



Location: City Hall – Council Chambers  
Date: July 14, 2020  
Time: 6:30 PM

## City Council Meeting Agenda

Mayor Steve Uffelman, Council Members Jason Beebe, Janet Hutchison,

Patricia Jungmann, Gail Merritt, Jeff Papke, Teresa Rumble and City Manager Steve Forrester

**This meeting will be open to the public by telephonic communications due to commitment to eliminate the exposure and spread of COVID-19. This meeting can be attended by calling 346-248-7799 Meeting ID 947 5839 2608. Please visit our website for additional meeting information.**

### Call to Order

### Flag Salute

### Additions to Agenda

### Consent Agenda

1. Regular Meeting Brief - June 23, 2020

### Visitors, Appearances and Requests

### Council Business

### Staff Reports and Requests

2. City Manager's Report - Steve Forrester

### Committee Reports

### Ordinances

### Resolutions

3. Resolution No 1451 - Amending a Solar Lease Agreement with Westlake Solar Panels - Eric Klann / Jered Reid
4. Resolution No 1452 - Declaring the City of Prineville as an Inclusive City - Steve Forrester / Jered Reid

### 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**  
**June 23, 2020**

**Council Members Present:**

Janet Hutchison  
Steve Uffelman  
Jeff Papke  
Teresa Rumble

Patricia Jungmann  
Jason Beebe  
Gail Merritt

**Council Members Absent**

None.

Mayor Uffelman thanked the Police Department, Sheriff's Office, Bend Police Department and Steve Forrester, City Manager for all of the work they did to ensure that the community remained safe during the events last Saturday.

**Additions to the Agenda**

Ordinance No. 1261 is postponed.

**Consent Agenda**

1. Regular Meeting Brief 6-9-2020
2. Neat Repeat Second Hand License Renewal

**Councilor Jungmann made a motion to approve the Consent Agenda as presented. Motion seconded. No discussion on motion, motion carried.**

**Visitors, Appearances and Requests:**

**3. Amy Pettijohn**

Mayor Uffelman explained that Council had received information from Ms. Pettijohn. Mayor Uffelman stated that he would like Council to consider having a workshop regarding justice, equality, diversity and inclusion (JEDI) and invite Ms. Pettijohn as well as other stakeholders to the workshop to see what steps would be needed by the city. Ideally, the workshop would include the representative that we had JEDI training with this last January. Mayor Uffelman asked if Council had any questions of Ms. Pettijohn.

There were not any questions.

Councilor Beebe stated that he was able to meet with some of the protestors and feels most of the misinformation can be eliminated by having real conversations. Councilor Beebe stated that he also served 12 ½ years in the military because he believes in liberties and freedoms we have as Americans. It is time to start having conversations across the table rather than the street.

**Councilor Beebe made a motion to approve a Council Workshop on JEDI. Motion seconded. Councilor Papke stated he appreciates Councilor Beebe’s service, appreciates the motion made by Councilor Beebe and applauded staff for having already been involved in this training and willing to continue it. All in favor, motion carried.**

Mayor Uffelman thanked Ms. Pettijohn for her information.

**4. Fairgrounds Update – Jerry Brummer, Casey Daley & Gail Merritt**

Councilor Merritt explained how hard everyone has been working to try to move forward with the fair.

Casey Daley went through a power point presentation that highlighted details of a plan to still have a fair and how that will work. Mr. Daley said that there will be no campers or overnight visitors; there will be a virtual show, photos will be submitted for judgement and places will be determined by the photos submitted; no tasting or a banquet will happen at the fair; various exhibitors and entertainment will be disbursed through various locations throughout town; entertainment will be on stage to raise money for scholarships since the Merritt Scholarship barbeque cannot take place. This plan has been submitted to the Health Department and the Governor’s office and no questions or concerns were received.

There were questions regarding whether online donations would be available for the scholarship and there will be.

Jerry Brummer added that most of the animals at the fair were purchased prior to COVID and everyone worked hard to make this happen. There will be an auction still.

There were no further questions.

**Public Appearances**

None.

**Council Business**

None.

**Staff Reports and Requests:****5. Manager's Report**

Steve Forrester, City Manager reported: about issues over the last couple of weeks; talked about how public safety is applied to all equally; JEDI term and what it means; police accreditation and how it facilitates best practices and is a priority for hiring any new officers.

Councilor Rumble asked to really get what being a council member means out there and encouraged any candidates to reach out to a council member to really understand the level of involvement that goes with being a councilor.

**Committee Reports**

Councilor Hutchison gave an Ochoco Forest Collaborative committee meeting update explaining that they had a presentation from Ochoco Trail Alliance. They are looking at a trail system that would go from the grasslands to Madras and there is a law suit from Central Oregon Land Watch.

