



# CITY OF LA PINE, OREGON

## REGULAR CITY COUNCIL MEETING- VIA ZOOM

Tuesday, November 24, 2020 at 5:30 PM

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*This meeting is accessible online via Zoom. Please visit [www.lapineoregon.gov](http://www.lapineoregon.gov) for more information. 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

#### 1. CALL TO ORDER

#### 2. ESTABLISH A QUORUM

#### 3. 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.*

#### 4. ADDED AGENDA ITEMS

*Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such time selected by the City Council*

#### 5. 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. 10.28.2020 Regular City Council Meeting Minutes

#### 6. LA PINE STATION UPDATE- DISCUSSION ITEM

#### 7. COVID-19 UPDATE- DISCUSSION ITEM

#### 8. HUNTINGTON MEADOWS SWALES UPDATE- DISCUSSION ITEM

#### 9. OTHER MATTERS

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

#### 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.*

**11. STAFF COMMENTS**

**12. MAYOR & COUNCIL COMMENTS**

**13. 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, October 28, 2020 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 called to order at 5:30 pm.

**2. ESTABLISH A QUORUM**

PRESENT

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

STAFF

Robin Neace, City Recorder

**3. PLEDGE OF ALLEGIANCE**

**4. ADDED AGENDA ITEMS**

*Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such time selected by the City Council*

Public Comments added to this Agenda Item:

- Howard Nielsen, Resident:

Complaint about the water being turned off at his house. Mayor Richer referred him to Jacob Obrist, Public Works Manager.

- Phil Chang, Non-Resident:

Introduced himself to councilors: he is running for County Commissioner.

**5. CONSENT AGENDA**

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1. 10.14.2020 Regular City Council & Executive Session Meeting Minutes

Motion to pass the Consent Agenda made by Councilor Briese, Seconded by Councilor Shields.

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

**6. RATIFICATION OF CITY MANAGER CONTRACT- ACTION ITEM**

Motion to ratify the City Manager contract and the addendum to the contract made by Councilor Greiner, Seconded by Councilor Scott.

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

**7. RATIFICATION OF CITY OF MANAGER CONTRACT ADDENDUM FOR MOVING ALLOWANCE- ACTION ITEM**

Motion made to approve addendum made in Agenda Item 6.

**8. REVIEW OF VISITOR CENTER QUARTERLY REPORT**

Councilor Briese notes for the record that she wants to see a comparison between previous years to this year to see how COVID-19 has affected the budget.

**9. OTHER MATTERS**

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

None.

**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.*

All public comments made under Agenda Item 4.

**11. STAFF COMMENTS**

None.

**12. MAYOR & COUNCIL COMMENTS**

None.

**13. ADJOURNMENT**

Meeting adjourned at 5:53 p.m.



## City Manager's Report – November 24, 2020

### **Administration:**

Over the past three weeks City Administration has been working with staff on internal processes and providing guidance and collaboration where there are perceived and real deficiencies. These issues are largely a byproduct of inconsistent management practices, and we are happy to report that we are working together to bring efficiencies to the administrative operations of La Pine.

We have been combining efforts in several key areas:

a. Land use/Planning

City Administration has taken on code interpretation and execution of land use decisions where the code is not specific and requires interpretive execution. This has freed up the Assistant Planner's time to focus on the many current applications that have been submitted for disposition. It is also permitting City Administration to become more familiar with the La Pine land use code. This is important as City Administration has found some legislative revision that need to be addressed, through legislative amendment; with which the City's contract planner concurs. City Administration has also reached out to the regional representative of the Oregon Department of Land Conservation and Development to discuss potential technical assistance grants for a development code audit.

b. Administrative tasks

City Administration has been discussing consolidation efforts with office staff, including the current needs of staff internally. We have been examining the potential of bringing several positions on board in the next fiscal year if long range revenue projections permit. As of current the consensus amongst all staff is that the City would benefit greatly from creating a position for a Finance Director/Assistant City Manager, in addition to a City Engineer. Both positions would provide the City with greater flexibility in project management and capital project implementation. While the suggestion would require greater commitment of City resources, the expenditure savings in consultant fees and redundancy could equate to greater long-term savings. These are only suggestions for study and measurement at this time, and metrics will be built to display the overall cost of concept.

