



Location: City Hall – Council Chambers
Date: May 28, 2024
Time: 6:00 PM

City Council Meeting Agenda

Mayor Jason Beebe, Council Members Steve Uffelman, Janet Hutchison,
Shane Howard, Gail Merritt, Scott Smith, Marv Sumner and City Manager Steve Forrester

ATTEND TELEPHONICALLY BY CALLING 346-248-7799 Meeting ID: 947 5839 2608 Passcode: 123456

Call to Order

Flag Salute

Additions to Agenda

Consent Agenda

- [1.](#) Regular Meeting Brief 5-14-2024
- [2.](#) 2nd Street Junction Liquor License Application

Visitors, Appearances and Requests

- [3.](#) Crook County High School Cowboys Track Team Recognition - Mayor Beebe
- [4.](#) Reading of a Proclamation - Stroke Awareness Month - Mayor Beebe

Council Presentations

Council Business

- [5.](#) Comprehensive Map & Zone Map Amendment Review - Josh Smith

Staff Reports and Requests

- [6.](#) City Manager's Report - Steve Forrester

Committee Reports

Ordinances

Resolutions

- [7.](#) Resolution No 1595 - Approving a Personal Services Agreement with EcoNorthwest for Economic Opportunities and Urban Growth Boundary Expansion Analysis - Josh Smith
- [8.](#) Resolution No 1596 - Approving Amendment to Personal Services Agreement with TRM Energy Solutions - Caroline Ervin

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
May 14, 2024

Council Members Present:

Marv Sumner
Jason Beebe

Shane Howard
Steve Uffelman
Janet Hutchison

Council Members Absent

Scott Smith
Gail Merritt

Additions to the Agenda

Add Crook County Historical Society request under Council Business as 4b.

Consent Agenda

1. Regular Meeting Brief 4-23-2024
2. Neat Repeat Second Hand License Annual Renewal

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

Visitors, Appearances and Requests

No one came forward.

Council Presentations

None.

Council Business

3. **Reading of a Proclamation – May Foster Care Month – Mayor Beebe**

Mayor Beebe read the proclamation into the record and presented the proclamation to Lena Felt of CASA.

**4. Consideration of a Proclamation – May Stroke Awareness Month – Sponsor
Councilor Uffelman**

Councilor Uffelman stated that he is sponsoring this request for a proclamation and appreciates Ms. Stiles bringing this to our attention since this is an important issue.

Councilor Uffelman made a motion to approve the reading of the proclamation at the next Council meeting. Motion seconded. No discussion on motion. All in favor, motion carried.

4b. Consideration of Crook County Historical Society Request

Lori Hooper Antram, Finance Director provided the background information regarding this request for funding, explaining that there is a line item that this can be used to support this request. This fund has been used in the past for project support such as the splash pad and there is currently \$18,000 in this line for the remainder of the biennium.

There were discussions regarding the landscaping project at the Belknap Exhibit Center was sponsored by some Prineville families and have their names attached to the project, the Bowman Museum isn't maintained by the Bowman family, and that the sponsor families of the landscape project was for the construction and cost of putting the garden project together.

Mrs. Hooper Antram clarified that this funding would also include maintaining the caboose and gazebo area.

Discussions continued about the Belknap Exhibit Center being a good presentation on behalf of the community as a whole.

Councilor Uffelman made a motion to commit to the funding of \$4,500 annually to the Crook County Historical Society for maintenance of the garden and caboose area for five years. Motion seconded. Mayor Beebe stated that with the clarification he can support that. No further discussions. All in favor, motion carried.

Staff Reports and Requests:

5. City Manager's Report– Steve Forrester

Steve Forrester, City Manager presented his Managers report highlighting activity in each department.

Josh Smith, Planning Director provided an update on the Transportation System Plan Update open house, explaining that it went well and the event went as planned.

There were no questions or comments.

6. Quarterly Financial Report – Lori Hooper Antram

Mrs. Hooper Antram went through a power point presentation for the third quarter and covered all changes and activity through each fund.

There were no questions. There were discussions regarding all of the pictures in the finance report.

Committee Reports

Councilor Uffelman provided an observatory report and said that staff at the Sunriver Observatory are willing to come put events on for us. Councilor Uffelman provided an update on the donated telescope and how it is limited as to who can utilize it. There have been discussions with staff about possibly getting a smaller telescope that the community as a whole can use. We need to make the telescopes accessible to the whole community for disabled and children.

He would like to see moving forward, to expand that facility with equipment so it can be utilized by all of the community. Casey Kaiser, Public Works Director will be coming to Council with options. Discussions continued regarding possible astronomy classes being taught at the campus.

Mr. Kaiser added that the Barnes Butte Recreation Area has been a wonderful opportunity for the community to use for education and youth. There has been a lot of opportunities identified for that natural area and one of the possible uses that was highlighted for that area is astronomy and star gazing. We do dedicate some funds for the development of that area during budgeting.

Discussions continued regarding grant opportunities, all of the work that has been done up there over the last couple of years. The progress is just amazing. There are some ADA parking spots and developing that area has been an incredible experience. There has been quite a bit of grant money already received for some of the projects that have been completed.

There were no other reports.

Ordinances:

7. Ordinance No 1290 – Establishing Chapter 92.60 of the Prineville Municipal Code Limiting Liability for Use of Certain Recreational Property and Declaring an Emergency– Jered Reid

Jered Reid, City Attorney stated that if this ordinance is approved tonight it will go into effect immediately. This ordinance extends our recreational immunity to our properties. The recreational immunity under Oregon law extends automatically to cities with a population of 500,000 or more, so cities smaller than that have to opt into the recreational immunity.

There were discussions regarding this protecting cities, city representatives from potential law suits if someone were to injure themselves while recreating on city owned property.

Councilor Uffelman made a motion to approve Ordinance No 1290 and declaring an emergency. Motion seconded. No discussion on motion. All in favor, motion carried.

Resolutions

8. Resolution No 1594 – Adopting a Title VI Plan for the City of Prineville – Jered Reid

Mr. Reid provided the background information explaining that this updates the plan we adopted back in 2021 and that it is updated every three years.

There were no questions.

Councilor Hutchison made a motion to approve Resolution No 1594. Motion seconded. All in favor. No discussion on motion. All in favor, motion carried.

Visitors, Appearances and Requests:

No one came forward.

Mr. Reid stated we need a motion to adjourn our regular meeting and then go into executive session. We do not need to come back into open session to make any decisions.

Adjourn

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

Meeting adjourned at 6:50 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Howard	Hutchison	Merritt	Smith	Sumner	Uffelmann
Consent Agenda as Presented	PASSED	Y	Y	Y	-	-	Y	Y
Consideration of a Proclamation – May Stroke Awareness Month	PASSED	Y	Y	Y	-	-	Y	Y
Motion to commit to the funding of \$4,500 annually to the Crook County Historical Society for maintenance of the garden and caboose area for five years	PASSED	Y	Y	Y	-	-	Y	Y
Ordinance No 1290 – Establishing Chapter 92.60 of the Prineville Municipal Code Limiting Liability for Use of Certain Recreational Property and Declaring an Emergency	PASSED	Y	Y	Y	-	-	Y	Y
Resolution No 1594 – Adopting a Title VI Plan for the City of Prineville	PASSED	Y	Y	Y	-	-	Y	Y
Adjourn Meeting	PASSED	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> .



