



# CITY OF LA PINE, OREGON

## REGULAR CITY COUNCIL MEETING

Wednesday, September 08, 2021 at 5:30 PM  
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

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*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.*

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## AGENDA

### CALL TO ORDER

### ESTABLISH A QUORUM

### PLEDGE OF ALLEGIANCE

### 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.*

### 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*

### 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.](#) 08.25.21 Regular City Council Meeting Minutes

### OTHER MATTERS

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

- [2.](#) City Manager Report - G. Wullschlager
- [3.](#) Resolution 2021-07 A Resolution Supporting The Protection Of Constitutional Rights Of Oregonians
- [4.](#) 03 FPR-21 Kerbow Staff Report - A. Repko  
03 FPR-21 Kerbow Decision - A. Repko

**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.*

**STAFF COMMENTS**

**MAYOR & COUNCIL COMMENTS**

**ADJOURNMENT**

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**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**

Wednesday, August 25, 2021 at 5:30 PM  
La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

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**MINUTES**

**1. CALL TO ORDER**

Meeting was called to order at 5:30 p.m.

**2. ESTABLISH A QUORUM**

PRESENT

Mayor Daniel Richer  
Councilor Colleen Scott  
Councilor Courtney Ignazzitto  
Councilor Cathi Van Damme  
Councilor Mike Shields

ABSENT

None

STAFF

City Manager Geoffrey Wullschlager  
City Recorder Jamie Kraft  
City Planner Alexa Repko  
Public Works Manager Jake Obrist  
Administrative Assistant Stacie Skeeters

**3. PLEDGE OF ALLEGIANCE:**

**4. Other Matters: None**

**5. 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.*

Walter Getty gave an update to his former complaint made to the City Manager and City Council regarding barking dogs on his street. He requested that the council contact the owner of the dogs by mail to request that they keep their dogs quiet during the day when they are not home. Ms. Repko reported that a letter is being sent after City Manager review addressed to the homeowners requesting that they address the complaint regarding their dogs.

**6. 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.*

## **7. 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. 07.14.2021 Regular City Council Meeting Minutes

Consent to approve the Consent Agenda as presented with minor correction.

Voting Yea: Councilor Scott, Councilor Ignazzitto, Councilor Van Damme, Councilor Shields.

Voting Nay: None

## **8. OTHER MATTERS**

1. **Council Committees:**

Vacancies noted and discussed. Mayor volunteered for COCO. URA Colleen Scott. COIC Courtney Ignazzitto and Cathi Van Damme. LOC Mike Shields. COACT Cathi Van Damme.

2. **City Manager Report:**

Geoff Wullschlager gave an overview of items contained within his report. Of note, the City services continue to be very busy over the summer months. Council gave consensus approval to move the majority of the City's funds to the State Pool Account. Also of note was a request by County Commissioner Tony De Bone to hold a joint workshop with The Deschutes County Commissioners. The suggestion was to start at 4:30pm prior to the Regular City Council Meeting. Newberry Neighborhood, Industrial Park and Homeless Population are proposed discussion items.

3. **KCNP- La Pine High School Sports Broadcast Sponsorship:**

There was discussion regarding the request for \$500.00. There was consensus to approve the funding request. None were opposed.

4. **Proclamation 2021-01 Constitution Week:**

Geoff Wullschlager gave a brief overview of the request to approve Proclamation 2021-01. Motion made by Councilor Van Damme to approve Proclamation 2021-01. Motion was seconded by Councilor Shields and carried by a unanimous voice vote.

5. **La Pine Park and Recreation Community Grant Request:**

Councilor Scott requested that additional details be added included a financial statement of need and expenditure. Further information is needed before the Council votes on the matter.

6. **Flag Poles Donation Request:**

Carl Bass presented the funding request to the Council for consideration. Requested amount is \$2243.00 to supplement the \$4000.00 what they already have. Motion by Councilor Ignazzitto and seconded by Councilor Scott to approve the funding as requested. The motion carried by a unanimous voice vote.

**6. Draft Resolution Discussion:**

Mr. Wullschlager presented a draft of a requested Resolution for Council consideration. The matter will be presented at the next Council meeting.

