



Location: City Hall – Council Chambers
Date: November 26, 2019
Time: 6:30 PM

City Council Meeting Agenda

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

Call to Order

Flag Salute

Additions to Agenda

Consent Agenda

- [1.](#) Regular Meeting Brief 11-12-19

Visitors, Appearances and Requests

Council Business

Staff Reports and Requests

2. City Manager Report - Steve Forrester
3. Committee Reports
- [4.](#) Prineville Downtown Association - Casey Kaiser / Bryan Iverson

Ordinances

- [5.](#) Ordinance No 1255 - Adopting Code Section 93.15 (**SECOND PRESENTATION**) - Jered Reid

Resolutions

- [6.](#) Resolution No. 1417 - Approving Personal Services Agreement with TRM Energy Solutions - Eric Klann / Jered Reid
- [7.](#) Resolution No. 1418 - Exercising the Power of Eminent Domain - Josh Smith
- [8.](#) Resolution No. 1419 - Exercising the Power of Eminent Domain - Josh Smith

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
November 12th, 2019

Council Members Present:

Patricia Jungmann
Gail Merritt
Janet Hutchison

Steve Uffelman
Jason Beebe
Teresa Rodriguez

Council Members Absent

Jeff Papke

Additions to the Agenda

None.

Consent Agenda

1. Regular Meeting Brief 10-22-19
2. PD Property Conversion

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

Visitors, Appearances and Requests:

Public Appearances

No one came forward.

Council Business

3. **TRM Feasibility Study Exemption (PUBLIC HEARING)** – Eric Klann / Jered Reid

Jered explained the public hearing process stating that no written comments have been received and if council adopts the findings, a resolution would be brought back to council at the next meeting.

Eric Klann clarified that the cost of the contract and where funds would come from would be discussed when the actual contract is presented to council.

Discussions continued regarding TRM and if any other firms had been contacted. Mr. Klann stated that TRM is really the only one that the city knows of with this type of knowledge and expertise. Mr. Klann is not aware of any type of competition for this nature of work, however this is why the public hearing is legally noticed.

Mayor Uffelman opened the public hearing portion of the meeting.

No one came forward.

Mayor Uffelman closed the public hearing portion of the meeting.

Councilor Rodriguez made a motion to approve the draft findings. Motion seconded. No discussion on motion. All in favor, motion carried.

4. American Legion Auxiliary Centennial Day Community Proclamation – Mayor Uffelman

Mayor Uffelman read the proclamation into the record and presented it to representatives from the American Legion Auxiliary.

Staff Reports and Requests:

5. Manager’s Report

Steve Forrester, City Manager reported: the Elm Street bridge will open this Friday evening; city, county and OID staff are going to Portland regarding renewable energy; two dispatchers are graduating from DPSST and the Chief and Captain will attend the ceremony.

6. Quarterly Finance Report – Liz Schuette / Lori Hooper

Liz Schuette, Finance Director and Lori Hooper, Accounting Manager went through a power point presentation that highlighted each of the city funds and enterprise funds for the first quarter ending September 30th, 2019.

There were no questions.

7. Committee Reports

Mayor Uffelman stated that there are many other community associations that council is involved in besides the committees they are assigned to. Reports on those involvements can be talked about under Committee Reports also.

Councilor Merritt attended the COIC meeting and provided an overview of some of the programs they are involved in; and the Finance Committee had a meeting.

Councilor Rodriguez attended the Roundabout Design Committee meeting and a survey will be released soon to the public with the four design choices.

Councilor Beebe provided an update regarding his unsuccessful efforts to help a citizen trap raccoons, and ended up with a couple of encounters with skunks instead.

Mayor Uffelman attended the 7x24 data center conference with EDCO's Kelsey Lucas and provided an overview of some of the topics discussed there which included power.

Ordinances:

8. Ordinance No. 1255 – Adopting Code Section 93.15 (FIRST PRESENTATION) – Josh Smith

Josh Smith, Planning Director and Jered Reid provided background information regarding this addition to the code for animals not allowed in city limits.

Discussions continued regarding peafowl.

Councilor Hutchison made a motion to approve Ordinance No. 1255 for its first presentation. Motion seconded. No discussion on motion. All in favor, motion carried.

