



SCAPPOOSE *Oregon*

MONDAY, NOVEMBER 7, 2022
CITY COUNCIL MEETING
REGULAR MEETING 7:00 pm
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056

Call to Order

Mayor Burge called the meeting to order at 7:03pm.

Pledge of Allegiance

Roll Call

Scott Burge	Mayor	Alexandra Rains	City Manager
Megan Greisen	Council President	Isaac Butman	Assistant to City Manager
Brandon Lesowske	Councilor	Susan M. Reeves	City Recorder
Peter McHugh	Councilor	Huell Whitehaus	Assistant to Public Works
Director			
Tyler Miller	Councilor		
Peter Watts	Legal Counsel		

Remote: Councilor Josh Poling; Councilor Jeannet Santiago; Kim Holmes; Anna Del Savio, South County Spotlight; Community Development Director Laurie Oliver; and Natalia Ochmanek (joined at 7:35pm).

Approval of the Agenda

Council President Greisen moved, and Councilor Santiago seconded the motion to approve the agenda. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

Public Comment ~ There were no public comments.

Consent Agenda ~ October 17, 2022 Council Work Session minutes; October 17, 2022 Council City Council meeting minutes; and Appointments of Paul Fidrych and Sean Findon to the Economic Development Committee

Councilor McHugh moved, and Councilor Miller seconded the motion to approve the Consent Agenda ~ October 17, 2022 Council Work Session minutes; October 17, 2022 Council City Council meeting minutes; and Appointments of Paul Fidrych and Sean Findon to the Economic Development Committee.

Council President Greisen asked about Paul Fidrych sitting on both the Park & Rec Committee and the Economic Development Committee.

Mayor Burge explained he believes his intent is to serve on both and the Economic Development Committee is short of members. He explained he believes we have people who have sat on two different committees.

Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

Old Business

Ordinance No. 905: An Ordinance Amending Municipal Code Title 2.04 Council Meetings, Modifying Section 2.04.080 Appointments and Section 2.04.110 Committees

Assistant to the City Manager Isaac Butman went over the staff report. At the August 8, 2022 City Council Meeting during the discussion about a complaint that had been filed regarding committee member conduct multiple members of City Council noted that both the Municipal Code and the Committee Bylaws lacked formal mechanisms to address complaints such as the ones filed. At the September 6, 2022 Council Meeting Council Members reaffirmed their request to look at a variety of changes to committee's bylaws, and to add new language to the Municipal Code to guide complaint processes in the future. At the October 3, 2022 City Council Meeting, Council reviewed Ordinance No. 905, and asked for a number of changes to be made. On October 17, 2022 Staff brought Ordinance No. 905 back with changes for a First Reading. Ordinance No. 905 is currently on Second Reading. Based on the requests from Council during the October 3, 2022 City Council Meeting the following changes have been made to Ordinance 905, and can be seen in Exhibit A of the staff report:

- Staff move language relating to the number and types of absences that can cause a recommendation for removal to come before Council from the Ordinance to the Bylaws.
- Staff did not add language clarifying how applications for committee membership are distributed.
- Staff added more flexibility to the delegation of mediator for mediated resolutions under Section 1) a.

In working through these changes Staff used every avenue to not create new language.

While the complaints process in this Ordinance is new, much of the additional language in the bylaws is taken directly from the Council Team Agreement, the Committees' Team Agreements, the Scappoose Municipal Code generally, and from the Municipal Code sections on Council Ethics. Staff recommends that Council adopt Ordinance No. 905, An Ordinance Amending Municipal Code Title 2.04 Council Meetings, Modifying Section 2.04.080 Appointments and Section 2.04.110 Committees, as written.

Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

Mayor Burge read the ordinance for a second time ~ Ordinance No. 905: An Ordinance Amending Municipal Code Title 2.04 Council Meetings, Modifying Section 2.04.080 Appointments and Section 2.04.110 Committees

Ordinance No. 906: An Ordinance Regulating Fireworks in the City of Scappoose; Amending Scappoose Municipal Code Title 8, Creating Chapter 8.26, Fireworks; and Rescinding Resolution No. 22-11

Assistant to City Manager Isaac Butman went over the staff report. On July 19, 2021, Council received public comment relating to fireworks being used in Scappoose. Following that meeting Council expressed interest in discussing the use of Fireworks in the City. On May 16, 2022, Staff presented Resolution No. 22-11 to City Council, which Council approved, and at the same time indicated they would be in favor of passing something with more enforceability. On October 17, 2022, City Council had Ordinance 906 on First Reading. Ordinance 906 is currently coming before Council on Second Reading. After Council adopted Resolution No. 22-11, they indicated to Staff that they would like to see something that was more enforceable relating to the use of fireworks brought before them and gave no direction to modify the content of Resolution No. 22-11. The logical step to increase the enforceability of a Resolution is to rewrite it as an Ordinance so that violations carry a greater consequence. Staff rewrote Resolution No. 22-11 as an Ordinance, Ordinance 906 (Exhibit A of the staff report), and drafted a new chapter of Scappoose Municipal Code under Health and Safety, Chapter 8.26 Fireworks (Exhibit A of the staff report).

Ordinance No. 906 mimics the language of Resolution No. 22-11 exactly, adds Chapter 8.26 to the Municipal Code with the following regulations:

During the October 17, 2022 Council Meeting, staff was asked to contact the City prosecutor regarding what would be needed to prosecute a violation of Ordinance No. 906. Staff reached out, and the response was that a police officer or code enforcement officer would be sufficient to establish a violation. The Prosecutor also suggested additional code language that would make prosecution easier by clearly delineating violations. This new language can be seen in red text in Exhibit B of the staff report.

If Council would like to add the additional language, this would require the Ordinance be moved to 1st Reading again, with a 2nd Reading on November 21, 2022. This would still allow enough time for the Ordinance to go into effect before December 31, 2022, assuming Council approves the Ordinance on November 21, 2022. There are no fiscal impacts expected from the passage of Ordinance No. 906 in either form that it is written in. Staff recommends Council adopt Ordinance No. 906 as modified by Exhibit B of the staff report.

Councilor Lesowske amended the current motion to reflect the City Prosecutors additions to the 8.26.030 in violation and also 8.26.040 in penalty, (Exhibit B), Council President Greisen seconded the motion. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

Councilor Miller would like some clarification on why a citizen who observes couldn't be a witness for the purpose of issuing a citation under the City ordinance.

Legal Counsel Peter Watts explained that would be a question for the City Prosecutor.

Mayor Burge read the ordinance for a second first time ~ Ordinance No. 906: An Ordinance Regulating Fireworks in the City of Scappoose; Amending Scappoose Municipal Code Title 8, Creating Chapter 8.26, Fireworks; and Rescinding Resolution No. 22-11 as amended.

Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

New Business

Scappoose Parks and Recreation Committee Grabhorn Process Recommendation

Park & Rec Committee Chair Cara Heinze explained she is here representing the Park and Rec Committee. On October 20th the Park and Rec Committee voted unanimously to put a hold on the Grabhorn process in an effort to gain additional information. They expect to gain a significant amount of information with the current master planning underway that will assist them in fine tuning their decision-making process. In an effort to further aid this process they would also like to continue deliberations with the School District and other key players to negotiate land use agreements. For example, if through collaboration with the schools we are able to expand access to sports fields or learn fields will be added once the middle school is built, that information will redirect to the design of Grabhorn. The Committee feels that this type of coordination will be the best use of our available land in Scappoose, and this will be a goal that the Committee will bring to the table at their December 12 meeting for goal setting.

Council thanked Cara.

Waste Management CPI Rate Increase

Dave Huber, Senior Manager Public Sector Services, and Nick Ries, Route Manager, with Waste Management are here this evening to go over their presentation and discuss the need for a rate adjustment.

Partnering with Scappoose for Our Sustainable Future

Reducing waste. Protecting the environment. Demonstrating community partnership.