OREGON LIQUOR & CANNABIS COMMISSION
LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city’s limits, the local government is the city.
 - If the premises street address is not within a city’s limits, the local government is the county.
3. You can submit the application to the OLCC if:
 1. You have WRITTEN documentation showing the date the local government received the application or;
 2. The local government has provided you their recommendation.

ALL forms and documents must be a **PDF** attachment

4. **Email the PDF application that contains the local government recommendation or proof of submission to:** OLCC.LiquorLicenseApplication@oregon.gov.
5. **Do not** include any license fees with your application packet (fees will be collected at a later time).
When it’s time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.

License Request Options - Please see the general definitions of the license request options below:

- **New Outlet:** The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership:** The request to completely change the licensee of record at a licensed business.
- **Greater Privilege:** The request to change from an Off-Premises to a Limited or Full On-Premises Sales license **OR** from a Limited to Full On-Premises Sales license.
- **Additional Privilege:** The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review [OAR 845-006-0301](#) for the definitions of “applicant” and “licensee” and [OAR 845-005-0311](#) to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.
If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the [Authorized Representative Form](#) designating a person/entity to act on your behalf and submit with the application.

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

[New Outlet](#) | [Change of Ownership](#) | [Greater Privilege](#) | [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT

After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received:

Optional: Date Stamp Received Below



- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

Trade Name

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION	
Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: <u>2ND STREET JUNCTION LLC</u>	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): <u>2ND STREET JUNCTION</u>		
Premises street address (The physical location of the business and where the liquor license will be posted): <u>102 NW 2ND STREET</u>		
City: <u>PRINEVILLE</u>	Zip Code: <u>97754</u>	County: USA ^{JK} <u>CROOK</u>
Business phone number: <u>509-302-4862</u>	Business email: <u>2NDSTREETJUNCTION@GMAIL.COM</u>	
Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]): [REDACTED]		
City: <u>PRINEVILLE</u>	State: <u>OREGON</u>	Zip Code: <u>97754</u>
Does the business address currently have an OLCC liquor license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is <u>not</u> an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.	
Application Contact Name: <u>JATIN KAKKAR</u>	
Phone number: <u>509-302-4862</u>	Email: [REDACTED] <u>@GMAIL.COM</u>

LIQUOR LICENSE APPLICATION

Page 3 of 4

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-005-0311](#) and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

• Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-006-0362](#) and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

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.

<u>JATIN KAKKAR</u> Applicant name	<u>Jatin Kakkara</u> Signature	<u>5/22/2024</u> Date
_____ Applicant name	_____ Signature	_____ Date
_____ Applicant name	_____ Signature	_____ Date
_____ Applicant name	_____ Signature	_____ Date

Applicant/Licensee Representative(s): If you would like to designate a person/entity to act on your behalf you must complete the [Authorized Representative Form](#). You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.



OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: JATIN KAKKAR/2ND STREET JUNCTION LLC Phone: 509-302-4862

Trade Name (dba): 2ND STREET JUNCTION

Business Location Address: 102 NW 2ND ST.

City: PRINEVILLE, OREGON ZIP Code: 97754

DAYS AND HOURS OF OPERATION

Business Hours:	Outdoor Area Hours:	The outdoor area is used for:
Sunday <u>6:00 AM</u> to <u>10:00 PM</u>	Sunday <u>N/A</u> to <u>N/A</u>	<input type="checkbox"/> Food service Hours: _____ to <u>N/A</u>
Monday _____ to _____	Monday _____ to _____	<input type="checkbox"/> Alcohol service Hours: _____ to _____
Tuesday _____ to _____	Tuesday _____ to _____	<input type="checkbox"/> Enclosed, how _____
Wednesday _____ to _____	Wednesday _____ to _____	The exterior area is adequately viewed and/or supervised by Service Permittees.
Thursday _____ to _____	Thursday _____ to _____	
Friday _____ to _____	Friday _____ to _____	
Saturday _____ to _____	Saturday _____ to _____	_____ (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check ALL that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing Nude Dancing
- Live Entertainment
- Minor Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday N/A to _____

Monday _____ to _____

Tuesday _____ to _____

Wednesday _____ to _____

Thursday _____ to _____

Friday _____ to _____

Saturday _____ to _____

*Minor Entertainers in an area prohibited to minors need prior approval from the OLCC

SEATING COUNT

Restaurant: _____ Outdoor: _____ Lounge: _____

Banquet: _____ Other (explain): _____ 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: Jatin Kakkar Date: 5/21/2024

City of Prineville, Oregon Proclamation Stroke Awareness Month

WHEREAS, stroke is the 4th leading cause of death and serious long-term disability in Oregon, with thousands of Oregonians suffering a stroke each year;

and WHEREAS, public awareness of the urgent need for immediate medical attention at the onset of stroke symptoms can significantly improve outcomes and reduce the impact of stroke;

and WHEREAS, recognizing the signs of stroke can be remembered by the acronym B.E.F.A.S.T.: (Balance, Eye problems, Face drooping, Arm weakness, Speech difficulty, Time to call 911);

and WHEREAS, risk factors for stroke include high blood pressure, heart disease, smoking, diabetes, and high cholesterol, many of which are controllable or treatable;

and WHEREAS, the City of Prineville, Oregon, is committed to reducing the incidence and impact of stroke through public education, improved healthcare policy, and community-based initiatives;

and WHEREAS, Stroke Awareness Oregon and numerous local organizations work tirelessly to increase awareness, provide education, and support survivors and their families;

and WHEREAS, the health and safety of all Oregonians is a responsibility shared by both the healthcare community and the public, and it is imperative to raise awareness about stroke prevention, recognition, and response;

NOW, THEREFORE, I, Mayor of the City of Prineville, Oregon, do hereby proclaim May 2024 as Stroke Awareness Month in Prineville, Oregon, and urge all citizens to familiarize themselves with the signs and symptoms of stroke, to understand the risk factors, and to adopt healthier lifestyles to prevent stroke. Additionally, I encourage participation in community events and educational programs to spread awareness and support stroke warriors and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prineville, Oregon, to be affixed.



Rodney J. Beebe, Mayor



STAFF REPORT

MEETING DATE: 5/28/2024 **PREPARED BY:** Joshua Smith

SECTION: Council Business **DEPARTMENT:** Planning

CITY GOAL: Position the City for the future

SUBJECT: AM-2024-102 Zoning and Comprehensive Plan Amendments.

REASON FOR CONSIDERATION:

The Planning Commission initiated a plan amendment and zone change process to reconcile discrepancies between the Comprehensive Plan Map, Zoning Map and existing uses of multiple properties within City limits. The Planning Commission held a workshop on 4/16/2024 where some changes were made due to comments received. The Commission held a hearing on 5/21/2024 in accordance with the City’s land use code. Based on the staff report of those proceedings and no public opposition to the changes, the Planning Commission has submitted a signed recommendation of approval.

In accordance with section 153.256.030 of the City’s land use code, zone changes and plan map amendments do not require an additional public hearing before Council. “The City Council shall, in the absence of an appeal or review initiated by Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council”.

DOCUMENT OVERVIEW:

Documents included with the Staff Report are the Planning Commission Recommendation and “Exhibits A - D”; that includes mapped images of the areas.