There were no other reports.

**Ordinances:****6. Ordinance No. 1261 – Adopting Change to Prineville Code Section 50.22 and Adding 50.24 (FIRST PRESENTATION) – Jered Reid**

This item has been postponed.

**Resolutions:****7. Resolution No. 1444 – Declaring the City of Prineville Election to Receive State Revenue Sharing (PUBLIC HEARING) – Liz Schuette**

Liz Schuette, Finance Director provided the back ground information for this resolution.

Mayor Uffelman read the public hearing process statement into the record.

**Mayor Uffelman opened the public hearing portion of the meeting.**

There was not anyone online that had any comments regarding the State Revenue Sharing.

No written comments were received.

**Mayor Uffelman closed the public hearing portion of the meeting.**

**Councilor Hutchison made a motion to approve Resolution No. 1444. Motion seconded. No discussion on motion. All in favor, motion carried.**

**8. Resolution No. 1445 – Making Appropriations Adjustments to FY 2019-2020 – Liz Schuette**

Mrs. Schuette presented the staff report.

**Councilor Merritt made a motion to approve Resolution No. 1445. Motion seconded. No discussion on motion. All in favor, motion carried.**

**9. Resolution No. 1446 – Adopting a Supplemental Budget FY 2019-2020 (PUBLIC HEARING) – Liz Schuette**

Mrs. Schuette presented the staff report.

There were no questions.

**Mayor Uffelmann opened the public hearing portion of the meeting.**

There was not anyone online that had any comments regarding the supplemental budget.

No written comments were received.

**Mayor Uffelmann closed the public hearing portion of the meeting.**

There were discussions regarding the amounts of the supplemental budget and Mrs. Schuette went through each of the adjustments and the purpose.

**Councilor Beebe made a motion to approve Resolution No. 1446. Motion seconded. No discussion on motion. All in favor, motion carried.**

**10. Resolution No. 1447 – Establishing Fees & Charges for the Fiscal Year 2020-2021 (PUBLIC HEARING) – Liz Schuette**

Mrs. Schuette wanted to go through Exhibit A and talked about community development fees. Some increased by 3% and some were reduced.

Wastewater rates did not increase.

Mrs. Schuette explained that brings us to water and that is what the attached staff report is regarding.

The original budget was adopted with a 2% rate increase. Bulk water usage has declined and is not coming in as anticipated, staff has done a lot of work analyzing to come up with a recommendation and wanted to discuss the options.

Eric Klann, City Engineer went through a power point presentation and explained this issue has been covered several times in workshops and finance committee meetings.

Mr. Klann went through the history of water rates and issues we are currently facing. Mr. Klann talked about the 2% already approved and said a 5% increase would be fiscally responsible to maintain our infrastructure and explained how it would impact the rates for residents on average. Mr. Klann continued with regards of not increasing rates for years and then had to come in with a big rate increase on everything.

Mrs. Schuette added that of the number of users, 2.9% have delinquent accounts since COVID.

Discussions continued regarding: construction water not being at the same stage it was; conservation has been a big push for the city and a 5% increase is not uncommon with utilities; where the water revenues went; difference between upgrading systems money and maintaining systems money; water money being used only for water system and no other funds; the different size meters and why they decreased; pushing very hard over the last couple years to be equitable to all customers; timing of rate increase; largest residential users and people having control about how the increases could affect them by usage; difference regarding the 2, 3 and 5 % increase; and tiered rates in fall.

Mr. Klann explained he is still proposing to bring that back in the fall and water sales will be monitored during the summer.

No further questions.

**Mayor Uffelman opened the public hearing portion of the meeting.**

Amy Pettijohn spoke regarding the rates and how her bill is \$70.00 per month. Mr. Klann explained that it for both water and sewer. Ms. Pettijohn added that she would like to see a reduction in reconnection fees and that it is unfair to certain members of our community.

Councilor Rumble explained that there is assistance with NeighborImpact.

There was no one else on line.

There were no written comments submitted.

**Mayor Uffelman closed the public hearing portion of the meeting.**

Discussions continued regarding: general impression of when this would take place and concerns about it being difficult for any kind of increase until the fall; wanting to delay it until the fall; a larger increase next year and next summer when everything is better since we are looking at another possible COVID wave this fall; understanding the impacts of delaying and if it will be more palatable later than now; what is fiscally responsible and it is up to council based on the options presented; the need to increase and how we can help people to help mitigate water usage; not kicking that can down the road; how we saved millions of dollars that we could be

potentially dealing with today; the city's water conservation programs currently available such as offering free shower heads and publicizing water conservation more.

