



**CITY OF PRINEVILLE**  
**Regular Meeting Brief**  
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**City Council Meeting Brief**  
**May 25, 2021**

**Council Members Present:**

Janet Hutchison  
Jason Beebe  
Patricia Jungmann  
Gail Merritt

Ray Law  
Steve Uffelman

**Council Members Absent**

Jeff Papke

**Additions to the Agenda**

None.

**Consent Agenda**

1. Regular Meeting Brief 5-11-2021

**Councilor Hutchison made a motion to approve consent agenda as presented. Motion seconded. No discussion on motion. Motion carried.**

**Visitors, Appearances and Requests:**

**Public Appearances**

No written comments were received.

**Council Business**

2. **Judicial Validation of Resolution No. 1474 – Jered Reid**

Jered Reid, City Attorney explained that the resolution was validated by a Circuit Court (Crook County) on May 13<sup>th</sup>. The resolution now has legal affect. Mr. Reid said first thing to note is that entities within the city of Prineville may use this in an administrative law hearing. For example, if a business were imposed a fine from an administrative agency, when people are following the protocols to minimize exposure to COVID.

Mr. Reid referred to a table as to how fines are imposed.

Mayor Beebe asked about Governor's authority to declare an emergency without 2/3 majority vote. Mr. Reid referred to the various chapters in Oregon Revised Statute (ORS) and how the Governor utilized ORS, and there was also a review of the state of emergency in courts.

Mayor Beebe asked about the possible implementation of vaccine passport and if this is a violation of our 4<sup>th</sup> Amendment Right. Mr. Reid said the short answer is no. It only applies to a state actor, such as a police officer not to a private individual. This is directed more to employers and the right to protect your employees and this is an unfair burden to put this on an employer.

Mayor Beebe asked about HIPA law and how that plays into this. Mr. Reid replied that HIPA itself applies to entities that are the custodians of those health records.

Councilor Hutchison asked whether the resolution was validated in whole or in part. Mr. Reid explained that it was validated in whole with caveats.

Councilor Law had questions regarding if this still comes down to a business owner's choice or not, and if there are any tracking mechanisms to see if we would be able to measure the results should the resolution be used. Mr. Reid explained the scenario and that it could be possible to obtain court records to see if the resolution had been used, however would be very time consuming to do so.

Councilor Jungmann talked about an employee possibly getting injured by asking these vaccine questions and it is a catch 22 when you think about it. People are getting hostile and employees are getting yelled at by following the guidelines.

Councilor Law talked about the need of being understanding of businesses and the hard place they are in, and the possible fines they can get.

There were discussions regarding possible resolutions like another city did.

Mr. Reid discussed the purpose and spirit of Resolution No. 1474. Resolutions that other cities have passed are opinions as a resolution and it is just that. They do not offer any kind of possible protection.

### **3. Ochoco Forest Collaboration (OFRC) Contribution Consideration – Councilor Hutchison**

Councilor Hutchison referred to staff report and the importance of this group and their background.

Steve Forrester, City Manager provided additional background and the great points that have been brought up, the work they do with a lot of stakeholders and drew a connection to the bio-

mass project. Mr. Forrester talked about the health of the forest, water quality, wildlife, air quality, wildfire mitigation and how OFRC is strategic in making this happen.

Councilor Uffelman asked about the budget for the organization for the year. Councilor Hutchison said they have funding to the end of June, however there have been talks of meetings being cutting back.

Mayor Beebe asked if any other organizations such as the county are contributing. Councilor Hutchison talked with the County, however they have not heard back yet.

**Councilor Uffelman made motion to approve a \$5,000 contribution to Ochoco Forest Regional Collaboration. Motion seconded. Discussion on motion. All in favor, motion carried.**

#### **Staff Reports and Requests:**

##### **4. Manager's Report – Steve Forrester**

Mr. Forrester reported: he participated in Bend City Club City Manager's Forum and all city managers were there. The Forum discussed the effects of COVID on our businesses in our communities and homelessness situations. Redmond city staff has been here visiting wetlands for ideas on their own wetland system. Railroad track repairs have been completed and ready to go. Airport still doing project work on changing runway approach and putting some paths in for accessing. Budget had its first presentation and the next budget meeting is on June 1<sup>st</sup>. Please reach out to Liz, Lori or myself with any questions regarding the budget. CDC changing guidance and we are looking at opening up city hall and have council meetings in person. He was able to spend time with staff at the new PD facility and other agencies are interested in working with us on public safety opportunities there.

