

CITY OF LA PINE, OREGON REGULAR CITY COUNCIL MEETING

Wednesday, July 27, 2022 at 5:30 PM La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Available online via Zoom: https://us02web.zoom.us/j/87905356640

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

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.

PUBLIC HEARING:

None

OLD BUSINESS:

1.	Comm	nunity Grant Request – La Pine Senior Center	
	a.	Staff Report	7.
	b.	Grant Request (Previously Received)	8.
NEW	BUSINE	SS:	
1.	Appoi	ntment of Interim City Recorder	
	a.	Staff Report	11.
2.	Ordina	ance 2022-02	
	a.	Staff Report	12.
	b.	Ordinance 2022-02	14.
PUBLI	с сомі	MENTS	

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

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.

CITY OF LA PINE, OREGON REGULAR CITY COUNCIL MEETING

Wednesday, June 22, 2022, at 5:30 PM La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

Available online via Zoom: https://us02web.zoom.us/j/85101934156

MINUTES

1. CALL TO ORDER:

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

2. ESTABLISH A QUORUM:

PRESENT

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

<u>STAFF</u>

City Manager, Geoffrey Wullschlager City Planner, Alexa Repko Public Works Director, Jake Obrist Administrative Assistant, Stacie Skeeters

3. PLEDGE OF ALLEGIANCE:

4. 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.

None.

5. 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.

City Manager Wullschlager requested that Mayor Richer add an item regarding noise in public spaces to new business.

6. CONSENT AGENDA:

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is 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. 06.08.2022 Regular City Council Meeting Minutes

Councilor Scott asked to add the amount awarded for the Lions Club grant. Councilor Ignazzitto asked that there be clarification to the percentages of the speed study. Motion by Councilor Scott to approve the Meeting Minutes from June 8, 2022, as amended. Councilor Ignazzitto seconded the motion. Voting Yea: Councilor Shields, Councilor Scott, Councilor Ignazzitto. Councilor Van Damme Abstained due to not being at previous meeting. Voting Nay: None.

7. PUBLIC HEARING:

- 1. Budget Hearing on the FY 2022-2023 Budget
- A. Open Public Hearing: Mayor Richer opened the public hearing at 5:35.
- B. Staff Report: City Manager Wullschlager delivered the staff report and commented on total budget, total appropriations, total non-appropriated funds, and the strategy for the upcoming fiscal year, FY 22-23.
- C. Public Testimony: No public testimony was received.
- D. Close Hearing: Mayor Richer closed the hearing at 5:39.
- E. Deliberation: No further deliberation was held, as Council decided that all the information provided in the May 18, 2022 Budget Committee meeting, and the staff report received in the public hearing addressed all questions.

8. LEGISLATIVE ACTION:

1. Resolution No. 2022-03 A Resolution Declaring the City's Election to Receive State Revenues

Mayor Richer read the Resolution title for the good of the order and asked for a motion. Councilor Ignazitto made a motion with 2nd by Councilor Scott. Mayor Richer called for the vote, 4 Aye's, 0 Nay's.

2. Resolution No. 2022-04 A Resolution Adopting FY 2022-2023 Fiscal Year Budget, Appropriating Funds, and Imposing and Categorizing the Tax for the City of La Pine

Mayor Richer read the Resolution title for the good of the order and asked for a motion. Motion by Councilor Scott with 2nd by Councilor Ignazzitto. Mayor Richer called for the vote, 4 Aye's, 0 Nay's.

9. OLD BUSINESS:

None

10. NEW BUSINESS:

Noise ordinance – City Manager Wullschlager was emailed a recording from a resident on Mac Ct. City Manager Wullschlager went to the resident neighborhood at the time consistent with the complaint and the sound was reported by him as white noise and did not include any inconsistent or unreasonable sound which is the standard as stated by code that would need to be met for further city action at this time.

11. 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.