c. Intergovernmental relations

City Administration has been meeting with regional partners to build on and strengthen existing relationships. In the first three weeks we have held discussions with the following groups and individuals:

a. EDCO CEO Roger Lee and SLED Project Manager Patricia Lucas

- Discussion surrounding the partnership and tools that EDCO and SLED have in building long term traded sector growth in La Pine.

- b. SLED Board - Ginny Kansas-Mezsaros, Rex Lesueur, Andy Meeuwsen, Ryan Duley, Vic Russell, Roger Lee, Patricia Lucas, Colleen Scott, Charlotte DeHate, James Lewis, Christine McConnell
    - Introductory meeting discussing current projects within La Pine with primary interest focused on the industrial park and spec. building. Introduction of City Administration to the principal parties and resources available through SLED.
  - c. County Commissioner Tony DeBone
    - Introductory meeting to discuss how the County and City have worked together in the past in addition to setting expectations for future collaboration.
  - d. County Property Manager Kristie Bollinger (Upcoming)
    - Introductory meeting to discuss current disposition of County and City relationship with regards to Newberry, Industrial Park, and Transit Center properties. The expectation from this meeting will be to move projects in each area forward, one of which is ready to go to bid and the other centers around the spec. building potential. Newberry property discussion is to determine the County's long-range conception for the property.
  - e. County Administrator Tom Anderson (Upcoming)
    - Discussion and meeting of introduction to address current status of City and County partnership on shared interests and projects.
- d. Staff safety

As many of you are aware, City Administration recently executed best practices in keeping staff informed and safe during the Governor's restrictions put into place on November 13, 2020 and extended through December 2<sup>nd</sup>. The intent of this is to provide staff with an environment that is in alignment with the Governor's directive while providing an image of best practices for the rest of the community.

We have also purchased outerwear for Public Works staff; two sweatshirts, two t-shirts, and a work jacket for each employee. These items will increase safety for staff using high visibility fabric and reflective lettering in addition to season appropriate clothing for working in the elements. They will also display consistency of brand and identity to the public of our most visible employees. The total expectation of cost is around \$500.00.

Additionally, we will be purchasing a handheld cellular tablet for meter reading, GIS, and other functions of field work for Public Works. This will save hours of time in field and office time when preparing and accessing readings, and for location services in the execution of Public Works duties. This was discussed with Public Works staff and management and decided upon for the efficiency of the department.

Both expenditures are well within comfortable allocations of remaining funds within the Public Works funds for the current fiscal year.

In closing, I want to thank Council and staff for a productive first month. Communication and collaboration have been key elements to picking up where the previous administration left off. Please contact me should you have any inquiries regarding administrative action and duties over the last month discussed herein.

Sincerely,

Geoff Wullschlager



Public Works Management Staff Report – November 24, 2020

DATE SUBMITTED: 11/13/2020

TO: La Pine City Councilors

FROM: Jake Obrist, La Pine Public Works Manager

SUBJECT: Sidewalk Ordinance Amendment Prohibiting Parking in Swales

MEETING DATE: November 24, 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 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 spaces. These were not originally intended for parking areas, hence the issues we are facing today.

The proper process to address this concern 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, City Public Works will commence the effort to correct the swales and restore them back to their intended use.

**Current Status**

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. Attached is the Draft Amending the Sidewalk Ordinance for your review. This draft clearly defines “Swale Regulations” and “Parking Enforcement”, creating an ideal structure to promote more efficiency within our City’s right of ways. Please let me know if there are any additional comments or needs for revisions and I would be glad to incorporate those into the ordinance. No formal motion is required at this time, just a review prior to adopting at the next applicable council session.