No comments or questions.

##### **5. Drought Declaration Update – Eric Klann**

Eric Klann, City Engineer said this is just for information and not expecting a decision. Mr. Klann explained that we are in a serious drought condition. There is no water for agriculture. We are hopeful that our farmers can pull through this. The city will be talking to customers about how they can help conserve, the incentives for conserving as well as tools such as leak detection tablets and shower heads. Water is precious.

#### **Committee Reports**

Councilor Uffelman provided a Community Renewable Energy Association (CREA) committee update. Bio-economics and bio-mass potential for Prineville were discussed.

Councilor Hutchison provided an OFCR update. They went on a field trip up Mill Creek and additional rock base is being laid. Then they went to Harvey Gap and looked at streams and into

Prineville on other roads that had a lot of pot holes. It was great communication among the forest service and committee members.

**Ordinances:**

**6. Ordinance No. 1264 – Partial Vacation of NW Beaver Street (FIRST PRESENTATION) – Josh Smith**

Josh Smith, Planning Director presented background information. Mr. Reid provided clarification and referred to the correct date for public hearing and that it would be corrected for second presentation.

**Councilor Law made motion to approve Ordinance No 1264 for its first presentation. Motion seconded. No discussion on motion. All in favor, motion carried.**

**Resolutions:**

**7. Resolution No. 1487 – To Allow Temporary Parklets in the Right of Way for Temporary Outdoor Dining – Casey Kaiser**

Casey Kaiser, Associate Planner provided the staff report and explained a parklet is for temporary outdoor seating capacity for restaurants and went through a power point presentation.

There were discussions if this would be allowed in front of another business, criteria that has to be met, street sweeping, having a sunset on the resolution to expire and safety.

**Councilor Uffelman made motion to amend the resolution to add that this is for year 2021 only. Motion seconded. Discussion on motion. All in favor, motion carried.**

**Councilor Uffelman made motion to approve Resolution No. 1487 as amended. Motion seconded. No discussion on motion. All in favor, motion carried.**

**8. Resolution No 1488 – Authorization to Efficiently Minimize or Mitigate the Effects of the COVID-19 Pandemic – Jered Reid**

Mr. Reid explained that it doesn't seem to have a necessity at this point and advised not to renew it.

**No motion made to approve. Resolution failed.**

**Visitors Appearances and Requests:**

No written comments were received.

**Adjourn**

**Councilor Law made a motion to adjourn the meeting. Motion seconded. No discussion on motion. All in favor, motion carried.**

Meeting adjourned at 8:03 P.M.

**Motions and Outcomes:**

Motion:	Outcome	Beebe	Hutchison	Jungmann	Law	Merritt	Papke	Uffelman
Consent Agenda	PASSED	Y	Y	Y	-	Y	-	-
Motion to Approve a \$5,000 Contribution to Ochoco Forest Regional Collaboration	PASSED	Y	Y	Y	Y	Y	-	Y
Ordinance No. 1264 – Partial Vacation of NW Beaver Street ( <b>FIRST PRESENTATION</b> )	PASSED	Y	Y	Y	Y	Y	-	Y
Motion to amend Resolution No. 1487 to add that this is for the year 2021 only	PASSED	Y	Y	Y	Y	Y	-	Y
Resolution No. 1487 – To Allow Temporary Parklets in the Right of Way for Temporary Outdoor Dining - <b>AS AMENDED</b>	PASSED	Y	Y	Y	Y	Y	-	Y
Resolution No 1488 – Authorization to Efficiently Minimize or Mitigate the Effects of the COVID-19 Pandemic	FAILED – NO MOTION	-	-	-	-	-	-	-
Adjourn Meeting	PASSED	Y	Y	Y	Y	Y	-	Y

Public Records Disclosure

Under the Oregon public records law, all documents referred to in this session are available at the City’s website. [www.cityofprineville.com](http://www.cityofprineville.com). An electronic copy of the meeting packet is available for download at [www.cityofprineville.com/packets](http://www.cityofprineville.com/packets). A full recording of this meeting is available at [www.cityofprineville.com/meetings](http://www.cityofprineville.com/meetings)