Lori Hooper, Finance Manager explained that there are other groups such as St. Vincent DePaul that offers utility bills assistance.

**Councilor Papke made a motion to approve Resolution No. 1447 with Option No. 3 for a 5% water rate increase. Motion seconded. No discussion on motion. Motion carried.**

**11. Resolution No. 1448 – Granting an Extension of Pacific Power Franchise Agreement – Steve Forrester**

Mr. Forrester presented staff report explaining this is a nine (9) month extension and the rate is to remain at 5% as it has been for many years. This can be revisited at any time during the nine months.

There were no questions.

**Councilor Jungmann made a motion to approve Resolution No. 1448. Motion seconded. No discussion on motion. All in favor, motion carried.**

**12. Resolution No. 1449 – Extending Resolution No. 1440 – Authorizing City of Prineville to Efficiently Minimize or Mitigate the Effects of COVID-19 – Jered Reid**

Jered Reid, City Attorney provided background information and how we look at this every 30 days. COVID – 19 is still declared a national, state and local emergency.

**Councilor Hutchison made a motion to approve Resolution No. 1449. Motion seconded. No discussion on motion. All in favor, motion carried.**

**13. Resolution No. 1450 – Approving an IGA with ODOT Regarding Central Oregon Curb Ramps – Scott Smith**

Scott Smith, Street Superintendent presented staff report explaining this is from repercussions of ODOT's lawsuit regarding new ADA curb ramps. Mr. Smith went through the proposed improvement areas, there is not a monetary fiscal impact to city of Prineville. This agreement provides ODOT access to any city right of way (ROW) to improve to ADA requirements. ODOT will utilize existing ROW to construct. The primary purpose is to provide access to ODOT for ADA ramps.

There were no questions.

**Councilor Rumble made a motion to approve Resolution No. 1450. Motion seconded. No discussion on motion. All in favor, motion carried.**

**Visitors Appearances and Requests:**

Amy Pettijohn went through her power point presentation and shared her views regarding what we should be doing about it.

Councilor Papke stated that he has seen our police interaction with our community and it has been positive. He added that he is very proud of our staff and thanked them.

Mayor Uffelman read the written comments received from Alia Fern and Darcy Bedortha, Crook County Residents into the record for Visitors, Appearances and Requests.

Councilor Rumble talked about 2<sup>nd</sup> Street having a lot of traffic at that intersection and wanted to bring it to Scott Smith's attention.

**Adjourn**

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

Meeting adjourned at 8:43 P.M.



**Motions and Outcomes:**

| Motion:  | Outcome   | Beebe | Hutchison | Jungmann | Merritt | Papke | Rumble | Uffelman |
|--|-----------|-------|-----------|----------|---------|-------|--------|----------|
| Consent Agenda as Presented  | PASSED    | Y     | Y         | Y        | -       | Y     | Y      | Y        |
| Motion to approve a Council Workshop on Justice, Equality, Diversity and Inclusion (JEDI)  | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |
| Ordinance No. 1261 – Adopting Change to Prineville Code Section 50.22 and Adding 50.24 <b>(FIRST PRESENTATION)</b>                                 | POSTPONED | -     | -         | -        | -       | -     | -      | -        |
| Resolution No. 1444 – Declaring the City of Prineville Election to Receive State Revenue Sharing <b>(PUBLIC HEARING)</b>                           | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |
| Resolution No. 1445 – Making Appropriations Adjustments to FY 2019-2020  | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |
| Resolution No. 1446 – Adopting a Supplemental Budget FY 2019-2020 <b>(PUBLIC HEARING)</b>  | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |
| Resolution No. 1447 – Establishing Fees & Charges for the Fiscal Year 2020-2021 with Option 3 for a 5% water rate increase <b>(PUBLIC HEARING)</b> | PASSED    | Y     | N         | N        | Y       | Y     | Y      | Y        |
| Resolution No. 1448 – Granting an Extension of Pacific Power Franchise Agreement   | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |
| Resolution No. 1449 – Extending Resolution No. 1440 – Authorizing City of Prineville to Efficiently Minimize or Mitigate the Effects of COVID-19   | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |
| Resolution No. 1450 – Approving an IGA with ODOT Regarding Central Oregon Curb Ramps   | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |
| Adjourn Meeting  | PASSED    | Y     | Y         | Y        | Y       | Y     | Y      | Y        |

Public Records Disclosure

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

**RESOLUTION NO. 1451  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION AMENDING A SOLAR LEASE AGREEMENT WITH WESTLAKE  
SOLAR PANELS**

**Whereas**, the City of Prineville (“City”) and Westlake Solar Panels (“Westlake”) entered into a Solar Lease Agreement (“Agreement”) effective April 1, 2020.