None

12. STAFF COMMENTS:

- 1. Planners Report Council members had no questions on pending land use applications. City Planner Repko reported on the application designations of upcoming public hearings scheduled for the next Planning Commission meeting.
- 2. Public Works Public Works Director Obrist and his employees are attending an upcoming training on asphalt and paving in Bend, that will benefit the Public Works Department as the City has not traditionally been responsible for increased road maintenance.
- **3.** City Manager Report –City Manager Wullschlager discussed the potential need for a special meeting in July for consideration of water/sewer project legislation. He also reiterated the timeline on the incursion of expense for the ODOT/City Transit Project.

13. MAYOR & COUNCIL COMMENTS:

- a. Councilor Shields None
- **b.** Councilor Van Damme Asked for clarification from Public Works Director Obrist on the piping for the water/wastewater project. Thanked Staff.
- c. Councilor Ignazzitto None

d. Mayor Richer – None

14. ADJOURMENT: Meeting was adjourned at 6:08 pm

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

STAFF REPORT

Meeting Date: July 27, 2022

TO: City Council

FROM: Geoff Wullschlager, City Manager

SUBJECT: La Pine Senior Center – Community Grant Request

TYPE OF ACTION REQUESTED (Check one):

[]	Resolution	[]	Ordinance
[]	No Action – Report Only	[]	Public Hearing
[X]	Formal Motion	[.]	Other/Direction:

Councilmembers:

The La Pine Senior Center, as previously discussed, endeavors to repave their general parking lot that borders the center to the west, south and east of the facility. This request was first presented to Council at the March 23'rd meeting at which time a detailed quotation was requested for further consideration. At the April 13th, 2022, meeting it was determined and requested by Council that Senior Center Staff report back to Council once further contributions were made bringing the project closer to completion. Accompanying this request, Senior Center Staff have indicated their interest and intent to speak to the Council to solidify the request at this evening's meeting.

Action:

Per Council discretion, if there is support for the project, please make a formal motion followed by a second and voice vote entered into the record of the Council.

Community / Tourism Grant Application

16345 Sixth St. | PO Box 2460 - La Pine, Or 97739 | ph. (541) 536-1432 | www.lapineoregon.gov

The City of La Pine <u>may</u> provide community assistance grants to non-profits entities and organizations that serve the La Pine community. Community entities and organizations that serve the La Pine community will need to meet at least one of the following criteria to be eligible for a grant and provide the necessary documentation:

LA PINE

- Provides assistance for essential utilities, food, medical needs, clothing or shelter.
- Provides educational or recreational opportunities for children or seniors.
- Generates/supports economic activity in La Pine.

In evaluating requests, the City will consider the following criteria:

- The requesting organization's history of success.
- The organizational and financial stability of the requesting organization.
- The number and types of community members served by the request.
- The ability to measure and track the effectiveness of the project or service.
- Grant funds will not be used for travel, budget deficits or for routine operating expenses.

First, please designate whether this grant will be used to generate or support Tourism. If yes, see pg. 3 for additional steps/information required. We also require a budget sheet for either type of grant submission, see pg. 2.

	Tourism Grant TRT Fund Standard Community Grant Submission	\bigtriangledown	
Pl	lease type or print clearly:	,	
1.	Organization: La Pine Senior Activity Cente	R	
2.	Non-Profit ID #: <u>93-0921983</u> ,		
3.	Mailing Address: POBOX 1279 La Pine OR		
4.	Telephone No.: 541-5320-6237 / Celf - 5-11-420	-Dec 1	
5.	Email: Jamee Lapine Serior Center, org		
6.	La vie Arachung		
7.	\$ 2000 -		
8.	Project/Use for Funds: Asphalt For PARKing li	,7	
9.	Attack a latta a sublicing how the funde will be used how the evidence will be used and		
5.	other information relevant to the request.		
Ret	turn completed applications and letters to:	and a set of the set	· · ·
	ty of La Pine Date Received:	-	• • • • •
	tn: Recorder		
	345 Sixth Street O. Box 2460 Denied Date		
La	Pine, OR 97739	•	
	Amount		
For	r additional information, please contact City Recorder Jamie Kraft at 541-536-1432 or		
	raft@lapineoregon.gov		8



Budget Spreadsheet Name of Event:

Asphalt FOR PARKing Lot

Income	Estimated	Actual
Event Proceeds (entry fee	es, ticket sale:	s, etc.)
Seafood Night	1670	
v	-	
TOTALS	1670	

Extra Sales (auction, raffle	e, misc. sales) Esperance
Busindme Go Pund me	2500-	
Go Fund me	460	
TOTALS	2960	

Sponsorships	n al an	a series a Series a series a serie
		·
TOTALS		-
TOTALS	and the second	

Donations		5. A
SUNWEST Realty	1000	
Stuart Martinez	1000	
Humana	1000	
Frances HARDER	1000	
James Young	10,000	
Eng than had	É	
TOTALS	14,000	

Expenses	Estimated	Actual
Site/Decorations (equipme	nt, balloons,	food, etc.)
TOTALS		

Other Expenses		
·		
		<u></u>
· · · · · · · · · · · · · · · · · · ·	2	
		·
· · · · · · · · · · · · · · · · · · ·		
TOTALS		1997) 1997

	Estimated Actual
Overall Budget	
Income	
Expenses	
Net Profit (Loss)	

9





CCB# 189644, EST. 2010

		PROJECT			
-	ME: Parking Lot Repairs			DATE 11	/12/2021
SITE ADDR	ESS: 16450 Victory Way, LaPine			BENTSHOW & ROWTE	38:392
	CUSTOMER			TRICOUNTY.	PAVING
OWNER/CONTRACT	TOR: La Pine Senior Activity Center	1	CONTACT:		
CONTA	ACT:	1		PO Box 1621 Redmon	d, OR 97756
MAILING ADDR	ESS:		PHONE:	541-408-4926	
		1	OFFICE	541-526-5800	
PHON	E 未		FAX:	541-647-6515	
	AIL: punkceelyn@yahoo.com		E-MAIL:	jeff@tricountypaving	net
ALT. E-MAIL OR F	AX:	1	WEB SITE:	www.tricountypavin	g.net
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT'SS	TOTAL SS
	remove the existing asphalt from the	3,088	sy	\$29.00	\$89,552.00
	parking lot, add compacted base			1	100,000
1	material as needed and 3' compacted				
	asphalt on parking lot per the existing		1		
	footprint				
2	te-stripe and installation of parking	1	ls	\$5,495.00	\$5,495.00
	bumpers				
	a state of the second				
				Grand Total	\$95,047.00
	INCLUSIONS	EXCLUSION	S/NOTES		
*inclusions: one mob	vilization, locates, saw cuts as needed, subgrade	work, CSS-I tack	application		
*exclusions: concrete	e work, prime coat, weed sterilants, testing, tra	ffic control, paving	risers, permits	6	
"materials: base mate	erial (3/4'-0 state spec), asphalt (level 2, 1/2 incl	h dense mix w/ PG	64-28 binder)	§	
	vner to be performed only upon execution of a				P
	wided Information Sheet as further instruction	ons are listed rega	rding your pro	oject	
*proposal valid thr	a June 2022				
	TERMS	& CONDITI	ONS		
This proposal is made	by Tri County Paying, LLC ("Seller") to	La Pine	Semicire Letting	y Center (P	urchaser").
Seller agrees to furnish all l	abor and materials completed in accordance with these spec	cifications All material	is guaranteed to be	to design the boost failing on the	in he completed to a
HI ADIANDA PARAMANAN DI PARAMAN	rding to standard practices. A limited one-year warranty on r risk to Seller will be performed only upon execution of a w	witten change order ann	and the between Due	Then delider welle? For weather	مميميم المسراغة الرابي سيبع مارسا مطرا
compensation, charges and	l required extensions of time for performance over and abov retials, labor and equipment used or to be purchased under (e the estimate. Seller's	employees are fully	covered by workers' compe	neation insurance. Purchaser
	WE LOAK FOR CAREFAITS FICTOR OF INVOLVE A 1979 CONTRACT 1996	ther thomps i like the an	winted many he also	address and share data according to	among 20 damas E-Tana and an and a T
AND THE THE THE THE WILL BE STOLEN THE STOLE	이 바이트 이번 이번 이렇게 잘 있는데, 이 바이터 이 아들에서 있을까? 이 몸을 가지 않는다. 이번 이번 것이 있는 것은 것이 있는 것이 있다.	est mie she Neiter aboli r	tot he reanched his i	the attite coast on dalars as falses	- for a second second by the second s
LICENCE TO TREFER A PLOANTER	to Purchaser that a lien may be filed for material, labor and/c written change orders will be the responsibility of Purchase		by Seller. Any and	all costs associated with the	collection of monies due Collect
control of Seller (michaning	, Dut not limited to, delay in delivery of materials or goods, f	ite, flood, strike or othe	t casualty or act of	God) or as a result of Purcha	an manifestration on interference
experts reca. Ints contract	come involved in litigation or arbitration, the prevailing part shall constitute the entire agreement between the parties v	with respect to the subb	ect matter contains	All hereits All notions which a	n on he mentalized under alite
COURSESS READ DO TO ANTIONS	, and delivered by U.S. mail at the respective address listed a c means, and each of which will be deemed an original.	bove. This contract ma	y be executed in or	e or more counterparts, wh	ich may be delivered by
		1			
THE PRIME OF PR	OPOSAL- The above prices, specifications and other term	III ENG. CONCILIONS CONTR	med herein are ant	mactory and are hereby acc	cepted by the parties.
	PURCHASER				LLER
SIGNATU	La Pine Senior Activity Center		TOTAL ANT THE P	Tri Count	y Paving, LLC
PRINT NAM			IGNATURE:		F Caral
DA		r.	TITLE	the second se	f Curl