Planning Commission Recommendation: This document provides background information with conclusions and recommendation from the Planning Commission.

Exhibit A - D: These exhibits list the tax lots and show the current Comprehensive Plan designation and current zone. The heading states what the change will be in the outlined areas.

DECISION:

- Do not initiate a review: Staff will prepare an Ordinance for an official vote at the next available Council meeting, with no public hearing.
- Initiate a review: Staff will prepare an Ordinance and provide notice of a public hearing at the next available Council meeting, where an official vote may be made.



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
PLANNING COMMISSION RECOMMENDATION

File No.: AM-2024-102
Applicant: City of Prineville
Notice to DLCD: 4/23/2024
PC Review: Initial review 1/30/2024, Final review 3/19/2024
PC Public Workshop: 4/16/2024
Public Notice: Newspaper Notice – 5/7/2024
Mailed Notice – 4/25/2024
Public Hearing: Planning Commission – 5/21/2024
Staff: Joshua Smith,
Planning Director
Proposal: Legislative Amendments to amend the City’s Comprehensive Plan Map and Zoning Map. The primary purpose of these amendments is to reconcile discrepancies between the Comprehensive Plan Map designations, the Zoning Map and existing uses of multiple properties within City limits.
Applicable Criteria: ORS – 227 & 197, OAR – 660-015 (Goal 2 & 10), City Comprehensive Plan, Land use Code Chapter 153 sections 153.230 – 153.236 & 153.252, 153.256.030

Background:

City zoning works on a two-map system, the Comprehensive Plan Map (Comp Plan) and a Zone Map. The Comprehensive Plan Map provides basic zone designations (base zone) of residential, commercial, industrial and open space. The zoning map refines these designations into multiple zones within each designation. In 2007 the City adopted its first Comprehensive plan and map, separating itself from the County. At that time an existing County map from 1984 was used as the base map for the plan, with the zoning map at the time filling in the rest of the Urban Growth Boundary. This created discrepancies where not all zones align with their Comprehensive Plan designations. This was a known issue. At the time a zone error map was also created to identify zones that may need to change. The intent was to amend these errors as they became necessary or appropriate. Many of the areas have already been amended. This proposal focuses on an area with conflicting designations and zones where the current residential and commercial uses of the properties are clear.

Findings:

The following addresses goal 10 and describes each exhibit and the reason for the change.

Statewide Planning Goal 10, *To provide for the housing needs of citizens of the state.* These proposed changes will have a positive impact on the housing capacity of the City. The purpose of these changes is to reconcile discrepancies between the comprehensive plan designation, zoning and existing uses. These discrepancies have created problems with lending, primarily for residential uses. The amendments will have little effect on the City’s Housing needs analysis. The changes are on properties with existing residential or commercial developments. The amendment on Exhibit C, will allow additional residential development where the current designation prohibits it.

Amending Zoning and Comp Plan maps

Exhibit A – The properties outlined in yellow on this exhibit, are currently designated as “Light Industrial” on the Comprehensive Plan Map. The area is currently zoned Commercial (C2) and is almost entirely developed as commercial with a multi-family development on the south end. The Comprehensive Plan designation, is proposed to change from “Light Industrial” to “Outlying Commercial”. This change in designation aligns with the current Commercial (C2) zoning. The current zoning of this area is not proposed to change. Changing the designation will help maintain a commercial zoning buffer between the light industrial zoning to the east and proposed residential zoning to the west as shown on Exhibit D.

Exhibit B – The properties outlined in yellow on this exhibit, are currently designated “Residential” on the Comprehensive Plan Map. The area is currently zoned Commercial (C2) with half of the area consisting of commercial uses. At the workshop on April 16th, it was requested that this area remain commercially zoned. The Planning Commission acknowledged this request as a natural extension of the commercial zoning to the east. The Comprehensive plan designation, is proposed to change from “Residential” to “Outlying Commercial”. This change in designation aligns with the current Commercial (C2) zoning. The current zoning of this area is not proposed to change.

Exhibit C – The properties outlined in yellow on this exhibit, are currently designated “Light Industrial” on the Comprehensive Plan Map. The area is entirely residential and currently zoned Commercial (C2). The Comprehensive plan designation, is proposed to change from “Light Industrial” to “Residential”. The Zoning is proposed to change from “Commercial (C2)” to “Residential (R4)” as shown on Exhibit D.

Exhibit D – The properties outlined in yellow on this exhibit, are currently zoned “Commercial (C2)”, but are entirely developed as residential. The Comprehensive Plan designation, is proposed to change as described in Exhibit C. The Zoning is proposed to change from “Commercial (C2)” to “Residential (R4)”, to align with the current and proposed Comprehensive Plan designation and current residential uses.

Planning Commission Conclusions and Recommendation:

Based on the findings stated above, the Planning Commission finds these changes to be necessary to preserve the integrity of our zoning maps and to prevent any unnecessary hardships for property owners. The Planning Commission recommends adoption of these zone changes as presented.

EXHIBITS

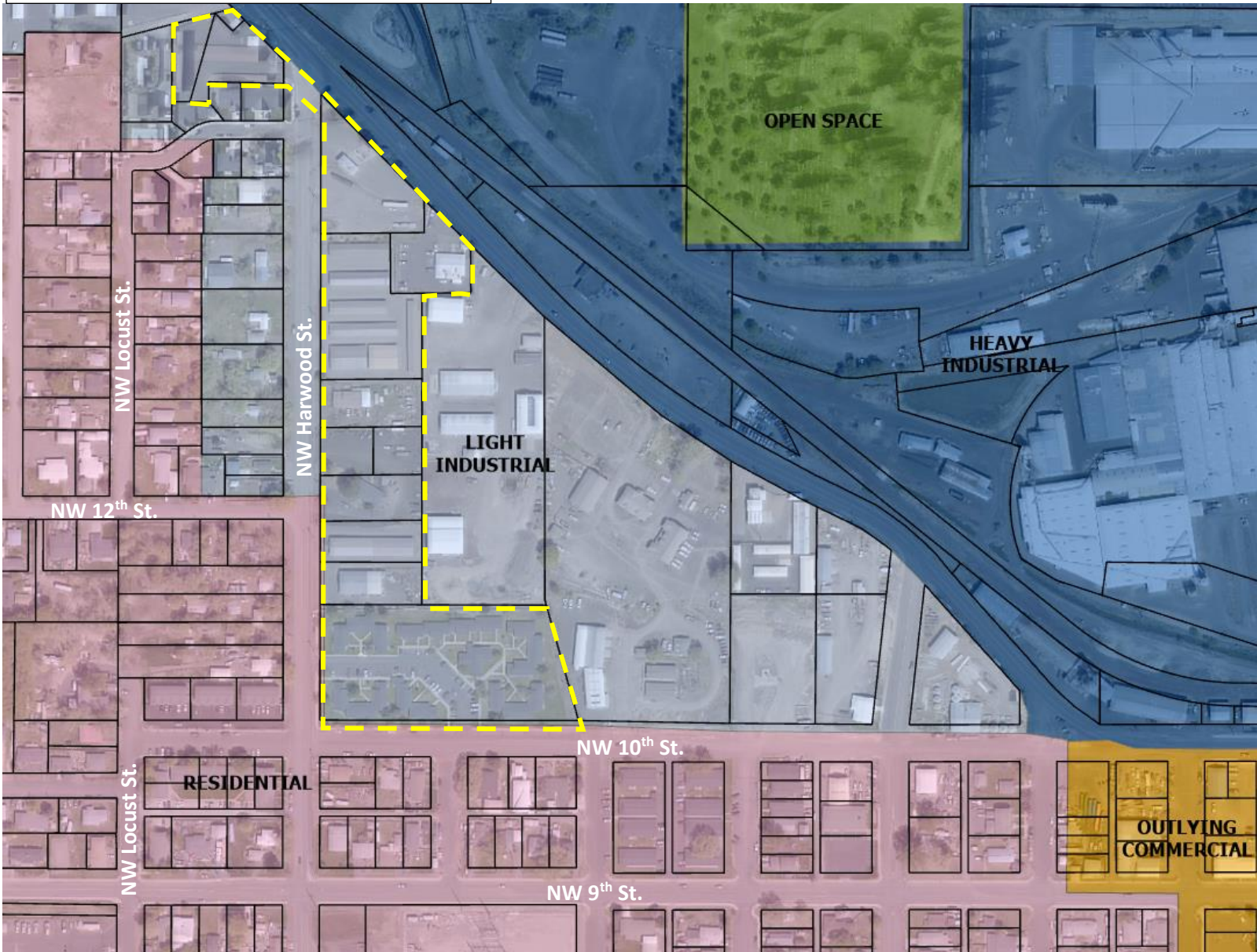
Exhibit A, B, C & D showing existing plan designations and zoning and stating the proposed change.