THINK GREEN:

Dave Huber
Sr. Manager Public Sector Services

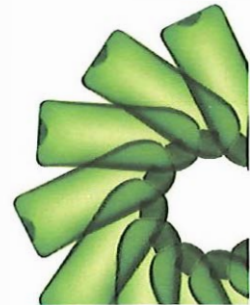
Nick Ries
Route Manager

Mike Jefferies
Director of Pricing



Tonight's discussion

- Scappoose Operations Report
- Need for Rate Adjustment
- Updated Rate Sheet
- Rate Comparison
- Questions and Answers



City of Scappoose Operations

Residential Services - 2,408 Customers

- Garbage - weekly/every other week/on-call service-various sizes (volume-based rates)
- Recycling - every-other-week collection, roll cart provided by WMA
- Yard Debris - Subscription Every Other Week Service

Commercial Services - 162 Customers

- Collection Frequency to meet the customers need for Garbage and Recycling with containers provided by WMA

Industrial Services - 14 Customers (constantly changing)

- Drop Box services for industrial customers and temporary boxes for construction and residential projects



THINK GREEN:

City of Scappoose

Proposed Rates Effective January 1, 2023 (Most Common)

Weekly Service Includes Garbage & BOW Recycling

Residential Services	Current	CPI	Proposed
Household & Small Business - Regular service	Outside Rate	Adjustment	Outside Rate
1-2 person	\$ 20.46	\$ 1.48	\$ 21.94
3-4 person	\$ 22.59	\$ 1.63	\$ 24.22
5-6 person	\$ 30.91	\$ 2.38	\$ 33.29
7-8 person	\$ 42.71	\$ 3.09	\$ 45.80

Commercial Services	Current Monthly Rates	New Monthly Rates
Container Size	Number of Boxes Per Week	Number of Boxes Per Week
1 - 1 Yard	\$ 102.07 \$ 224.13 \$ 209.21	\$ 109.46 \$ 218.83 \$
2 - 2 Yard	\$ 150.60 \$ 312.03 \$ 267.60	\$ 162.27 \$ 318.56 \$
3 - 3 Yard	\$ 229.21 \$ 416.57 \$ 387.76	\$ 245.82 \$ 481.63 \$

Drop Box Services						
Current Rates						
Size	Hand	Delivery	Per Day	Monthly Rate	Message C/D	Disposal Rate/Ton
20 Yard Drop Box	\$ 141.45	\$ 70.73	\$ 4.53	\$ 90.70	\$ 1.60	\$93.06/Ton
30 Yard Drop Box	\$ 149.01	\$ 74.51	\$ 4.63	\$ 90.70	\$ 1.60	\$93.06/Ton

New Rates with CPI Adjustment (7.227%)						
Size	Hand	Delivery	Rec'd/Day	Monthly Rate	Usage C/D	isposal Rate/Ton*
20 Yard Drop Box	\$ 151.67	\$ 75.84	\$ 4.86	\$ 97.25	\$ 1.69	\$101.00/Ton
30 Yard Drop Box	\$ 169.28	\$ 79.69	\$ 4.86	\$ 97.25	\$ 1.69	\$101.00/Ton



THINK GREEN:

City of Scappoose - Rate Pressure

Pressures

- Labor-Ensuring our employees are properly compensated (labor shortage)
- Increase in Disposal Costs in relation to Columbia County Transfer Station
- Decline in Commodity Value. 180% increase in Processing Costs as of October 2022
- 48% Increase in Fuel Cost Year Over Year

Changes

- Consolidation of Facility off Cornelius Pass Rd.
- Change in Processors of Recycling Material



THINK GREEN:

City of Scappoose Rate Comparison

City of Scappoose Proposed Rate Change - CPI Adjustment As of January 1, 2023

Line of Business	Service	Current	Change	Proposed	Columbia County - Scappoose	Columbia County - Vernonia	Washington County - Aloha	City of Portland - Regular
Residential	1-20 gal/on, weekly	\$ 20.46	\$ 1.48	\$21.94	N/A	N/A	\$ 23.85	\$ 30.15
Residential	1-35 gal/on, weekly	\$ 22.59	\$ 1.63	\$24.22	\$ 32.92	\$ 33.30	\$ 25.98	\$ 34.90
Residential	1-64 gal/on, weekly	\$ 32.91	\$ 2.38	\$35.29	\$ 47.81	\$ 53.68	\$ 37.71	\$ 39.43
Residential	1-96 gal/on, weekly	\$ 42.71	\$ 3.09	\$45.80	\$ 61.42	\$ 72.81	\$ 44.58	\$ 45.70
Commercial	1-yard 1x per week	\$ 102.07	\$ 7.38	\$109.45	\$ 137.13	\$ 150.28	\$ 101.15	N/A
Commercial	2-yard 1x per week	\$ 150.60	\$ 11.27	\$161.87	\$ 208.37	\$ 290.70	\$ 157.39	N/A
Commercial	3-yard 1x per week	\$ 229.21	\$ 23.89	\$253.10	\$ 416.73	\$ 489.30	\$ 263.59	N/A



THINK GREEN:

CPI Calculations

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Entire Rate Schedule (page 2)

Handwritten notes on lined paper showing two tables, labeled 'TWO' and 'ONE'.