**CITY OF LA PINE  
ORDINANCE NO. 2020-\_\_**

**AN ORDINANCE OF THE CITY OF LA PINE AMENDING CHAPTER 18, ARTICLE III OF THE CODE OF ORDINANCES, CITY OF LA PINE, OREGON, WHICH CHAPTER CONCERNS REGULATIONS FOR THE MAINTENANCE OF SIDEWALKS AND LANDSCAPE STRIPS, TO ESTABLISH REGULATIONS CONCERNING THE MANAGEMENT AND USE OF CITY SWALES.**

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 City; and

WHEREAS, City has jurisdiction and exercises regulatory management over all right-of-way within City under authority of the City of La Pine Charter and state law; and

WHEREAS, City has general responsibility for the maintenance of swales within City’s incorporated limits; and

WHEREAS, on June 8, 2016, City adopted Ordinance No. 2016-07 (the “Sidewalk Ordinance”) to establish regulations for the maintenance of sidewalks and landscape strips; and

WHEREAS, the Sidewalk Ordinance is codified at Chapter 18, Article III of the Code of the Ordinances, City of La Pine, Oregon (the “Code”); and

WHEREAS, the La Pine City Council (the “Council”) recognizes the importance and purpose of swales as necessary for year-round storm water drainage, bioretention, and snow removal storage; and

WHEREAS, City desires to amend the Code to establish (a) regulations to prohibit parking and/or filling-in swales with any material and/or debris, and (b) establish mechanisms to enforce the prohibition of parking or filling in swales.

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

1. Findings. The above-stated findings contained in this Ordinance No. 2020-\_\_ (this “Ordinance”) are hereby adopted.
2. Purpose. The purpose of this Ordinance is to establish regulations concerning the use and occupancy of City’s swales.
3. Amendment No. 1. Section 18-42 of the Code is hereby amended to include the following definitions:

“City manager” means the city’s city manager or his or her designee.

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

‘Swale’ means the area immediately adjacent to the paved (and/or improved) portion of a street between the driving surface of the street and the abutting private property line; provided, however, ‘swale’ does not include any regularly paved area commonly used as an extension of a residential driveway or an extension of an area which is intended, by its nature, to be a parking and/or sidewalk area covered with asphalt, cement, or similar material.



'Vehicle' means any device in, upon, or by which any person or property is or may be transported or drawn upon a street and includes vehicles that are propelled or powered by any means."

4. Amendment No. 2. The Code is hereby amended to include a new section 18-54 to read in its entirety as follows:

**"Sec. 18-54. – Swale Regulations.**

(a) Swale Parking Prohibited.

1. No person will park any vehicle on and/or in any swale within the city's incorporated limits. Nothing in this section will be construed to permit parking at any time or place where it is unlawful by any other provision of law.

2. Subject to and in accordance with applicable law, the city's public works manager (or his or her designee) is hereby authorized to establish "No Parking" zones in and around swales and to cause signs to be erected in such areas where it is necessary to protect swales.

(b) Parking Enforcement.

1. For purposes of this section 18-54(b), the term "owner" means (a) the person in whose name title to a vehicle is issued, and/or (b) any person who is entitled to possession and use of a vehicle either under a security instrument and/or a lease agreement.

2. A vehicle parked in violation of this section 18-54 may be removed, or caused to be removed, by the city manager. Removal and storage of any vehicle under the provisions of this section 18-54 will not prevent or preclude the city from pursuing all rights and remedies available to the city under applicable law.

3. Not less than twenty-four hours prior to removing a vehicle parked in violation of this section 18-54, the city will affix a notice to the vehicle containing the following information: (a) that the vehicle is parked in violation of this section 18-54; (b) that if the vehicle will be subject to being taken into custody and towed by the city if the vehicle is not removed within the time set by the city; (c) the place where the vehicle will be held in custody or the telephone number and address of the city that will provide such information; (d) that the vehicle, if taken into custody and towed by the city, will be subject to towing and storage charges and charges for city staff time and that a lien will attach to the vehicle and its contents; (e) that the vehicle may be sold to satisfy the costs of towing and charges if not paid; (f) that the owner, possessor, or person having an interest in the vehicle is entitled to a hearing in accordance with ORS 819.190, before the vehicle is impounded, to contest the proposed custody and towing if a hearing is timely requested; (g) that the owner, possessor, or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing; and (h) the time within which a hearing must be requested and the method for requesting a hearing. Any hearing timely requested under this section 18-54(b) will be held in accordance with the procedures under ORS 819.190.

