

CITY OF PRINEVILLE

MINUTES

April 8, 2008

The meeting of the Prineville City Council was called to order on April 8, 2008 at 6:30 PM in the Council Chambers at City Hall by Mayor Wendel. Present were Council Members Jack Seley, Dean Noyes, Gordon Gillespie, Betty Roppe, Steve Uffelman and City Manager Robb Corbett.

Present representing the press media was Kevin Gaboury of the Central Oregonian.

The meeting was opened with the flag salute.

CONSENT AGENDA:

- A. Minutes of March 25, 2008 regular meeting.
- B. Renewal of Secondhand License for MJ Facets Jewelers.

Council Member Roppe moved to approve the consent agenda as presented. Council Member Uffelman seconded and the motion passed unanimously.

VISITORS, APPEARANCES AND REQUESTS:

PRESENTATION FROM THE BRANDING COMMITTEE - Bryan Iverson gave a powerpoint presentation on what information they used to develop a brand for Prineville and Crook County.

The brand was Crook County/Prineville "Forever Country" with a wagon wheel located on the left in the background. Bryan showed how the brand can be easily changed for different entities and departments.

Bryan reported they are now in the process of trade marking this brand so no one else can use it.

It was the consensus of the Council that the brand that was selected is very appropriate for this area, as well as attractive, and will fit well into the different entities.

JOHN ALLEN of 553 SE Garner stated he was representing the Chamber of Commerce membership in regards to the design review for the commercial code. There are a lot of negative responses that they have been getting about the proposed codes. They feel some of the ideas as too inhibitive and this is not a good time to be doing something like this.

John stated before coming up to speak to the Council, he was looking at the mission statement and he just wants to remind the Council what the mission is: "To consistently contribute to Prineville's reputation as a safe, welcoming and friendly place to live work, play, learn and visit". Looking at the purpose statement for the design review, one of the things that it says is it wants to encourage creativity, but when you read it; it is encouraging creativity as long as you do it this way.

John stated on behalf of the Chamber of Commerce and their membership they would like to encourage the Council to put a

stop to this process before a lot more money is spent on something that they hope really never goes into place.

City Manager Robb Corbett stated the Planning Commission has had one Public Hearing on the document and they are slated to have another meeting next Tuesday. This is a design review document that would consider design for standards for development in the community.

Mr. Corbett stated it is an objective that was presented and adopted by the Council. The staff has been working with the Planning Commission. They had a public hearing and there were a number of people that testified against the contents of the document. They have made some amendments to the document, as he understands it, and they are continuing to work on it and taking into consideration the testimony that was provided. At some point there will be a recommendation from the Planning Commission to the City Council as to what they might consider being adopted by the Council in some kind of update. There has been a lot of support opposing this and there is a process that is occurring and at this time it is being done by the Planning Commission.

John Allen stated it is their plan to be at the next Planning Commission Meeting.

WORKSHOP - WATER CONSERVATION PLAN: Public Works Superintendent Jerry Brummer gave a brief staff report. The City's water right permit for Airport Wells No.1 and 2 stipulates a number of conditions. One of which requires that a new or updated Water Management and Conservation Plan be submitted within two year of permit issuance. The water supply alternatives being developed by the Water Subcommittee will be instrumental in developing this plan.

Adam Sussman from GSI Water Solutions stated they are trying to understand how the City is using its water in terms of its customer characteristics, seasonally, what kind of customers you have and then from that, they are able to develop some required conservation measures that make sense for the City of Prineville and put a Conservation Plan together. They are also required to develop a Water Management Plan as well as a Curtailment Plan.

Adam gave a powerpoint presentation on "Water Management and Conservation Plan". He shared some comparison graphs on projected water use as well as information on water rights and water use characteristics. He also talked about existing conservation programs as well as potential new programs and a curtailment program.

Adam stated they will be evaluating criteria for selecting conservation measures such as cost to implement, water savings, community acceptance and staff resources and their ability to implement. Some of the potential conservation measures include: technical and financial assistance programs, supplier financed retrofitting or replacement and system-wide leak detection and repair.

The Curtailment Plan consists of three stages increasing in severity in terms of what are the objective criteria and what are the actions that we are going to take either as a Council, City Manager or Public Works Director, when these things happen? What is the trigger and what are the actions you intend to take?

Adam stated GSI Water Solutions is working with the City to develop this plan. It is in a draft stage right now. They are hoping within the next month that they will finalize a lot of the document by working with the City staff and probably within a couple of months hopefully will be back to the Council with a copy of the plan.

