



CITY OF PRINEVILLE
Regular Meeting Brief
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City Council Meeting Brief
December 10, 2024

Council Members Present:

Jason Beebe
Gail Merritt
Marv Sumner

Shane Howard
Scott Smith
Steve Uffelman

Council Members Absent

Janet Hutchison

Additions to the Agenda

None.

Consent Agenda

1. Regular Meeting Brief 11-12-2024

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

Visitors, Appearances and Requests

Justin Alderman came forward for the purpose of getting on the record and asking some questions of the Council. He explained that the Planning Commission recently held a meeting that admitted earlier this evening that violated Oregon statutes for public remote access to the meeting in response to a grievance he filed with the Planning Commission.

He stated that he acknowledges that City Council does provide audio access which meets the requirements, but with today's technologies that it is not also made available by video.

Mr. Alderman then went back to the Planning Commission meeting and discussed re-appointing members of the Planning Commission. He understands that they then make a recommendation to Council. He wondered why they, the Planning Commission or the Council didn't solicit to seek other members from the public for upcoming vacancies. The Planning Director explained to him earlier that they only go through this process when a vacancy happens mid-term. Is the Council proceeding with appointments without potentially seeking out other qualified applicants? Would a re-appointment be appropriate for the Council move forward with the

recommendation of the Planning Commission when that meeting that the Planning Commission held to deliberate and essentially just make the decision to recommend to re-appoint be proper to take up this evening?

Mayor Beebe stated that he has heard the concerns and appreciates them and will leave any legal questions to Jered Reid, City Attorney.

Mayor Beebe explained that if there is any fault that it is his responsibility to make sure we go in the right direction.

Mayor Beebe continued that the audio does meet the law and video would be something that the Council would have to discuss in the future.

No one else came forward.

Council Presentations

None.

Council Business

2. Re-Appointment of Planning Commissioners – Josh Smith

Mr. Reid provided the background information on the grievance that was received by the Planning Commission. The November 19th Planning Commission meeting was in violation of public meetings law for not providing remote attendance. Prior to tonight's Council meeting the Planning Commission responded to that grievance officially. During that meeting there were recommendations that were made and are in the Council packet. He is recommending that the Council disregard that recommendation from the Planning Commission. The Council has the authority to appoint without recommendation from the Planning Commission. As in the past if a member asks to be re-appointed, they are. The Council can move forward with the appointments if they so choose or ask for recommendations from the Planning Commission next month, but in regard to the recommendation in tonight's Council packet, they would disregard those.

Josh Smith, Planning Director added that it is staff's recommendation that Council appoint these two commissioners and they have been a valuable part of the commission. The commission has not gone out for new members unless there is a reason to not re-appoint a commissioner and the Council would ask to go out for new members. There would generally be a reason to think that the current member is somehow not qualified or isn't doing what you intended them to do. So that's why they typically get re-appointed. Every year there are some openings because the terms are staggered. Every two or three years there is sometimes a vacancy and that is when they typically go out to the public for applicant's and then have reviews. Re-appointments do not require another review unless there is a challenge from the city manager or council.

Mayor Beebe asked that in the past when we have solicited what kind of a response do we get?

Mr. Smith explained that we get very little response. The response they do get is people not understanding the role and come in and ask questions. There are rules for the Planning Commission such as a limit to the number that can be relators.

Mayor Beebe asked if there is an opening if we would solicit and Mr. Smith said absolutely. Mr. Smith continued that not so much if it is a re-appointment, because as a Planning Commissioner and you come up for re-appointment and they say they want to be re-appointed and are told, well we are going to open it up and solicit, what message does that send to that Planning Commissioner and what's the reason for going back out? Other than there is a whole lot of interest.

Councilor Uffelman added that he is familiar with both of the re-appointments and is very pleased with the work they have done.

Councilor Uffelman made a motion to re-appoint Marty Bailey and Ron Cholin to the Planning Commission. Motion seconded. All in favor, motion carried.

3. Intent to Award Railway Bridge Repair – Matt Wiederholt

Matt Wiederholt, Railroad Manager presented his staff report, explaining that Cascade Civil was the low bid and is out of Redmond and have done a lot of work for BNSF. Railstar Engineering will be onsite overseeing the repairs and sign off on the repairs and it will take about six months to complete the work.

There were no questions.

Councilor Sumner made a motion to approve the intent to award the railroad bridge repair to Cascade Civil in the amount of \$ 79,848.00. Motion seconded. There were discussions on the process of the motion. All in favor, motion carried.

4. Update of Fiscal Policies (PUBLIC HEARING) – Lori Hooper Antram

Mayor Beebe opened the public hearing portion of the meeting.

Lori Hooper Antram, Finance Director presented the staff report and provided the background information for updating the fiscal policies.

There were no questions from Council.

No one came forward and no one was on the phone to provide comment. No written comments were received.

Mayor Beebe closed the public hearing portion of the meeting.

5. SDC Deferment Policy (PUBLIC HEARING) – Josh Smith

Mayor Beebe opened the public hearing portion of the meeting.