Marty Bailey: _____ Date: _____
Planning Commission Chair

Map & Tax lots: 141631DB00200, 300, 305 – 308, 310, 311, 401 & 402
141631A001100 & 1300

Comprehensive Plan Designation: Light Industrial *change to* Outlying Commercial

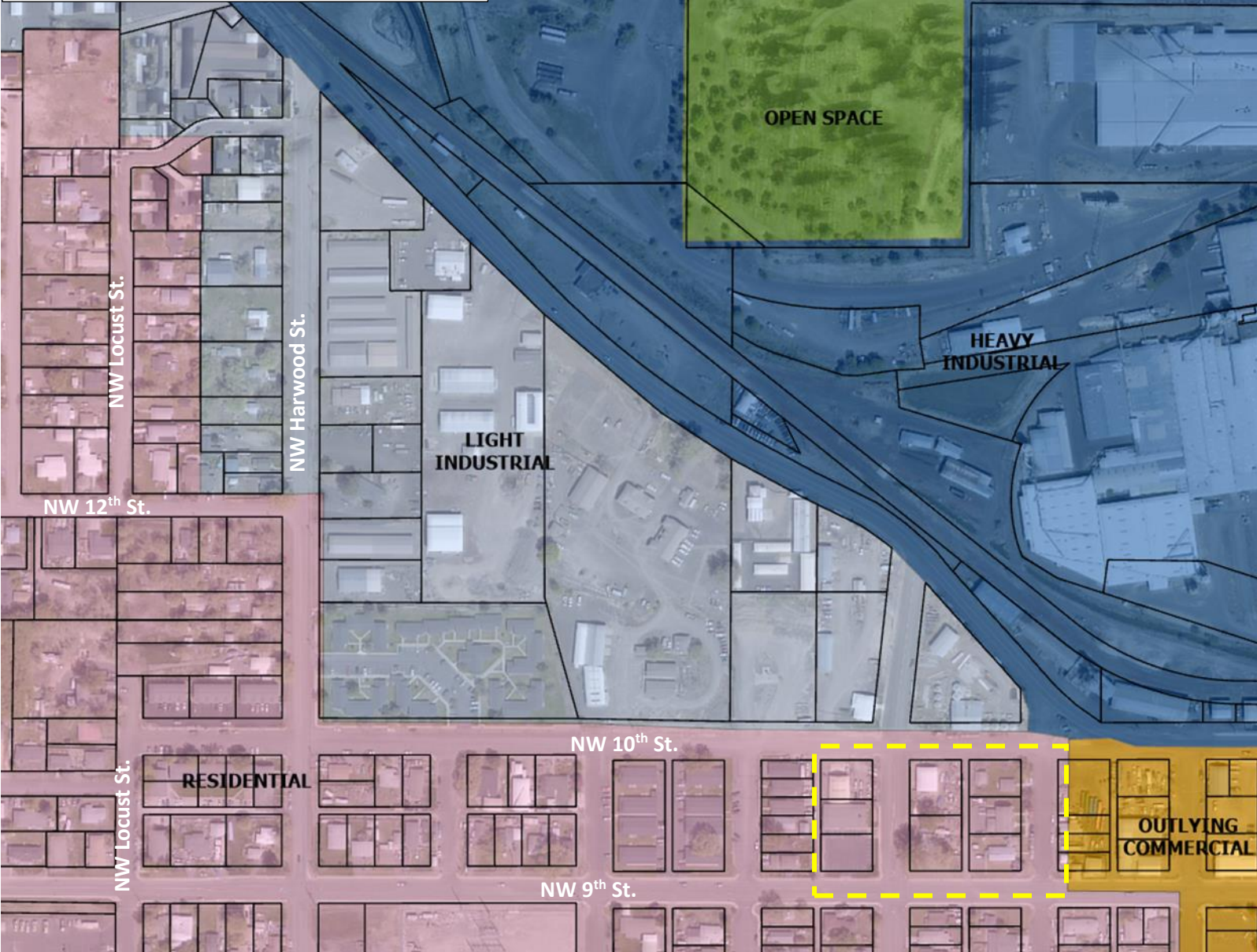
Comprehensive Plan Map **prior** to Amendment