GARBAGE FRANCHISE ORDINANCE - DETERMINE BOND RATE: City Manager Robb Corbett reviewed the staff report that was included in the Council packet. City staff was made aware of the fact that the recently adopted ordinance granting an exclusive solid waste franchise to Holliday Enterprises omitted the bond amount required. In reading the language of Section 8 (1)(g), it appears that the intent of the Council may have been not to state a specific amount. Previously the City has required no bond in recent history. Staff is asking the Council to clarify their desire in this matter.

Mr. Corbett reported the City Staff have surveyed the surrounding communities and found the following: Bend - \$5,000 bond, Redmond - \$20,000 bond, Madras - \$5,000 bond and recently Crook County - \$75,000 bond and they talked about reducing that over time.

A performance bond is intended to be used by the City if the franchisee fails to perform. With the bond the City can access the amount available to pay for another business to perform these services.

Emily Holliday from Holliday Enterprises reported she talked to their insurance company late last week and they cannot provide a bond for any amount. They cannot bond them due to the nature of their business. The reason they would not bond them is because it is part of the franchise. The six-year rolling renewal was also a problem for them, as well as concerns regarding environmental issues and that is why they are not willing to provide a bond for them.

Council Member Noyes stated he talked to City Attorney Carl Dutli about a possible conflict on this issue, but it was determined he did not have a conflict. He suggested allowing a letter of credit in lieu of a bond.

City Manager Robb Corbett stated he searched the Redmond website and they require the franchisee to carry a \$20,000 bond. It is his guess that all of these ordinances give the ability to the city to waive the bond based on a history of the franchisee. He does not know if any of these cities actually are holding a bond for the franchisee. He just knows that the existing policies require a bond and possibly giving the Council the option to waive it.

Emily stated someone from their insurance company talked to them today and he doesn't feel that it really makes sense to have a bond, because your franchise is basically your bond because no one would walk away from that.

Mayor Wendel suggested checking with other Central Oregon cities to actually find out what they are doing.

Council Member Uffelman stated he would like to find out if in fact they are enforcing the bond requirements in the other communities. He does not know why we would need to have a

\$100,000 or even a \$75,000 bond. He actually questions the need for it because you have insurance to cover for damages, which is also part of the agreement. He would question the need to have a bond in the first place and in lieu of a bond the City of Prineville has often accepted letters of credit. That is a practice that is in place and he certainly would be willing to accept that if the Council deems it absolutely necessary to have a bond in place. If the other communities, while they state that they require a bond, do not in fact enforce it, he would be comfortable with following that pattern.

Council Member Noyes stated he concurred that was his direction when he replied to the City Manager on this issue. He does not see a need for a bond, due to the historic management of the company.

Council Member Roppe stated obviously they must be able to get the bond, since other cities require a bond and we need to check this out. She feels that \$75,000 is too high.

Council Member Seley stated he feels we need a bond because it is just good business practice and he feels we need more information as well. Do other cities require a bond and where do they obtain their bond?

Council Member Noyes stated we also need to consider the fact that they have a split customer base between the City and the County, so if they service the County under a \$75,000 you would almost have an aggregate balance of whatever bond that we would require. The cost of the operation to service the County would be the same exact operation that would wind up servicing the City, so this is something to keep in mind as well.

Council Member Gillespie stated he feels the franchisee has been in business a long time and he is willing to waive the bond requirement.

Emily Holliday stated if the need should arise that they are unable to run the business, she is sure that her Mom and Dad would make sure the business continues.

Council Member Uffelman stated there are other companies that could step in and provide that service if the need arose.

Mayor Wendel stated he feels we need to find out what other communities are doing, requiring a bond or waiving the need to provide a bond and who is providing the bonding?

City Manager Robb Corbett stated he will get this information and report back to the Council.

WATER ORDINANCE REVIEW: City Manager Robb Corbett gave a brief staff report. The staff has been working to merge all of the water regulations into one updated ordinance. A draft of the proposed ordinance incorporating existing policy into one document was included in the Council packet for the Council's review. One copy has the corrections in red and the other is a clean copy of the draft ordinance. A copy of Ordinance No. 959 was also included because this ordinance was not included in the list of ordinances dealing with water as reported at the last meeting.

Council Member Uffelman stated the reason for Ordinance No. 959 is we needed to have a means to notify property owners when their renters are delinquent on their water bill. This policy needs to be incorporated into this proposed ordinance.