Lori Hooper Antram provided a staff report on adopting financing and deferral of System Development Charges (SDC's).

Mr. Smith, Planning Director explained that this has come before Council before and has never passed. The law now requires a deferment. The policy making is local. This didn't pass before because the city doesn't have a building department and there wasn't a method in place to make sure deferments were collected.

Discussions continued regarding this coming up in the past, this being the time to support now to encourage housing development, risks of projects falling through and what SDC's pay for.

No one came forward and no one was on the phone for comment. No written comments were received.

Mayor Beebe closed the public hearing portion of the meeting.

6. FEMA PICM Option (PUBLIC HEARING) – Josh Smith

Mayor Beebe opened the public hearing portion of the meeting.

Mr. Smith went through a power point presentation and went through the National Flood Insurance Program (NFIP) biological opinion.

Staff recommendation is to pursue Option 3 to write a letter to FEMA similar to what the County wrote.

Mr. Reid clarified that we are not choosing a PICM because each would require further action and all of the requirements. We are not the only jurisdiction having these problems and we talked about this several months ago hoping that a resolve would occur before December 1st, but it has not.

Mr. Smith explained that tonight is just a public hearing.

Discussions continued regarding the 500-year flood plain and delineations from the 100-year flood plain. Mr. Smith explained we do not regulate the 500-year flood plain.

There were discussions regarding risk of blight if something happened to a property and not being able to rebuild or remodel.

There were no further discussions.

No one came forward and no one was on the phone to comment. No written comment was received.

Mayor Beebe closed the public hearing portion of the meeting.

Councilor Smith made a motion to move forward with Option 3 to write a letter to FEMA. Motion seconded. No discussion on motion. All in favor, motion carried.

7. Consideration of Cancelling Second December Council Meeting – Steve Forrester

Steve Forrester, City Manager explained that this year the second meeting in December falls on Christmas Eve.

Councilor Merritt made a motion to cancel the second Council meeting in December. Motion seconded. No discussion on motion. All in favor, motion carried.

8. Abstract of Votes – City General Elections Results – Lisa Morgan

Lisa Morgan, City Recorder/Risk Manager presented the staff report that included the certified abstract of votes for the general election.

Councilor Howard made a motion to accept certification of abstract of votes for the November General Election. Motion seconded. No discussion on motion. All in favor, motion carried.

Staff Reports and Requests:

9. City Manager’s Report – Steve Forrester

Mr. Forrester invited Captain Shane Wilson up to give an update on the special events for the holidays.

Captain Wilson explained that everything went perfect with the parade and this Friday is the Shop with a Cop event.

Captain Wilson announced that we now have a new community service officer on board and Officer Gibson just hit his half-way mark at the academy. Officer Jerome will begin in January and is a lateral police officer which leaves just two openings. We have one candidate in background right now and we are interviewing another lateral this Thursday.

Chief Profio stated that he is in week four now and he has been extremely busy. He explained that he is on a quest to meet with each member in the department one on one to get acquainted with everyone.

He recently had a free coffee with the Chief event and has another one scheduled this week with another one scheduled in the evening at the police department.

Caroline Ervin, Director of Strategy and Economic Development announced that we have received another grant that also includes the associated charging infrastructure.

Mr. Forrester stated that he would like to take this opportunity to recognize Gail Merritt for all that she does for us and the community. This will be Gail's last Council meeting with us tonight and wanted to thank Gail for her service all these years.

Councilor Merritt expressed how much she has enjoyed working with everyone here at the city and looks forward to working with everyone in the future.

Mr. Forrester went through the rest of his City Manager report that highlighted recent activity in each of the departments,

Discussions continued regarding the housing development on the ridge off Laughlin and there being a small 3' retaining wall with the access being located at the Ochoco Plaza intersection.

There were no further discussions.

Council Reports

Councilor Uffelman gave a report on Community Renewable Energy Association (CREA) where they learned of a Microgrid Pathways grant of \$50,000 with no competition. There will be funds available for cities requesting.

EFSEC is working locally with energy producers to advance clean energy.

They are working on a project separating methane into hydrogen and carbon and turning into graphite which there is a high demand for. They are also looking at required permitting for offshore wind energy production at varying altitudes. Data centers are very interested in possible nuclear reactor.

Mike McArthur is retiring from CREA and they are vetting applicants for his replacement.

Ordinances:

None.

Resolutions:

10. Resolution No. 1607 – Authorizing an Amendment to the ASR Agreement with Apple Inc. – Casey Kaiser

Casey Kaiser, Asst. City Manager/Public Works Director presented that staff report.

There were discussions regarding the nature of wastewater, the way the Apple projects work in phases and reserving units for completion of development.

There were no further discussions.

Councilor Uffelman made a motion to approve Resolution No. 1607. Motion seconded. No discussion on motion. All in favor, motion carried.

11. Resolution No. 1608 – Authorizing an Intergovernmental Agreement with ODOT Providing Access to Install ADA Facilities – Casey Kaiser

Mr. Kaiser presented the staff report adding that this is largely a formality giving them access to city property for ODOT to construct these ADA improvements.

