



Location: City Hall – Council Chambers
Date: August 24, 2021
Time: 6:00 PM

City Council Meeting Agenda

Mayor Jason Beebe, Council Members Steve Uffelman, Janet Hutchison, Patricia Jungmann, Gail Merritt, Jeff Papke, Raymond Law and City Manager Steve Forrester

PLEASE NOTE THE COUNCIL MEETING LOCATION CHANGE TO 1280 S. MAIN STREET (FAIRGROUNDS- ACROSS FROM INDOOR ARENA) AND START TIME OF MEETING AT 6:00 P.M.

Call to Order

Flag Salute

Additions to Agenda

Consent Agenda

- [1.](#) Regular Meeting Brief 8-10-2021
- [2.](#) Special Meeting Brief 8-18-2021
- [3.](#) Liquor License Annual Renewals
- [4.](#) Prineville Quick Stop Liquor License Application
- [5.](#) The Wrangler Liquor License Application

Visitors, Appearances and Requests

Council Presentations

6. Crook County Health Department COVID Update - Vicky Ryan

Council Business

- [7.](#) Reading of Constitution Week Proclamation - Mayor Beebe
- [8.](#) Intent to Award Purchase of John Deere Greens Mower - Zach Lampert

Staff Reports and Requests

9. City Manager's Report - Steve Forrester

Committee Reports



Ordinances

[10.](#) Ordinance No. 1269 Amending Chapter Four of the City Comprehensive Plan **(FIRST PRESENTATION)** - Casey Kaiser

[11.](#) Ordinance No. 1270 - Granting a Franchise to Lightspeed Networks to Operate and Maintain a Telecommunications System **(FIRST PRESENTATION)** - Jered Reid

Resolutions

Visitors, Appearances and Requests

Adjourn

Agenda items maybe added or removed as necessary after publication deadline



CITY OF PRINEVILLE
Regular Meeting Brief
387 NE Third Street – Prineville, OR 97754
541.447.5627 ph 541-447-5628 fax

Full Meeting Recordings Available at:
<http://cityofprineville.com/meetings/>

City Council Meeting Brief
August 10, 2021

Council Members Present:

Jason Beebe
Patricia Jungmann
Ray Law
Steve Uffelman

Jeff Papke
Janet Hutchison

Council Members Absent

Gail Merritt

Additions to the Agenda

None.

Consent Agenda

1. Joint City-County Meeting Brief 7-21-2021
2. Special Council Meeting Brief 7-23-2021
3. Regular Meeting Brief 7-27-2021

Councilor Law made a motion to approve consent agenda as presented. Motion seconded. Discussion on motion. Motion carried.

Visitors, Appearances and Requests:

4. Housing Works Presentation – David Brandt

David Brandt, Housing Works Executive Director introduced the Housing Works board members that were present and went through a power point presentation that highlighted the programs they offer.

Laura Craska Cooper, Board Chair added comments about the other educational programs to help people become successful home owners and renters.

Public Appearances

Jerald Jackman, a Prineville resident noted changes he thought should be in the meeting brief of July 21st & July 23rd.

Calista Songsted, a Prineville resident talked about her concerns regarding the school board. Ms. Songsted asked for council to support the parents, teachers and board regarding their fears regarding COVID, masks and vaccines. There is not a one size fits all on any of this.

No one else came forward.

Council Business

5. Consideration of a Proclamation – Constitution Week – Mayor Beebe

Mayor Beebe stated that he is the sponsor of the proclamation request and would like to be able to read it at the next meeting if there are no concerns.

There were no questions or concerns.

Mayor Beebe agreed to read the proclamation at the next meeting.

6. Chapter 4 Comprehensive Plan Update – Parks Master Plan (PUBLIC HEARING) – Josh Smith / Casey Kaiser

Josh Smith, Planning Director provided an introduction and started a power point presentation.

Eric Klann, City Engineer provided a summary in the power point that summarized the amount of park land/open space the city owns, and the grants the city received to complete the Parks Master Plans to see how our parks fit with the Parks & Recreation Department's plans.

Casey Kaiser, Senior Planner continued the power point presentation that highlighted the purpose of intent for the Comp Plan update, requested Council action and that this focuses only on property located within city limits and the Urban Growth Boundary (UGB). The power point also included a map of the current Parks and Recreation District boundaries versus the size of the county boundaries and a map of park inventory and who manages each.

Mr. Kaiser added that this is the recommendation of the Planning Commission and noted that the goal is to include some updates/corrections to the language and would come back to Council with an ordinance if Council decides to move forward which would adopt the plan update by reference.

Mr. Kaiser went through each of the policies, general findings from staff, and public notices for public comment that were published and posted with no comments received.

Councilor Uffelman commented on the difference between the size of the county versus the size of the Parks & Recreation District boundaries and the users of the parks should be incorporated into the district and this should be looked at in the future.

Mr. Kaiser explained that this was recognized during the master plan update and included looking at a stable funding mechanism which is included in the Parks & Recreation master plan.

Councilor Law asked if certain areas were included in the district boundaries. Mr. Kaiser explained that the district boundary is actually twice the size of the city limits.

There were no more questions.

Mayor Beebe opened the public hearing portion of the meeting.

Jerald Jackman, Prineville resident talked about different groups he was a part of in the past and what he has seen, and there are some things that really bother him about this. Mr. Jackson called out the items he disagreed with and read some of the survey comments included in the plan.

Mr. Kaiser responded that it sounds like a lot of the items you mentioned are in regards to the specifics of projects listed in the Unified Parks & Recreation Plan. Mr. Kaiser added that he would like to respectfully remind him that what Council is reviewing tonight is an amendment to the City's Comprehensive Plan which is really the city's goal to look philosophically at those facilities and those five policies to allow flexibility in the specifics in how these projects are executed over time.

Mr. Josh Smith wanted to touch on a few things. We are not the district, so these are not our projects. Nothing in this document you are looking at tonight would require you to build anything or pay for anything. Our Comprehensive Plan is a high level document that guides how we develop in the future. It is typically other sources of funding that pays for development of these projects over time such as Parks System Development Charges (SDC's), not tax payers. SDC's are based on plans for projects. Those SDC's are collected as more homes are built. The taxing district is how those facilities are maintained. If the projects can't be afforded, they are not done. We do not own the reservoirs so we are not responsible for the access being closed off. This is simply us taking a look at how we would develop in our city.

No one else came forward, no written comments were received and no one was on the phone.

Mayor Beebe closed the public hearing portion of the meeting.

Discussions continued regarding how property deeded to city for open space/parks comes into the planning process, kudo's to the plan and how it was about everyone coming together to complete, the taxing district, not one size fitting all, and appreciation of collaboration that went into the development of this plan.

Councilor Uffelman added that he would like an agenda item to be added at a future meeting to discussed regarding the Delta variant and council meetings protocol for future council meetings.

Staff Reports and Requests:**7. Quarterly Financial Report – Liz Schuette / Lori Hooper**

Liz Schuette, Finance Director and Lori Hooper, Accounting Manager went through a power point presentation that began with an all funds summary. Also included in the presentation were trends for beginning fund balances, general fund revenues, property tax collection, delinquent property tax collection, transient room tax and franchise fees. Mrs. Schuette explained that the collection of electrical franchise fees has surpassed collection of property tax.

Mrs. Schuette and Ms. Hooper continued their finance report on transportation funds, capital improvements, PERS pension obligation bonds and the rate reductions received, railroad funds, airport funds, and Meadow Lakes.

There were no questions.

8. City Manager's Report– Steve Forrester

Mr. Forrester reported: there is a logistics company out of Medford interested in space at the railroad. Eric Klann, City Engineer and he were able to meet with Congressman Bruce Westerman out of Arkansas who serves on the Natural Resource Committee. U.S. Representative Cliff Bentz has a town hall this Friday at 9:00 A.M. at the fairgrounds.

