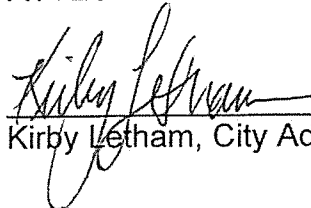
The City of Hines may review this suspension at any time. A review will be automatically triggered at the time a State of Emergency in the City of Hines is removed, Governor Brown removes all Executive Orders requiring citizens to stay at home, or the OLCC overturns their recent changes allowing drive-up and curbside delivery.

APPROVED and ADOPTED by the Hines Common Council this 24th day of March 2020.

CITY OF HINES

By: 
NIKKI MORGAN, Mayor

ATTESTED TO BY:


Kirby Letham, City Administrator

I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Co. Clerk's records.

Derrin E. Robinson, Harney County Clerk



RESOLUTION NO. 2285

A RESOLUTION CONTINUING A STATE OF EMERGENCY IN THE CITY OF HINES CAUSED BY THE CORONAVIRUS (COVID-19) PANDEMIC IN THE STATE OF OREGON AND UNITED STATES

WHEREAS, there have now been confirmed cases of COVID-19 in Harney County; and,

WHEREAS, the City of Hines declared a State of Emergency on March 24, 2020 with the passage of Resolution 2281; and,

WHEREAS, Resolution 2281 is set to expire on April 30, 2020,

NOW THEREFORE, BE IT RESOLVED BY THE HINES CITY COUNCIL THAT A STATE OF EMERGENCY WILL CONTINUE TO EXIST IN ALL AREAS WITHIN THE CITY OF HINES UNTIL THE CITY COUNCIL TERMINATES THE STATE OF EMERGENCY BY RESOLUTION.

APPROVED and ADOPTED by the Hines Common Council this 28th day of April 2020 by a vote of 4 for and 0 against.

CITY OF HINES

By: Nikki Morgan
NIKKI MORGAN, Mayor

ATTESTED TO BY:

Kirby Letham
Kirby Letham, City Administrator

**MINUTES FROM
A MEETING OF THE HINES COMMON COUNCIL
February 9, 2021**

Present:

Mayor:

Nikki Morgan

Council:

Councilors Marsallai Quick, Robert Beers, Ron Williams, Gary Miller, Misty Shepherd and Amity York were present.

City Staff:

City Administrator Letham, Chief DeLange, Chief Spence and Public Works Acting Superintendent Lewellen

Public Audience:

Duane Hutchins, Hilda Allison, Warren Stahl, Judy Irwin, Lola Johnson and Dustin Beers

***Mayor Nikki Morgan called the meeting to order at 6:30 pm and led the flag salute.**

Approval of the February 9, 2021 Agenda

Councilor Beers made a motion to approve the agenda for February 9, 2021 as presented. Councilor Williams seconded the motion. All ayes, the motion carried.

Approval of the January 26, 2021 Meeting Minutes

Councilor Beers made a motion to approve the meeting minutes from January 26, 2021. Councilor Williams seconded the motion. All ayes, the motion carried.

Accounts Payable for January 28, 2021 and February 9, 2021

Councilor Beers made a motion to approve the A/P for January 28, 2021 in the amount of \$4,054.88 and February 9, 2021 in the amount of \$26,360.46. Councilor Williams seconded the motion. All ayes, the motion carried.

Department Reports

Chief DeLange – Reported there has been 247 calls since his last report. Domestic violence calls are out of control. They are averaging about one per day. Drugs involved in most of them. DUIs are up. Allen Johnson has been hired as a reserve officer. They have written the first drug ticket which is processed through Justice Court. Would like the Council to pass an Ordinance similar to the Kratum Ordinance. A lot of thefts around town. Items being taken out of the back of trucks and cars. Residents should not leave items of value in their vehicles at night, especially guns as they are being taken. A lot of traffic stops lately, with quite a few tickets being written. There are been several vehicle accidents. County and State have had a couple of fatal accidents that seem speed related. Sex abuse and mental health cases are down. He, Chief Skunkcap and some officers have visited the schools talking about drugs. The State has passed a law that all new police officers must pass a psych eval. The officers must travel to Sisters for the test

and it is a \$600 charge to the City for testing. The State is proposing a bill that requires any new police officer must have a 2-yr college degree, otherwise the officer would not be State certified. Councilor Quick asked what the justification is and Chief DeLange responded that it is part of the State's police reform program. Councilor Miller stated that we need to do something soon about the drug problem, at least within City limits, such as an Ordinance. Administrator Letham said that he and the Chief will work with the District Attorney and City attorneys to see what can be done about this. Councilor Williams asked if Chief DeLange had heard from any other Police Chiefs about what other cities are doing. Chief DeLange explained that right now everyone is having a wait and see what happens attitude. Councilor Williams asked if the City could pass an Ordinance and raise the fine above \$100. Chief DeLange said yes, but we would be going against what the State has set. The City cannot arrest someone on a drug violation however, we can raise the fine over what the State has set. Councilor Quick asked if the City could seize property. Chief DeLange said since it has been decriminalized, he is not sure. If so, it would have to be done through Civil Court. He did say that if you receive multiple violations it then turns in to a criminal rather than civil violation.

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City Administrator Letham – Administrator Letham thanked the Public Works crew for their assistance with the installation of the pieces for the Skate Park. Used the recently purchased forks for the skid steer which was used for moving the pieces. The City also recently purchased a 4-wheeler. Has been immediately useful clearing snow from the sidewalks. Oregon Government Ethics Commission (OGE), he will send an email to the Council members with instructions. Well #3 is currently off-line. The casing is going to be replaced through a change order prior to bringing the well back on-line. The Planning Commission is reviewing an Ordinance addressing Accessory Dwelling Units (ADUs). Once they have completed their review, they will present a recommendation to the Council. He and Chief DeLange will be meeting with the 911 Board next week to renew the IGA. The City will host Obsidian Days this year. Almost all vendors have said they will be here. Planning on hosting the 4th of July in Hines Park again this year. Will be meeting with the engineers and contractors again next month to gear up again for the water project. Have received several telephone calls regarding mosquito control. Biggest concern has been communication. He has explained that the first steps will be discovering mosquito breeding grounds and then spreading larvicide. And then observing where adult mosquitos are and using controlled ground spraying to eradicate the adults. The City will release information with the February water bills explaining the process and will work to make sure residents know what is happening. Goal to have park sprinkler bid ready by

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Public Comment – Non-Agenda Items Only (Speaking time limits may apply)

Warren Stahl – would like to propose that the City map in the Public Works shop be preserved and saved. It is a hand drawn map. The Council was very receptive to this idea.

Old Business:

Lola Johnson, Director of the Chamber of Commerce:

Ms. Johnson wanted to let the Council know that she has resigned as the Director of the Chamber of Commerce. She wanted to take the time to come in and thank the Council for all their support. Council members wished her well with her new venture.

Ordinance 328: Fuel Tax – First Reading

Ordinance 328 is the Ordinance that will put in to affect the fuel tax that was voted on in November 2020, instituting a \$.01/gallon fuel tax. Administrator Letham will read the complete Ordinance at the second reading. Tonight, he will paraphrase the ordinance. This ordinance is enacted to provide additional funds for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public highways, roads, and streets in the City and those subject to City control. This ordinance shall be known as the "City of Hines Motor Vehicle Fuel Tax Ordinance." This measure was passed by the voters by a total of 551 Yes, 358 No. The Council will read the Ordinance and vote to adopt during the March 9th meeting. The fuel tax is set to become effective as of April 1, 2021.

Update on TLT Funds

The City budgeted \$7,125 for tourism promotion from TLT funds. So far, the City has received \$4,511.53 for this budget year. For the 2019-2020 fiscal year the City budgeted to spend \$9,500 in tourism promotion from TLT funds, but still had \$4,445.79 at the end of the year that moved into "Available Cash on Hand". We can write a resolution to move the money back to the TLT account. This would allow the City to make plans to spend this money this fiscal year. There are a couple of City residents that are interested in working with City staff with this project. Duane Hutchins and Hilda Allison have both volunteered to work on this.

Update on the Pathway Grant

In September 2020 ODOT released the 2021 Oregon Community Paths Grant Application. In October 2020 Administrator Letham submitted a letter of intent to apply. In November 2020, the City Administrator was advised that our letter of intent had been approved and the City was cleared to apply for the grant. The Valley Golf Club members submitted several concerns about the proposed pathway. The map was modified to

address those concerns. The grant application was submitted February 1st. The City will be notified sometime between March and May 2021 if the proposed project was awarded a grant. Councilor Miller asked if it is necessary for the Council to vote on approval of what would be needed for matching funds. The Mayor responded that until the City receives the award there is no need for a vote. Administrator Letham said that if the City receives the grant, the match would be budgeted and voted upon, then there would be a design phase, then final approval of designs from ODOT before construction. This would ensure that the project costs fall within the amount of the grant.

New Business:

Business License Application – Freedom Industries: Dustin Beers (Construction)

Has his CCB License and business insurance. Received a business license from the City of Burns. He will begin with drywall and flooring as he builds his experience and client base. *Councilor Williams made a motion to approve the business license for Freedom Industries. Councilor Miller seconded the motion. 5 ayes, 0 nay, 1 abstain.*

Homelessness and “City Camping”

A few years ago, the homeless problem became severe in Boise, ID. Boise tried to act and was sued by the ACLU representing homeless individuals. The City of Grants Pass had a similar lawsuit last summer. Both cities lost their cases in the lower courts and the Supreme Court has refused to hear Boise's case. The results of these cases are that there are now big changes to how a city can or cannot address the issue of homeless camping. House Bill 3115 has been introduced at the state level. It is designed to ensure cities around the state are aligned with recent federal rulings limiting how local governments can regulate camping. Administrator Letham explained that he would like the Council to research the topic to be able to come up with how the City will address this issue. Councilor Williams mentioned that the City of Bend is having a terrible time with homelessness. He believes that the City does need to do something. Councilor Miller said that he believes with COVID-19 that the homeless issue will get worse. Councilor Quick asked Chief DeLange how many homeless he sees in a month. He said about 5. Administrator Letham added that although we cannot criminalize homelessness, if they are committing crimes, they can still be arrested. Councilor York asked Chief DeLange how this is different from squatting. Chief DeLange said that squatting involved private property, where “homeless camping” involves public property.

Public Comment Period (Speaking time limits may apply):

None

Mayor and Council Comments

Councilor York – None

Councilor Shepherd – None

Councilor Miller – Thanks to Lola Johnson for the work she did with the Chamber of Commerce.

Councilor Quick – Thanks to Lola Johnson for the work she did with the Chamber of Commerce. Thanks to Chief Spence and good job with the training.

Councilor Beers – Thanked the department heads for doing great jobs. Also, thanks to Lola Johnson for her work with the Chamber of Commerce.

Councilor Williams - None

Mayor Morgan – Thanked the department heads.

Next Council Meeting is scheduled for February 23, 2021 at 6:30pm.

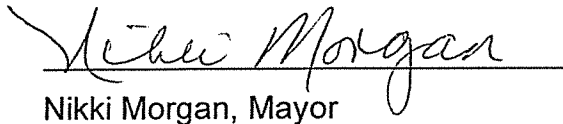
Adjournment:

There being no further business, Councilor Beers made a motion to adjourn the meeting. Councilor Williams seconded the motion. All ayes, the motion carried. Meeting adjourned at 8:05pm.

Respectfully Submitted:

Kirby Letham
City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON FEBRUARY 23, 2021.


Nikki Morgan, Mayor

**MINUTES FROM
A MEETING OF THE HINES COMMON COUNCIL
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Old Business:

Lola Johnson, Director of the Chamber of Commerce:

Ms. Johnson wanted to let the Council know that she has resigned as the Director of the Chamber of Commerce. She wanted to take the time to come in and thank the Council for all their support. Council members wished her well with her new venture.

Ordinance 328: Fuel Tax – First Reading

Ordinance 328 is the Ordinance that will put in to affect the fuel tax that was voted on in November 2020, instituting a \$.01/gallon fuel tax. Administrator Letham will read the complete Ordinance at the second reading. Tonight, he will paraphrase the ordinance. This ordinance is enacted to provide additional funds for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public highways, roads, and streets in the City and those subject to City control. This ordinance shall be known as the "City of Hines Motor Vehicle Fuel Tax Ordinance." This measure was passed by the voters by a total of 551 Yes, 358 No. The Council will read the Ordinance and vote to adopt during the March 9th meeting. The fuel tax is set to become effective as of April 1, 2021.