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Entire Rate Schedule (page 1)

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Councilor Lesowske moved, and Councilor McHugh seconded the motion that Council adopt the Waste Management CPI rate increase as presented. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

Council thanked Dave and Nick.

Contract 2022-24 – Sewer CCTV Project

Assistant to Public Works Director Huell Whitehaus went over the staff report. Procurement of goods and services for annual sewer main CCTV inspection. The Public Works Department

solicited and received quotes from three sewer inspection firms (Professional Pipe Services, Pacific Int-R-Tek, and Red Zone Robotics) to conduct this year's routine sewer CCTV inspection. Of the three firms, Professional Pipe Services Inc. had the lowest price for the work. Financial Impact: \$31,850. Staff recommends that the Council authorize City Manager Rains to enter into a contract with Professional Pipe Services Inc.

Council President Greisen moved, and Councilor Miller seconded the motion that Council authorize City Manager Rains to enter into a contract with Professional Pipe Services Inc.

Councilor Miller asked is this a company that we use annually or how do we select this specific company?

Assistant to Public Works Director Huell Whitehaus replied we have used them in the past, but we solicit quotes for these, and it just so happens that they were the least expensive out of the three that we received.

Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

Contract 2022-25 - NW Waterlines Replacement Engineering

Assistant to Public Works Director Huell Whitehaus went over the staff report. Procurement of engineering services for designing replacement waterlines on several streets in NW Scappoose. The Public Works Department has identified approximately 2,300 lineal feet of water mains that need to be upsized and replaced in the NW region of the City. Those streets include: NW 4th, NW 5th, NW Wheeler (portion), and NW EJ Smith (NW 7th to 4th). City staff solicited quotes from five engineering firms (PACE Engineers, Greyling Engineers, Stantec, Keller Associates, and Century West Engineers), four of which responded with a scope and fee estimate. Of the four firms, Century West Engineering had the lowest price for the services needed for designing the waterlines. FINANCIAL IMPACT: \$35,720. Staff recommends that the Council authorize City Manager Rains to enter into a contract with Century West Engineering to design the NW Waterlines Replacement.

Councilor Miller stated just to be clear, this is just for engineering.

Assistant to Public Work Director Huell Whitehaus replied that is correct.

Councilor Lesowske moved, and Councilor Miller seconded the motion that Council authorize City Manager Rains to enter into a contract with Century West Engineering to design the NW Waterlines Replacement. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; Councilor Tyler Miller, aye; Councilor Jeannet Santiago, aye.

Ordinance No. 907: An Ordinance Renaming Commerce Drive to NE Commerce Drive & Aviation Court to NE Aviation Court