Mr. Forrester continued with his report stating that the city will be host to the League of Oregon Cities regional meeting in September. Staff would like to have a discussion with Council at an upcoming meeting to consider changing meeting times to 5:30. He had forwarded some stats from the Crook County Health Department on COVID to everyone to review.

Scott Smith, Street Superintendent provided a 10th and Main Street project update and mentioned that the city had signed an agreement with Crook County for a chip seal project to be completed this summer. He has since found out that there is a nationwide shortage of striping paint, so this project is being postponed until next summer.

Discussions continued regarding: the new traffic light being activated around the 23rd, the east and west legs will continue to be closed until the light is activated and striping is done, differences between the old signal and new signal, and protected left turns going all directions.

There were no further questions.

Committee Reports

There were no committee reports.

Ordinances:**9. Ordinance No. 1268 – Granting an Electrical Utility Franchise and General Utility Easement to PacifiCorp – Steve Forrester**

Jered Reid, City Attorney provided the background information on why this ordinance is needed to replace Ordinance No. 1267 and that if Council votes unanimously to approve, this would be the only presentation.

Councilor Uffelman had questions regarding taxing equipment in the right of way as well as the franchise fee. Mr. Reid explained that equipment is not taxed and that there is state statutes that cap the amount of money that can be taxed.

There were no further questions.

Councilor Uffelman made a motion to approve Ordinance No 1268. Motion seconded. No discussion on motion. All in favor, motion carried unanimously to pass with one presentation.

Resolutions:**10. Resolution No. 1502 – Approving Exemption from Competitive Bidding for Purchase of Goods or Services from Krah USA– Mike Kasberger**

Mike Kasberger, Assistant City Engineer provided a summary of the last meeting and public hearing and added that nothing has changed unless there are any questions. Otherwise staff is recommending approval.

There were no questions.

Councilor Hutchison made a motion to approve Resolution No. 1502. Motion seconded. No discussion on motion. All in favor, motion carried.

11. Resolution No. 1503 – Authorizing Full Faith & Credit Borrowing and Related Matters – Liz Schuette

Mrs. Schuette presented the staff report stating the city would like to refinance existing debts with additional funding to purchase golf carts that were approved by the Budget Committee and Council. Refinancing of existing debt and funding the purchase of golf carts will not increase the term and save approximately \$386,000 with the lower interest rate.

Councilor Papke made a motion to approve Resolution No. 1503. Motion seconded. No discussion on motion. All in favor, motion carried.

Councilor Hutchison thanked Mrs. Schuette for always going out and looking for better rates.

Visitors Appearances and Requests:

No one came forward.

Adjourn

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

Meeting adjourned at 8:18 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Hutchison	Jungmann	Law	Merritt	Papke	Uffelman
Consent Agenda	PASSED	Y	Y	Y	Y	-	-	Y
Ordinance No. 1268 – Granting an Electrical Utility Franchise and General Utility Easement to PacifiCorp	PASSED	Y	Y	Y	Y	-	Y	Y
Resolution No. 1502 – Approving Exemption from Competitive Bidding for Purchase of Goods or Services from Krah USA	PASSED	Y	Y	Y	Y	-	Y	Y
Resolution No. 1503 – Authorizing Full Faith & Credit Borrowing and Related Matters	PASSED	Y	Y	Y	Y	-	Y	Y
Adjourn Meeting	PASSED	Y	Y	Y	Y	-	Y	Y

Public Records Disclosure

Under the Oregon public records law, all meeting information, agenda packets, ordinances, resolutions, audio and meeting briefs are available at the following URL:

<https://www.cityofprineville.com/meetings> .



CITY OF PRINEVILLE
Special Meeting Brief
387 NE Third Street – Prineville, OR 97754
541.447.5627 ph 541-447-5628 fax

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Special City Council Meeting Brief
August 18, 2021

Council Members Present:

Jason Beebe
Patricia Jungmann
Gail Merritt
Ray Law

Jeff Papke
Steve Uffelman

Council Members Absent

Janet Hutchison

Additions to the Agenda

None.

Council Business:

- 1. Regular Meetings Location and Protocols as a Result of Oregon Temporary Administrative Rule Regarding Mask Requirements in Indoor Spaces– Steve Forrester**

Mayor Beebe started by explaining that we are going to discuss our council meetings and how our meetings will be conducted. Each councilor will have an opportunity to talk and at the end we will probably have to make a motion.

Councilor Uffelman stated there are no mandates for the city. We are strictly addressing our council meetings. To accommodate visitors, appearances and requests he would like to limit to speaking one time and limit visitors to 3 minutes with a 30 minute overall visitor's maximum and have a separate agenda item for scheduled council presentations. He would like everyone to consider an outdoor meeting site and would have as a fall back alternative once a month and would like to have six feet separation and masking at indoor meetings.

Councilor Jungmann stated she wasn't sure what the meeting was about and would like to hold comments until the end.

Councilor Papke said this is a topic he has been struggling with for a few days, and no matter what we decide there are going to be people that are happy and there will be some that are not, and he is not sure we can have a win-win. He appreciates the comments he has seen for those

that don't want masks, and those who want them. He would be open to meetings being held outdoors. He talked about current wave of pandemic and that he heard it should start going down at the end of October. This would be a good decision for the short term and then re-address in the future.

Councilor Law wanted clarification about if we have to stay specific to council meetings because he had a statement that he wanted to read regarding COVID.

Jered Reid, City Attorney read the public notice into the record and the purpose of this meeting is and said it is permissible for Councilor Law to read his statement.

Councilor Law explained that his entire family has had COVID and lost both of his parents with COVID contributing to it. Councilor Law proceeded to read his statement that he wrote.

Councilor Law said that he conducted an informal Facebook poll and he had received 520 responses to his poll as of this morning with 477 of the 520 stating they do not support mask mandates. He has also taken dozens of citizen's phone calls and emails.

Councilor Merritt stated she would just like us all to show kindness and respect to one another. She supports outside meetings and that they should continue on with our meetings.

Councilor Jungmann explained she is happy that we have lots of wonderful people in our county and city that help us make tough decisions. She would like in person meetings and doesn't mind doing outdoor meetings and wants to be sure that everyone has equal access as far as disabilities to attend.

Mayor Beebe said that his personal feeling is that the governor has failed when she promised local control and they took it back because she said local health departments were not doing their job in a statement she made. He plans to continue city business and has a couple of suggestions that he wrote down. He would like to keep the council meetings open as they have been in person for the public with the option for Council members to call in. When the public comes in, it is not his place to tell them to put a mask on or not and is a personal choice. So if that would not work he strongly suggests outdoor meetings to accommodate the public so we do not have to worry about mask mandates. The public has a right to comment and be heard at our Council meetings. He would like to keep meetings as they are, or move them outside.

Mr. Reid talked about the legalities of the OAR that took effect last Friday and about differences between indoor spaces versus outdoor space. We do have the technical ability to have outdoor meetings either at the fairgrounds or Stryker Park.

Mr. Reid addressed the three minute speaking limit and explained there is a provision in our code that allows five minutes, so three minutes would require a code change. Though if council wanted to talk about limiting the number of times someone could speak we could do that without a code change.

Councilor Uffelman is fine with five minutes speaking limit.

Councilor Law said he is okay for five minutes since most don't go over, and if we make it a rule we have to adhere to it.

Mayor Beebe is unsure of a thirty minute mark limit.

Councilor Law recommended having them sign up to speak so we could determine the length of time needed, and if they don't sign up and time runs out, they don't speak.

Mr. Reid explained the difference between home rule versus town hall rule. We are home rule and we are not required to allow them to speak unless there is a public hearing.

Councilor Uffelman stated that he is not opposed to allowing them to speak, just doesn't want it to run on to where we couldn't do city business.