City Manager Robb Corbett pointed out this has been incorporated into the proposed ordinance. He briefly reviewed some of the changes with the Council.

Mayor Wendel suggested adding something on the irrigation controllers that cannot be programmed according to our regulations of odd/even days and no watering on the 31st. He reported the Iron Horse Subdivision is all on a satellite controlled system. He suggested not getting hung up on the irrigation controller's ability not be reprogrammed.

City Manager Robb Corbett suggested the City can make provisions for circumstances that achieve the desired affect, but the irrigation control system may not have a capability of being programmed according to our watering regulations. Some systems may even offer a higher level of conservation than what we are requiring. We can state that we reserve the right to not enforce the odd/even watering requirement.

Council Member Roppe questioned the backflow prevention requirements. Is that required of all people who have irrigation systems?

City Manager Robb Corbett stated State law requires that all irrigation system in a home have some type of backflow prevention, if they are on City water.

Public Works Director Jerry Brummer stated they know that there are people that have irrigation systems and they do not have a backflow device. Last year when they were out reading meters, they took note of irrigations systems and checked to see if they were on the backflow device list that is kept by the City, so they can be notified each year to have the backflow device checked. When a new home goes in with an irrigation system they are now notified.

Council Member Uffelman stated he is concerned that if we write an ordinance, that it needs to be an enforceable ordinance. We need to have it written in such a fashion, that it is enforceable.

After some discussion, Council Member Noyes stated other municipalities have had to deal with the problem of programming irrigation systems, so we need to find out how they handled it.

Council Member Seley stated on page 17, Section 20, 2, it states the "City Manager may restrict the use of all water for irrigation purposes upon any emergency situation or for essential purposes." He suggested omitting "or for essential purposes" because it is pretty open ended.

Public Works Director Jerry Brummer stated Adam Sussman brought to his attention that the Curtailment that we have to get in place, will also need to be incorporated into this ordinance.

City Manager Robb Corbett stated then we will have a defined action that will occur in response to specific situations that come up.

Council agreed to omit the phrase "or for essential purpose".

HABITAT RESTORE: Mayor Wendel stated he has a request from the Habitat group asking if the Council would manage the ReStore on June 14th, so that all Habitat members can attend a retreat. Council agreed they would be willing to volunteer their time to allow the Habitat staff to attend a retreat.

City Manager Robb Corbett stated he will work out a schedule for signups.

COUNTY ROAD GRANT: Public Works Director Jerry Brummer gave a staff report. Crook County approached the City requesting support of a \$1.1 million project to be funded through SB994. These monies are being appropriated by the Governor to the Counties through ODOT in lieu of Federal Timber Dollars. The County must have a letter of support from the City for the use of these funds.

City staff met with the Crook County Road Master to discuss the use of these funds, which will be used for the improvement of the intersection of the Powell Butte Highway and Highway 126. Staff expressed concern that the Council might find it difficult to support the project, as a benefit to the citizens of the City. However, in return for support of the Project, there is an opportunity for a commitment between the County and the City to cooperatively update a joint County/City TSP.

Jerry stated City staff suggested drafting an agreement with the County for the County's substantial financial contribution to this effort, as well as working with ODOT, who will also be contributing financially, to reach a better and mutual solution for a region wide transportation plan. The support letter includes this provision as part of the City's support for the proposed County roads project.

City Attorney Carl Dutli suggested the City have a document of understanding with some specifics because a letter of support of the project from the City signed by the Mayor is not binding upon the County to participate.

Council Member Roppe asked what will be done with the intersection of the Powell Butte Highway and Highway 126?

Public Works Director Jerry Brummer replied they are going to widen it. The Post Office will be relocated, so part of this money is for acquisition of the existing post office to be moved off site. They are going to create more turning lanes there. The whole intersection will actually get re-constructed. Looking at the big picture, it is a safety issue.

City Manager Robb Corbett suggested drafting a Memo of Understanding to send along with the letter.

The Council was in agreement with this suggestion and authorized staff to come up with an agreement. It was suggested a copy of the agreement be emailed to the Council prior to sending it to the Council, so if needed they can address any issues of concern.

The Council adjourned to Executive Session at 8:20 PM.

The Council reconvened to Open Session at 8:40 PM.

Council Member Uffelman moved the Council accept the settlement offer on Dynice lawsuit as discussed in Executive Session. Council Member Roppe seconded and the motion passed unanimously.

The meeting was adjourned at 8:41 PM.

Mike K. Wendel, Mayor

Robb Corbett, City Manager
Recorder