Resolutions:

None.

Visitors Appearances and Requests:

No one came forward.

Adjourn

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

Meeting adjourned at 7:21 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Hutchison	Jungmann	Merritt	Papke	Rodriguez	Uffelman
Consent Agenda	PASSED	Y	Y	Y	Y	-	-	Y
TRM Personal Services Exemption Draft Findings (PUBLIC HEARING)	PASSED	Y	Y	Y	Y	-	Y	Y
Ordinance No. 1255 – Adopting Code Section 93.15 (FIRST PRESENTATION)	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 documents referred to in this session are available at the City’s website. www.cityofprineville.com. An electronic copy of the meeting packet is available for download at www.cityofprineville.com/packets. A full recording of this meeting is available at www.cityofprineville.com/meetings



STAFF REPORT

MEETING DATE:	11/26/2019	PREPARED BY:	Casey Kaiser/Josh Smith
SECTION:	Council Business	DEPARTMENT:	Planning
CITY GOAL:	Position the City to Meet Future Demands		
SUBJECT:	Downtown Association		

REASON FOR CONSIDERATION:

A Prineville Downtown Association has been organized and is operating as envisioned when the Downtown Strategic Planning Committee (DSP) was created. Similar to the DSP, The Prineville Downtown Association has been formed around the basic goal of furthering the revitalization and development of the downtown core.

At this time the Council may want to consider dissolving the DSP in favor of the Downtown Association. Additionally City Council may consider supporting the Downtown Association financially by re-allocating funds previously budgeted for the DSP, and by allowing staff to continue to support their downtown development efforts.

BACKGROUND:

On January 22nd 2019 City Staff presented Council with an update on the progress of the City's efforts to further downtown revitalization efforts. At that time staff informed Council a citizen led Downtown Association. Staff further suggested that Council may consider dissolving the DSP if the newly formed Downtown Association continued to organize and pursue downtown revitalization efforts.

Downtown business and property owner Bryan Iverson has since continued the formation of a Downtown Association. At this time the Downtown Association is formed as a non-profit organization, has a board of directors in place, and has been conducting regular meetings. The organization is made up primarily of downtown business and/or property owners.

The Prineville City Council formed the Downtown Strategic Planning Committee in 2013 with the goal of stimulating revitalization of the downtown commercial core. The original intent was to initiate and organize downtown improvement efforts but eventually have business owners and property owners in the downtown taking the lead role in downtown development efforts. City Council also tasked the DSP with developing the 3rd street enhancement plan identifying street side improvements to be done in conjunction with the upcoming ODOT project upgrading the signal timing on 3rd street.

Since the time of its formation the DSP has been successful in its efforts to revitalize and enhance Prineville's Downtown commercial core. Significant accomplishments have included engaging consultants and community members in the completion of 2 downtown assessments, completing the 3rd Street Enhancement plan, creating and successfully administering 3 years of the Downtown Improvement Grant Program, and raising the awareness and interest in revitalizing Prineville's downtown. The Downtown Improvement Grant program has leveraged \$24,000 of grant funds into \$137,000 in improvements to the facades and exteriors of businesses downtown.

While the DSP has demonstrated success in furthering the development of the downtown the committee led by City staff has been challenged with a lack of involvement of property and business owners in the downtown.

A key finding of a 2018 Downtown Assessment performed by CIVILIS consulting for the DSP was that Prineville's downtown revitalization efforts would benefit from an active downtown association with strong involvement from the business and property owners in the downtown. Many funding mechanisms (grant programs, urban renewal districts, etc.) require or prefer communities that have a strong citizen led downtown association.

It appears as though the newly formed Downtown Association is having success with engaging downtown business and property owners and is becoming an active participant in the further development of the downtown.

FISCAL IMPACT:

Currently and in recent years Council has budgeted \$10,000.00 each fiscal year to the Downtown Strategic Planning Committee. Council may re-allocate the existing level of funding to the Downtown Association without causing an increase to the current biannual budget.

RECOMMENDATION:

Staff encourages City Council to consider supporting the Prineville Downtown association in their efforts to improve and develop the downtown. Funds currently being allocated to the Downtown Strategic Planning committee could be re-allocated to the Downtown Association. Funds are budgeted for the DSP for the FY 20 and FY 21.