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

**9. PUBLIC COMMENTS**

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

Tonya Castro gave a public comment regarding the mask mandate. Concerns were expressed regarding freedom of choice and requested that council take action.

**10. STAFF COMMENTS**

**Public Works-** Jake Obrist gave an update on the Cagle water/wastewater project. He noted that Branden Bren and Dylan Gardner both recently obtained their water/wastewater certification.

**Planning** – Alexa Repko gave an update on current planning applications.

**Administration** – None.

**11. MAYOR & COUNCIL COMMENTS**

**Councilor Scott** – Congratulated Alexa Repko on her promotion to City Planner. Expressed appreciation to the City Manager for submitting an approved grant application for new sidewalks. Also thanked the public for their comments.

**Councilor Van Damme** – None.

**Councilor Ignazzitto** – Thanked the public for their comments.

**Councilor Shields** – Expressed concerns about recent sidewalk construction.

**Mayor Richer** – Expressed appreciation to all who attended the meeting.

**13. ADJOURNMENT**

Meeting adjourned at 6:35p.m.

**14. OPEN EXECUTIVE SESSION PER ORS 192.660 (2)(e)**

6:38pm

**15. CLOSE EXECUTIVE SESSION PER ORS 192.660 (2)(e)**

6:44pm



## City Manager's Report – September 8, 2021

### **Administration:**

City Administration has been focused on several areas through the end of August and beginning of September. We are continuing our work with the contract accountant in getting more of our processes in house, in addition to closing out FY 20/21, cleaning up any unfinished reconciliations, and assisting in the preparation of Audit documents to be furnished to Umpqua Valley Financial, our independent auditor.

We have also started annual reviews and there is one full time employee that remains in addition to a 90-day review. These reviews have been a productive opportunity to build staff competencies and to acknowledge successes. Public works will be instituting their reviews that are outside of City Administrative oversight in the coming weeks.

### **Economic and Business Development:**

City Administration has been working with our contract Economic Development director. In the last several weeks we have had to site visits with prospective businesses that have expressed interest in both current built out properties in addition to shovel ready sites in the industrial park. This comes on the heels of the closing of several properties within the last several weeks which marks the first movement in the park in almost a year.

The team also met with Blu-line Towing which has expressed interest in purchasing a site in the park for a tow yard, which is strongly supported by area law enforcement. The code does permit for this use and we have aided the potential applicant in the pre planning process.

The team has also been in talks with Sun River Resort to reserve the City's down payment from the Economic Development Fund towards the SLED annual luncheon. As COVID has created new concerns for large scale public events, we have moved the reservation from October to March of 2022.

### **Capital Projects:**

The City is moving forward with ODOT on several projects. The first is our path project that will connect from Burgess at Wickiup and terminate at 1<sup>st</sup>. St. next to Taco Bell. ODOT reports that the plans are 97% complete and they will go to bid in February of 2021. We have made some adjustments, primarily in that we are increasing the number of signs along the path from three to eight, and they will be placed every half mile. This is to permit the signage to act as mile markers every half mile for users, and to provide for reporting points for public safety. The other item is the consideration of lighting. ODOT currently does not have the budget to pay for illumination along the path, which is estimated at \$100,000 if placed every 100 ft. The main objective with lighting is to provide enhanced safety elements along the path route. We are currently investigating the possibility of using ARPA (COVID relief) funds for this portion of the project as there will be a reduction in cost for staging the whole project concurrently. If we cannot, we will possibly trench and lay conduit in phase one with lighting to be added at a later date.

The second project is the moving forward with the Transit Center. We plan on having this out to bid through the state procurement network that we have had to re-establish membership in. This is a required element of ODOT for the City to be in receipt of the project funds. We currently have one local contractor that has expressed interest in completing the project and our deadline is the end of June 2022. t

The City will be moving forward with longer range work as we enter Fall. The challenges of COVID expansion have limited the City's focus on this work, with priorities being placed on near term needs of the City. As of current the City has returned to a social distancing status in its offices and lobby to protect the health of employees.

