



CITY OF PRINEVILLE
Regular Meeting Brief
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City Council Meeting Brief
January 26th, 2021

Council Members Present:

Steve Uffelman
Janet Hutchison
Patricia Jungmann
Jason Beebe

Gail Merritt
Ray Law
Jeff Papke

Council Members Absent

None.

Additions to the Agenda

Jered Reid City Attorney explained that Council will be coming back into open session after the Executive Session. Item No. 3 under Council Business should say Budget Committee Appointments.

Consent Agenda

1. Regular Meeting Brief 1-12-2021
2. Special Meeting Brief 1-15-2021

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

Visitors, Appearances and Requests:

Public Appearances

No written comments were received.

Council Business

3. **Budget Committee Appointments**

Ms. Morgan, City Recorder stated the staff report for the reappointments and new appointment is in the Council packet. There were discussions regarding the number of expired terms; and how the terms are going from 3 year terms to 4 year terms since the city now has a biennial budget.

Councilor Hutchison made a motion to approve appointments as recommended. Motion seconded. No discussion on motion. All in favor, motion carried.

Staff Reports and Requests:

4. Manager's Report – Steve Forrester

Mr. Forrester reported: the Central Oregon Cities Organization (COCO) VTEL meetings are set to resume; Eric Klann – City Engineer, Casey Kaiser – City Planner, Josh Smith – Planning Director and Scott Smith – Street Superintendent has been working on sale of DSL land to a data center on Millican Road; city staff had another JEDI training session; there will be a Council workshop in March for JEDI; vaccines are underway in the Tri-County area; we saw a slight change in Governor's assessment for gyms to open with restrictions, and continue to see hospital trend lines towards positive.

Councilor Hutchison asked about DSL land. Mr. Forrester responded that it is regarding owners of land that is ready to go with data center development. There is a business in our community that owns property that is looking to market the property to data centers. It was a very positive meeting and they were very impressed in initial visits with them.

No other questions.

5. Pavement Condition Index (PCI) – Scott Smith / Eric Klann

Mr. Klann explained they are just providing information and not looking for decisions, and will explain how this process works. The city has 57 centerline miles of streets and replacement value is almost \$100M, making it the second most valuable asset. The city currently puts about 1.7 percent of replacement cost in maintenance. Streets get a number regarding condition of a street from 0-100 index grading. Mr. Klann explained how once it gets to a certain grade it could fail quickly. If we are able to treat streets while they are still in good shape it will save money in overlays and reconstruction. If there are funds, we could prolong their life at the most cost effective method. Streets were first inspected in 2008 and we are heading in the right direction. In the analysis of how we manage our streets we look at four different categories.

Mr. Klann continued that deferred maintenance has decreased; if we wanted to increase to an 85 grade from 75 it would cost about another \$200,000 a year; with our current investment level we are projected to increase to the 80's grade; talked about additional funding and if we didn't invest any money what it looks like.

Mr. Klann went to a slide that illustrated where streets currently rank and there are not very many poor condition streets; an increase in franchise fees revenue has helped. He showed where we will be at the end of five years at current funding levels.

There has been a lot of hard work from Scott Smith and his crew and appreciates support from finance and Council.

Scott Smith thanked finance and the Budget Committee and transferring street lights to general fund from street fund helped. If we could stick to this level of funding for the next two biennium budget cycles we will be in good shape. We are bumping up against pipe replacement before street replacement starts; and it is going to get aggressive to get a bit better.

Mr. Klann talked about ADA replacement and ODOT facing a law suit regrading this.

Councilor Uffelman talked about a draft presented several years ago and the cost benefit of addressing street maintenance quickly as possible to avoid more money in maintenance in the future.

Councilor Merritt said good job fellas. Mayor Beebe completely agrees with Councilor Merritt's comments.

Mr. Forrester said this is a benefit of our relationship with data centers and an increase in franchise fees revenue enabling us to make those investments.

Committee Reports

Councilor Uffelman had a CREA board meeting last Friday to discuss the fee structures which is creating a problem with affording renewable energy. Councilor Uffelman also attended the Governor's Regional Solutions Committee meeting last week; and also serves on LOC Energy committee.

Councilor Hutchison had an Ochoco Forest Collaborative meeting and talked about what they are working on.

Ordinances:

None.

Resolutions:

6. Resolution No. 1471 – Authorizing the Oregon Public Works Emergency Response Cooperative Assistance Agreement– Eric Klann

Mr. Klann explained that this is an update/renewal of this agreement and presented staff report explaining that this is something we could potentially use in a Cascadia event.