Map & Tax lots: 141631DD06200 – 6400, 800, 900, 901, 1000 & 1100

Comprehensive Plan Designation: Residential *change to* Outlying Commercial

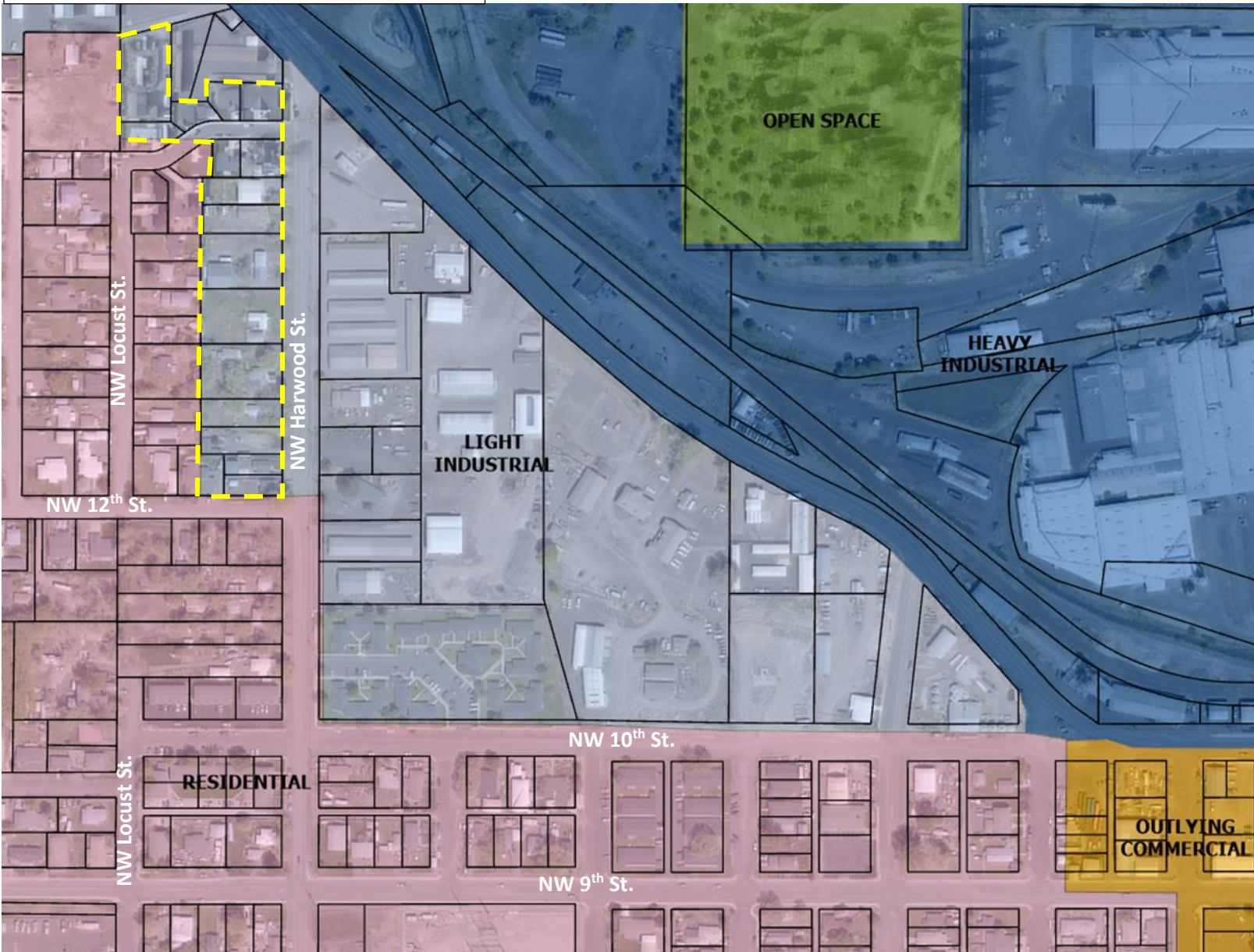
Comprehensive Plan Map **prior** to Amendment



Map & Tax lots: 141631DB00900, 901, 1000, 1100, 1200, 1300, 1401, 1500, 1600 & 2301
141631A001000, 1500 – 1504 & 1506

Comprehensive Plan Designation: Light Industrial *change to* Residential

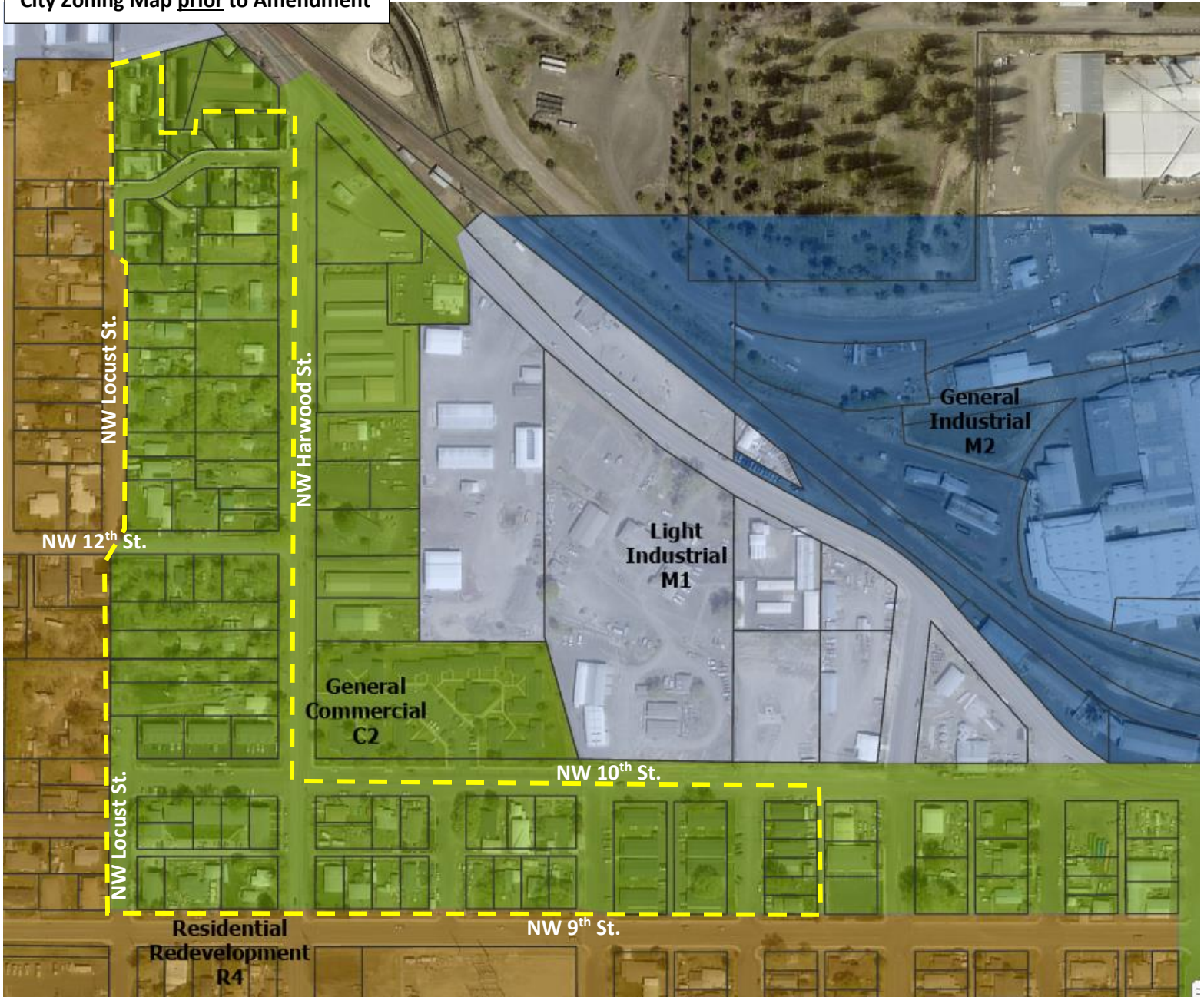
Comprehensive Plan Map **prior** to Amendment



Map# & Tax lots: 141631DB00800 – 802, 900, 901, 1000 - 1300, 1401, 1500, 1600, 2301, 2500, 2501 & 2600 – 3100
141631A001000, 1500 – 1504 & 1506
141631DC00100, 200, 2900, 2901, 3200 – 5300
141631DD06500 - 6900

Zoning Map: General Commercial (C2) *change to* Residential Redevelopment (R4)

City Zoning Map prior to Amendment



City Manager Update to Council

May 28th, 2024

Public Safety / Dispatch

The Police Department had their annual banquet on May 17th and had a great turn out. They raffled off some nice items that were donated by local businesses. Proceeds from the raffle went to the Oregon Fallen Badge Association. Special thanks to Ron's Comfort Food for hosting the event.