CITY OF LA PINE

STAFF REPORT

Meeting Date: July 27, 2022

TO: City Council

FROM: Geoff Wullschlager, City Manager

SUBJECT: Interim City Recorder Appointment

TYPE OF ACTION REQUESTED (Check one):

[]	Resolution	[]	Ordinance
[]	No Action – Report Only	[]	Public Hearing
[X]	Formal Motion	[]	Other/Direction:

Members of Council:

As the City of La Pine must have a designated and recognized City Recorder for the establishment and process of the following duties:

Elections official.

The city's elections official (the "elections official") will be the city recorder or his designee.

It is prudent for the City Council to appoint an interim City Recorder with respect to the current vacancy of the position.

Action:

The Council should consider the designation of the City Manager as the interim City Recorder for the orderly and continued business of elections and their officiation.

A Councilmember should make a formal motion, followed by a second, and the vote taken of each member present and entered into the record.

This establishment of the position of interim City Recorder may be amended by formal motion, or resolution at a later date and time during regular Council business.



CITY OF LA PINE

STAFF REPORT

Meeting Date: July 27, 2022

TO: City Council

FROM: Geoff Wullschlager, City Manager

SUBJECT: Proposed Ordinance 2022-02

TYPE OF ACTION REQUESTED (Check one):

[]	Resolution	[X]	Ordinance
[]	No Action – Report Only	[]	Public Hearing
[X]	Formal Motion	[]	Other/Direction:

Members of Council:

The Oregon Legislature codified Oregon Revised Statute (ORS) 475A in 2021 following the voter approval of Oregon Measure 109, the Oregon Psilocybin Services Act in November of 2020, which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities. ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services within the state. The Oregon Health Authority has initiated rulemaking to implement the state's psilocybin regulatory programs and intends to begin accepting applications for psilocybin related licenses on January 2, 2023, and to date the Oregon Health Authority has not completed, in its entirety, the rulemaking process for implementing the state's psilocybin regulatory program. As such the city is uncertain as to how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within the city.

Cities and Counties that desire to prohibit the establishment of psilocybin related businesses may do so in the near term by passing local ordinance, and in the long term by referral at a statewide general election, in November of an even numbered year. This referral is a two-step process in which:

- 1. The local jurisdiction considers a moratorium (2 year) ban, or an outright ban, by way of local ordinance for submission to the Oregon Health Authority (near term), and for referral at a statewide general election (long term)
- 2. The local jurisdiction considers a ballot title followed by a local resolution to approve said ballot title, to be circulated in accordance with the procedures necessary to refer an ordinance to the voters for the upcoming November 2022 election.