Discussions continued regarding renewal period; if we have ever had to borrow equipment before; and this is something that arrived with Cascadia event studies.

Scott Smith talked about the local type of agreements we have and this is more of the same kind of agreement only with the state.

Councilor Papke made motion to approve Resolution No 1471. Motion seconded. No discussion on motion. All in favor, motion carried.

7. Resolution No. 1472 – Adopting Barnes Butte Concept Plan “Echo of the Butte” – Eric Klann / Casey Kaiser

Mr. Klann provided background on the property explaining that it was a big goal of city council and the community to be able to get out there to use the property. Before we could be successful in securing grants we needed to develop a master plan. Many participated and did a wonderful job in developing the master plan.

Mr. Kaiser went through what this what would do to adopt resolution for preserving or developing the property based on community input.

Mr. Kaiser went through the history of the purchase along with the benefits of purchasing; the Focus Committee involvement in planning and all of them contributing to the alliances involved in process. The vision turned from vision to something tangible. They had a charrette to do a design process. Landscape architects took all of these ideas and started drawing; the power point showed the final plan based on all of the input; includes a robust trail network that was a big interest received from community input that would provide something for all interests; there is a Combs Flat Road connection to Peters Road and getting people from the east to the west; outdoor learning was big with interpretation opportunities; it is a concept plan and is different from a plan which allows some flexibility as it develops.

Councilor Hutchison said she thinks they did an awesome job

Discussions continued that the plan will help guide the development and allow us to look for additional funding and start knocking off some of the higher priority projects; the forest service has received the close out report and is now in the city’s hands.

Mr. Kaiser explained how it was a wonderful job from everyone’s participation.

Councilor Merritt asked about the orange flags. Mr. Klann responded it is the proposed center line for Combs Flat Road extension.

Councilor Merritt made motion to approve Resolution No. 1472. Motion seconded. No discussion on motion. All in favor, motion carried.

8. Resolution No. 1473 – Authorization to Efficiently Minimize or Mitigate the Effects of COVID-19 – Steve Forrester / Jered Reid

Mr. Forrester provided a summary and Jered Reid, City Attorney provided the history behind this resolution.

There were no questions.

Councilor Jungmann made a motion to approve Resolution No. 1473. Motion seconded. No discussion on motion. All in favor, motion carried.

9. Resolution No. 1474 – A Resolution Declaring Reasonable Precautions to Minimize the Spread and Exposure of the Coronavirus – Jered Reid

Mr. Reid referred to all of the materials included in the packet. This is a two-step process and if this is voted to move forward it will require a judicial validation through circuit court process. It will make a finding to constitute and provide entities a mechanism to possibly avoid fines and does not exempt anyone from not adhering to state law. It interprets the existing state law and does not change it; there is criminal law under ORS and would have zero effect on that. It will only be effective in possibly administrative laws especially within OSHA guidelines/laws, and if a violation occurs what would be an appropriate fine.

Mr. Reid went through changes in COVID-19 statistics that has changed since the draft resolution and those have been updated in the resolution to be signed if passed.

Mr. Reid continued with he would not be able to prevail in the hearings of this case; there has been a timeline change from 90 days to 70 days for Josephine County to get through the circuit court; there are appendixes in the OSHA Temporary Rules for 19 different industries that were developed for minimization; and wants Council to keep in mind that what separates it from others is that they must really demonstrate that they are adhering to OSHA rules and executive rules; and it is important to note that they must adequately educate employees for risk assessment.

Also attached is a petition that would be submitted in the event council approved this resolution and would require a second motion to be made from Council for the petition to be submitted.

Councilor Papke asked about OSHA guidelines and Governor's assessment and if there are any additional guidelines, and if we have to change based on risk assessment. Mr. Reid explained it applies to having to adhere to the guidelines as they come out.

Discussions continued at length regarding scenarios; having to follow guidelines at the time; examples of how this could work for businesses; only valid if circuit court validates to use as evidentiary tool that all guidelines were used; wouldn't mean administrative boards come to same conclusion if all the guidelines were followed; the Governor's Executive Order being different then the OSHA Temporary Guidelines; and that it does not mean that businesses do not have to follow the OSHA guidelines or Governor's Executive Order.

Councilor Law made a motion to approve Resolution No. 1474 as amended regarding the numbers for COVID current statistics. Discussion on motion. Motion seconded. Discussions on motion. Motion carried.