4. If any vehicle is not moved within the time provided by the notice provided under section 18-54(3), the city manager may remove, or cause to be removed, any vehicle parked in violation of this section 18-54 to a location where the vehicle may be lawfully parked or to a privately-owned tow yard. The city manager will maintain a record of all vehicles removed, including, without limitation, the following information: (a) the date and time of removal; (b) the location where the vehicle was removed; (c) the place of storage; and (d) name of towing service and/or company. The costs and expense of removal and storage, including, without limitation, city staff time, will be assessed to and paid by the owner of the vehicle.

5. Within twenty-four (24) hours after the removal of a vehicle pursuant to this Section 18-54, the city manager will make reasonable efforts to notify the owner of vehicle removed and inform the owner of the location where the owner may retake possession of the vehicle. For the purposes of this section 18-54 a telephone call to, and/or personal contact with, the owner of such vehicles will be deemed reasonable notification.

6. Before the owner of any vehicle removed and/or stored pursuant to this section 18-54 will be permitted to retake possession of such vehicle, the owner will pay or perform the following: (a) furnish satisfactory evidence to the city manager and/or to the person in charge of the tow yard of the owner's identity and ownership of the vehicle; (b) pay all charges and expenses for towing, removing, and/or storing such vehicle; and (c) sign a written statement acknowledging delivery of such vehicle. Any charges made or incurred under this provision will not be construed to be a fine, penalty, or forfeiture.

7. Nothing in this section 18-54 is intended to create a mandatory duty on the part of the city and/or the city manager to protect persons or property from a violation of the provisions of this section 18-54.

8. An owner of a vehicle parked in violation of this section is liable for, and will defend and indemnify, any individual injured because of such owner's failure to remove the vehicle as required under this section and for any claims, demands, actions, suits, damages, liabilities, costs, and/or expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from his, her, and/or its failure to remove the vehicle as required under this section. Notwithstanding anything contained in this article to the contrary, no liability will be imputed to or imposed upon the city and/or its officers, employees, and/or agents because of injuries and/or damages sustained by any person or property by reason of any vehicle parked in a swale, any failure to remove a vehicle as required under this section 18-54, and/or the city's removal of a vehicle.

9. The remedies available to city under this section 18-54 are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances.

(c) Prohibited Deposits.

1. Notwithstanding anything contained in this article to the contrary, no person will sweep, throw, shovel, push, and/or otherwise deposit any material and/or debris into a swale except as expressly authorized by the city.

2. Any violation of this section 18-54(c) is hereby declared a public nuisance and subject to abatement through the procedures for abating public nuisances set forth in Chapter 8 of the Code. Notwithstanding anything contained in this article to the contrary, upon the city manager's determination of an immediate threat to the public health, safety, and/or welfare, the city may immediately remove (or cause to be removed) any material and/or debris deposited in a swale.

5. Amendment No. 3. Section 18-54, Penalty, is hereby renumbered as Section 18-55.

6. Miscellaneous. This Ordinance is hereby made part of the Code. The provisions of the Code and/or Sidewalk Ordinance that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All capitalized terms used in this Ordinance not otherwise defined herein will have the respective meanings assigned to them in the Code, as applicable. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. City staff and/or its designee may renumber, format, and make all other edits necessary to codify this Ordinance into the Code.

APPROVED AND ADOPTED by the City Council of the City of La Pine and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
By: Daniel L. Richer, Mayor

ATTEST:

\_\_\_\_\_  
By:  
Its: