



CITY OF LA PINE, OREGON

REGULAR CITY COUNCIL MEETING & EXECUTIVE SESSION

Wednesday, October 14, 2020 at 5:30 PM
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

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.

AGENDA

1. CALL TO ORDER

2. ESTABLISH A QUORUM

3. 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

4. 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.

- [1.](#) 8.26.2020 Regular City Council Meeting Minutes

5. WATER & SEWER SERVICES EXPANSION- CITIZEN AGENDA ITEM

6. APPOINTMENT OF NEW CITY MANAGER- ACTION ITEM

7. MAYOR & COUNCIL PRESIDENT TO FILL IN FOR MANAGER IN INTERIM- ACTION ITEM

8. CITY MANAGER MOVING ALLOWANCE- DISCUSSION ITEM

9. LA PINE TRANSIT CENTER UPDATE- DISCUSSION ITEM

10. CAGLE & GREENWOOD UPDATE- DISCUSSION ITEM

11. LA PINE PARKS AND RECREATION UPDATE- DISCUSSION ITEM

12. GAS TAX REVISTED- DISCUSSION ITEM

13. RESCHEDULING OF JOINT MEETING WITH COMISSIONERS- DISCUSSION ITEM

14. HUNTINGTON MEADOWS SWALES UPDATE- DISCUSSION ITEM

15. OTHER MATTERS

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

16. PUBLIC COMMENTS

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

17. STAFF COMMENTS

18. MAYOR & COUNCIL COMMENTS

19. ADJOURNMENT

OPEN EXECUTIVE SESSION

EXECUTIVE SESSION

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.

1. CALL TO ORDER

2. ESTABLISH A QUORUM

3. ITEMS FOR DISCUSSION

1. Executive Session - ORS 192.660(2)(f)- to consider information or records that are exempt by law from public inspection.
2. Executive Session - ORS 192.660(2)(e)- to conduct deliberations with person designated by the governing body to negotiate real property transactions.

4. ADJOURN EXECUTIVE SESSION

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.

CITY OF LA PINE, OREGON
REGULAR CITY COUNCIL MEETING VIA ZOOM

Wednesday, August 26, 2020 at 5:30 PM
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

MINUTES

1. CALL TO ORDER

Meeting called to order at 5:32 p.m.

2. ESTABLISH A QUORUM

PRESENT

Mayor Daniel Richer
Councilor Don Greiner
Councilor Connie Briesse
Councilor Colleen Scott
Councilor Mike Shields

STAFF

City Manager Melissa Bethel
Public Works Manager Jake Obrist
City Recorder Robin Neace

3. 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

1. Appointment of Stu Martinez to City Council Rules Committee
2. City Manager Vacancy & Recruitment Process

4. 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.

1. 8.12.2020 Regular City Council Meeting Minutes

Motion made by Councilor Greiner, Seconded by Councilor Scott.

Voting Yea: Councilor Greiner, Councilor Briesse, Councilor Scott, Councilor Shields

5. RESOLUTION NO. 2020-08: A RESOLUTION ADOPTING A SYSTEM DEVELOPMENT CHARGE METHODOLOGY AND SCHEDULE OF FEES FOR THE CITY OF LA PINE'S TRANSPORTATION SYSTEM

Staff Report by Obrist, along with consultant Steve Donovan.

Motion made by Councilor Greiner, Seconded by Councilor Shields.

Voting Yea: Councilor Greiner, Councilor Briesse, Councilor Scott, Councilor Shields

6. ORDINANCE NO. 2020-08- AN ORDINANCE ADOPTING AND ENACTED A NEW CODE FOR THE CITY OF LA PINE, OREGON; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

Staff report by Bethel.

Motion made by Councilor Greiner, Seconded by Councilor Scott.

Voting Yea: Councilor Greiner, Councilor Briese, Councilor Scott, Councilor Shields

7. WATER METER PROVIDER CHANGE- DISCUSSION ITEM

Staff Report by Obrist.

Motion made by Councilor Greiner, Seconded by Councilor Shields.

Voting Yea: Councilor Greiner, Councilor Briese, Councilor Scott, Councilor Shields

8. HUNTINGTON MEADOWS SWALES- DISCUSSION ITEM

Staff Report by Obrist.

No vote, matter continued until next meeting.

