



Location: City Hall – Council Chambers
Date: July 09, 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 6-25-2024

Visitors, Appearances and Requests

2. Reading of a Proclamation - July Parks & Recreation Month - Mayor Beebe

Council Presentations

Council Business

Staff Reports and Requests

3. City Manager Report - Steve Forrester

Committee Reports

Ordinances

4. Ordinance No 1292 - Adopting Update to Prineville Wastewater Facilities Plan, an Ancillary Document to the City Comprehensive Plan (**FIRST & FINAL PRESENTATION**) - Josh Smith
5. Ordinance No 1293 - Adopting an Update to the Prineville Waster System Plan , an Ancillary Document to the City Comprehensive Plan (**FIRST & FINAL PRESENTATION**) - Josh Smith
6. Ordinance No 1294 - Amendment to the City's Comprehensive Plan to Update Chapter 8 (Public Facilities) (**FIRST & FINAL PRESENTATION**) - Josh Smith

Resolutions

7. Resolution No 1601 - Amendment No. 1 to Cooperative Improvement Agreement with ODOT - Casey Kaiser

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 25, 2024

Council Members Present:

Marv Sumner
Gail Merritt
Shane Howard
Janet Hutchison

Jason Beebe
Steve Uffelman

Council Members Absent

Scott Smith

Additions to the Agenda

Items 4, 5 & 6 on the agenda will have a combined public hearing since all items are related.

Consent Agenda

1. Regular Meeting Brief 6-11-2024
2. Bonito Feast New Liquor License Application

Councilor Sumner 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. Republic Disposal Rate Increase Request (PUBLIC HEARING)

Mayor Beebe opened the public hearing portion of the meeting.

Steve Forrester, City Manager provided the background on the process for reviewing requests for rate increases. A request was received for a 14% increase and the Solid Waste Committee counter offered at 10%, which Republic accepted. They are currently under 8 % profit margin and the city considers a 8-12% profit margin acceptable. Part of the franchise agreement allows the city to request financials at any time.

Mayor Beebe talked about how Republic responded to the city and county requesting to have the Prineville office staffed.

Discussions continued regarding rate of return (profit margin).

No one came forward. No written comments were received, and no comments were received over the phone.

Mayor Beebe closed the public hearing portion of the meeting.

4. **Adopting Updated Wastewater Master Plan** – Josh Smith / Casey Kaiser
5. **Adopting Update Water Master Plan** – Josh Smith / Casey Kaiser
6. **Chapter 8 Amendment to the City’s Comprehensive Plan (City Facilities)** Josh Smith / Casey Kaiser

Mayor Beebe opened the public hearing portion of the meeting.

Josh Smith, Planning Director explained that it made sense to combine the public hearing for all of these since they are related.

Mr. Smith went through a power point presentation for the Chapter 8 amendments and how this chapter pertains to city facilities. With the updating of the Wastewater & Water Master Plans, this was a good time to update this chapter at the same time. This went through a public hearing with the Planning Commission. The Planning Commission recommended approval as written.

Mr. Smith added that we are not adopting tonight, this is just the required public hearing portion of the updates and ordinances will come back to Council at the next meeting.

There were questions regarding the Willowdale / Melrose area getting on city water and sewer, that area is in the master plan, DEQ requirements and the property owner paying for the connection. Central Oregon Intergovernmental Council (COIC) does have programs to help property owners with connections, especially if septic or wells fail.

Mr. Forrester explained that the city has always looked ahead to make such connections possible for example when St. Charles was built, larger pipes were installed with major upgrades and infrastructure placed for future expansion of service, development and enlarging capacity.

Casey Kaiser, Public Works Director took over the power point presentation regarding the Wastewater and Water Master Plans and explained the purpose of updates. The updates look out to the next 20 years' worth of planning for future growth and needs.

Mr. Kaiser went over the difference between Capital Improvement Projects (CIP's) and System Development Charges (SDC's) and the existing conditions and capacities for each of the facilities.

Mr. Kaiser went through the three main categories for CIP's.

There were discussions regarding rags and other materials that make their way into the wastewater treatment plant affecting filtration of water. Upgrading the chlorine treatment of the wastewater process will have no change in effectiveness of treatment.

There were no further discussions or presentations.

There were no written comments received and the person on the phone did not respond. No one came forward.

Mayor Beebe closed the public hearing portion of the meeting.