Councilor Papke made motion to move city council meetings to an outside location to be determined by staff through the end of October and move the start times to 6:00 PM. Discussion on motion regarding zoom and making a second on motion. Merritt seconded the motion. Discussion on motion that Councilor Papke put in through the end of October, but it could certainly be looked at any time. Yield the city staff to deciding where the meetings are being held. As far as the start time for the meeting it is because the days are getting shorter and cooler. Councilor Law talked about the 6:00 PM start time. Mr. Reid talked about council being able to talk about the time change for meetings. Councilor Uffelman talked about how we address Executive Sessions and how we do those outdoor. Mr. Reid said it could certainly be pulled off but need to prepare it properly. Councilor Papke said he could amend the motion if Councilor Merritt agrees to the intention of this applying to regular meetings at 6:00 PM. Councilor Merritt is fine with that and seconded the amended motion. No further discussion. All in favor, motion carried.

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

Meeting adjourned at 12:46 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Hutchison	Jungmann	Law	Merritt	Papke	Uffelman
Move Regular Councilor Meetings to an Outside Location Through the End of October, Determined by Staff and Move the Start Times to 6:00 P.M.	PASSED	Y	-	Y	Y	Y	Y	Y
Adjourn Meeting	PASSED	Y	-	Y	Y	Y	Y	Y

Public Records Disclosure

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Liquor License Renewals

August 24, 2021

Corral Tap Room

Angelina's Coffee Company

Wagner's Market

7-Eleven

Barney Prines

Sora Sushi Japanese Restaurant

Prineville Liquor & Tobacco

American Legion Post # 29

Erickson's Thriftway

Gee's Family Restaurant

Debbie Sue's Café

Apple Peddler Restaurant

Club Pioneer

Dillon's Grill



LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: 8-16-2021
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Name of City or County: City of Prineville
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	By: _____
<input type="checkbox"/> Distillery	Date: _____
<input type="checkbox"/> Full On-Premises, Commercial	
<input type="checkbox"/> Full On-Premises, Caterer	
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	OLCC USE ONLY
<input type="checkbox"/> Limited On-Premises	Date application received: 8/3/21
<input checked="" type="checkbox"/> Off-Premises	Date application accepted: 8/3/21
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	License Action(s):
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	C/O; C/TN; Address correction

2. Identify the applicant(s) applying for the license(s). **ENTITY** (example: corporation or LLC) or **INDIVIDUAL(S)**¹ applying for the license(s):

RGW Properties LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See) Prineville Quick Stop		
4. Business Address (Number and Street Address of the Location that will have the liquor license) 205 NW 3rd Street		
City Prineville	County Crook	Zip Code 97754

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) Prineville Quick Stop			
6. Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in OAR 845-004-0065(1)) 205 NW 3rd Street			
City Prineville		State OR	Zip Code 97754
9. Phone Number of the Business Location 541-447-3672		10. Email Contact for this Application and for the Business [REDACTED]	
11. Contact Person for this Application Russell Weatherly		Phone Number 541- [REDACTED]	
Contact Person's Mailing Address (if different) [REDACTED]	City Prineville	State OR	Zip Code 97754

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read [OAR 845-005-0311](#) and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per [OAR 845-005-0311\(6\)](#)) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

Russell Weatherly
App #1: (PRINT NAME) App #1: (SIGNATURE)

App #1: Signature Date

Atty. Bar Information (if applicable)

App #2: (PRINT NAME)

App #2: (SIGNATURE)

App #2: Signature Date

Atty. Bar Information (if applicable)

App #3: (PRINT NAME)

App #3: (SIGNATURE)

App #3: Signature Date

Atty. Bar Information (if applicable)

App #4: (PRINT NAME)

App #4: (SIGNATURE)

App #4: Signature Date

Atty. Bar Information (if applicable)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	WEATHERLY Last	Russell First	Glen Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below. Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	08 (mm)	08 (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #:	[REDACTED]		7. State OR
8. Contact Phone:	541-[REDACTED]		
9. E-mail Address:	[REDACTED]		
10. Mailing Address:	205 NW 3rd Street (Number and Street)	Prineville (City)	OR 97754 (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	WEATHERLY Last	Russell First	Glen Middle
Signature:			Date: 8-2-2021

This box for OLCC use ONLY

Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: RGW Properties Phone: 541-447-3672

Trade Name (dba): Pineville Quick Stop

Business Location Address: 205 NW 3rd St.

City: Pineville ZIP Code: 97754

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 6 AM to 10 PM
Monday 6 AM to 10 PM
Tuesday 6 AM to 10 PM
Wednesday 6 AM to 10 PM
Thursday 6 AM to 10 PM
Friday 6 AM to 10 PM
Saturday 6 AM to 10 PM

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

☐ Food service Hours: _____ to _____

☐ Alcohol service Hours: _____ to _____

☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☐ Yes ☐ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- ☐ Live Music
☐ Recorded Music
☐ DJ Music
☐ Dancing
☐ Nude Entertainers

- ☐ Karaoke
☐ Coin-operated Games
☐ Video Lottery Machines
☐ Social Gaming
☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 8-3-2021

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp: 8-17-2021
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Name of City or County: City of Prineville
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	By: _____
<input type="checkbox"/> Distillery	Date: _____
<input type="checkbox"/> Full On-Premises, Commercial	OLCC USE ONLY
<input type="checkbox"/> Full On-Premises, Caterer	Date application received: 7/30/21
<input type="checkbox"/> Full On-Premises, Passenger Carrier	Date application accepted: 7/30/21
<input type="checkbox"/> Full On-Premises, Other Public Location	License Action(s): N/O
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input checked="" type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

Christina Suiny

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)

The Wrangler

4. Business Address (Number and Street Address of the Location that will have the liquor license)

1370 NE 3rd Street

City

Prineville

County

CROOK

Zip Code

97754

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) <u>The Wrangler</u>			
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in <u>OAR 845-004-0065[1].</u>) <u>1370 NE 3rd Street</u>			
City <u>Prineville</u>		State <u>OR</u>	Zip Code <u>97754</u>
9. Phone Number of the Business Location <u>541-633-5995</u>		10. Email Contact for this Application and for the Business <u>2021thnewrangler@gmail.com</u>	
11. Contact Person for this Application <u>Chris Sung</u>		Phone Number <u>541-633-5995</u>	
Contact Person's Mailing Address (if different) [REDACTED]		City <u>Prineville</u>	State <u>OR</u> Zip Code <u>97754</u>

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

Christina Sung Christina Sung
App. #1: (PRINT NAME) App. #1: (SIGNATURE)

7/26/21
App. #1: Signature Date Atty. Bar Information (if applicable)

App. #2: (PRINT NAME) App. #2: (SIGNATURE) App. #2: Signature Date Atty. Bar Information (if applicable)

App. #3: (PRINT NAME) App. #3: (SIGNATURE) App. #3: Signature Date Atty. Bar Information (if applicable)

App. #4: (PRINT NAME) App. #4: (SIGNATURE) App. #4: Signature Date Atty. Bar Information (if applicable)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Suing Last	Christina First	Marie Middle
2. Other names used (maiden, other): Christina Powell			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	03 (mm)	24 (dd)	19 [REDACTED] (yyyy)
6. Driver License or State ID #:	[REDACTED]		7. State: OR
8. Contact Phone: 541-633-5995			
9. E-mail Address: 20214newrangler@gmail.com			
10. Mailing Address:	1370 NE 3rd St (Number and Street)	Prineville (City)	OR 97554 (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Swing	Christina	Marie
	Last	First	Middle
Signature:	Christina M Swing		Date: 7/24/21

This box for OLCC use ONLY

Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Christina Sung Phone: 541-633-5995

Trade Name (dba): THE Wrangler

Business Location Address: 1370 NE 3rd St

City: Prineville OR ZIP Code: 97754

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>9</u>	to	<u>10</u>
Monday	<u>9</u>	to	<u>10</u>
Tuesday	<u>9</u>	to	<u>10</u>
Wednesday	<u>9</u>	to	<u>10</u>
Thursday	<u>9</u>	to	<u>10</u>
Friday	<u>9</u>	to	<u>10</u>
Saturday	<u>9</u>	to	<u>10</u>

Outdoor Area Hours:

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

The outdoor area is used for:

☐ Food service Hours: _____ to _____
☐ Alcohol service Hours: _____ to _____
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input checked="" type="checkbox"/> Recorded Music | <input checked="" type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input checked="" type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input checked="" type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: 10 Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: _____ (Y) _____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Christina Sung Date: 7/26/21

1-800-452-OLCC (6522)

www.oregon.gov/olcc

PROCLAMATION FOR CONSTITUTION WEEK

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2021, marks the two hundred and thirty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Rodney Jason Beebe by virtue of the authority vested in me as the Mayor of Prineville, Oregon do hereby proclaim the week of September 17 through 23 as **CONSTITUTION WEEK** and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Prineville, Oregon to be affixed this 24th day of August in the year of our Lord two thousand twenty one.