Associate Planner NJ Johnson went over the staff report. The Planning Commission recommends that the City Council rename Commerce Drive to NE Commerce Drive and Aviation Court to NE Aviation Court. An ordinance is attached for Council's consideration. Commerce Drive is continuous with and positioned linearly between NE Crown Zellerbach Road and Moore Road (see Exhibit 1 of the staff report, Vicinity Map). Aviation Court intersects with Commerce Drive and extends to the west as a cul-de-sac. The first and second phases of the recorded plat for the Columbia Commerce Center (Exhibit 2 of the staff report) did not contain a directional indicator in the street names Commerce Drive and Aviation Court. For concerns of emergency response, mail delivery, waste management, and other services, the inclusion of a directional indicator in street names is preferred. To clarify the directional indicator and simplify emergency response and other services, staff recommends that the City rename Commerce Drive to NE Commerce Drive and rename Aviation Court to NE Aviation Court. There are currently no structures with addresses on these streets (see Exhibit 1 of the staff report, Vicinity Map). Procedure: Scappoose Municipal Code Chapter 12.241 sets forth the procedure and approval process for renaming streets. The procedure requires a recommendation from the Planning Commission to the City Council for the renaming of any existing street if the Commission feels there is a strong public need for the change, renaming is in the best interest of the City, and if the request meets the approval criteria contained in SMC 12.24.020. Upon receiving the Commission's recommendation, the Council is then required to schedule a public hearing to consider the matter. If Council wishes to approve the name change, they will adopt an ordinance to formalize the decision. Findings related to the approval criteria to rename an existing street from SMC 12.24.020 are contained in Exhibit 3 of the staff report, Planning Commission staff report. The Planning Commission considered the proposal on October 27, 2022 and recommended that the Council approve the street name change. Although the Planning Commission hearing was open to the public, no one submitted testimony. Notice of the Planning Commission and City Council hearings was published in the Spotlight and mailed to the affected property owners. Notice was also provided to City, County, and other public agencies and interested parties. No comments in opposition to the request have been received. Pursuant to Scappoose Municipal Code Chapter 12.24, staff requests that the Council open the public hearing on the proposed street name change and accept any testimony presented. Should the Council choose to approve the requested street name change, a draft ordinance adopting the street name is attached for Council's review. Fiscal Impact: The fiscal impact of changing the street name would be minimal, consisting of mailing notices to affected property owners and agencies. The street name signs would be paid for by the developer of the Columbia Commerce Center. The Planning Commission recommends that the City Council rename Commerce Drive to NE Commerce Drive and Aviation Court to NE Aviation Court.

Mayor Burge opened the public hearing at 7:43 p.m. and closed the public hearing due to no one wanting to speak on this matter.

Associate Planner NJ Johnson explained staff has spoken with the County on this and just clarified with them that these two street renaming's can be put forth in one ordinance.

Councilor Miller asked what is the process once approved and how does it make its way through the different entities that need to know about it?

Associate Planner NJ Johnson replied we have a list of agencies that we sent notice of adoption to and then the ordinance, if passed, we would take it to the County to be recorded.

Community Development Director Laurie Oliver Joseph replied there are no structures addressed currently off of either of these streets, so it won't affect anyone at this time. Once the ordinance is recorded it would go to the Columbia County Tax Assessor and then they would update the records for the situs addresses that are affected.

Council President Greisen moved, and Councilor Santiago seconded the motion that Council adopt Ordinance 907 to rename Commerce Drive to NE Commerce Drive and Aviation Court to NE Aviation Court.

Mayor Burge read the ordinance title for the first time ~ Ordinance No. 907: An Ordinance Renaming Commerce Drive to NE Commerce Drive & Aviation Court to NE Aviation Court.

Ordinance No. 908: An Ordinance of the City of Scappoose Creating Scappoose Municipal Code 5.07 – Psilocybin Service Centers

Associate Planner NJ Johnson went over the staff report. ORS 475A.530 provides that City and County governments may adopt ordinances that impose reasonable regulations on the time, place, and manner of psilocybin service centers in their jurisdictional limits. At the request of Council, Staff introduced a set of proposed regulations at the October 17, 2022 Council work session for Council to review and provide feedback on. ORS 475A.530 (Exhibit A of the staff report) lists the areas where local governments have the authority to enact reasonable time, place, and manner regulations on psilocybin service centers they distribute business licenses to. As listed in the Statute, local governments may enact ordinances to regulate the following elements of psilocybin service centers: a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under ORS 475A.290 may manufacture psilocybin products; b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under ORS 475A.305 may provide psilocybin services; c) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475A.210 to 475A.722 may operate; d) Reasonable requirements related to the public's access to a premises for which a license has been issued under ORS 475A.210 to 475A.722; and e) Reasonable limitations on where a premises for which a license may be issued under ORS 475A.210 to 475A.722 may be located. 80 9. Analysis: Passed by the People of Oregon, Measure 109 tasked the Oregon Health Authority with the rulemaking authority over the use of psilocybin in Oregon. ORS 475A provides existing regulations for this as well. The City of Scappoose may not enact regulations on psilocybin service centers which are in conflict with or have been addressed by the State of Oregon. Using the feedback from Council as well as the structure and language of SMC Chapter 5.06 – Medical Marijuana