7. Consideration of a Proclamation – July Parks & Recreation Month – Sponsor Sumner

Councilor Sumner agreed to sponsor the request for this proclamation and went through the wording of the proclamation.

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

Staff Reports and Requests:

8. City Manager's Report– Steve Forrester

Steve Forrester, City Manager thanked Alan Alderman who was in the audience for his participation in the first round of Chief candidates interview process.

Mr. Forrester then presented his Managers report highlighting activity in each department.

Councilor Hutchison asked who won the chili cookoff during the rodeo activities and it was the Sherriff's Department again this year.

There were no further discussions.

Committee Reports

Mayor Beebe gave an update regarding the Fallen Hero Dedication ceremony at Ochoco Creek Park. Mayor Beebe added that Corporal Norvin Dale Brockett's remains were recovered 70 years later and returned home to the US and are resting in Arlington National Cemetery. He went to school in Crook County and went into the Army at 18 years old.

There were no other reports.

Ordinances:

9. **Ordinance No. 1291 – Amending the Prineville Zoning Map and the Comprehensive Plan Map to Reconcile Discrepancies Between the Two Maps and Existing Land Use (SECOND PRESENTATION) – Josh Smith**

Josh Smith, Planning Director stated that the ordinance has not changed since the first presentation and they haven't received any questions or comments.

There were no questions.

Councilor Howard made a motion to approve the second presentation of Ordinance No. 1291. Motion seconded. No discussion on motion. All in favor, motion carried.

Resolutions

10. **Resolution No. 1597 – Declaring the City of Prineville's Election to Receive State Revenue Sharing (PUBLIC HEARING) – Lori Hooper Antram**

Mayor Beebe opened the public hearing portion of the meeting.

Lori Hooper Antram, Finance Director presented the staff report adding that the last public hearing was on June 5th during the Budget Committee Meeting and was passed by the Budget Committee.

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

Mayor Beebe closed the public hearing portion of the meeting.

Councilor Merritt made a motion to approve Resolution No. 1597. Motion seconded. No discussion on motion. All in favor, motion carried.

11. **Resolution No. 1598 – Establishing Fees and Charges for the City of Prineville for FY 2024-2025 (PUBLIC HEARING) – Lori Hooper Antram**

Mayor Beebe opened the public hearing portion of the meeting.

Lori Hooper Antram stated that a public hearing has to be held prior to voting on the resolution.

There were no questions.

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

Mayor Beebe closed the public hearing portion of the meeting.

Councilor Uffelman made a motion to approve Resolution No. 1598. Motion seconded. No discussion on motion. All in favor, motion carried.

12. Resolution No. 1599 – Approving a Rate Increase for Solid Waste Franchisee Services – Mayor Beebe

Mr. Kaiser said that he received word from Courtney Voss of Republic that they did hire someone full time for the Prineville office that will begin July 1st five days a week.

Mayor Beebe who serves as Chair for the Solid Waste Advisory Committee said that the committee said the committee agreed to a 10% increase.

There were discussions why the County passed an 8% increase and why is the city's request 10%. Mr. Forrester stated that the operations between the County and City are very different.

Discussions continued regarding tipping fees and new equipment, whether or not there are any other companies that could service us, and other service concerns previously brought up.

Councilor Hutchison added that until we see how the changes in service requested works out and sees how it could go with a person in the Prineville office, she cannot support a request for an increase. When they (Republic) first took over, they said they wouldn't change how things were operating and it didn't take anytime at all to change everything.

Councilor Uffelman made a motion to approve Resolution No. 1599. A second was not made. Motion failed.

There will be a workshop scheduled in August to discuss this further and what our options are.

13. Resolution No. 1600 – Approving Personal Services Agreement with Divergent Engineering Regarding Prineville Water Treatment Plant Operations – Casey Kaiser

Mr. Kaiser presented the staff report.

There were discussions regarding educational opportunities, having a technical person in house probably being a couple of years out, and the Aquifer Storage and Recovery (ASR) is a critical component to our water delivery, especially if we had another hot summer.

Councilor Sumner made a motion to approve Resolution No. 1600. Motion seconded. No discussion on motion. All in favor, motion carried.

Visitors, Appearances and Requests:

Alan Alderman lives in the county but is here representing the Veterans of Foreign Wars (VFW) and just wanted to show a presence for Veteran's. Mr. Alderman wanted to thank everyone for their recognition of our Veteran's.