Rodney J. Beebe, Mayor



STAFF REPORT

MEETING DATE:	8/24/2021	PREPARED BY:	Zach Lampert
SECTION:	Council Business	DEPARTMENT:	Meadow Lakes
CITY GOAL:	Quality Municipal Services & Programs		
SUBJECT:	Greens Mowers Purchase – Intent to Award		

REASON FOR CONSIDERATION:

Intent to award 2021 Greens Mowers purchase to Pacific Golf & Turf

BACKGROUND:

In FY22, the two Greens Mowers are scheduled to be replaced as part of the Meadow Lakes Capital Improvement plan adopted in the budget.

The current greens mowers are in good shape and were purchased in November of 2012. These two mowers will be repurposed as tee mowers to replace two of the oldest units in our fleet. The current tee mowers have over 5,500 hours and are at the end of their lifecycle. They are failing and requiring a significant amount of maintenance and labor by the mechanic to keep operational.

Pacific Golf and Turf, the provider of John Deere equipment in our region is a member of ORPIN (Oregon Procurement Information Network). ORPIN is the system that provides access to procurement and contracting information issued by the State of Oregon, local governments, and political subdivisions. Companies may register a Supplier account in ORPIN to competitively and fairly bid to provide products or services. Pacific Golf and Turf has a contract with the state of Oregon (OR Lawn and Grounds Maint. Equip. 1744 PG25 CG22). Utilizing the state contract provides the City roughly a 30% discount on all units.

The majority of the mowers in our fleet are John Deere. Staff demoed units over the past year from John Deere, Jacobsen and Toro and the consensus preference is to remain with John Deere. We are familiar with operating and maintaining the John Deere equipment and feel that the quality of the product meets our standards. We also have verti-cut units that only fit John Deere greens mowers. It would be a significant additional cost to purchase new verti-cutters if we were to switch to a different company.

We requested quotes from each company for a diesel model, hybrid model and electric model. Staff has elected to remain with diesel units with hydraulics rather than move into hybrid or electric units which are more expensive.

FISCAL IMPACT:

Meadow Lakes budgeted \$70,000 in the golf course improvements line for the replacement of 2 greens mowers in FY22. The quotes solicited were from John Deere, Jacobsen and Toro. The quotes received for the diesel models are as follows:

Jacobsen Greens King IV mower (Diesel):

- \$33,875 each, total for 2: \$67,750.00

John Deere 2550 Precision Cut Triplex mower (Diesel):

- \$38,381.46 each, total for 2: \$76,762.92

Toro Greensmaster 3250-D (Diesel):

- \$40,816.22 each, total for 2: \$81,632.44

The quote of \$76,762.92 from John Deere is \$6,762.92 more than was budgeted. The difference will be made up by the reduction of capital improvement dollars spent on other projects later this year as well as revenue from the sale of surplus equipment.

RECOMMENDATION:

Staff recommends Council approve the intent to award the 2021 Greens Mowers Purchase to Pacific Golf and Turf utilizing State Contract #1744 in the amount of \$76,762.92.

ORDINANCE NO. 1269
AN ORDINANCE TO AMEND CHAPTER FOUR OF THE CITY'S COMPREHENSIVE
PLAN (PARKS, RECREATION & OPEN SPACE)

Whereas, City of Prineville ("City") adopted a Comprehensive Plan on or about April 10, 2007, pursuant to Ordinance 1143 and codified in Chapter 154 of the Prineville City Code; and

Whereas, the City partnered with the Crook County Parks and Recreation District to complete an updated Parks and Recreation Master Plan; and

Whereas, based on the aforementioned Parks and Recreation Master Plan, City staff initiated amendment procedures to the City's Comprehensive Plan (Chapter 4) for review by the City Planning Commission; and

Whereas, pursuant to Section 153.252.020 of the Code, required notice was submitted to the Department of Land Conservation and Development and published 10 days prior to the initial public hearing scheduled for July 20, 2021; and

Whereas, on July 20, 2021, the City Planning Commission held a public hearing and consented to the amendment and recommended the City Council approve the proposed amendment to Chapter 4 of the Comprehensive Plan as shown on Exhibit A, attached hereto and by this reference made a part hereof; and

Whereas, pursuant to Section 153.252.020 of the Code, required notice was published 10 days prior to the City Council hearing of a legislative change scheduled for August 10, 2021; and

Whereas, the Prineville City Council conducted a public hearing on August 10, 2021, which consisted of the opportunity of written and oral testimony, review of staff reports, and consideration of the recommendations of the City of Prineville Planning Commission.

NOW, THEREFORE, the people of the City of Prineville ordain as follows:

1. That the City's Comprehensive Plan Chapter 4 is hereby amended as shown on Exhibit A.
2. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records.
3. The Ordinance shall be effective 30 days following its passage by the City Council.

Presented for the first time at a regular meeting of the City Council held on August 24, 2021, and the City Council finally enacted the foregoing ordinance this ____ day of September, 2021.

Rodney J. Beebe
Mayor

ATTEST:

Lisa Morgan, City Recorder

Prineville's Comprehensive Plan

Table of Contents - Chapter 4

Purpose and Intent

Background

Issues, Goals & Policies

Park Land

Camping

Trails

Recreation Programs and Events

Management and Operations

Community Needs

Goal #1: In collaboration with the Crook County Parks and Recreation District and other partners, provide public parks, recreational facilities and trails, and programs and events that meet the diverse needs of users and that enhance the health, livability, and quality of life of the community.

Policy 1. Promote a collaborative system to maximize the benefits of parks and recreation. Ensure a consistent and seamless arrangement for system operations.

Policy 2. Activate parks and facilitate the coordinated provision of recreation programs and events.

Policy 3. Enhance existing parks and facilities and develop new opportunities to provide engaging community recreation and social spaces that meet the needs of residents, workers, and visitors now and into the future.

Policy 4. Protect natural resources and provide trails to connect people to parks, open space and community destinations.

Policy 5. Maintain and replace assets in a sustainable manner and preserve and showcase the area's historical and cultural heritage for future generations.

Parks, Recreation and Open Space

Chapter 4 Parks, Recreation and Open Space

Purpose and Intent

The State of Oregon requires that cities manage and operate adequate facilities for recreation and open space. Key elements of the parks plan required by the state include a map to indicate the location and boundaries of the park system, and appropriate zoning and map designations including objective land use and siting review criteria. Open space responsibilities also overlap with Goal 5 issues but the emphasis for utilization and preservation remains the same.



This chapter discusses how the City of Prineville intends to provide public parks and recreation areas and strives to strengthen the City's parks and recreation opportunities through land use strategies and inter-agency cooperation. Based on the Unified Parks and Recreation System Plan developed in collaboration with the Crook County Parks and Recreation District (CCPRD), this chapter describes existing conditions, community needs, goals, and policies related to the park system. The Unified Parks and Recreation System Plan is herein adopted by reference and provides a more comprehensive description of the park and recreation system and the long-term plan for the future.