Facilities and an ordinance from the City of La Grande enacting time, place and manner regulations of psilocybin, Staff is proposing the following regulations: Under the authorization of ORS 475A.530 sec. (a), Staff recommends requiring psilocybin service centers to be licensed by the Oregon Health Authority, as the licensing body under Measure 109 and ORS 475A. Staff also recommends prohibiting remnants and by-products of psilocybin products that are manufactured or distributed on-site from being disposed in the facility's regular refuse container and prohibiting the storage of psilocybin products outdoors or in non-permanent structures (e.g. trailers, tents, and motor vehicles). These measures drastically reduce the possibility of someone consuming psilocybin products outside the advice, oversight, care, and privacy of a licensed operator in an approved psilocybin service center. Furthermore, Staff recommends requiring filtration and ventilation mechanisms that are adequate to keeping psilocybin-related odors on the premises of the site. With the guidance of Legal Counsel, Staff does not recommend that the City regulate the manner that operators of psilocybin service centers provide services. Such restrictions are largely preempted by State statute or will become preempted by the administrative rules the Oregon Health Authority releases. Under the authorization of ORS 475A.530 sec. (c), Staff recommends allowing psilocybin service centers to open no earlier than 10:00 am and close no later than 8:00 pm. This mirrors the City's current standards for medical marijuana facilities under SMC 5.06 – Medical Marijuana Facilities. Under the authorization of ORS 475A.530 sec. (d), Staff recommends requiring that all operations related to psilocybin products be conducted entirely indoors. This includes prohibiting the use of walk-up or drive-through windows and requiring visual screening between the interior and exterior of the center. These measures protect the privacy, dignity, and safety of persons seeking psilocybin services, employees of the service center, and those passing by. Additionally, Staff recommends requiring adequate lighting in order to advance the safety of those entering, leaving, or passing by the service center. Under the authorization of ORS 475A.530 sec. (e), Staff recommends only permitting psilocybin service centers in Commercial and Expanded Commercial zones to reflect the land uses that are permitted in these zones. Furthermore, Staff recommends prohibiting psilocybin service centers from operating within 1,000 feet, measured from the property line, of a public or private school, a public park, a public library, a licensed 81 childcare facility, a church, or another psilocybin service center. Mimicking the City's regulations of medical marijuana facilities, these measures eliminate the presence of psilocybin service centers in spaces where children/minors/families frequently gather. These measures would also eliminate "cluster" areas of several psilocybin service centers. See Exhibits B-D for a series of maps depicting progressively larger buffer zones and the eligible and prohibited lots for a psilocybin service center to open under these place regulations. The maps illustrate the prohibited buffer zone distances of 1,000 feet, 1,250 feet, and 1,500 feet. Staff recommends creating a buffer zone of 1,000 feet. This provides a reasonable distance between youth gathering spaces and areas where psilocybin service centers would be permitted to develop. Furthermore, it is the belief of Staff that increasing the buffer distance beyond 1,000 feet would place a regulatory burden on developers to the extent that the City has effectively prohibited psilocybin service centers by enacting layers of

regulations beyond the threshold of reasonability. Prohibiting psilocybin service centers from obtaining a Scappoose business license (legally or administratively) would require a citizen vote during an even year general election. The deadline to refer an issue to the voters in the 2022 General Election has passed. The City must have local time, place, manner restrictions in place before January 1, 2023 if the City desires to regulate psilocybin service centers. The recommendations above are arranged and articulated in Code format in Exhibit F. If Ordinance 908 is adopted, the proposed regulations would create SMC Chapter 5.07 – Psilocybin Service Centers. The list of proposed regulations was prepared by Staff in consultation with Legal Counsel. Fiscal Impact: There is no revenue impact since the City cannot collect taxes from the sale or use of psilocybin. By installing regulations, staff time will be required to review conformance with City regulations.

Exhibits: A. ORS 475A.530 – Local time, place and manner regulations

B. Map of Psilocybin Exclusion Zones (1,000 feet)

C. Map of Psilocybin Exclusion Zones (1,250 feet)

D. Map of Psilocybin Exclusion Zones (1,500 feet)

E. Ordinance 908

F. Creation of Scappoose Municipal Code Chapter 5.07 – Psilocybin Service Centers

Exhibit A ~ ORS 475A.530 Local time, place and manner regulations. (1) For purposes of this section, “reasonable regulations” includes: (a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under ORS 475A.290 may manufacture psilocybin products; (b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license Issued under ORS 475A.305 may provide psilocybin services; (c) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475A.210 to 475A.722 may operate; (d) Reasonable requirements related to the public’s access to a premises for which a license has been issued under ORS 475A.210 to 475A.722; and (e) Reasonable limitations on where a premises for which a license may be issued under ORS 475A.210 to 475A.722 may be located. (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under ORS 475A.210 to 475A.722 if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475A.305 from being located within a distance that is greater than 1,000 feet of feet of another premises for which a license has been issued under ORS 475A.305. [2021 c.1 §81].