Mayor Beebe thanked Mr. Alderman for sitting in on our committees.

No one else came forward.

Adjourn

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

Meeting adjourned at 7:28 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Howard	Hutchison	Merritt	Smith	Sumner	Uffelman
Consent Agenda as Presented	PASSED	Y	Y	Y	Y	-	Y	-
Consideration of a Proclamation – July Parks & Recreation Month	PASSED	Y	Y	Y	Y	-	Y	Y
Ordinance No. 1291 – Amending the Prineville Zoning Map and the Comprehensive Plan Map to Reconcile Discrepancies Between the Two Maps and Existing Land Use (SECOND PRESENTATION)	PASSED	Y	Y	Y	Y	-	Y	Y
Resolution No. 1597 – Declaring the City of Prineville’s Election to Receive State Revenue Sharing (PUBLIC HEARING)	PASSED	Y	Y	Y	Y	-	Y	Y
Resolution No. 1598 – Establishing Fees and Charges for the City of Prineville for FY 2024-2025 (PUBLIC HEARING)	PASSED	Y	Y	Y	Y	-	Y	Y
Resolution No. 1599 – Approving a Rate Increase for Solid Waste Franchisee Services	FAILED	-	-	-	-	-	-	Y
Resolution No. 1600 – Approving Personal Services Agreement with Divergent Engineering Regarding Prineville Water Treatment Plant Operations	PASSED	Y	Y	Y	Y	-	Y	Y
Adjourn Meeting	PASSED	Y	Y	Y	Y	-	Y	Y

Public Records Disclosure

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

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

Designation of July as Park and Recreation Month

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including **Prineville, Oregon**; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS **Prineville, Oregon** recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED BY the **Prineville City Council** that July is recognized as Park and Recreation Month in the city of Prineville.

Given under my hand on this 9th day of July 2024.



Rodney J. Beebe, Mayor

City Manager Update to Council

July 9, 2024

Public Safety / Dispatch

Officer lateral interviews were held last week and we have selected a very experienced officer to move forward to background.

We are having another lateral background interview on July 5th with an officer that has about 5 years' experience and is moving to Prineville. More to come on that after the interview.

PD is still working on a couple entry level backgrounds and getting closer to completion, so we can make hiring decisions.

PD is also very busy with the horse races prep beginning soon. OSP and CCSO will be assisting in that event.

Officer Bruce is almost done with academy and will graduate at the end of month. We are excited to get him back to complete his field training.

Dispatch is still testing applicant and is actively engaged in improving recruitment.

Tobi and Sam are still working on the 911 accreditation.

Public Works

Public Works had the pre-construction project kick off meeting for the Combs Flat Road/OID Canal Piping project. Taylor Northwest will be starting on the project in July. Construction is expected to be ongoing at the Barnes Butte Area until it is completed next July.

The Heliport ASR well upgrade is nearing completion. The pump and well is operational in time for the warm weather with some minor electrical work to be completed over the next few weeks.

The design for the annual waterline replacement project is completed and out to bid. A large section of undersized line in the S. Main Street area will be replaced. We hope to have a contract in place in July with the project under construction in early fall.

We are finalizing design on the ASR2 well and are still pushing to go out to bid in July or early August for its construction.

Railroad

Matt and crew remain very busy with the new business recently acquired.

Meadow Lakes Golf

June as well as the 4th quarter finished strong. Rounds remained about the same however revenue is up due to increased green fees. The fiscal year ended at \$227,148 more than budgeted.

Airport

Fire season has started as of July 1st with tankers and helicopters on site.

The new aircraft maintenance shop opens this month making a total of three businesses on the airport with plenty of work for all.

A second aircraft storage hangar has started construction for this year.

The Wheels and Wings event on June 15th had a great turn out and went well.

It has been a slow start for the year although activity has picked up quickly.

Planning

The Planning Department has steady traffic in for interest in both residential and commercial development.

The new car wash going in by Wilco and Walgreens is currently prepping their site for construction.

Human Resources

The Meet and Greet for the second round of candidates has been confirmed for the 24th with the interview panels on the 25th with the same set up.

Information Technology – No Update

Finance

The auditors were on site the last day of the fiscal year for about only 2 hours and everything went well.

We are expecting news of a little bundle of joy joining the world to our own Daniel and Corina Ego any time now.