A functioning downtown association could provide the City with needed input on projects within the downtown area, serve as the interface with business and property owners in the downtown, and provide access to unique grant funding opportunities that require an active downtown association.

ORDINANCE NO. 1255

AN ORDINANCE ADOPTING PRINEVILLE CODE SECTION 93.15

WHEREAS, Chapter II, Section 4 of the City of Prineville Charter provides:

Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as this charter specifically enumerated each of those powers.

WHEREAS, the City of Prineville exercises the foregoing powers to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the City of Prineville; and

WHEREAS, the City of Prineville Code prohibits stud horses, bulls, and roosters through its Land Use Code codified in Prineville City Code 53.096; and

WHEREAS, the City of Prineville Code provides that animals and birds that are loud and raucous are considered a nuisance, codified in Prineville City Code 93.58; and

WHEREAS, bulls, roosters, and peafowls are loud and raucous by nature.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:

1. Section 93.15 as shown on Exhibit A attached hereto and by reference made a part hereof, is hereby adopted and made part of the Prineville City Code.
2. 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 November 12, 2019, and the City Council finally enacted the foregoing ordinance this ____ day of November, 2019

Stephen P. Uffelman
Mayor

ATTEST:

Lisa Morgan, City Recorder

RESOLUTION NO. 1417

A RESOLUTION OF THE CITY OF PRINEVILLE APPROVING A PERSONAL SERVICES AGREEMENT WITH TRM ENERGY SOLUTIONS, LLC, TO PROVIDE PERSONAL SERVICES FOR THE PROPOSED PRINEVILLE RENEWABLE ENERGY PROJECT

Whereas, The City of Prineville (“City”) desires to explore the feasibility of a local, baseload, renewable biomass power plant that will be able to resurrect the forest products industry in Prineville, add steady freight to City-owned railroad, support the data centers’ power needs for growth forecasted, and environmentally improve the forest and range land health in the region.

Whereas, City requires the use of a consultant to conduct a feasibility study for the proposed Prineville Renewable Energy Project (“PREP”);

Whereas, TRM Energy Solutions, LLC (“TRM”) is a company that specializes in renewable energy projects;

Whereas, City’s Council serves as the Local Contract Review Board for the City and pursuant to City Resolution 1266 Section 8(C), may award personal services contracts according to specific criteria that are applicable to the services provided; and

Whereas, consultation services are considered personal services pursuant to City Resolution 1266; and

Whereas, a public notice was published in the November 8, 2019 edition of the Central Oregonian setting the November 12, 2019 Prineville City Council meeting as the time and place to comment on the City’s draft findings for exemption from competitive bidding for a public personal services contract; and

Whereas, a public hearing was held on November 12, 2019, at the Prineville City Council meeting to allow an opportunity for any interested person to appear and present comment.

Whereas, Pursuant to City Resolution No. 1266, City Counsel finds that TRM 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:
 - The totals costs is estimated to be \$400,000.00 to \$430,000.00. It is anticipated that the City will seek outside funding for these services rather than incurring the entire costs. If the City is unsuccessful in securing funding then it will not proceed with a Contract.
2. Expertise of TRM in the required area of specialty:

- TRM is a single-member Limited Liability Company with Robert Broberg as the sole member. Mr. Broberg has worked over a decade in biomass energy development.
3. References regarding prior work done by the TRM:
- Although TRM is a new company, Mr. Broberg has significant references from the energy development industry.
4. Capacity and capability to perform the work, including any specialized services within the time limitations for the work:
- Mr. Broberg has researched four (4) sites for the development of biomass energy projects, ultimately developing two (2) of those sites to successful entitled completion, e.g., permits, land use, interconnection, etc. Mr. Broberg was directly involved with the development of the Investment Grade feasibility studies (level 2) and financial models required to finance the projects. As Vice President of Business Development for the Wellons Group, Mr. Broberg has researched renewable energy projects all over the North American continent and determined which projects to pursue and which ones to pass on.
5. Educational and professional records, including past records of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability in schedules, and contract administration, where applicable:
- Mr. Broberg has a Bachelor of Arts degree, Business, Lewis & Clark College (2001), Portland, Oregon. Mr. Broberg currently is the Vice President of Business Development for the Wellons Group. He has been responsible for projects from \$10,000,000.00 to \$350,000,000.00. Mr. Broberg previously worked on the 30mw baseload renewable energy project in La Pine, Oregon.
6. Availability to perform the assignment and familiarly with the area in which the specific work is located:
- TRM is available to perform the work. TRM has extensive experience and contacts within the forestry and renewable energy fields.
7. Timelines of delivery of service:
- TRM is able to deliver the services requested within the timeline required by the City.
8. Experience in working with the City:
- TRM's experience in working with the City of Prineville has been limited.
9. Knowledge of the City's needs and desires related to the Contact:

- TRM and City have discussed the project in detail and TRM is fully aware of the City's needs and desires related to the project.

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 TRM Energy Solutions, LLC, for consultation services related to the proposed Prineville Renewable Energy Project 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 November, 2019.

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder

**RESOLUTION NO. 1418
CITY OF PRINEVILLE, OREGON**

A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

Whereas, the City of Prineville (“City”) may exercise the power of eminent domain pursuant to ORS 35.205 through ORS 35.415, and the laws of the State of Oregon generally, when the exercise of such power is deemed necessary by the City’s governing body to accomplish public purposes for which the City has responsibly; and

Whereas, City has the responsibility of providing storm drainage through the City for the safety and wellbeing of its citizens; and

Whereas, the property described in Exhibit A, attached to this resolution and incorporated herein, hereinafter referred to as “Property,” is abandoned property within the City with no owner of record;

Whereas, to further accomplish the city’s responsibility of providing storm drainage to its citizens, it is necessary to acquire the interest in the Property.

Now, Therefore, the City of Prineville resolves the following:

1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary and in the public interest.
2. The power of eminent domain is hereby exercised with respect to the property described in Exhibit A, and is subject to procedural requirements of Oregon law.
3. The City Attorney is authorized and requested to file suit with the Circuit Court of Oregon, Crook County, to commence and prosecute condemnation proceedings under ORS 32.245(1).
4. City expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Approved by the City Council this ____ day of November, 2019.

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder

OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
COUNTY ASSESSOR'S OFFICE

Crook

15	16	6	A	C	199		2
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In
MAP NUMBER					REAL PROP.	CODE AREA NUMBER	
TAX LOT NUMBER							

FORMERLY PART OF 100

Indent each new course to this point	14159	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record		Acres Remaining
				Vol.	PG.	
		<p>T15S R16E WM Sec 6 Beg at the SE cor of parcel 2 Partition Plat 1991-2; th W 75' m/l; tg S 65' m/l; th E 75' m/l; th N to POB.</p> <p>JV66054</p> <p><i>Unknown owner</i></p>	12-28-93			0.11

**RESOLUTION NO. 1419
CITY OF PRINEVILLE, OREGON**

A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

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Approved by the City Council this ____ day of November, 2019.

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder

15S	16E	6	A	D	2499		2
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In
MAP NUMBER					REAL PROP.	CODE AREA NUMBER	
TAX LOT NUMBER							

**OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY**
Crook COUNTY ASSESSOR'S OFFICE
 15S16E06AD 2400

Indent each new course to this point	16683	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record	Acres Remaining
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FTLPO
 Based on CS 2328
 T15S R16E WM
 Beg at SE cor Blk 6 Monroe Hodges Plat;
 th S00°00'24"W alg W/L of Deer St 78.00' to SE cor of that
 par conveyed to City of Prineville by deed MF 28307;
 th S89°58'29"W alg S/L of sd par 304.04' to SW cor of sd
 parcel and TPOB;
 th N21°58'29"E alg W/L of sd parcel 10.79' to NW cor of sd
 par and a pt on S/L of that parcel conveyed to Ctiy of
 Prineville by deed MF 21407;
 th S89°58'29"W alg S/L of sd parcel 16.11' to east bank of
 old channel of Crooked River;
 th South 39.91';
 th N21°58'29"E 32.27' to TPOB.

Unknown owner

SUR 5/17/2006 CS 2328 0.01