The City and CCPRD have been successful working together to leverage resources for the parks and recreation system. With over 19 sites that represent approximately 915 acres of public parks and recreation facilities, and dozens of programs and community events, parks and recreation are a major part of community identity and livability and central to the area's long-term future.

Background

In 1983, voters formed the Crook County Parks and Recreation District with boundaries based on the City's urban growth boundary. The City owned and managed parks prior to transferring these sites to CCPRD. In 1990, CCPRD expanded its boundary through annexation and the current boundaries match the Fire and Rescue District, Fire Zone #2.

In 2004, CCPRD completed a Comprehensive Plan for parks and the improvement and development of District operations and administration, parks and facilities, and recreation programs. In 2021, the City completed its first comprehensive plan (the Unified Parks and Recreation System Plan) for parks and recreation in partnership with CCPRD and with support from Crook County. The Plan outlines priorities for the future guided by the community's vision, a technical analysis of needs, and a strategic approach to implementation.

Issues, Goals & Policies

Prineville's unique setting, climate and culture all influence park and recreation opportunities. Located in Central Oregon's high desert, Prineville is surrounded by agricultural lands and publicly managed open spaces including the Crooked River and Crooked River National Grasslands, and Ochoco National Forest. Many local schools also provide opportunities for public recreation and use during non-school hours. The area's many park and recreation opportunities are central to the area's high quality of life, but steady growth and continued demands on park services resources are important considerations for the future.



Park Land

Together, the City, County and CCPRD own or maintain 19 parks and facilities, totaling approximately 915 acres. Only two sites are outside of the city, but within the CCPRD boundary (Crooked River Wetlands and Ochoco Lake Campground). CCPRD serves a population of approximately 14,269 residents (2017 Crook County estimates) and covers approximately 60.8 square miles. Just outside the city, there are approximately 467 acres of state land, as well as thousands of acres of national forest east of the CCPRD boundary. The Crooked River Canyon (a designated Wild and Scenic River), Prineville Reservoir, and Ochoco Lake are also popular destinations nearby.

Park Inventory Summary

Park Type	Total Acreage	Total Sites
Neighborhood Parks	22.2	9
Community Parks	55.4	3
Natural Areas	120	1
Special Use Sites	239*	4
Undeveloped Parks	480	3

Source: Crook County GIS, City of Prineville. *Includes acreage for golf course, fairgrounds, Crook County RV Park, and Ochoco Lake Campground.

There are many different types of recreation facilities that offer places to play, relax, or gather. Ochoco Creek Park serves as the city's central park and offers the largest range of experiences, from community gatherings and play to off-street biking and basketball. Most parks provide restrooms, picnic facilities, and an open lawn area. Fewer sites offer places to play or dedicated natural areas as part of the park design. There are also several specialized facilities such as camping areas, off-leash dog areas, and public art/memorials.

In 2017, the City completed the Crooked River Wetlands to improve municipal wastewater treatment. The wetlands now provide a range of benefits from cost savings and recreational opportunities to educational and environmental benefits. The City also conducted major changes

to the water distribution system to improve water conservation efforts and protect the city's water supply. During this same time the City acquired the Barnes Butte Recreation Area, a 460-acre parcel located at the east end of the city limits.

Camping

CCPRD provides camping areas at three sites. Located close-in to Prineville, the RV Park borders the fairgrounds and offers a range of amenities for RVs, as well as camping and reservable cabins. In addition to campgrounds, Ochoco Lake and Haystack Reservoir provide access to water recreation, and also offer day use. A large percentage of CCPRD's budget stems from camping fees.

CCPRD Camping Areas

Site	Owner	Spaces	Amenities
Crook County RV Park	Crook County	<ul style="list-style-type: none"> 81 RV sites 9 tent sites 2 cabins 	RV hookups, laundromat, community room, WiFi, dump station, pavilion
Ochoco Lake	Oregon State Parks	<ul style="list-style-type: none"> 22 tent sites 4 hike/bike sites 	Potable water, picnic tables, fire pits, restrooms, boat launch, trails, swimming
Haystack Reservoir	BLM	<ul style="list-style-type: none"> 16 RV/tent sites 3 reservable sites 	Picnic tables, restroom, trails, boat launch, swimming

Trails

There are a variety of paved and unpaved trails in Prineville. The City's Transportation System Plan (TSP) lists a total of four off-street paved trails totaling approximately 3.2 miles completed as of 2013. In addition, many of the proposed bicycle plan elements of the Crook County TSP provide direct connections to the City of Prineville. Since this time, the City has been active in adding additional trails and connections to this network. As part of the Ochoco Mill Site redevelopment, the multi-use path on the east side of Combs Flat road has been constructed from 3rd Street south to the hospital.

The 66 Trail System provides the primary nearby single track trail access for all ability levels. The existing 2.3 miles of Lower 66 trails are contained within Oregon State Park property. Managed by the Central Oregon Trail Alliance (COTA), volunteers are actively expanding this trail system on both sides of Highway 126. Along with city trails, the Crooked River Scenic Bikeway extends from the Prineville Reservoir to the north, approximately 25 miles to the City of Prineville along Highway 27.



Existing Off-Street Paved Trails

Trail	Approximate Length (miles)
Ochoco Creek Shared-Use Trail	1.7
Highway 26 Trail	1.0
O'Neil Highway Trail	0.2
Iron Horse Trail	0.3
Total	3.2

Recreation Programs and Events

CCPRD partners with other providers and volunteers to offer over 30 different programs, classes, events, and camps. For overall enrollment, fitness/health-related classes such as gymnastics and karate, and educational/technical classes such as dog obedience and hunter safety have experienced the largest recent enrollment. There is limited capacity for indoor spaces and



facilities such as Ochoco gym and the Juniper Art Guild are at capacity for scheduling additional activities. CCPRD programs draw participants from within the CCPRD boundary and beyond. Based on enrollment data, there are a considerable number of participants that live outside the boundary.

Management and Operations

Prineville's major public agencies share responsibilities in providing parks and recreation services, including the City and School District. The City is responsible for management and operations of the golf course, Barnes Butte Recreation Area and the Crooked River Wetlands complex, while the School District provides public access to several indoor facilities and fields. To promote coordination, the Local Intergovernmental Committee involves members from each of the major governmental agencies at the local level, including the City, School District, and CCPRD.

Community Needs

Throughout development of the Unified Parks and Recreation System Plan process, the City and CCPRD relied on a range of events and activities to hear from the public and identify the types of ideas and improvements that will be needed to build a stronger system of public parks and recreation opportunities. The following are needs identified for parks and recreation areas within the City of Prineville and CCPRD boundary.

- Diversified, multi-generational experiences: In general, a focus on offering age-appropriate activities emerged as a key opportunity, as well as supporting activities that people of different ages could enjoy together. Many parks lack play areas or have play areas that are aging or limited in interest for different age groups. Providing more opportunities for

teens was among the top three areas participants would like to see expanded, followed closely by opportunities for older adults/seniors, and then kids (6-12). Another widespread recommendation involved providing more ADA accessible recreation opportunities.