City Recorder/Risk Management – No Update

City Legal – No Update

EDCO – No Update

Public Relations – No Update

Mayor/Council

There will be two more workshops coming up on July 23rd with the Planning Commission joining in regarding the Transportation System Plan (TSP) and another in August regarding Solid Waste.

Other

ORDINANCE NO. 1292

**AN ORDINANCE TO ADOPT AN UPDATE TO THE CITY OF PRINEVILLE
WASTEWATER FACILITIES PLAN, AN ANCILLARY DOCUMENT TO THE CITY
OF PRINEVILLE COMPREHENSIVE PLAN**

WHEREAS, a dependable and efficient City wastewater system is critical for providing a higher quality of life and business opportunities to the present and future residents of Prineville; and

WHEREAS, The City of Prineville Wastewater Facilities Plan (WFP) is an ancillary document to the City’s adopted Comprehensive plan consistent with federal requirements, state statutes, and Statewide Planning Goals; and

WHEREAS, the WFP identifies current information on which future operation of the City of Prineville’s municipal wastewater system can be based; and

WHEREAS, the WFP was last prepared in 2018, and that the proposed amended WFP establishes wastewater system design criteria for a 20-year planning period; and

WHEREAS, the City of Prineville Planning Commission held a public hearing on May 21, 2024 in order to solicit comments from the public; and

WHEREAS, after hearing no citizen opposition at the hearing and considering the staff report and all items in the record of planning application AM-2024-101, the Planning Commission voted unanimously to recommend the City Council approve the proposed plan; and

WHEREAS, a public hearing was properly noticed and held on June 25, 2024, before the City Council to consider written and oral public testimony and Staff and Planning Commission recommendations. The City Council voted to adopt the proposed WFP.

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

1. The Council hereby adopts and the 2024 WFP, attached to this Ordinance by reference, as an ancillary document to the City’s Comprehensive Plan.

Presented for the first time and unanimously approved at the Regular Meeting of City Council held on July 9, 2024.

Rodney J. Beebe
Mayor

ATTEST:

Lisa Morgan, City Recorder

ORDINANCE NO. 1293

AN ORDINANCE TO ADOPT AN UPDATE TO THE CITY OF PRINEVILLE WATER SYSTEM PLAN, AN ANCILLARY DOCUMENT TO THE CITY OF PRINEVILLE COMPREHENSIVE PLAN

WHEREAS, a dependable and efficient City wastewater system is critical for providing a higher quality of life and business opportunities to the present and future residents of Prineville; and

WHEREAS, The City of Prineville Water System Plan (WSP) is an ancillary document to the City’s adopted Comprehensive plan consistent with federal requirements, state statutes, and Statewide Planning Goals; and

WHEREAS, the WSP identifies current information on which future operation of the City of Prineville’s municipal water system can be based; and

WHEREAS, the WSP was last prepared in 2018, and that the proposed amended WSP establishes water system design criteria for a 20-year planning period; and

WHEREAS, the City of Prineville Planning Commission held a public hearing on May 21, 2024 in order to solicit comments from the public; and

WHEREAS, after hearing no citizen opposition at the hearing and considering the staff report and all items in the record of planning application AM-2024-101, the Planning Commission voted unanimously to recommend the City Council approve the proposed plan; and

WHEREAS, a public hearing was properly noticed and held on June 25, 2024, before the City Council to consider written and oral public testimony and Staff and Planning Commission recommendations. The City Council voted to adopt the proposed WSP.

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

1. The Council hereby adopts and the 2023 WSP, attached to this Ordinance by reference, as an ancillary document to the City’s Comprehensive Plan.

Presented for the first time and unanimously approved at the Regular Meeting of City Council held on July 9, 2024.

Rodney J. Beebe
Mayor

ATTEST:

Lisa Morgan, City Recorder

ORDINANCE NO. 1294

AN ORDINANCE AMENDMENT IN THE CITY’S COMPREHENSIVE PLAN TO UPDATE CHAPTER 8 (PUBLIC FACILITIES & SERVICES)

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

Whereas, the City has updated its public facility master plans numerous times without changes to Chapter 8; and

Whereas, The City has just completed updates to its Wastewater Facility Plan and Water System Master Plan in 2024; and

Whereas, based on the aforementioned Plans, City staff initiated amendment procedures to the City’s Comprehensive Plan (Chapter 8) for review by the City Planning Commission; and