A conditional employment offer was made to a new Evidence Tech. She is currently in background which we hope to have completed in the next week or so with hopes of having her on board by June 15th.

Entry level testing was done on May 22nd with interviews set up for May 31st. There were 8 candidates that have passed both phases of the entry test which is a written exam and physical fitness test.

PD is also busy with preparing operations plans for the summer events such as the Rodeo and Stampede in a couple of weeks.

Public Works

Public Works is out to bid on the annual paving projects. This year's annual paving will include SW Deer Street, SW Ewen Street and several other streets in that vicinity.

We are currently in design for this year's waterline replacement project which will replace a large section of undersize line in South Main Street and anticipate construction in August.

The crews have the pastureland and irrigation system up and running for the irrigation season. This irrigation is an important effluent disposal tool and the city receives revenue for leasing out that pasture land.

Railroad

The railroad continues to stay busy beyond expectations and so far it is looking like it is going to get even busier.

Meadow Lakes Golf

The fence along the entrance of the parking lot has been installed. The rock work on the front gate is nearly done and additional rock work will happen around the mailbox in the coming weeks. The landscaping revamp is moving along nicely.

May revenues have been strong and Meadow Lakes is on their way to a busy Memorial Day weekend and a record-setting month.

Airport – No Update

Planning

The Comprehensive Plan and Zone Map reconciliations are going well and almost complete. Ordinances for the updated sewer and water master plans will be coming to council at the next meeting.

Human Resources

Karee has been busy updating policies with the recent changes in employment laws and recruitment efforts.

Many members of the management team recently participated in CIS training for workplace investigations which was a very informative class.

Information Technology – No Update

Finance

Always keeping a close eye on everyone’s numbers.

City Recorder/Risk Management

The city was notified that they were one of three chosen to receive the \$100 prize for participating in OSHA’s annual Safety Break events.

City Legal – No Update

EDCO

EDCO remains constantly busy with inquiries for commercial and industrial development in Prineville and Crook County.

Public Relations

The June social media content has been assembled and ready for roll out during the month.

Mayor/Council

Reminder that we have a workshop on June 11th to do provide an update on the Priorities Strategies.

Other

COCO recently had their first Water Summit at Redmond City Hall which brought a large and diverse group of stakeholders to the table to talk about the Deschutes and Crooked Rivers water basin. The Oregon Water Resource Department (OWRD) has been working on changing groundwater rules which poses some significant challenges for the region. There was even some media coverage on the event.



STAFF REPORT

MEETING DATE:	5/28/2024	PREPARED BY:	Joshua Smith
SECTION:	Resolutions	DEPARTMENT:	Planning
CITY GOAL:	Position the City for the future		
SUBJECT:	Personal Services Contract for Economic Opportunities Analysis (EOA) and Urban Growth Boundary (UGB) Expansion.		

REASON FOR CONSIDERATION: The City's Comprehensive plan was adopted in 2007, based on data compiled in 2004 – 2006. Chapter 5 (Economy) of that plan is the City's existing Economic Opportunities Analysis (EOA). This chapter has never been updated and has reached its 20-year time horizon. The purpose of an EOA in land use is to analyze how much commercial and industrial land is needed within the City based on projected population and employment growth. This analysis determines whether a City can justify to the State and County that an Urban Growth Boundary (UGB) expansion is needed and warranted.

The intent was to budget for a new EOA in the next biennium. A recent need to expand the UGB for heavy industrial property with access to the City's rail line has accelerated that timeline. While our current EOA states a need for more industrial lands, the age of the data has come into question. Over the last few months planning staff has explored many different avenues with our counterparts at the State to allow an expansion without an updated EOA. While it is possible, there is a high risk that the State will remand any UGB expansion decision back to the City for further analysis and justification. These types of applications generally require contract services due to the significant amount of analysis and time required to complete.

Staff believes the most efficient and timely course of action is to combine an EOA and UGB expansion process into one personal services contract, to begin as soon as possible. To that end, Staff has received a scope of work from ECONorthwest to complete the work. ECONorthwest has significant experience developing EOAs and justifying UGB expansions in Oregon. They have worked and are currently working for many of our neighboring Central Oregon Cities on these specific subjects, which makes them uniquely positioned to serve our needs. They have the capacity and capability to perform the work in a timely manner.

FISCAL IMPACT: The scope of work is proposing a cost range from \$100,000 to \$120,000 for both the EOA and UGB analysis. As noted above, the cost of the EOA is something that is anticipated to be budgeted in the next biennium. Combining the work does provide some cost savings.

RECOMMENDATION: Approve Resolution 1595 for the City to enter into a personal services contract with ECONorthwest for an amount not to exceed \$120,000.

ADDITIONAL DOCUMENTS: Resolution & Scope of Work

DATE: May 8, 2024
TO: Josh Smith
FROM: Beth Goodman (ECONorthwest) and Steve Faust (3J Consulting)
SUBJECT: Prineville: Draft EOA and UGB Alternatives Scope of Work

The City of Prineville wants to expand its Urban Growth Boundary (UGB) to include a site for a biomass project. This expansion would include four parcels with about 226 acres of land. The City has not updated its Economic Opportunities Analysis (EOA) since 2007, which is necessary to support the UGB expansion. This memorandum presents a scope of work for updating the City's EOA and the UGB expansion analysis.

Scope of Work

Task 1: Project Kickoff

The project kickoff will provide an opportunity to discuss the project, clarify the project objectives, and discuss the proposed schedule for completing the project. At this meeting, we will discuss the following topics at the project kickoff meeting: clarification of study objectives, state and local policies related to developing the EOA, key policy issues in Prineville for (focusing on industrial issues, area for potential UGB expansion, and necessary clarifications of the project scope and schedule.

Following the kickoff, we will revise the project schedule to include more details on deliverables.

Task 1: Consultant Deliverables

- ◆ Schedule for completing the project

Task 1: City Deliverables

- ◆ Participation in the project kickoff meeting

Task 2: Economic Opportunities Analysis

Economic Opportunities Analysis, which will inventory buildable commercial and industrial land, identify the City's economic development potential, forecast growth and land needs for both a 20-year period, and determine whether the City has enough land to accommodate growth.

The purpose of this task is to develop the analysis of employment growth potential and demand for the economic opportunities analysis that complies with the requirements of Goal

9 and OAR 660-009. Generally, ECONorthwest will use the advanced methods described in the Goal 9 guidebook (Industrial and Other Employment Lands Analysis Guidebook, DLCDC).

The analysis will address relationships among demographics, employment growth, market trends, and development. Population growth, demographic shifts, and employment growth by sector will drive demand for future development.