Geoff Wullschlager  
City Manager

**CITY OF LA PINE**

**RESOLUTION NO. 2021-07**

**A RESOLUTION SUPPORTING THE PROTECTION OF CONSTITUTIONAL RIGHTS OF OREGONIANS**

WHEREAS, the Constitution of the United States is the cornerstone of our government and represents American values; and

WHEREAS, the Constitution of Oregon is the cornerstone of our state government and represents a combination of American and Oregonian values; and

WHEREAS, local elected officials swear to uphold the Constitution of the United States and the Constitution of the State of Oregon; and

WHEREAS, local elected officials endeavor to follow state laws and regulations and promulgate local ordinances and regulations which are within the boundaries of our constitutions; and

WHEREAS, the La Pine City Council strongly believes that all provisions of the Constitution of the United States and the Constitution of Oregon must be upheld to the fullest extent allowed by law, and that public officials should not pick and choose those provisions to be recognized and defended, and should recognize and defend all provisions; and

WHEREAS; the La Pine City Council strongly believes that where a question of Constitutionality is concerned, the jurisdiction of the City should rely upon current legal standards or appropriately adjudicated case law of the federal and Oregon state courts systems for direction until such time legislation is passed and enrolled addressing such questions in keeping with clause four, and five of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the La Pine City Council resolves as follows:

1. All employees and officers of the City of La Pine are recognized as having no jurisdiction in any business closure, school closure, or stay at home directives or other mandates under Executive Orders of the Governor of Oregon outside of City property, holdings, and employees, and will not act as such.
2. All employees are bound by conditions of employment and are compelled to maintain adherence to ORS 260.432 in avoidance of political activity while on the job.
3. All employees and officers of the City of La Pine recognize the importance and validity of the United States Constitution, and the Constitution of the State of Oregon in carrying out their duties.
4. All officers of the City of La Pine recognize the severe impact COVID-19 has had on matters of local economic development, and questions of first amendment freedoms, and continue to support any and all efforts to uphold the Constitution of the United States, and the Constitution of the state of Oregon to the fullest extent allowed by law in protecting those freedoms.
5. All officers of the City of La Pine do wholly recognize that in questions of Constitutionality, current federal and state where applicable, statutory laws and administrative rules shall be relied upon until such time that case law provides guidance or new legislation is enrolled and/or rules adopted.



6. The City recognizes the citizenry of La Pine are free, sovereign individuals within a Constitutional, Representative Republic, and will be recognized as such as we firmly stand to represent them.

APPROVED and ADOPTED by the La Pine City Council on September 8, 2021.

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Daniel Richer, Mayor

Attest:

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Geoff Wullschlager, City Manager



**CITY OF LA PINE TYPE I ADMINISTRATIVE DECISION**

The City of La Pine has **approved** the following land use application:

**FILE NUMBER:** 03FPR-21

**APPLICANT:** Charles & Alice Kerbow  
16760 Pine Place  
La Pine, OR 97739

**SURVEYOR:** Baxter Land Surveying  
145 NE Revere Ave Suite 4  
Bend, OR 97701



**LOCATION:** The subject property has an address of 16760 Pine Place. It is identified as Map and Tax Lot number 211035AD00300 on the Deschutes County Tax Assessor’s Map.

**REQUEST:** Type I Final Plat Review for 2 lots totaling 2.5 acres in the Residential Zone.

**STAFF REVIWER:** Alexa Repko, Principal Planner: 541-668-1135.

**APPLICATION ACCEPTANCE DATE:** This application was received on August 9, 2021 and deemed complete on August 26, 2021 when all required infrastructure and inspections were approved.