Whereas, pursuant to Section 153.252.020 of the Code, required notice was submitted to the Department of Land Conservation and Development and published 10 days prior to the initial public hearing scheduled for May 21, 2024; and

Whereas, on May 21, 2024, the City Planning Commission held a public hearing and consented to the amendment and recommended the City Council approve the proposed amendment to Chapter 8 of the Comprehensive Plan as shown on Exhibit A, attached hereto and by this reference made a part hereof; and

Whereas, pursuant to Section 153.252.020 of the Code, required notice was published 10 days prior to the City Council hearing of a legislative change scheduled for June 25, 2024; and

Whereas, the Prineville City Council conducted a public hearing on June 25, 2024, which consisted of the opportunity of written and oral testimony, review of staff reports, and consideration of the recommendations of the City of Prineville Planning Commission.

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

1. That the City’s Comprehensive Plan Chapter 8 is hereby amended as shown on Exhibit A.
2. The City Recorder shall place a certified copy of this Ordinance in the City’s permanent records.
3. The Ordinance shall be effective 30 days following its passage by the City Council.

Presented for the first time and unanimously approved at the Regular Meeting of City Council held on July 9, 2024.

ATTEST:

Rodney J. Beebe
Mayor

Lisa Morgan, City Recorder

8



Public Services and Facilities (2024)



Prineville’s Comprehensive Plan

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[Goals & Policies](#)

[Goal 1: Provide public facilities, services and private utility systems at levels necessary and practical for existing and future uses.](#)

[Goal 2: Maintain and regularly update public facility plans and capital improvement programs and budgeting.](#)

Public Facilities and Services

Adopted
July 2024

Chapter 8 Public Facilities and Services

Purpose and Intent

Public Facilities are improvements, which provide services through various government entities or through franchise agreements with private utilities. The purpose of this chapter is to identify existing public and private facilities and services and identify present and future needs based on projected growth.

Key public facilities are typically described as transportation, water, wastewater, storm drainage, planning & zoning, parks & recreation, solid waste collection, energy, communication, schools, emergency services, health services and community governmental services. While the City and other local providers offer a wide range of services, these key elements are essential to accommodating growth and maintaining public health and safety. Likewise, the City is required to prepare and maintain planning tools that make sure adequate levels of key services are available and not stressed beyond their carrying capacities.

The City of Prineville manages key facilities such as governance, police, transportation, water, wastewater, stormwater and some elements of recreation, which are under their jurisdiction. Services such as; health, parks & recreation, fire protection, solid waste collection, building permitting, schools, energy, other utilities and communication services are provided by other entities and in some cases through franchise agreements with the City.

This chapter does not list specific current or needed public improvements. That information is found in various facility plans, commonly referred to as “master plans” from each serving entity. The City maintains and adopts Public Facility Plans for Transportation, Water, Wastewater and Stormwater. The City also adopts facility plans by local partnering agencies for Parks & Recreation, Airport and others as may be applicable. Transportation (Chapter 6) and Parks (Chapter 4) are separate individual Chapters in this Comprehensive Plan. The most current versions of the aforementioned plans are supporting documents to the Comprehensive Plan and are hereby referenced and made part of this chapter.

Goals and Policies

Statewide planning Goal 11, OAR 660-015 (Public Facilities and Services); requires that cities plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal #1: Provide public facilities, services and private utility systems at levels necessary and practical for existing and future uses.

Policies

1. Plans and development impacting public facility and service shall consider; desired service levels, system and area protections, infrastructure needs and impacts to the following areas within the UGB.
 - Police Protection
 - Fire Protection
 - Emergency Medical Service
 - Transportation
 - Parks and Recreation
 - Natural Open Space
 - Natural Hazards
 - Public Buildings
 - Water System
 - Wastewater System
 - Stormwater System
 - Solid Waste Management
 - Schools
 - Airport
 - Railroad
 - Other Public/Private Utilities
2. Plans providing for public facilities and services should be coordinated with plans; for the designation of urban boundaries, zoning, urbanizable land, rural uses and for the transition of rural land to urban uses. The following factors shall be considered when determining public facility locations:
 - Availability and cost of usable land
 - Geographic restrictions
 - Carrying capacity of planning area
 - Operational efficiency
 - Related project improvements
 - Long term cost burden
 - Disruption of residential areas
 - Comprehensive Plan goals and policies
3. Public facilities and services in urban and urbanizable areas should be provided at levels necessary and suitable for urban uses without reducing service levels of existing residents.
4. A public facility or service should not be provided to outlying urbanizable areas within the UGB, unless there are provision for the coordinated annexation and development of all other urban facilities, services and rights-of-way appropriate to that area.
5. Collaborate with private utility companies to ensure equitable access to services throughout the City. Various agencies and entities other than the City of Prineville may be allowed to use City rights-of way. This may require the imposition of franchise agreements and special protocols and fees. In no case, shall these entities create a situation whereby the City must subsidize activity or repair damage caused by other service providers.
6. All utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid easements and dividing lots. Whenever feasible, all utility lines and components shall be placed underground.
7. New Development shall not exceed the carrying capacity of public facilities and services. New development shall provide appropriate infrastructure and public services or mitigate for such impact as a condition of development. Anticipated growth within the community