The buildable lands inventory will consider all commercial and industrial land within the Prineville UGB. The inventory will address the policy intention of Statewide Planning Goal 9: “Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”

Forecasting employment land demand will require completing the following tasks:

- ◆ **Review of National, State, and Local Trends.** The demand analysis will include an overview of national, regional, and local trends affecting economic development in Prineville. The overview of national and state trends will focus on major long-run trends, while the overview of local trends will provide more detail on conditions in Prineville and the surrounding region over the past 10–20 years. This review will also consider forecasts for future conditions in the region.
- ◆ **Assessment of Community Economic Development Potential.** The demand analysis will estimate the types and amounts of industrial and commercial development likely to occur in Prineville. This estimate will be based on the planning area’s economic advantages and disadvantages in attracting new or expanded development. We will supplement our evaluation of economic advantages and disadvantages with interviews of realtors, developers, and others familiar with the regional real estate market.
- ◆ **Forecast of employment growth in Prineville.** Based on the review of trends and the factors that may affect Prineville’s economic opportunities, ECONorthwest will develop a forecast of employment growth in Prineville. We recommend considering using one of the “safe harbor” methodologies described in OAR 660-024-0040(9). We will work with the City staff to determine the best approach to develop the 20-year employment forecast. The forecast will also include growth for the 50-year period, necessary to establishing Urban Reserves.
- ◆ **Identification of Required Site Types.** The demand analysis will identify the characteristics of employment sites that will be needed to accommodate the expected employment growth based on the forecast of employment growth and on the types of employers (target industries) that Prineville aspires to attract (as identified in the City’s economic development vision).



For the 20-year planning period, this analysis will result in estimates of the amount and type of land needed to accommodate the forecast for employment growth and to implement the City’s economic development vision. The estimate of land needs will combine the forecast of employment growth in Prineville with an analysis of required site types to meet the target industries for Prineville. This site needs analysis will form part of the basis for understanding industrial land needs in the UGB expansion analysis.

The results of the EOA will be a determination of whether Prineville has enough commercial and industrial land to accommodate expected growth for the 20-year planning period. ECONorthwest will “ground-truth” the analysis with City staff, focusing on issues such as the City’s vision for economic development, identification of target industries for growth in Prineville, sites needed to accommodate growth of target industries, and other factors.

Task 2: Consultant Deliverables

- ◆ Draft Economic Opportunities Analysis report
- ◆ Final Economic Opportunities Analysis report
- ◆ Revisions to the Prineville Comprehensive Plan Economic Chapter

Task 2: City Deliverables

- ◆ Written review comments on the draft Economic Opportunities Analysis report

Task 3: Refinement of Industrial Land within the UGB

Task 2 resulted in an estimate of land sufficiency for commercial and industrial land within the Prineville UGB. However, some industrial land within Prineville’s UGB may need to be re-zoned to other uses, as development of the land for industrial uses would cause compatibility conflicts with other adjacent uses, such as residential uses, and other issues.

The consultants will work with City staff to identify land use map changes within the current UGB and re-assess Prineville’s industrial land sufficiency (based on the forecast of growth and revised inventory of buildable land) from the EOA.

Task 3: Consultant Deliverables

- ◆ Draft UGB efficiency assessment
- ◆ Final UGB efficiency assessment

Task 3: City Deliverables

- ◆ Written review comments on the draft UGB efficiency assessment



Task 4: Establish the UGB Study Area

Consultant will conduct a Goal 14 Boundary Location Analysis to identify and evaluate potential areas where the UGB could be expanded. This process will be coordinated with County and State Agency staff, including the Oregon Departments of Land Conservation and Development and Transportation throughout. The first steps in the process are to establish the UGB expansion study area as directed by OAR 660-024-0065. Steps include:

- ◆ Establish the Preliminary Study Area, as directed by OAR 660-024-0065.
- ◆ Identify lands that may be excluded from the preliminary study area. Lands can be excluded if:
 - It is impracticable to provide necessary public facilities or services to the land.
 - The land is subject to significant development hazards, including a risk of landslides, a risk of flooding because the land is within the 100-year floodplain or is subject to inundation during storm surges or tsunamis, and other risks determined by the commission.
 - The long-term preservation of significant scenic, natural, cultural or recreational resources requires limiting or prohibiting urban development of the land that contains the resources.
 - The land is owned by the federal government and managed primarily for rural uses.
- ◆ Establish the Final Study Area. This task includes establishing parcel prioritization using statutory priorities and applying suitability criteria.

This analysis will take into account the site needs for target industries identified in the EOA.

Consultant will coordinate with City staff and DLCDC throughout the process and submit draft findings for an informal review in advance of the formal adoption process.

Task 4: Consultant Deliverables

- ◆ Preliminary Study Area
- ◆ Evaluation of Preliminary Study Area / Exclusion of Lands
- ◆ Final Study Area

Task 4: City Deliverables:

- ◆ Written review comments on the Study Area analysis



Task 5: Apply Goal 14 Location Factors

Once the Final Study Area is established, the next step is to evaluate subareas within the study area to determine the most suitable locations for expansion. Goal 14 factors include:

- ◆ Efficient accommodation of identified land needs;
- ◆ Orderly and economic provision of public facilities and services;
- ◆ Comparative environmental, energy, economic and social consequences; and
- ◆ Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB

The consultant will prepare the final Goal 14 Analysis to incorporate public comments. Based on the Goal 14 Analysis, the consultant will prepare up to three UGB expansion alternatives for the City to consider.

The consultant will compile material from Tasks 3, 4, and 5 into the UGB expansion report, which will be shared with the City and County for comments.

Task 5: Consultant Deliverables

- ◆ Draft Goal 14 Analysis
- ◆ Final Goal 14 Analysis
- ◆ UGB expansion alternatives
- ◆ UGB expansion recommendation
- ◆ UGB expansion report

Task 4 City Deliverables:

- ◆ Written review comments on the draft Goal 14 analysis
- ◆ Written review comments on the UGB expansion alternatives

Proposed Budget

ECONorthwest and 3J Consulting propose to complete this project for the following budget:

- ◆ Economic Opportunities Analysis: \$40,000 to \$50,000
- ◆ Urban Growth Boundary Analysis: \$60,000 to \$70,000



**RESOLUTION NO. 1595
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING A PERSONAL SERVICES AGREEMENT WITH
ECONorthwest AND 3J CONSULTING FOR ECONOMIC OPPORTUNITIES AND URBAN GROWTH
BOUNDARY EXPANSION ANALYSIS**

Whereas, the City of Prineville (“City”) wants to expand its Urban Grown Boundary (UGB) to include a site for a biomass project.

Whereas, the City has not updated its Economic Opportunities Analysis (EOA) since 2007, which is necessary to support the UGB expansion.

Whereas, the City requires a consultant to prepare an EOA Analysis, UGB Efficiency Assessment, Study Area, Goal 14 Analysis, and UGB Expansion Report.

Whereas, Consulting services are considered personal services pursuant to City Resolution 1266.

Whereas, ECONorthwest and 3J Consulting have provided the attached material marked as Exhibit A and incorporated herein.

Whereas, City Council finds that ECONorthwest and 3J Consulting meets the following applicable criteria as set out in City Resolution 1266, Section 8(C): (1) total costs to the City for delivery of services; (2) expertise of the contractor in the required area of specialty; (3) references regarding prior work done by the Contractor; (4) capacity and capability to perform the work, including any specialized services within the time limitations for the work; (5) educational and professional records; (6) availability to perform the assignment and familiarity with the area in which the specific work is located; (7) timeliness of delivery of service; and (8) knowledge of City’s needs and desires related to the contract.

Now, Therefore, the City of Prineville Resolves as follows:

1. That the City Council, serving in its role as the Local Contract Review Board for the City, hereby approves the City entering into a personal services contract with ECONorthwest and 3J Consulting to provide consulting services to prepare an EOA Analysis, UGB Efficiency Assessment, Study Area, Goal 14 Analysis, and UGB Expansion Report, and authorizes the City Manager to execute, on behalf of the City, such contract and any other related documents.