Action:

As it is unclear as to how the Oregon Health Authority (OHA) will implement the state's psilocybin regulatory program in its entirety, to date, it is offered that the members of Council consider a current and outright ban on all activities as provided for under ORS 47A. As time is of the essence, procedurally, for the November election, the Council may consider the passage of this proposed ordinance as follows:

(a)

Except as authorized by subsection (b) [of this section], adoption of an ordinance requires approval by a majority of the council at two meetings.

(b)

The council may adopt an ordinance at a single meeting by the unanimous approval of all councilmembers present, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

The Council may not elect option b. as the corresponding proposed ordinance has been made available for less than a week before the July 27, 2022, Council meeting. **If there is support for the proposed legislation, please make a motion to approve Ordinance 2022- 02, followed by a second, and the vote of each member of Council into the record.** This will be revisited at a second meeting, the date, time, and place of, certain, to be established before the close of the regular council meeting on July 27, 2022.

If the Council deems it necessary to reconsider this action later, the Council may amend or repeal this ordinance in conformance with local, state, and federal law.

ORDINANCE NO. 2022-02

AN ORDINANCE OF CITY OF LA PINE DECLARING A BAN ON PSILOCYBIN-RELATED BUSINESSES IN THE CITY, INCLUDING PSILOCYBIN PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS.

WHEREAS, City of La Pine ("City") has all the powers that the constitutions, statutes, and common laws of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Heath Authority ("OHA") will regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, OHA will begin accepting applications for licensure to manufacture, deliver, and administer psilocybin on January 2, 2023; and

WHEREAS, OHA has initiated a rulemaking process to implement the state's psilocybin regulatory program. As of July 22, 2022, OHA has not completed the rulemaking process. Oregon counties and cities are uncertain how the manufacture, delivery, and administration of psilocybin at licensed psilocybin facilities will operate within local jurisdictions; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the city's jurisdiction; and

WHEREAS, the city council (the "Council") for City of La Pine ("City") desires to refer the question of whether to prohibit (i.e., ban) state-licensed psilocybin manufacturers and psilocybin-related businesses to the voters of City at the next statewide general election held on November 8, 2022.

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

1. <u>Findings</u>. The above-stated findings are hereby adopted.

2. <u>Short Title</u>. This Ordinance No. 2022-02 (this "Ordinance") may be referred to as the "Psilocybin Prohibition Ordinance."

3. <u>Purpose</u>. The purpose of this Ordinance is to prohibit (i.e., ban) the operation and/or establishment of psilocybin-related businesses within City, subject to voter approval.

4. <u>Prohibition</u>. Subject to voter approval, City hereby prohibits the establishment and/or operation of the following in any area subject to City's jurisdiction: (a) psilocybin product manufacturers licensed under ORS 275A.290; (b) psilocybin service center operators licensed under ORS 275A.305; and/or (c) any combination of the entities described in this Section 4.

5. <u>Notice to OHA</u>. City's city manager (or his or her designee) will notify OHA of City's adoption of this Ordinance and provide the text of this Ordinance to OHA in a form and manner prescribed by OHA.

6. <u>Referral</u>. This Ordinance will be referred by council resolution to City's electors at the next statewide general election held on November 8, 2022.

7. Interpretation; Severability; Errors. This Ordinance supersedes all City ordinances, resolutions, and/or policies in conflict with this Ordinance (but only to the extent in conflict with this Ordinance). 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, rule, regulation, code, and/or ordinance includes the law, rule, regulation, code, and/or ordinance as now in force and which may hereafter be 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.

8. <u>Effective Date</u>. This Ordinance will be effective for all purposes 30 days after the date on which it is approved by City's voters.

This Ordinance was PASSED by the City Council by a vote of ____ for and ___ against and APPROVED by the mayor this ___ day of ______, 2022.

ATTEST:

Daniel Richer, Mayor

Geoff Wullschlager, Interim City Recorder