Public Services and Facilities

may require expansion of facilities faster than the local government can provide. In these cases, it is essential that growth pay its own way in order to avoid unnecessary impacts upon existing residents and quality of life. This means that new development may need to supply an array of services to developments ahead of the City schedule and at their own cost, subject to City approval and authorization before development.

8. The City and other agencies and partners should utilize sustainability practices and other techniques for sustaining limited resources and facilities including such things as; recycling programs, preservation of natural areas, water conservation, wastewater reuse, air quality monitoring, energy production and energy consumption.

Goal #2: Maintain and regularly update public facility plans and capital improvement programs and budgeting.

Policies

1. City Facility Plans for transportation, wastewater, water and stormwater shall be adopted and periodically updated throughout the planning period.
2. The City shall periodically update short- and long-term Capital Improvement Plans (CIPs) for public facilities throughout the planning period, including property acquisition needs.
3. The City shall adopt and periodically update funding methodologies and coordinate investments to pay for and leverage planned capital improvements.
4. The City shall explore innovative ways of providing public facilities and services as well as funding alternatives to ensure the equitable and adequate development and implementation of public facilities and services.

RESOLUTION NO. 1601
A RESOLUTION APPROVING AMENDMENT NUMBER 1 TO COOPERATIVE
IMPROVEMENT AGREEMENT WITH OREGON DEPARTMENT OF
TRANSPORTATION

Whereas, on or about February 26, 2019, the City of Prineville (“City”) and the State of Oregon, acting by and through its Department of Transportation (“ODOT”) entered into a Cooperative Improvement Agreement designated by ODOT as No. 32415 Miscellaneous Contracts and Agreements (the “Agreement”) regarding State’s US26: Meadow Lakes Drive-Combs Flat Road Project.

Whereas, City and ODOT wish to amend the Agreement to revise maintenance responsibilities of the Parties and contract information.

Whereas, City and ODOT have negotiated an Amendment to the Agreement designated by ODOT as No. 73000-00023184 Miscellaneous Contracts and Agreements (“Amendment”) attached hereto 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 Amendment is hereby approved and that the Mayor is authorized to sign such Amendment on behalf of the City.

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

Rodney J. Beebe, Mayor

ATTEST:

Lisa Morgan, City Recorder

**AMENDMENT NUMBER 01
COOPERATIVE IMPROVEMENT AGREEMENT
2017 Oregon Transportation Funding
US26: Meadow Lakes Drive-Combs Flat Rd (Prineville)
City of Prineville**

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as “State” or “ODOT”, and the **CITY OF PRINEVILLE**, acting by and through its elected officials, hereinafter referred to as “Agency,” entered into on March 4, 2019.

This Agreement is now identified as Agreement No. 73000-00023184. All terms remain unchanged, except as amended herein.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to revise the maintenance responsibilities of the Parties and the contact information.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. **Amendment to Agreement.**

a). **Insert new Exhibit D, identifying that section of the Ochoco Highway, US Route 26, State Highway No. 41 through the city of Prineville and resolved to the state.**

b). **Insert new RECITALS, Paragraph 11, to read as follows:**

It has been determined by the Parties that it is in the best interests of the travelling public that Agency assume responsibility for agreed upon pavement markings and winter maintenance on U.S. 26.

c). **Insert new TERMS OF AGREEMENT, Paragraph 8 to read as follows:**

The Parties agree to coordinate on needed Traffic Control for any needed maintenance and to work in good faith to offer assistance to the other Party as available.