Approved by the City Council this ____ day of May, 2024.

Rodney J. Beebe, Mayor

ATTEST:

Lisa Morgan, City Recorder

**RESOLUTION NO. 1596
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING AN AMENDMENT TO PERSONAL SERVICES AGREEMENT
WITH TRM ENERGY SOLUTIONS, LLC FOR LAUNCH AND PERMITTING PHASES OF
PRINEVILLE RENEWABLE ENERGY PROJECT**

Whereas, on June 28, 2022, the City of Prineville (“City”) approved personal services contact with TRM Energy Solutions, LLC (“TRM”) for the launch and permitting phases of the Prineville Renewable Energy Project (“PREP”).

Whereas, the original estimate of the Work to be performed by TRM was \$1,775,000.00; however, the maximum commitment from the City was \$300,000.00.

Whereas, on June 1, 2023, the Scope of Work was amended to include an Operations Plan and Agreement that added \$200,000.00 to the overall costs of the Project but did not increase the maximum commitment from the City.

Whereas, the actual costs for the Project has exceeded estimates, and is within the Scope of Work within the Amendment, attached hereto and incorporated herein.

Whereas, the City was unable to secure additional legislative funds due to the prioritization of the multifamily housing infrastructure.

Whereas, an amendment is required to the personal services contract for the Project to be completed.

Whereas, the City and TRM have negotiated an Amendment to the Personal Services Agreement (“Amendment”), attached to this Resolution and incorporated herein.

Whereas, City staff believes it is in the best interest of the City to approve and execute the Amendment.

NOW, THEREFORE, the City of Prineville resolves that the attached Amendment is hereby approved and that the City Manager is authorized to sign such Amendment on behalf of the City.

Approved by the City Council this ____ day of May, 2024.

Rodney J. Beebe, Mayor

ATTEST:

Lisa Morgan, City Recorder

Launch Phase Deliverables	(Approximately 9 months)	
	1 Site Control	\$25,000
	Renew Porfily Option	
	2 Fuel Supply	\$125,000
	Executable Fuel Supply Agreement - TRM / COP	
	Updated Financial Modeling	
	Financial Package developed for potential customer	
	3 Customer Development	\$75,000
	Meetings with Senators in DC	
	Meetings with Apple	
	Meetings with Facebook	
	Present Framework for power purchase agreement	
	4 Funding Work	\$75,000
	OSFM - Application/submission	
	Congressional Directed Spending - Support	
	Wood Innovations Grant - Application/submission	
	Oregon State Directed Spending - Application/submission	
	5 PacifiCorp All Source RFP Draft	\$35,000
	Respond to PacifiCorp All Source RFP	
	5 PPA Negotiations	\$150,000
	Develop Contract Framework	
	Present to prospective customers	
	Evolved into project acquisition discussions	
	6 PacifiCorp Interconnection	\$175,000
	Required study cost and deposits	
	7 Develop Operations Plan and Agreement	\$200,000
	Framework for Operating Discipline	
	Major maintenance scope and schedule	
	Regular maintenance scope and schedule	
	Operational Labor Schedule	
	Link of Process Flow Diagram to maintenance requirements	
	Consultation with West Fraser Energy Manager for real world data related to PREP	
	Consultation with Sierra Pacific Energy System Manager for real world data related to PREP	
	Total	\$860,000
Permitting Phase Deliverables	(Approximately 18 months)	
	1 Air Permit	\$215,000
	Identification and design of emission control equipment	
	Application and submission for permit	
	Attend up to 2 public hearings	
	Air Permit Application Fees	
	2 Private Transmission Option	\$200,000
	Design of private transmission line	
	Development of easements description for COP	
	Develop cost estimate of transmission line	
	3 Design Work	\$840,000
	Design detail enhanced for manufacture efficiency	
	Update basis of design to match current realities on the ground	
	Land Use Support	
	Complete Civil Design	
	Budgetary Forecast	
	4 Interconnection Process Assistance	\$100,000
	Attend interconnection process meetings	
	Assist with information needed to complete applications	
	Technical Support required for Utility Negotiation	
	5 Development of Financial Package	\$100,000
	Project financial model	
	Align financial package with requirements of potential lenders	
	Bridge Financial model with completed project entitlements	
	Total	\$1,455,000
Launch and Permitting Phases Total		\$2,315,000

**SECOND AMENDMENT TO PERSONAL/PROFESSIONAL, TECHNICAL, OR
EXPERT SERVICES CONTRACT**

THIS SECOND AMENDMENT to Personal/Professional, Technical, or Expert Services Contract (“Second Amendment”), effective as of the date last written below, is made and entered into by and between the City of Prineville, an Oregon municipal corporation, hereinafter referred to as “City,” and “TRM Energy Solutions, LLC,” an Oregon limited liability company, hereinafter “Consultant” or “Contractor.” Both City and Contractor shall be known as “Party” and collectively “Parties.”

RECITALS

- A. Effective July 1, 2022, the Parties entered into a Personal/Professional, Technical, or Expert Services Contract (“Contract”) in which Contractor agreed to perform the “Work” as set forth in the Contract
- B. Effective June 1, 2023, the Parties entered into an Amendment to Personal/Professional, Technical, or Expert Services Contract (“Amendment”) that extended the Contract to December 31, 2024, and added the Operations Plan and Agreement to the Scope of Work.
- C. The estimated price for the Work is more than initially expected. The actual costs of the project are now estimated at \$2,315,000.00.
- D. The City was unable to obtain legislative funding due to Oregon’s prioritization of multifamily housing infrastructure projects.

NOW, THEREFORE, for good and adequate consideration, the Parties agree to amend the Agreement as follows:

- 1. The Parties hereby agree that the Contract shall expire on December 31, 2025.
- 2. Consideration is hereby amended to read as follows:

The compensation payable to Contractor under this Contract is the amount not-to-exceed **EIGHT-HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$850,000.00)**; however, each Party understands that the Work has been estimated at a total of **TWO MILLION THREE-HUNDRED FIFTEEN THOUSAND AND 00/100 DOLLARS (\$2,315,000.00)**. The additional funding shall be dependent on grant revenues or other sources of income and City will not pay Contractor any amount more than the not-to-exceed compensation of this Contract for completing the Work and will not pay for Work performed before the date this Contract becomes effective or after the termination of this Contact. If the maximum compensation is increased by amendment of this Contact, the amendment must be fully effective before the Contractor performs Work subject to the amendment.

- 3. The Scope of Work within the Contract is amended as set forth in Exhibit A of this Second Amendment, attached hereto and incorporated herein.

4. **Reaffirmation of Contract.** Except as modified by this Amendment, all terms and conditions of the Contract are reaffirmed and remain unmodified and in full force and effect.

5. **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 original. Facsimiles and electronic transmittals of signed documents shall be binding as though they were an original as such signed document.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date last written below:

CONTACTOR

TRM ENERGY SOLUTIONS, LLC
an Oregon limited liability company

By: _____
Rob Broberg
Its Manager

Date: _____

CITY

CITY OF PRINEVILLE
an Oregon Municipal Corporation

By: _____
Steve Forrester
Its City Manager

Date: _____