**Whereas**, the Agreement provided certain easements to Westlake during the term of the Agreement. Clarification is required for the duration of those easements.

**Whereas**, an Amendment to the Agreement has been prepared to memorialize the agreement between the City and Westlake and a copy of that document is attached to this Resolution; and

**Whereas**, City staff recommends that the attached Amendment to the Agreement be approved by City Council.

**Now, Therefore**, the City of Prineville resolves as follows:

1. The attached Amendment to Solar Lease Agreement is approved.
2. The Mayor and City Manager are authorized and instructed to execute on behalf of the City the Amendment to Solar Lease Agreement

Approved by the City Council this \_\_\_\_ day of July, 2020.

\_\_\_\_\_  
Stephen P. Uffelman, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Morgan, City Recorder

## AMENDMENT TO SOLAR SITE LEASE AGREEMENT

This First Amendment to the Solar Site Lease Agreement (“Amendment”) is entered into as of the last date written below, by and between City of Prineville, a municipality of the State of Oregon (“City”), and Westlake Solar Panels, a limited liability company formed under the State of Washington (Lessee”). City and Lessee shall each be referred to as “Party”; and collectively as “Parties.”

### RECITALS

- A. City and Lessee entered into a Solar Site Lease Agreement (“Agreement”) effective on April 1, 2020.
- B. The Agreement provided Lessee with certain Easements during the course of its tenancy.
- C. The Parties desire to amend the Agreement to clarify that in the event of termination of either the Agreement or Power Purchase Agreement (“PPA”), which was executed contemporaneously with the Agreement, all easements shall be revoked.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the Parties agree as follows:

- 1. Original Agreement.** Except as otherwise amended herein, the terms of the original Agreement shall remain in full force and effect. For any provision in which the Agreement and this Amendment conflict, this Amendment shall prevail.
- 2. Easement Revocation.** The Parties hereby agree that any Easements granted by City in favor of Lessee shall be revoked upon the termination of either the Agreement or PPA.
- 3. Execution in Counterparts.** This Amendment may be executed in one or more counterparts, including electronically transmitted counterparts, which when taken together shall constitute one in the same instrument.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties being fully apprised agree to be bound by the terms of this Amendment No. 1.

\_\_\_\_\_  
City of Prineville  
By: Stephen P. Uffelman, its Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Prineville  
By: Steve Forrester, its City Manager

\_\_\_\_\_  
Date



\_\_\_\_\_  
Westlake Solar Panels, LLC  
By: Peter Parker, its CFO/COO

*June 20<sup>th</sup>, 2020*

\_\_\_\_\_  
Date

**RESOLUTION NO. 1452  
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION DECLARING THE CITY OF PRINEVILLE AS AN INCLUSIVE CITY**

**Whereas**, persons of varying races, colors, national origins, religions, sexes, gender identities, sexual orientations, disabilities, ages, or economic status have contributed to the health, well-being, and general welfare of the City as families, neighbors, workers, and taxpayers.

**Whereas**, inclusion and integration of all residents is a vital concern for the general welfare of the City in all respects and discrimination based on the race, color, national origin, religion, sex, gender identity, sexual orientation, veteran status, mental, emotional, and physical ability, age, or economic status of any person is against the public policy of the City.

**Whereas**, chronic discrimination against any group of persons can negatively impact the health, well-being and general welfare of the City by leading to community disengagement, diminished economic and educational opportunities, increased stigmatization, diminished physical, mental and emotional health.

**Whereas**, promotion of health, well-being, and general welfare are core obligations of the City, and the City's ongoing prosperity requires harnessing all available labor, skills, and ideas to grow the City's economy and expand opportunities.

**Whereas**, the City recognizes the inherent worth and dignity of all persons, who should be treated with compassion and respect regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, veteran status, mental, emotional, and physical ability, age, or economic status.

**Now, Therefore**, the City of Prineville resolves as follows:

1. The City of Prineville is an Inclusive City that embraces, celebrates, and welcomes collective contributions to the prosperity of the City of all persons regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, veteran status, mental, emotional and physical ability, age, or economic status.
2. The provision of services or benefits by the City shall not be conditioned upon a resident's race, color, national origin, religion, sex, gender identity, sexual orientation, veteran status, mental, emotional, and physical ability age, or economic status.
3. This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Approved by the City Council this \_\_\_\_ day of July, 2020.

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Stephen P. Uffelman, Mayor

ATTEST:

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Lisa Morgan, City Recorder