9. OTHER MATTERS

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

1. Appointment of Stu Martinez to City Council Rules Committee

Voting Yea: Councilor Greiner, Councilor Briese, Councilor Scott, Councilor Shields

2. City Manager Vacancy & Recruitment Process

Decision made to approve the profile and job description, and to post the job opening as soon as possible. No vote taken.

10. PUBLIC COMMENTS

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

Public Comment from Russ Smith regarding the swales issue.

11. STAFF COMMENTS

Obrist asks questions re: process of hiring new City Manager.

12. MAYOR & COUNCIL COMMENTS

Councilors Greiner and Scott thank Bethel for her service as City Manager.

13. ADJOURNMENT

Meeting adjourned at 6.27 p.m.



CITY OF LA PINE

STAFF REPORT

Meeting Date: October 14, 2020
TO: La Pine City Council
FROM: Staff
SUBJECT: Appointment of New City Manager

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 checked="" type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |

Councilors:

As you know, we have been in the process of hiring a new City Manager. Below is a brief summary of the selection process:

- City Staff prepared a job description and recruitment materials which were published on August 28, 2020.
- A hiring committee of Mayor Richer and Councilors Scott & Shields was established to conduct interviews.
- Mayor Richer and Councilors Greiner, Scott and Shields all reviewed each application to determine if the committee wanted to interview each applicant.
- The hiring committee interviewed six applicants.
- The hiring committee chose their candidate, Geoff Wullshlager, for City Manager.

Mr. Wullshlager's contact has been negotiated and agreed to. His start date is still TBD based on his ability to secure housing in the area.

The Mayor will need to appointment Mr. Wullshlager, and then the Council will confirm that decision.



CITY OF LA PINE

STAFF REPORT

Meeting Date: October 14, 2020
TO: La Pine City Council
FROM: Staff
SUBJECT: La Pine Station Update

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:

As was reported by former City Manager Melissa Bethel in her September Council Update, final drawings were approved by ODOT with minor revisions. Melissa hoped the project could go out to bid in the fall. However, as no other staff was involved in the project, we will have to wait until the new City Manager is installed before we take any more action on the project.

Melissa also mentioned that possibility of a three-way swap with the County. Staff does not have any updates on this.

CITY OF LA PINE

STAFF REPORT

DATE SUBMITTED:

TO: La Pine City Councilors

FROM: Jake Obrist, La Pine Public Works Manager

SUBJECT: Water/Wastewater Project Update-Cagle and Glenwood

MEETING DATE: October 14, 2020

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |
-

Background

The City has entered in to loan agreements with DEQ for interim financing for to start construction on our Wastewater portion of the projects. These projects will include (3) phases of construction and we anticipate starting construction this Summer on phase (1). These phases are described below for reference:

Phase (1) will include improvements to the wastewater treatment facility with the additions of a new storage lagoon, 210 acres of irrigation for disposal, and a new septage receiving station. Phase (2) will include improvements to the water distribution system with the additions of a new storage reservoir, new pump motors to the existing wells, and the construction of a new 16” distribution water main to the north end of La Pine. Phase (3) will include expansion of the water and wastewater systems to service Cagle/Glenwood acres. The infrastructure will include new distribution and collection piping, service connections for water and sewer, and three new wastewater lift stations.

The City has been focusing our efforts on Phase (3) of the project, specifically with acquiring easement signatures from property owners, and acquiring locations to site the three new wastewater lift stations.

Easement Letters

Recent COVID 19 restrictions pushed back our timeline to acquire signatures, causing our door to door efforts to collect signatures beginning in September. With help from staff and the Major, this endeavor proved to be very effective. We had only 150 signed letters prior to this effort, now we have 228 signed letters and we are nearing the 80% approval mark, which is fantastic for our project.

Lift Stations

The three new lift stations that are creating with this project will require three parcels of land to accommodate them. Our partnership and efforts with Deschutes County had allowed us to sight (1) lift

station on newly acquired land that was donated by the County. Our (2) lift station will be located on Cagle Rd on a private parcel and we have made agreements to acquire a permanent easement on small piece of their property. These agreements have not been made official and our in the legal process currently. The final (3) lift station will be located on Allen Drive. This property is taking the proper steps in finishing the required appraisal process and is pending a legal meeting to move forward to purchase the entire parcel.