Mayor Burge opened the public hearing at 7:52 pm and closed the public hearing due to no one wanting to speak on this matter.

Councilor Miller asked if there is a concern regarding an increase in burglary and robbery? He is curious what is the requirement for these facilities with their security.

Legal Counsel Peter Watts replied we are the first State in the Nation to be doing this so we really don't have any data we can point to. He stated he thinks if these sites are very secure then it makes robberies less likely.

Council discussed the exclusion zones and security issues/concerns.

Associate Planner NJ Johnson explained OHA and their licensing body are going to cover 99% of the regulations for all of the operations we are talking about. He explained in the staff report it spells out the five areas we can regulate.

Councils' general consensus was to make it a 1,250-foot exclusion zone.

Legal Counsel Peter Watts explained we are not trying to police this we're trying to make sure that this happens in an appropriate location, and we are trying to make sure that the business owner, their employees and the patients that they are helping with this therapy are protected. He explained we are trying to come up with reasonable health and safety restrictions to keep the City safe, the business owner safe, the employees safe and the patient safe.

Councilor Miller stated hopefully there will be more information on this soon.

Councilor McHugh moved, and Councilor Santiago seconded the motion to adopt Ordinance No. 908: An Ordinance of the City of Scappoose Creating Scappoose Municipal Code 5.07 – Psilocybin Service Centers with the amendment to make it a 1,250-foot exclusion zone.

Mayor Burge read the ordinance title for the first time ~ Ordinance No. 908: An Ordinance of the City of Scappoose Creating Scappoose Municipal Code 5.07 – Psilocybin Service Centers.

Announcements – information only

Calendar

Mayor Burge went over the calendar.

Updates: City Manager, Police Chief, Councilors, and Mayor

City Manager Rains explained we had a successful Halloween event with the Police Department where we handed out lots of goody bags. She wanted to thank the Police Department, specifically Timmi Sue, Chief Lougal, Steve Barnes, Shaun Barrett and Eric Zwald. She mentioned that she noticed our Police Department has been a topic of discussion as of late and she just

wanted to say that we try to certainly be as transparent as possible about what's happening at the Police Department, but it is a pretty difficult line to walk. She stated we have safety concerns to be considerate of and also sometimes the things that are happening are personnel matters and they are simply confidential. She stated there are just a lot of things that we can't put out publicly but we're certainly trying to be as transparent as we can and also just in general, she thinks we are working very hard to make the department as successful as possible. She stated it is a really challenging time to be running a police department. She explained it is difficult to hire people, we have limited resources. She thinks our Officers are really dedicated, they are working really hard, and they are stretched thin. She just wanted to say that we are working the best we can, she knows it is challenging but that she also sees that there are positive things happening too and we are working through it.

Police Chief Lougal thanked the Council for looking at the first two issues under the ARPA discussion. He explained we did hire the evidence tech as we were able to find some funds. He stated that is going to make a big difference on how we work going forward. He explained we have two Officers in Forest Grove, taking kind of a pre-academy and it was probably the best move we could have had because just having them sit here day in and day out waiting for the academy to start was kind of draining on them and it was really difficult to try to find something that was going to work. He gave an update on the Lieutenant. He stated as Alex said, the Halloween giveaway went really well. He explained Timmi Sue, who is the heart and soul of the Department, already has Donut Day scheduled for December 10. He stated she keeps us on our toes. He explained Donut Day is a fundraiser for the Food Bank.

Councilor Poling thanked staff and the Police Department for all their hard work. He stated remember to vote. He stated good luck to those who are on the ballot. He explained the weather is turning to be really cold.

Councilor Santiago thanked everyone.

Councilor Miller explained as far as the evidence goes with the Police Department, we haven't lost any cases or had any administrative issues or anything like that right? It is just a matter of getting that evidence through the crime lab and disposal, correct?