There were discussions regarding Hickey Farms Road.

Councilor Merritt made a motion to approve Resolution No. 1608. Motion seconded. No discussion on motion. All in favor, motion carried.

12. Resolution No. 1609 – Updating the City of Prineville Executive Session Policy – Jered Reid

Mr. Reid provided the background information and purpose for the resolution, explaining that they expected rulemaking. The resolution in the Council packet is based on League of Oregon Cities (LOC) model resolution to address media and executive sessions.

There were no discussions or questions.

Councilor Smith made a motion to approve Resolution No. 1609. Motion seconded. No discussion on motion. All in favor, motion carried.

13. Resolution No. 1610 – A Resolution Amending the City of Prineville’s Fiscal Policies – Lori Hooper Antram

Mrs. Hooper Antram explained that she had presented the staff report for this earlier in the meeting during the public hearing and has nothing to add.

Councilor Howard made a motion to approve Resolution No. 1610. Motion seconded. No discussion on motion. All in favor, motion carried.

Visitors, Appearances and Requests:

Justin Alderman wanted to clarify if the passing of the executive session policy if these are being waived going into this executive session since this policy was just passed and if they can become effective at a later date. He thinks it could create issues of administrative requirements.

Mr. Reid explained that the Council doesn't answer questions in regards to public comment and is happy to talk with him momentarily, and isn't going to require him to have completed the executive session form for the executive session this evening given the passage was just tonight.

Mr. Alderman added that on that policy he wants to encourage taking a look at the requirement even though it is recommended by LOC, that restricts our recording during executive session. He thinks it raises some potential questions related to ADA requirements to a reporter, though it doesn't seem precluded they are prohibited from taking notes. A reporter with a certain disability may have issues with only taking handwritten notes and audio notes could be an important part of that. Though he understands that Department of Justice (DOJ) noted that some restrictions could be appropriate, however DOJ doesn't reference any case law or precedence. The law does not address the issue of recording, it merely states that the media does not report on executive session. So that is clear, it is entrusted that the media respect and follow that guidance, so he encourages Council to take another look at that particular matter because it was potentially an oversight by League of Oregon Cities.

No one else came forward.

Mayor Beebe read the Executive Session script into the record at 7:25 P.M. and convened into Executive Session pursuant to ORS 192.660 (2)(i) and 192.660 (8) to evaluate the performance of an officer, employee or staff member.

Meeting reconvened to regular open session at 8:23 P.M.

Mr. Forrester stated that we have not increased our FTE's as much as our contemporaries. He has wanted the best people, cross training and has enabled us to run skinny. We have been mindful and not beyond our means.

We have done a compensation study and is asking to be at the top of the range and he is not asking for any more and his performance speaks for itself as well as the condition of the city.

Councilor Uffelman feels the request is very reasonable under the circumstances.

Councilor Howard feels Mr. Forrester's track record speaks for itself and he should be at the high level.

Councilor Merritt thinks we are very fortunate.

Mayor Beebe explained that retention is a priority here and it is his priority for Mr. Forrester and agrees with the recommendation.

Councilor Howard made a motion to move the City Manager's base pay range to \$18,086 per month. Motion seconded. Discussion on motion regarding if they wanted to include keeping it at the top level for the balance of his continued employment. Would like to keep the option to revisit in the future if needed, if there is a reason or underperformance we felt we have an avenue there, but keeping it open is best. City Manager Steve Forrester agreed

he is good with that. Jered Reid, City Attorney repeated the original motion. All in favor, motion carried.

Adjourn

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

Meeting adjourned at 8:31 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Howard	Hutchison	Merritt	Smith	Summer	Uffelman
Consent Agenda as Presented	PASSED	Y	Y	-	Y	Y	Y	Y
Re-Appointment of Planning Commissioners Marty Bailey and Ron Cholin	PASSED	Y	Y	-	Y	Y	Y	Y
Approve the intent to award the railroad bridge repair to Cascade Civil in the amount of \$ 79,848.00	PASSED	Y	Y	-	Y	Y	Y	Y
Motion to cancel the second Council meeting in December	PASSED	Y	Y	-	Y	Y	Y	Y
Motion to move forward with Option 3 to write a letter to FEMA.	PASSED	Y	Y	-	Y	Y	Y	Y
Accept certification of abstract of votes for the November General Election	PASSED	Y	Y	-	Y	Y	Y	Y
Resolution No. 1607 – Authorizing an Amendment to the ASR Agreement with Apple Inc.	PASSED	Y	Y	-	Y	Y	Y	Y
Resolution No. 1608 – Authorizing an Intergovernmental Agreement with ODOT Providing Access to Install ADA Facilities	PASSED	Y	Y	-	Y	Y	Y	Y
Resolution No. 1609 – Updating the City of Prineville Executive Session Policy	PASSED	Y	Y	-	Y	Y	Y	Y
Resolution No. 1610 – A Resolution Amending the City of Prineville’s Fiscal Policies	PASSED	Y	Y	-	Y	Y	Y	Y
motion to move the City Manager’s base pay range to \$18,086 per month	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> .