Please ask any questions you may have on any of the above information. Some of these topics are sensitive topics that have taking considerable amounts of time to get them to their current status.



CITY OF LA PINE

STAFF REPORT

Meeting Date: October 14, 2020
TO: La Pine City Council
FROM: Staff
SUBJECT: Parks and Recreation Update

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:

As an update, Parks and Recreation has finished compiling and sending documents to the City. Those documents have been forwarded to the City Attorney's office.



CITY OF LA PINE

STAFF REPORT

Meeting Date: October 14, 2020
TO: La Pine City Council
FROM: Staff
SUBJECT: Gas Tax Discussion Revisited

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 decided to place a 3-cent gas tax on the November 2020 ballot. In June, Council decided to postpone the gas tax and take it out of consideration for the November Ballot. Attached here again is the Gas Tax Referral Procedures Memorandum from Jeremy Green and the draft Resolution Approving Referral to the City's Electors.

Council still needs to decide when they will put the issue on the ballot. To meet the May 18, 2021 deadline, the gas tax will have to be complete by February 26, 2021. As you know, this will require a significant amount of staff time, which is likely to be at a premium as our new City Manager gets settled into the job. We can also put the tax on the November 2, 2021 ballot which would require the City to have the tax ready for publication on August 13, 2021.

Memorandum

To: Melissa Bethel, City Manager

From: Jeremy M. Green and Katie Clason, Bryant, Lovlien, & Jarvis, P.C.

Date: October 8, 2019

Re: City of La Pine – Gas Tax Referral Procedures

Brief Background

The La Pine City Council (the “council”) desires to impose a tax on vehicle fuel sold within City of La Pine (“City”). Under ORS 319.950, a gas tax requires voter approval. There are no special state-imposed procedural requirements applicable to a gas tax ballot referral other than electoral approval. This memorandum summarizes the legal procedures applicable to implementation of a gas tax to be considered at the November 3, 2020 general election. This memorandum is not intended to be exhaustive.

Procedure

The dates below include an approximately 30-day buffer to provide adequate time for the council to refer the ballot to the voters. Additionally, because a tax ordinance may not be adopted by emergency, the council should target adopting the gas tax ordinance in June 2020.

1. The council refers a ballot measure to the voters via council resolution. Once the council adopts the resolution, the ballot measure referral text is filed with City’s elections official (i.e., the city recorder). Assuming a 30-day buffer for the November 3, 2020 election, this step must be completed no later than Wednesday, July 15, 2020.
2. The elections official forwards a copy of the referral text to the city attorney for preparation of the ballot title the next business day after the elections official receives the referral text (i.e., Thursday, July 16, 2020). The ballot title is then filed with the elections official for publication (a copy is to be provided to the council). This step must be completed no later than the fifth business day after the city attorney receives the referral text. Thus, if the council adopts the resolution and files the referral text with the city elections official on Wednesday, July 15, 2020, this step must be completed no later than Thursday, July 23, 2020.

Generally, we (the city attorney’s office) prepare the ballot title in advance of the council’s approval (as opposed to preparing the ballot title after we’ve received the referral from the city elections official). This is a more efficient process than waiting for the council to approve the referral and then drafting the ballot title language. The ballot title consists of a caption describing the subject of the referral, a question plainly phrasing the main purpose of the referral, and a summary describing the major effect of the referral.

3. After receiving the completed ballot measure, the city elections official must publish the ballot title in the next available edition of a newspaper of general circulation. Notice may also be published on City’s website for seven days.
4. Any registered voter who is dissatisfied with the ballot title may petition the circuit court for review. The challenge period is seven business days after the ballot title is filed. The city elections official must be notified within a day of any petition being filed in circuit court challenging the ballot title.
5. If no challenge is filed within the seven-day period, the city elections official must file the referral text (along with the final ballot title and explanatory statement) with the Deschutes County Clerk (on the eighth

business day, preferably). In connection with this filing, the City must file Form SEL 802 “Notice of Measure Election – City” along with the explanatory statement. This step must be completed no later than Tuesday, August 4, 2020.

6. The county elections official will then assign a ballot measure number. The ballot measure will then be submitted to the electors on November 3, 2020.

Additional Considerations

1. Political Advocacy. Restrictions on political advocacy for a ballot measure referred by a governing body are triggered as soon as the measure is certified to the ballot. A city measure is “certified” when the elections official files the referral with the county election office. Elected officials are not subject to the prohibitions found under ORS 260.432 concerning political advocacy.

For practical purposes, this means that the council (or a political action committee) will primarily be responsible for advocacy relating to the referral. Councilors may advocate for or oppose a particular ballot measure. An elected official may not, however, request a public employee, whether the public employee is on or off duty, to perform any political activity.

2. Material Produced by Governing Bodies. Political materials produced by public employees while on the job during work hours must be impartial. The Oregon Secretary of State, Elections Division, will review materials prior to publication to ensure compliance with the impartiality requirement. Approval by the Elections Division provides a safe harbor for compliance with ORS 260.432.

If material is submitted to the Elections Division and approved in writing, there will be no violation of ORS 260.432 provided the printed material does not deviate from the approved material. The Elections Division will complete the review process within five business days of the submission of the material. The Elections Division’s response will either state that the document is acceptable as submitted or provide recommendations about how to make the document more impartial. The jurisdiction may re-submit the material with incorporated changes as many times as is necessary.

RESOLUTION NO. 2020-__

A RESOLUTION OF THE CITY OF LA PINE APPROVING REFERRAL TO THE CITY'S ELECTORS THE QUESTION OF IMPOSING A BUSINESS LICENSE TAX ON MOTOR VEHICLE FUEL DEALERS.

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, on _____, 2020 the La Pine City Council approved and adopted Ordinance No. 2020-__ (the "Ordinance"), which Ordinance imposes a business license tax on motor vehicle fuel dealers in City; and

WHEREAS, ORS 319.950 provides, in pertinent part, that a city may enact or amend any charter provision, ordinance, resolution, or other provision taxing fuel for motor vehicles after submitting the proposed tax to the electors of the city for approval; and

WHEREAS, by adoption of this Resolution No. 2020-__ (this "Resolution"), the council refers the Ordinance to City's electors at the statewide election held on November 3, 2020 pursuant to ORS 319.950 and Section 26 of the Ordinance.

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

1. Measure. A measure election is hereby called for the purpose of submitting to City's electors a measure imposing business license tax on motor vehicle fuel dealers (as defined in the ordinance) in City. The measure (question and summary) attached hereto as Exhibit A and incorporated herein by this reference is hereby approved.

2. Election Conducted by Mail. The measure election will be held in City on November 3, 2020. As required by ORS 254.465, the measure election will be conducted by mail by the Deschutes County Clerk according to the procedures adopted by the Oregon Secretary of State.

3. Delegation. The city manager (or his or her designee) is authorized to act on behalf of City and take such further action necessary to carry out the intent and purposes set forth herein in compliance with applicable laws.

4. Ballot Title. The city attorney has prepared the ballot title (caption) for the measure attached hereto as Exhibit B and incorporated herein by this reference. The ballot title attached hereto as Exhibit B is hereby approved.

5. Notice of Ballot Title; Right to Appeal. Upon receiving the ballot title for this measure, the city recorder will publish in the next available edition of a newspaper of general circulation in City a notice of receipt of ballot title, including notice that an elector may file a petition for review of the ballot title.

6. Explanatory Statement. The explanatory statement for the measure attached hereto as Exhibit C and incorporated herein by this reference is hereby approved.

7. Filing with County Elections Office. The city recorder will deliver the Notice of Measure Election to the Deschutes County Clerk for inclusion on the ballot for the November 3, 2020 election.

8. Severability; Effective Date. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, and/or portion of this Resolution 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 Resolution. This Resolution will be in full force and effect from and after the effective date of the Ordinance.

APPROVED AND ADOPTED by the Council and signed by the mayor this ____ day of _____, 2020.

Daniel Richer, Mayor

ATTEST:

Melissa Bethel, City Manager

Exhibit A
Measure

QUESTION

Shall La Pine impose a 3-cent per gallon tax on motor vehicle fuel dealers for road repairs and reconstruction?

SUMMARY

Approval of this measure will impose a business license tax on motor vehicle fuel dealers within City of La Pine. The tax will be computed on the basis of three cents (\$.03) per gallon of motor vehicle fuel sold, used or distributed by dealers in City, as well as all such fuel sold, used or distributed in City by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable license tax. The business license tax will be remitted to City by the dealer.