**APPLICABLE CRITERIA:**

*Code of Ordinances City of La Pine Oregon: Part II - Code of Ordinances*

Chapter 12 - Public Improvements: Article II. Public Works Improvements  
Division 3. Development Standards and Specifications

**Sec. 12-80. - Final plat.**

- (a) A final subdivision or partition plat showing complete information shall be submitted to the city planner for routing. Prior to plat signature by the public works manager, the following conditions must be met:
  - (1) The county surveyor has signed the plat;
  - (2) Required improvements to public facilities have been constructed, accepted, bonded, or guaranteed per the development code and any associated land use approval;
  - (3) Cash contributions for public improvements in lieu of construction have been paid;
  - (4) Warranty agreement and warranty bond have been provided for completed public improvements;
  - (5) Documentation has been submitted to verify the abandonment of any private water and sewer systems per county and/or state requirements;
  - (6) Certification has been provided of all earth fill areas located outside of public right-of-way/easement by a licensed professional engineer;

- (7) Public or city easements dedicated on the plat are consistent with current city easement agreement template provisions;
- (8) All related public or city easements conveyed separate from the plat have been signed and recorded;
- (9) All other conditions of land use approval that relate to public works or city engineers have been met; and
- (10) Any fees or assessments associated with the plat and required by the land use process, reimbursement/improvement districts, or cost sharing agreements have been paid.

**FINDING:** The final plat has been signed by a surveyor. Conditions of land use approval have been met and associated fees have been paid. The criteria are satisfied.

- (b) The final plat (or easements and/or right-of-way dedication in lieu of) shall be recorded upon completion and city acceptance of any associated required public improvements where, in the determination of the city engineer, said final plat left unrecorded may adversely impact existing and/or active public infrastructure or traveled way or constructed city master plan public facility.

**FINDING:** The Applicant shall record the final plat with the submittal of this decision. The criteria have been met.

(Ord. No. 2016-09, exh. B (04.7.00), 9-14-2016)

*City of La Pine Development Code*

Part III City of La Pine Development Code: Article 9 Land Divisions  
Chapter 15.410 Land Partitions

**Sec. 15.410.050. - Final map requirements.**

Within two years of the approval of a partition, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

- A. The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.

**FINDING:** This Decision acts as a certificate for approval of the subject subdivision by the Planning Official. The Applicant shall receive certificates for execution by the County Tax Collector and the County Assessor. These criteria will be met.

- B. Upon approval, the petitioner shall file the original map with the county clerk, the true and exact copy with the county surveyor and copies of the recorded plat and a computer file of the plat with the city recorder, city planning official, or county surveyor. The county surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.

**FINDING:** The Applicant shall file the original map with the above listed parties. This criterion will be met.

- C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.

**FINDING:** The Applicant shall record this final plat according to applicable requirements. This criterion will be met.

**Conditions of Approval Planning File 02PA-21 Kerbow Partition**

- 1. Approval is based on the materials submitted by the applicant. Where specific improvements have been proposed and approved as submitted, the construction of those improvements shall be a condition of

approval, even if not expressly listed herein, unless modified by an express Condition of Approval. Any substantial alteration to the approved minor partition, beyond those that may be required to comply with the conditions of this approval, will require a new application.

**FINDING:** Approval of final plat is based on the materials submitted by the Applicant.

2. Final plat application shall be submitted to the City of La Pine and final plat map shall be in conformance with City ordinance.

**FINDING:** The Applicant submitted a final plat application and map per these standards.

3. The Applicant shall apply for and receive building permits from Deschutes County prior to construction of any building improvements subject to permit review. The Applicant shall also receive certificates of occupancy from the Deschutes County Building Department. The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies. Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

**FINDING:** Prior to building the Applicant or prospective owner shall obtain building permits from Deschutes County per these standards.

4. If any grading, cutting, or filling in excess of the standards of 15.92.10(F), Applicant shall submit grading plans to the City for review and approval prior to construction or final platting.

**FINDING:** Any grading, cutting, or filling shall comply with these standards.

5. Upon land use approval and/or building permit application, construction plans that include all proposed and/or required public improvements, private water/sewer lines, site grading/drainage and utilities shall be submitted to the City for review and approval, prior to construction.

**FINDING:** The Applicant is not proposing any construction at this point. Any future construction plans shall be submitted to the City per these standards.