- Opportunities for year-round enjoyment: Numerous responses captured a desire for Prineville residents to enjoy places to play or recreate year-round, particularly during winter months. In general, a common sentiment emerged, describing a lack of places to play and socialize indoors throughout the year. Questionnaire respondents identified covered and indoor spaces as the second greatest need for Prineville's parks and facilities.
- Repairing/replacing the community pool: Prineville's only community pool (the public pool at Ochoco Creek Park) was built in 1950 and CCPRD and pool supporters have been looking into options for its future. According to the questionnaire, building a new pool as part of a community recreation center was the top need by a significant margin (67%) and updating/rebuilding the existing pool also received strong support (27%). Further supporting this desire, questionnaire results showed swimming as one of the most popular activities.
- Integrating nature: A connection to nature stands out as a distinguishing aspect of Prineville's system. Prineville and the surrounding area offer a wealth of experiences from backcountry adventure and exploration to scenic routes and vistas. Community members and visitors enjoy spending time in nature and value large natural areas and undeveloped sites. Some of questionnaire respondents' most popular destinations are the trails looping around the Barnes Butte Recreation Area, the green space within Ochoco Creek Park, and the open space in the Crooked River Wetlands Complex. Residents appreciate these wild, undeveloped spaces, particularly for walking, exercising, dog walking, and observing wildlife. Connections to nature inspired a range of ideas for exploration.
- Expanded trail network: Prineville has good connectivity and an emerging trail system, with an even greater potential to expand the network. Similar to state and regional trends, walking and trail-based activities are of the top activities in Prineville. Building on the need for safe, walkable access to parks and the popularity of cycling, an interconnected multi-modal trail network linking Prineville parks is a major opportunity.
- Safe, family-friendly places: Questionnaire respondents who don't use parks in Prineville cited feeling unsafe/unwelcoming as the primary reason (along with being too busy) keeping them from using parks. Prominent issues involve the perception of homelessness, antisocial behavior, drug/illegal activity and trash. Overall, community members are seeking improvements to make all of Prineville's public spaces feel comfortable, welcoming, and safe.
- Fiscal sustainability: Participants expressed concern about sufficient budget to maintain existing parks and facilities, renovate or add new facilities, and keep recreation costs affordable for community members. Parks management and quality may be compromised due to high demand and resource shortages.

Goal #1: In collaboration with the Crook County Parks and Recreation District and other partners, provide public parks, recreational facilities and trails, and programs and events that meet the diverse needs of users and that enhance the health, livability, and quality of life of the community.

Policy 1. Promote a collaborative system to maximize the benefits of parks and recreation. Ensure a consistent and seamless arrangement for system operations.

The City shall:

- Follow a formalized collaborative approach to providing parks and recreation services. Work closely with CCPRD, the County, School District and other partners to ensure a collaborative approach to the provisions of park and recreation services. CCPRD will serve as the primary lead in providing these services.
- Coordinate the land use and development process. In the City of Prineville, the City will lead the land use development process using this Plan as a guide and coordinating with CCPRD and the County as applicable.
- Work with CCPRD and the Chamber of Commerce to explore opportunities for private recreational enterprises or public/private partnerships, and to promote tourism within the city and greater region.

Policy 2. Activate parks and facilitate the coordinated provision of recreation programs and events.

The City shall:

- Integrate the area's unique history and cultural heritage in the parks and recreation system.
- Provide signage and facilities to support environmental education and interpretation, including information on wildlife in developed parks and natural areas, particularly at points of interest such as trailheads, viewpoints and sensitive areas.
- Designate the Crooked River Corridor as a hub for recreation. The cluster of parks, natural areas, historic sites, and recreation areas along the Crooked River should be leveraged for natural resource protection, economic development, and community identity.
- Evaluate and improve park accessibility. Working with the CCPRD, complete an ADA assessment and/or transition plan to identify required upgrades in accordance with the Americans with Disabilities Act.
- Work with local partners to increase localized events and keep them relevant/stimulating.
- Collaborate with local and regional partners to build necessary infrastructure for bicycle tourism.

Policy 3. Enhance existing parks and facilities and develop new opportunities to provide engaging community recreation and social spaces that meet the needs of residents, workers, and visitors now and into the future.

The City shall:

- Continue leveraging park land level of service standards. Any decision to add new park land should consider a range of factors including park access, needed maintenance and ongoing operating expenses and additional factors as part of the land review process.

Existing and Future Park Land Levels of Service

Park/Facility	Total Existing Acres	Adopted Park Land Level of Service Standard (acres/1,000)	Existing Park Land Level of Service (acres/1,000)	2040 Future Level of Service (acres/1,000)
Neighborhood Parks	22.2	1.5 to 2	1.6	1.21
Community Parks ¹	73.4	5 to 7	5.1	4.0
Total Developed Parks ¹	95.6	N/A	6.7	N/A
Natural Areas ²	580	20+	40.6	31.6
Special Use Sites	239.3	N/A	N/A	N/A

Notes: ¹ Includes Seehale Property (18 acres); ² Includes Barnes Butte (460 acres).
Source: Portland State University Population Research Center, "2019 Annual Oregon Population Report Tables," Table 4 (population of Prineville and Crook County). Population of Crook County Parks & Recreation District was estimated by FCS GROUP; Existing population (2019) = 14,269; Future population (2040) = 18,348.

- Coordinate with CCPRD to implement adopted park dedication standards. CCPRD should continue to identify potential future neighborhood parks in future growth areas using approved park dedication standards, as well as other design and acquisition guidelines.
- Develop a land dedication policy based on the recommended classification standards and the anticipated cost of developable park land.
- Coordinate new park design and development with surrounding land uses. Design and develop parks that consider nearby neighbors and land uses.
- Design parks with consideration for sustainability, water quality, water conservation, and flood impact mitigation. All new recreation facilities should be designed and constructed using green design and development practices.
- Embrace park connections to water with waterfront paths, overlooks, and access. Collaborate with CCPRD to acquire strategic areas along rivers and canals to protect and conserve scenic, recreational and natural areas that are accessible to the community.
- Design all facilities for operational efficiency and safety, and for barrier free access as required by the Americans with Disabilities Act (ADA).
- Focus on placemaking to create parks as memorable and engaging places. Emphasize park design, site character, identity, and sense of place through the use of art, colors, plantings,

natural elements and topography. Incorporate natural, cultural and historical elements and interpretive/educational features.

Policy 4. Protect natural resources and provide trails to connect people to parks, open space and community destinations.

The City shall:

- Continue to build on the river corridor vision by focusing on continuous and connected greenways along the Ochoco and McKay Creeks, and the Crooked River for safe and efficient multi-modal connectivity and healthy wildlife habitat.
- Continue to develop a comprehensive and inter-connected off-street trail system that provides connectivity to destinations throughout Prineville and to surrounding destinations for bicyclists and pedestrians.
- Collaborate with State Parks to identify a solution for safer access to the 66 Trails.
- Create opportunities for residents and visitors to connect with nature, both physically and visually, including new or improved pollinator patches, protection or integration of native plants, introduction of urban wildlife corridors, and protection and access to natural areas.
- Integrate flood mitigation into site design. Parks in flood zones should be designed to control floodwater during rainy seasons, while also designed for passive recreation and non-motorized connections.
- Pursue master planning and phased improvements at the Barnes Butte Recreation Area. As part of ongoing planning, the City should work with CCPRD to examine potential for BLM lands near Barnes Butte.
- Acquire open space lands, when appropriate, as a means of protecting unique environments and providing passive recreation opportunities.
- Improve the urban tree canopy in parks and along street frontages.

Policy 5. Maintain and replace assets in a sustainable manner and preserve and showcase the area's historical and cultural heritage for future generations.

The City shall:

- Coordinate with CCPRD in maintaining park and recreation facilities based on the needs and characteristics of specific parks.
- In collaboration with the County and CCPRD, develop a reporting program for all park concerns or maintenance needs. Use the program to track the types of maintenance needs and park or facility "hot spots" to inform future workload planning and annual budgets.
- Working with CCPRD, ensure adequate staffing levels to deliver safe, high quality, and needed park and recreation services.
- Use sustainable, easy-to-maintain landscaping materials and practices in all parks.

Parks, Recreation and Open Space

- Develop and implement edge treatments to improve the management of the areas where traditional park features intersect with natural areas.