d). **TERMS OF AGREEMENT, Paragraph 8, shall be hereinafter re-numbered as Paragraph 9.**

e). **AGENCY OBLIGATIONS, Paragraph 13, Page 7, which reads:**

Agency’s Project Manager for this Project is Eric Klann – City Engineer, 387 NE Third Street, Prineville, OR 97754, (541) 447-2357, eklann@cityofprineville.com, or assigned

designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

Shall be deleted in its entirety and replaced with the following:

Agency's Project Manager for this Project is Casey Kaiser – Public Works Director, 387 NE Third Street, Prineville, OR 97754, (541) 447-8338 ckaiser@cityofprineville.com, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

f). Insert new AGENCY OBLIGATIONS, Paragraphs 5 thru 9, to read as follows:

5. In addition to the responsibilities described in AGENCY OBLIGATIONS, Paragraph 4, Agency further agrees at its own expense to the below referenced maintenance responsibilities on State property within the Project limits:
 - a. Parking stall striping including ADA parking stall markings;
 - b. Striping of marked crosswalks on city streets;
 - c. Signing associated with ADA parking stalls;
 - d. ADA ramps where said ramps are located on a resolute highway (MP 18.3 – 19.4);
 - e. Vactoring of drainage facility; and
 - f. Discretionary winter maintenance of on-street parking.

Agency agrees to perform all maintenance responsibilities in accordance with ODOT's Traffic Manual, ODOT Traffic Line Manual, ODOT Sign Policy and Guidelines, and ODOT Sign Design Manual.

Copies of the aforementioned manuals may be found at the following address:

Oregon Department of Transportation : Manuals : Engineering : State of Oregon

6. Notwithstanding the maintenance obligations described in TERMS OF AGREEMENT, Paragraph 7(d) and AGENCY OBLIGATIONS, Paragraph 4; all maintenance obligations shall survive termination of this Agreement.
7. Agency shall obtain a permit to "Occupy or Perform Operations upon a State Highway" from assigned State District 10 Project Manager as well as land use permits, building permits, and engineering design review approval from State. Agency agrees to comply with all provisions of said permit(s), and shall require its developers, contractors, subcontractors, or consultants performing such work to comply with such permit and review provisions.
8. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and

agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that the State shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the contractor and subcontractor from and against any and all Claims.

9. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.
10. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that the State shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the contractor and subcontractor from and against any and all Claims.
11. Any such indemnification shall also provide that neither the Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.

g). AGENCY OBLIGATIONS, Paragraphs 5 through 13, shall be hereinafter re-numbered as Paragraphs 10 through 18.

h). STATE OBLIGATIONS, Paragraph 7, Page 7, which reads:

State's Project Manager for this Project is Mike Darling – Senior Project Leader, 63055 N. Highway 97, Bldg M, Bend, OR 97701, (541) 388-6329, Charles.m.darling@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

Shall be deleted in its entirety and replaced with the following:

State's Project contact for this Project is Jim Scholtes – District 10 Manager, 63055 N. Highway 97, Bldg K, Bend, OR 97701, (541) 647-0314, James.m.scholtes@odot.oregon.gov, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
5. **Electronic Signatures.** The Parties agree that signatures showing on PDF documents, including but not limited to PDF copies of the Agreement and amendments, submitted or exchanged via email are "Electronic Signatures" under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. State reserves the right at any time to require the submission of the hard copy originals of any documents.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2021-2024 Statewide Transportation Improvement Program (STIP), (Key #20268) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

CITY OF PRINEVILLE, by and through
its elected officials

By _____
Mayor

Date _____

**LEGAL REVIEW APPROVAL (If
required in Agency's process)**

By _____
Agency Counsel

Date _____

Agency Contact:

Casey Kaiser – Senior Planner/Public
Works Director
387 NE Third Street
Prineville, OR 97754
(541) 337-8338
ckaiser@cityofprineville.com

State Contact:

Jim Scholtes – District 10 Manager
63055 N. Highway 97, Bldg K
Bend OR, 97703
(541) 647-0314
james.m.scholtes@odot.oregon.gov

STATE OF OREGON, by and through
its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
State Traffic/Roadway Engineer

Date _____

By _____
Region 4 Manager

Date _____

By _____
Region 4 Right of Way/Survey Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

Exempt per ORS 137-045-
0050 _____
Assistant Attorney General

Date: _____

Exhibit D
Resolved Highway through the City of Prineville

