



Location: City Hall – Council Chambers
Date: August 13, 2019
Time: 6:30 PM

City Council Meeting Agenda

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

Call to Order

Flag Salute

Additions to Agenda

Consent Agenda

- [1.](#) Regular Meeting Brief 7-23-19
- [2.](#) Liquor License Renewals

Visitors, Appearances and Requests

3. Prineville Disposal Franchise Annual Update

Council Business

- [4.](#) Intent to Award 2019 Prairie House Sewer Project - Mike Kasberger
- [5.](#) Intent to Award Materials Crushing Contract
6. Planning Commission Update - Josh Smith

Staff Reports and Requests

7. Manager's Report
- [8.](#) Year End Financial Report - Liz Schuette & Lori Hooper
9. Committee Reports

Ordinances

- [10.](#) Ordinance No. 1252 - Clarify Land Use Process and Procedures (First Presentation) **(PUBLIC HEARING)** - Josh Smith

Resolutions

- [11.](#) Resolution No. 1407 - Authorizing City to Submit for CDBG Grants - Lisa Morgan
- [12.](#) Resolution No 1408 - Exercising Power of Eminent Domain - Scott Smith



- [13.](#) Resolution No. 1409 - Exercising Power of Eminent Domain - Scott Smith
- [14.](#) Resolution No 1410 - Approving Amendment No 1 to Agreement to ODOT - Scott Smith
- [15.](#) Resolution No 1411 - Approving Signal Maintenance Agreement with ODOT - Scott Smith
- [16.](#) Professional Services Contract – Mount Hood Environmental
- [17.](#) Resolution No. 1413 - Approving a Personal Services Agreement with Baer Consulting - Zach Lampert

Visitors, Appearances and Requests

- 18. Executive Session Pursuant to ORS 192.660 (2)(e) - Real Property Negotiations

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
July 23rd, 2019

Council Members Present:

Steve Uffelman
Patricia Jungmann
Gail Merritt
Jason Beebe

Teresa Rodriguez
Jeff Papke
Janet Hutchison

Council Members Absent

None.

Additions to the Agenda

Manager's Report under Staff Reports and Requests

Consent Agenda

A. Regular Meeting Brief 7-9-19-19

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

Visitors, Appearances and Requests:

A. Housing Works Annual Presentation

David Brandt, Executive Director went through a power point presentation that went through statistics on rental costs and income, and updates on programs that Housing Works provides.

B. Public Appearances

No one else came forward.

Council Business

A. **Community Development Block Grant Applications Public Hearing** – Andrew Spreadborough

Andrew Spreadborough, Deputy Executive Director of NeighborImpact provided an overview of the applications. One is to complete the Senior Center project, and the other is for a regional housing rehabilitation grant.

There were no questions.

Mr. Spreadborough read the following public notice into the record in its entirety:

The City of Prineville is eligible to apply for a 2019 Community Development Block Grant from the Business Oregon. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes.

Approximately \$12 million will be awarded to Oregon non-metropolitan cities and counties in 2019. The maximum grant that a city or county can receive is \$2,500,000.

The City of Prineville is preparing two applications for 2019 Community Development Block Grants from the Business Oregon. Project #1 is for the Prineville Senior Center Rehabilitation project. The Prineville Senior Center is located at 180 NE Belknap, Prineville. It is estimated that the proposed project will benefit at least 1,347 persons, of whom 51% or more will be low- and moderate-income. Project #2 is a regional housing rehabilitation program, for the benefit of low- and moderate-income homeowners in Central Oregon. It is estimated that the proposed project will benefit at least 45 persons, of whom all will be low- and moderate-income.

The maximum grant available for the senior center project is \$1,500,000, of which the City has already been awarded \$962,271, which means that the City is eligible to apply for a maximum of \$537,729. The maximum award available for a housing rehabilitation project is \$500,000.

A public hearing will be held by the Prineville City Council at 6:30 PM on July 23, 2019, at the Prineville City Council Chambers, 387 NE Third Street, Prineville. The purpose of this hearing is for the Prineville City Council to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low and moderate income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and the proposed projects.

Written comments are also welcome and must be received by Tuesday, July 23 at the Prineville City Hall, 387 NE Third Street, Prineville, OR, 97754. Both oral and written comments will be considered by the Prineville City Council in deciding whether to apply.

The location of the hearing is accessible to persons with disabilities. Please contact Lisa Morgan, Prineville City Recorder, at (541) 447-5627, if you will need any special accommodations to attend or participate in the meeting.