6. Within two (2) years of approval of the partition, the partitioner shall have prepared and submitted to the City Planning Official or other duly designated City representative a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

**FINDING:** The Applicant submitted a final partition map per these standards.

7. The final map shall provide a certificate for approval of the subject partition by the Planning Official or other duly designated City representative. The final map shall also contain a certificate for execution by the County Tax Collector and a certificate for execution by the County Assessor. The final map shall first be submitted to and approved by the County Surveyor prior to obtaining the required signatures.

**FINDING:** This final map complies with these standards.

8. Upon approval, the partitioner shall file the original map with the County Clerk, the true and exact copy with the County Surveyor and copies of the recorded plat and a computer file of the plat with the City Recorder, City Planning Official, or County Surveyor. The County Surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.

**FINDING:** The Applicant shall file the original map per these standards.

9. Prior to filing the final plat, copies of these documents shall be submitted to the City of La Pine City Engineer and Public Works Department for review.

**FINDING:** City Staff have reviewed pertinent documentation.

10. In addition to the procedures required for City approval of a final map for a partitioning, other required processing procedures are set forth in Chapters 15.414 and 15.418.

**FINDING:** The Applicant has followed all applicable procedures for a final plat.

11. An ongoing condition of approval requires that all utilities be installed underground, unless otherwise approved by the city.

**FINDING:** All utilities shall be installed underground per this standard.

12. Prior to approval of the final plat, Applicant must show private utility (electric, telephone, cable, etc.) easements on the plat. All new services shall be underground. Private utilities shall be installed prior to occupancy.

**FINDING:** The Applicant provided plans that show private utilities.

13. The Applicant shall comply with the requirements of 15.94.010. All infrastructure construction plans shall be submitted to the City for review and approval prior to construction and/or final platting. All utilities shall be installed underground prior to the surfacing of streets.

**FINDING:** The Applicant is not proposing any construction at this point. Any future construction plans shall be submitted to the City per these standards.

14. Prior to final plat, either the property shall be served by water and shall provide the City with an executed shared water agreement with an adjacent property or shall construct a water well that is permitted and complies with applicable City, County, and State requirements.

**FINDING:** Staff determined this Condition is no longer necessary.

15. Prior to final plat, the Applicant shall provide acknowledgement in writing indicating willingness to connect to City of La Pine water system within one year from when water mains are available adjacent to or on the property.

**FINDING:** The Applicant has provided a letter acknowledging willingness to connect to the City of La Pine's water system within one year of availability.

16. Prior to final plat, septic and drain field system shall be permitted by Deschutes County.

**FINDING:** The Applicant submitted a septic feasibility study from Deschutes County as part of their final plat application.

17. Prior to final plat, the Applicant shall provide acknowledgement in writing indicating willingness to connect to City of La Pine sewer system within one year from when sewer mains are available adjacent to or on the property.

**FINDING:** The Applicant has provided a letter acknowledging willingness to connect to the City of La Pine's sewer system within one year of availability.

18. Prior to final plat, the Applicant shall provide a fee in lieu for construction of a sidewalk along the property's Parcel 2 Pine Place right of way frontage.

**FINDING:** A fee in the amount of \$4,000.00 was provided by the Applicant to the City for future construction of a sidewalk along Parcel 2's frontage.

**THIS DECISION BECOMES FINAL UPON APPROVAL OF CITY COUNCIL**

Written by: 

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Alexa Repko, Principal Planner

Date Mailed: September 9, 2021



**CITY OF LA PINE**

**STAFF REPORT**

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**DATE:** September 8, 2021  
**TO:** La Pine City Council  
**FROM:** Alexa Repko, Staff  
**SUBJECT:** Kerbow Final Plat

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

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**Councilors:**

On July 20, 2021 Charles and Alice Kerbow along with Baxter Land Surveying, applied for Final Plat Review of 16760 Pine Place. On July 9, 2021 a two parcel Partition was approved for the subject lot by City Staff. The Partition/Final Plat Review will divide the subject lot which is 2.5 acres into two lots, one at 1 acre and the other at 1.5 acres. The Partition/Final Plat is creating a new lot for a single-family residence.

**Motion:**

I move the La Pine City Council approve the Final Plat Review of 16760 Pine Place.