ORDINANCE NO. 1270

AN ORDINANCE GRANTING A FRANCHISE TO LIGHTSPEED NETWORKS, INC., ("LS NETWORKS") TO OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM ("THE SYSTEM") IN THE CITY OF PRINEVILLE, OREGON ("THE CITY").

The City hereby ordains that it is in the public interest to grant LS Networks a Franchise to operate the System pursuant to the terms and conditions contained herein.

SECTION 1. Grant of Franchise. The City hereby grants to LS Networks the right, privilege and authority to install, construct, maintain, operate, upgrade, repair, relocate and remove its cables and related appurtenances ("Facilities") in, under, along, over and across the present and future streets, alleys and other public ways in the City ("Public Ways", or in the singular "Public Way"), for the purpose of providing telecommunication services to the City's inhabitants and other customers of LS Networks located within the City's corporate limits.

SECTION 2. Acceptance by LS Networks. Within sixty (60) days after the passage of this Ordinance by the City, LS Networks shall file an unqualified written acceptance thereof with the City; otherwise the Ordinance and the rights granted herein shall be null and void.

SECTION 3. Term. The initial term of this Franchise is ten (10) years commencing on the date of Acceptance by LS Networks as set forth above in Section 2 and shall thereafter automatically renew from year-to-year unless either party gives advance written notice to the other party at least 120 days prior to expiration of the initial term or subsequent annual term requesting the parties enter into good faith discussions to reach terms of a new agreement.

SECTION 4. Records Inspection. LS Networks shall make available to the City, upon reasonable advance written notice of no fewer than sixty (60) days and not more often than once every two (2) years, such relevant information pertinent only to enforcing the terms of this Ordinance in such form and at such times as LS Networks can reasonably make available. Subject to applicable laws, any information that LS Networks provides to the City, except as otherwise provided herein, is confidential and proprietary and shall not be disclosed or used for any purpose other than verifying compliance with the terms of this Ordinance. Except as otherwise provided herein, any such information provided to the City shall be returned to LS Networks following review, without duplication, unless LS Networks grants the City written permission to duplicate the information.

SECTION 5. Non-Exclusive Franchise. The right to use and occupy the Public Ways shall be nonexclusive, and the City reserves the right to use the Public Ways for itself or any other entity. The City's and other entities' use, however, shall not unreasonably interfere with LS Networks's Facilities or the rights granted LS Networks herein.

SECTION 6. City Regulatory Authority. The City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens consistent with applicable federal and state law. The City agrees to promptly notify LS Networks of any such changes potentially applicable to this Franchise.

SECTION 7. Indemnification. The City shall not be liable for any property damage or loss or injury to or death of any person that occurs as the result of the construction, operation or maintenance by LS Networks of its Facilities. LS Networks shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of LS Networks's use of the Public Ways. The City shall: (a) give prompt written notice to LS Networks of any such claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit LS Networks to assume the defense of such claim, demand, or lien with legal counsel of LS Networks's selection. LS Networks shall not be subject to liability for any settlement or compromise made without its prior written consent. Notwithstanding the other provisions contained herein, LS Networks shall in no event be required to indemnify the City for any claims, demands, or liens arising from the negligence or wrongful actions or inactions of the City, its officials, boards, commissions, agents, contractors, and/or employees.

SECTION 8. Insurance Requirements. LS Networks, at its cost and expense, will obtain and keep in full force and effect during the term of this Ordinance, the following insurance coverage and their respective minimum limits: (a) workers' compensation insurance within statutory limits; (b) employer's liability insurance with limits of not less than \$1,000,000.00 per occurrence, \$2,000,000.00 in the aggregate; (c) comprehensive general liability insurance within limits of not less than \$3,000,000.00 for bodily injury or death to each person, \$3,000,000.00 for property damage resulting from any one accident, and \$3,000,000.00 for other types of liability; and (d) automobile liability insurance for all owned, non-owned, and hired vehicles that are or may be used by LS Networks and its employees with a limit of \$1,000,000.00 for each person and \$3,000,000.00 for each accident. Each liability insurance policy LS Networks is required to obtain and maintain under this Section 8 will name City and its officers, representatives, agents, and employees as additional insureds. LS Networks will not cancel, modify, and/or reduce in amount or scope the insurance coverage required to be maintained under this Ordinance without first providing City thirty (30) days' prior written notice. All insurance LS Networks is required to obtain and maintain under this Section 8 will be issued only by insurance companies licensed in Oregon. Prior to City's execution and acceptance of this Ordinance, upon renewal of each insurance policy and at any other time thereafter within thirty (30) days after City's written request, LS Networks will provide City with certificates evidencing LS Networks's compliance with this Section 8.

SECTION 9. Annexation. When any territory is approved for annexation to the City, the City shall within ten (10) business days provide by certified mail, return receipt requested, postage prepaid, to LS Networks at the addresses provided in Section 18 hereof: (a) each site address to be annexed as recorded on City assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City 's ordinance approving the proposed annexation.

SECTION 10. Plan, Design, Construction and Installation of LS Networks's Facilities.

10.1 All Facilities under authority of this Ordinance shall be used, constructed and maintained in accordance with applicable law.

10.2 LS Networks shall, prior to commencing new construction or major reconstruction work in Public Ways or other public places, apply for a permit from the City, which permit shall not be unreasonably withheld, conditioned, or delayed. LS Networks will provide plans of new facilities to be placed in the Public Ways pursuant to a permit issued by the City. LS Networks will abide by all applicable ordinances and reasonable rules, regulations and requirements of the City consistent with applicable law, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, LS Networks shall not be obligated to obtain a permit to perform emergency repairs or for normal maintenance of its facilities.

10.3 To the extent practical and consistent with any permit issued by the City, all Facilities shall be located so as to cause minimum interference with the Public Ways and shall be constructed, installed, maintained, cleared of vegetation,

renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

10.4 If, during the course of work on its Facilities, LS Networks causes damage to or alters the Public Way or other public property, LS Networks shall replace and restore such Public Way or public property at LS Networks's expense to a condition reasonably comparable to the condition that existed immediately prior to such damage or alteration, normal wear and tear excepted.

10.5 LS Networks shall have the right to excavate the Public Ways subject to reasonable conditions and requirements of the City. Before installing new underground facilities or replacing existing underground facilities, LS Networks shall first obtain a permit from the City in accordance with subsection 10.2 hereof.

10.6 Nothing in this Ordinance shall be construed to prevent the City from constructing, maintaining, repairing, or relocating its sewers, streets, water mains, sidewalks, or other public property. However, before commencing any work within a Public Way that may affect LS Networks's Facilities, the City shall give written notice to LS Networks, and all such work shall be done, insofar as practicable, in such a manner as not to obstruct, injure, or prevent the free use and operation of LS Networks's poles, wires, conduits, conductors, pipes, and appurtenances.

10.7 LS Networks shall not attach to, or otherwise use or commit to use, any pole owned by City until a separate pole attachment agreement has been executed by the parties.

SECTION 11. Relocation of Facilities.

11.1 Relocation for the City. Except in case of an Emergency, within thirty (30) days after City's request, LS Networks will, at LS Networks's cost and expense, remove, relocate, change, and/or alter the position or location of any Facilities within the Right-of-Way whenever City has determined that such removal, relocation, change, and/or alteration is necessary for any of the following reasons: (a) an Emergency; (b) the construction, repair, installation, and/or maintenance of any City or other public work or improvement; and/or (c) the operations of City in or upon the Right-of-Way requires the removal, relocation, change, and/or alteration of the Facilities. If an Emergency occurs, LS Networks will, at LS Networks's cost and expense, remove, relocate, change, and/or alter the position or location of any Facilities within the Right-of-Way within seventy-two (72) hours after City's request. City acknowledges that an emergency relocation may result in temporary installation.