Chief Lougal replied not that he is aware of but those are things he is trying to avoid down the road.

Council President Greisen thanked the Police Department for an amazing Halloween drive through. She explained her kids always look forward to the bags Timmi Sue puts together as she goes above and beyond, and they love seeing what water bottle sticker they get. She thanked the Chief and Alex for being creative with the ARPA funding to support our Police Department. She thinks doing some field training in Forest Grove is an excellent opportunity. She explained

her and Pete sit on the Traffic Safety Committee and for awhile they brought up concerns about people travelling into Scappoose on the North side from St. Helens that if it weren't for the light at Crown Zellerbach and Scappoose Sand and Gravel a lot of people wouldn't slow down coming into town and even with the light they still don't. She explained they had tried, without success, through Public Works, etc., to get some sort of a warning sign saying that it is going to be 35 mph, not that it is, but we weren't successful with ODOT. She explained Chief Lougal was able to get the warning sign. She thanked ODOT for putting it out there, unfortunately it's just a sign that says 35mph with an arrow. She would really love a flashing sign but unfortunately, we are getting messages from ODOT that they don't like flashing signs on highways, but they have one in Linton. She stated this is a goal of the Traffic Safety Committee to try and have a warning sign with the speed to help people slow down as you come into town from that side. She stated she has been asked what is her favorite part about being a City Council and it is always those school visits or presentations. She explained we had some third-grade classes come to us and there is a new literacy curriculum in Scappoose and the end of unit project was designing a park and giving input on it. She explained what those students did was they went on a walking field trip to our local parks and then they came to City Hall. After visiting the parks, they assessed them and wrote down some recommendations, which are in letters directly to the Mayor because that is what the assignment in the curriculum was.

Mayor Burge would like copies of the letters to be given to the Council and the Park and Rec Committee.

Council President Greisen explained her dad, a retired teacher, has a desire to help seniors in his neighborhood and she hooked him into becoming a Senior Center volunteer so they met with Kay several weeks ago and her husband and outlined all of the tasks and duties that her dad would be capable of doing. She explained they are trying to figure out how to get their HVAC units onto the roof, as that wasn't really part of the whole plan of installing. They are working on that and working on trying to find people to help with the flooring. She thinks that having someone advocate for them and help guide them through meetings hopefully will help them continue to meet the goals that they have and the things they need to do. She is constantly in contact with them, and her dad is there weekly.

Councilor Lesowske stated election season is coming to an end. He would follow up with Councilor Poling and encourage everyone to get out and get their ballots into one of the ballot drop boxes before 8pm. He explained regardless of who wins or loses come tomorrow evening, one thing across not only our City, our County, our State, and our Nation is that we will need each and every one of our leaders to come together, to work collectively and collaboratively to meet the needs of the citizens that we represent. He stated over these last few months he has experienced some really eye-opening actions as being somebody who is on the ballot, and he would hope for the leaders that are elected that they can come together and work together. He stated he knows that this Council has done a fantastic job in overcoming our differences in

working towards a solution together, collectively. He stated he wishes the best to all those that are running for office. He knows that Oregon, if not the Nation will see some major changes and probably also here in Scappoose as well. He stated thank you for getting out to vote and putting our democracy in action.

Councilor McHugh explained he gets a real feeling in talking to people in the community that there's a sense that the Police Department is really on the move in a positive way. He stated kudos to Steven and Alex. He explained the Community and Senior Center has lots of needs. He stated the City has really stepped up and supported them. He stated he is glad to see that Megan's dad is involved. He stated he has good feelings about what's happening in the City.

Councilor Santiago reminded everyone to complete the survey for the Grabhorn property.

Mayor Burge stated remember to drop your ballot off. He stated the Police Department has ebbs and flows. He explained the biggest problem in the Police Department is that our pay may be right for the size of the city we are, but we are not competing with cities our size for talent and that is a difficult thing to do. We are competing with cities that are a lot larger, and they pay a lot more, which is an issue. He stated they do one heck of a job for us, and he has always been proud of the Police Department. He stated when you get letters from the community about staffing levels means they care. He thanked Chief Lougal for all the work he is doing.


Adjournment

Mayor Burge adjourned the meeting at 8:52pm.



Mayor Scott Burge

Attest:



City Recorder Susan M. Reeves, MMC