The tax does not apply to motor vehicle fuel exported from City by a dealer and motor vehicle fuel sold to the Armed Forces of the United States

Revenue generated by the tax will be used to fund the construction, reconstruction, improvement, repair, maintenance, operation and use of City's roads. If passed, the tax will be imposed commencing on April 1, 2021 and will expire on March 31, 2031.

Exhibit B
Ballot Title

Imposes tax on fuel dealers for road repairs and reconstruction.

Exhibit C
Explanatory Statement

Approval of this measure will impose a business license tax on motor vehicle fuel dealers within City of La Pine ("City"). The tax will be calculated on the basis of three cents (\$.03) per gallon of motor vehicle fuel sold, used or distributed by dealers in City, as well as all such fuel sold, used or distributed in City by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable license tax. All dealers of motor vehicle fuel in City will be required to obtain a license from City authorizing the person to engage in business as a dealer. The tax does not apply to, among other things, motor vehicle fuel exported from City by a dealer and motor vehicle fuel sold to the Armed Forces of the United States. The tax will be imposed on the dealer and remitted to City.

City is facing a _____ deficit in funds necessary to restore its existing roads to good repair and condition. Road maintenance is currently mostly funded by City's share of state fuel tax funds. This funding source has failed to provide sufficient funds to maintain City roads. The La Pine City Council [basis for recommendation, study, committee, etc.]

If the measure passes, City will use revenue generated from the tax to fund road repair and reconstruction projects. Road repair and reconstruction projects include, without limitation, _____.

The tax is intended to balance the tax burden between residents and visitors to City and is anticipated to generate approximately \$_____ annually in revenue. If passed, the tax will be imposed commencing on April 1, 2021 and will expire on March 31, 2031.



CITY OF LA PINE

STAFF REPORT

Meeting Date: October 14, 2020
TO: La Pine City Council
FROM: Staff
SUBJECT: Rescheduling of Joint Meeting with Commissioners

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:

As you are likely aware, the joint City Council meeting with the Deschutes County Board of Commissioners on October 28, 2020 has been cancelled. We will look to rescheduling the meeting when our new City Manager is installed and able to discuss the topics necessary with proper knowledge and authority.

CITY OF LA PINE

STAFF REPORT

DATE SUBMITTED:

TO: La Pine City Councilors

FROM: Jake Obrist, La Pine Public Works Manager

SUBJECT: Swales and Landscaping Areas Ordinance Update

MEETING DATE: October 14, 2020

TYPE OF ACTION REQUESTED (Check one):

- | | | | |
|-------------------------------------|-------------------------|--------------------------|------------------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | No Action – Report Only | <input type="checkbox"/> | Public Hearing |
| <input type="checkbox"/> | Formal Motion | <input type="checkbox"/> | Other/Direction: |
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Background

The City of La Pine has been continuing to improve its snow removal services over the past several years and have made that trend a priority for the future. There are areas in town where snow removal can be very difficult at times, primarily due to the conditions of the swale areas; which are created for storm water drainage and snow removal storage/drainage. The City is looking into efforts for re-establishing these swale areas within City limits.

In order to promote more efficient snow removal services, we currently have an ordinance that specifies that vehicles cannot park in these areas during snow removal conditions. However, the main issue is that customers are creating parking areas within the swales, bringing in gravel or other materials to fill in the areas. These were not originally intended for parking areas, hence the issues we are facing today.

The proper process to address this issue is to first, create an ordinance that defines what these swales are intended for. Secondly, establish a time frame that allows the residents to correct the out of compliance swales adjacent to their property. Lastly, the City Public Works will commence the effort to correct the swales and restore them back to their intended use.

Per Councils direction, staff and legal have begun efforts to reconstruct an amend the current Ordinance 2016-07, *“an ordinance establishing regulations for maintenance of sidewalks and landscaping strips; and providing a penalty”*. I have had several meetings with legal to incorporate our concerns into this ordinance and this will build the framework to establish these areas within our right of way. I anticipate having a rough draft of that document in October and presented for your review during our November meetings.

Please let me know if you have any questions regarding the above information.