Jungmann made motion to delay petition to see results of Josephine County has gone through circuit court. Hutchison seconded. Discussion on motion. A point of order was raised with regard to the motion. A main motion would need to be made to move forward with petition and then a postponement would be a valid subordinate motion. As it stands, delaying petitioning is not a valid motion as there has not been a motion to petition the circuit court to validate.

Councilor Law made motion to authorize City Attorney to file a petition in the Crook County Circuit Court for judicial validation of Resolution No. 1474. Motion seconded. Councilor Jungmann made a motion to table the decision of filing the petition to our next meeting on February 9th, after the decision for the Josephine County hearing. Motion was seconded. Discussion on motion included Councilor Law stating that the outcome in Josephine County has nothing to do with here. Councilor Jungmann explained the reasons why she would like to table the motion. Roll call for motion to postpone filing of petition: Councilor Uffelman-no, Councilor Hutchison – yes, Councilor Jungmann – yes, Councilor Merritt – No, discussion on motion, Councilor Papke – no, Councilor Law – no, Mayor Beebe – no. Motion to postpone failed.

Mayor Beebe asked if there is any further discussion on the main motion to file a petition in the Crook County Circuit Court for judicial validation of Resolution No. 1474. Councilor Hutchison stated that speaking for herself she does support our local businesses to open, they just want them to it safely. Councilor Uffelman asked about time frame before we get a decision. Mr. Reid explained 71-90 days is realistic. Councilor Hutchison asked about different risk levels and if they go down then there is no reason to do this. Discussions continued on risk levels and at what time it would become mute. Mr. Reid explained as long as the Executive Orders and OSHA Temporary Rules are in effect it would not be mute.

With no further discussions, the question was called on the motion to authorize the City Attorney to file a petition in the Crook County Circuit Court for judicial validation of Resolution No. 1474. Roll call for motion: Councilor Uffelman – yes, Councilor Hutchison – no, Councilor Jungmann – no, Councilor Merritt – yes, Councilor Papke – yes, Councilor Law – yes, Mayor Beebe – yes. Motion carried.

Visitors Appearances and Requests:

No written comments were received.

Mr. Reid stated that the Council will adjourn to Executive Session pursuant to ORS 192.660 (2)(i) & 192.660 (8) – Evaluate the performance of an officer, employee or staff member & ORS 192.660 (2)(j) – Negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

Mr. Reid explained that during the Executive Session where no decisions can be made, the public will not be able to see or hear the Executive Session, once the Executive Session is over the Council will reconvene to open session at which time, the public will be able to view the open session again.

Meeting adjourned to Executive Session at 8:55 P.M.

Meeting reconvened to Open Session at 10:53 P.M.

Councilor Uffelman made a motion to approve a 5% increase for City Manager retroactive to January 1st, 2021 and add a mid-year review in June 2021. Motion seconded. Discussion on motion. All in favor, motion carried.

Adjourn

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

Meeting adjourned at 10:57 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Hutchison	Jungmann	Law	Merritt	Papke	Uffelman
Consent Agenda	PASSED	Y	-	Y	Y	Y	Y	Y
Budget Committee Appointments as Recommended	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1471 – Authorizing the Oregon Public Works Emergency Response Cooperative Assistance Agreement	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1472 – Adopting Barnes Butte Concept Plan “Echo of the Butte”	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1473 – Authorization to Efficiently Minimize or Mitigate the Effects of COVID-19	PASSED	Y	Y	Y	Y	Y	Y	Y
Resolution No. 1474 – A Resolution Declaring Reasonable Precautions to Minimize the Spread and Exposure of the Coronavirus as Amended	PASSED	Y	N	N	Y	Y	Y	Y
Motion to Authorize City Attorney to File a Petition in the Crook County Circuit Court for Judicial Validation of Resolution No. 1474	PASSED	Y	N	N	Y	Y	Y	Y
Motion to Table the Decision of Filing the Petition to Our Next Meeting on February 9 th , After the Decision for the Josephine County Hearing	FAILED	N	Y	Y	N	N	N	N
Motion to Approve a 5% Increase for City Manager Retroactive to January 1 st , 2021 and Add a Mid-Year Review in June 2021	PASSED	Y	Y	Y	Y	Y	Y	Y
Adjourn Meeting	PASSED	Y	Y	Y	Y	Y	Y	Y

Public Records Disclosure

Under the Oregon public records law, all documents referred to in this session are available at the City’s website. www.cityofprineville.com. 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