Update on TLT Funds

The City budgeted \$7,125 for tourism promotion from TLT funds. So far, the City has received \$4,511.53 for this budget year. For the 2019-2020 fiscal year the City budgeted to spend \$9,500 in tourism promotion from TLT funds, but still had \$4,445.79 at the end of the year that moved into "Available Cash on Hand". We can write a resolution to move the money back to the TLT account. This would allow the City to make plans to spend this money this fiscal year. There are a couple of City residents that are interested in working with City staff with this project. Duane Hutchins and Hilda Allison have both volunteered to work on this.

Update on the Pathway Grant

In September 2020 ODOT released the 2021 Oregon Community Paths Grant Application. In October 2020 Administrator Letham submitted a letter of intent to apply. In November 2020, the City Administrator was advised that our letter of intent had been approved and the City was cleared to apply for the grant. The Valley Golf Club members submitted several concerns about the proposed pathway. The map was modified to

address those concerns. The grant application was submitted February 1st. The City will be notified sometime between March and May 2021 if the proposed project was awarded a grant. Councilor Miller asked if it is necessary for the Council to vote on approval of what would be needed for matching funds. The Mayor responded that until the City receives the award there is no need for a vote. Administrator Letham said that if the City receives the grant, the match would be budgeted and voted upon, then there would be a design phase, then final approval of designs from ODOT before construction. This would ensure that the project costs fall within the amount of the grant.

New Business:

Business License Application – Freedom Industries: Dustin Beers (Construction)

Has his CCB License and business insurance. Received a business license from the City of Burns. He will begin with drywall and flooring as he builds his experience and client base. *Councilor Williams made a motion to approve the business license for Freedom Industries. Councilor Miller seconded the motion. 5 ayes, 0 nay, 1 abstain.*

Homelessness and “City Camping”

A few years ago, the homeless problem became severe in Boise, ID. Boise tried to act and was sued by the ACLU representing homeless individuals. The City of Grants Pass had a similar lawsuit last summer. Both cities lost their cases in the lower courts and the Supreme Court has refused to hear Boise's case. The results of these cases are that there are now big changes to how a city can or cannot address the issue of homeless camping. House Bill 3115 has been introduced at the state level. It is designed to ensure cities around the state are aligned with recent federal rulings limiting how local governments can regulate camping. Administrator Letham explained that he would like the Council to research the topic to be able to come up with how the City will address this issue. Councilor Williams mentioned that the City of Bend is having a terrible time with homelessness. He believes that the City does need to do something. Councilor Miller said that he believes with COVID-19 that the homeless issue will get worse. Councilor Quick asked Chief DeLange how many homeless he sees in a month. He said about 5. Administrator Letham added that although we cannot criminalize homelessness, if they are committing crimes, they can still be arrested. Councilor York asked Chief DeLange how this is different from squatting. Chief DeLange said that squatting involved private property, where “homeless camping” involves public property.

Public Comment Period (Speaking time limits may apply):

None

Mayor and Council Comments

Councilor York – None

Councilor Shepherd – None

Councilor Miller – Thanks to Lola Johnson for the work she did with the Chamber of Commerce.

Councilor Quick – Thanks to Lola Johnson for the work she did with the Chamber of Commerce. Thanks to Chief Spence and good job with the training.

Councilor Beers – Thanked the department heads for doing great jobs. Also, thanks to Lola Johnson for her work with the Chamber of Commerce.

Councilor Williams - None

Mayor Morgan – Thanked the department heads.

Next Council Meeting is scheduled for February 23, 2021 at 6:30pm.

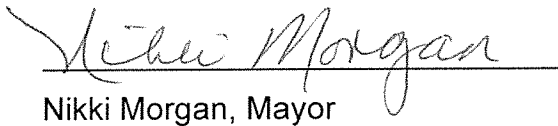
Adjournment:

There being no further business, Councilor Beers made a motion to adjourn the meeting. Councilor Williams seconded the motion. All ayes, the motion carried. Meeting adjourned at 8:05pm.

Respectfully Submitted:

Kirby Letham
City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON FEBRUARY 23, 2021.


Nikki Morgan, Mayor