11.2 Relocation for a Third Party. LS Networks shall, at the request of any person holding a lawful permit issued by the City and/or in support of a Non-Essential Project by City, protect, support, raise, lower, temporarily disconnect, relocate in or remove from Public Ways, as applicable and if possible, any LS Networks property, provided that the cost of such action is borne by the person requesting it and LS Networks is given reasonable advance written notice and sufficient time to take the appropriate action. In such situation, LS Networks may also require advance payment. For purposes of this subsection, "reasonable advance written notice" shall mean no fewer than forty-five (45) days for a temporary relocation, and no fewer than one hundred twenty (**120**) days for a permanent relocation.

11.3 Alternatives to Relocation. LS Networks may, after receipt of written notice requesting a relocation of Facilities, submit to the City written alternatives to such relocation. Such alternatives shall include the use and operation of temporary transmitting facilities in adjacent Public Ways. The City shall promptly evaluate such alternatives and advise LS Networks in writing if one or more of the alternatives are suitable. If requested by the City, LS Networks shall promptly submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by LS Networks full and fair consideration. In the event the City ultimately determines that there is no other

reasonable alternative, LS Networks shall relocate the Facilities as otherwise provided herein. Notwithstanding the foregoing, LS Networks shall in all cases have the right to abandon the Facilities.

SECTION 12. Vegetation Management. LS Networks shall have the authority to trim trees and other growth in the Public Ways in order to access and maintain the Facilities in compliance with applicable law and industry standards.

SECTION 13. Franchise Fee

13.1 In consideration of permission to use the streets and Rights-of-Way of the City for the construction, operation, and maintenance of a Telecommunications system within the Franchise areas LS Networks shall pay to City during the term of this Franchise an amount equal to seven percent (7%) of LS Networks's Gross Revenues derived from the provision of telecommunications services to businesses or individuals within the City limits, less any FCC limitations ("Franchise Fee"). Any net un-collectibles, bad debts or other accrued amounts deducted from Gross Revenues shall be included in Gross Receipts as such time as they are actually collected. Revenue from point to point or multi-point services not entirely within the City limits shall be based on the pro-rata share of the revenue from those services.

13.2 Upon thirty days' notice and in the event any law or valid rule or regulation applicable to this Franchise limits the Franchise Fee below the amount provided herein, the Parties agree to amend this Franchise to ensure compliance with all laws.

13.3 Payments due under this provision shall be computed and paid quarterly for the preceding quarter, as of March 31, June 30, September 30, and December 31, each quarterly payment due and payable no later than 45 days after such dates. Not later than the date of each payment, LS Networks shall file with the City a written statement, in a form satisfactory to the City and signed under penalty of perjury by an officer of LS Networks, identifying in detail the amount of gross revenue received by LS Networks, the computation basis and method, for the quarter for which payment is made.

13.4 The Franchise Fee includes all compensation for the use of the City's Rights-of-Way. LS Networks may offset against the Franchise Fee the amount of any fee or charge paid to the City in connection with LS Networks's use of the Rights-of-Way when the fee or charge is not imposed under a generally applicable ordinance or resolution. The Franchise Fee shall not be deemed to be in lieu of or a waiver of any ad valorem property tax which the City may now or hereafter be entitled to, or to participate in, or to levy upon the property of LS Networks.

SECTION 14. Revocation of Franchise for Noncompliance.

14.1 In the event that the City believes that LS Networks has not materially complied with the terms of the Franchise, the City shall informally discuss the matter with LS Networks. If these discussions do not lead to resolution of the problem, the City shall notify LS Networks in writing of the exact nature of the alleged noncompliance.

14.2 LS Networks shall have thirty (30) days from receipt of the written notice described in subsection 14.1 to either respond to the City, contesting the assertion of noncompliance, or otherwise initiate reasonable steps to remedy the asserted noncompliance issue, notifying the City of the steps being taken and the projected date that they will be completed.

14.3 In the event that LS Networks does not comply with subsection 14.2, above, unless the parties agree to an extension of the time provided in subsection 14.2, above, the City shall schedule a public hearing to address the asserted noncompliance issue. The City shall provide LS Networks at least twenty (20) days' prior written notice of, and the opportunity to be heard, at the hearing.

14.4 Subject to applicable federal and state law, in the event the City, after the hearing set forth in subsection 14.3, determines that LS Networks is noncompliant with this Ordinance, the City may:

- A. Seek specific performance of any provision which reasonably lends itself to such remedy, as an alternative to damages; or
- B. Commence an action at law for monetary damages or other equitable relief; or
- C. In the case of substantial noncompliance with a material provision of the Ordinance, seek to revoke the Franchise in accordance with subsection 14.5.

14.5 Should the City seek to revoke the Franchise after following the procedures set forth above, the City shall give written notice to LS Networks including a statement of all reasons for such revocation. LS Networks shall have ninety (90) days from receipt of such notice to object in writing and state its reason(s) for such objection. Thereafter, the City may seek revocation of the Franchise at a public hearing. The City shall cause to be served upon LS Networks, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise. At the designated hearing, the City shall give LS Networks an opportunity to state its position on the matter, after which the City shall determine whether or not the Franchise shall be revoked. LS Networks may appeal the City's determination to an appropriate court, which shall have the power to review the decision of the City *de novo*. Such appeal must be taken within sixty (60) days of the issuance of the City's determination. The City may, at its sole discretion, take any lawful action which it deems appropriate to enforce its rights under this Ordinance in lieu of revocation.

14.6 Notwithstanding the foregoing provisions in this Section 14, LS Networks does not waive any of its rights under applicable law.

SECTION 15. No Waiver of Rights. Neither the City nor LS Networks shall be excused from complying with any of the terms and conditions contained herein by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions. Each party expressly reserves any and all rights, remedies, and arguments it may have at law or equity, without limitation, and to argue, assert, and/or take any position as to the legality or appropriateness of any provision in this Ordinance that is inconsistent with State or Federal law, as may be amended.

SECTION 16. Transfer of Franchise. LS Networks's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered without prior notice to and prior approval by the City, such approval not to be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, when said sale, transfer, assignment, or encumbrance is to an entity controlling, controlled by, or under common control with LS Networks, or for any rights, title, or interest of LS Networks in the Franchise or Facilities in order to secure indebtedness, or to an entity that acquires substantially all the assets or equity of LS Networks by sale, merger, consolidation or reorganization, approval by the City shall not be required.

SECTION 17. Amendment. Amendments to the terms and conditions contained herein shall be mutually agreed upon in writing by the City and LS Networks.

SECTION 18. Notices. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing and shall be deemed to have been received upon actual receipt or refusal of delivery if sent by (a) personal delivery, (b) United States Mail, postage prepaid, certified, return receipt requested, or (c) nationally recognized overnight courier, and addressed to the Parties as set forth below:

To City:

City of Prineville
ATTN: City Recorder
387 NE Third Street
Prineville, OR 97754

with a copy to:

Jered Reid
Law Office of Jered Reid, LLC
545 NE 7th Street
Prineville, OR 97754

To LS Networks:

LS Networks, Inc.
921 SW Washington Street, Suite 370
Portland, OR 97205

with a copy to:

LS Networks, Inc.
ATTN: Legal Department
921 SW Washington Street, Suite 370
Portland, OR 97205

SECTION 19. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority, including any state or federal regulatory authority having appropriate jurisdiction thereof, or unconstitutional, illegal or invalid by any court having appropriate jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision, and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AND APPROVE THE AFOREMENTIONED AGREEMENT presented for the first time at a regular meeting of the City Council held on August 24, 2021 and the City Council finally enacted the following Ordinance on this ____ day of September, 2021.

Rodney J. Beebe
Mayor

ATTEST:

Lisa Morgan, City Recorder

ACCEPTED BY LS NETWORKS:

Lightspeed Networks, Inc.

BY: _____

TITLE: _____

DATE: _____