More information about Oregon Community Development Block Grants, the proposed project, and records about the City of Prineville's past use of Community Development Block Grant funds is available for public review at Prineville City Hall during regular office hours. Advanced notice is requested. If special accommodations are needed, please notify Lisa Morgan, Prineville City Recorder, at (541) 447-5627, so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result from the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate-income housing which is demolished or converted to another use will be replaced.

Mayor Uffelman opened the public hearing portion of the meeting.

Melody Kendall, Soroptimist Manager expressed thanks to everyone that has been helping them with the Senior Center project and all the work put into it.

Stan Corillo explained some of the Senior Center operations.

No one else came forward.

Mayor Uffelman closed the public hearing portion of the meeting.

Staff Reports and Requests:

A. Committee Reports

Councilor Merritt announced that Picnic in the Park kicked off last week.

Mayor Uffelman reported that the Ochoco Forest Collaboration met to discuss future projects; Central Oregon Cities Organization met last week; and the Air Quality Committee met and we have demonstrated good air quality.

B. Manager's Report

Steve Forrester, City Manager reported: the rodeo and races went very well; city projects are all going well; Elm Street bridge is out and all systems go; and Mayor Uffelman and himself attended a ribbon cutting ceremony at Endura which is a state of the art quality company out of South Carolina.

Mayor Uffelman added that they had a Rotary presentation today.

Ordinances:

None.

Resolutions:

- A. Resolution No. 1406 – Approving Amendment No. 1 to Flexible Maintenance Service Agreement with ODOT

Scott Smith, Street Supervisor presented the staff report explaining that this adds language that ODOT owns the flags poles and will maintain them.

Discussions continued regarding ODOT paying for replacement flags and federal guide lines that require when a flag should be replaced.

Councilor Rodriguez made a motion to approve Resolution No. 1406. Motion seconded. No discussion on motion. All in favor, motion carried.

Visitors Appearances and Requests:

No one came forward.

Adjourn

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

Meeting adjourned at 7:18 P.M.

Motions and Outcomes:

Motion:	Outcome	Beebe	Hutchison	Jungmann	Merritt	Papke	Rodriguez	Uffelman
Consent Agenda as Presented	PASSED	Y	-	Y	Y	-	Y	Y
Resolution No. 1406 – Approving Amendment No. 1 to Flexible Maintenance Service Agreement with ODOT	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

Liquor License Renewals

August 13, 2019

Panda Restaurant

7-Eleven, Inc.

Prineville Quick Stop

Cross Street Station 76

The Sandwich Factory

Debbie Sue's

Prineville Liquor & Tobacco

Main Station Express



STAFF REPORT

MEETING DATE: 8/13/2019 **PREPARED BY:** Lori Ontko
SECTION: Council Business **DEPARTMENT:** Public Works
CITY GOAL: Quality Municipal Services & Programs
SUBJECT: Intent to Award 2019 Prairie House Sewer Project

REASON FOR CONSIDERATION:

Re-routing and upgrading existing line from where proposed development will be located.

BACKGROUND:

The City of Prineville received proposals July 30, 2019 for the 2019 Prairie House Sewer Project that will consist of replacing approximately 142 LF of sewer main with 226 LF of 12” schedule 3034 sewer pipe. The existing pipe is routed through a lot that is proposed to be developed. The new line will be routed around the edge of the existing lot. We had two companies bid on the project.

The results are as follows:

Bar Seven A Companies	\$47,740.00
SMAF Construction	\$67,536.60

The Engineers Estimate was \$57,000.00

FISCAL IMPACT: See below

RECOMMENDATION:

After reviewing the bid documents and bid bonds, staff recommends Council approve the Intent to Award for the 2019 Prairie House Sewer Project to Bar Seven A Companies in the amount of **\$47,740.00**



STAFF REPORT

MEETING DATE: 8/13/2019 **PREPARED BY:** Lori Ontko
SECTION: Council Business **DEPARTMENT:** Public Works
CITY GOAL: Quality Municipal Service & Programs
SUBJECT: Crushing stockpiled materials

REASON FOR CONSIDERATION:

Stockpiling recycled rock to be used at Wastewater Treatment Plant

BACKGROUND:

The City of Prineville received three bids to crush approximately 11,000 cubic yards of concrete, asphalt and rock located at the Wastewater Treatment Plant. This stockpile of material is from a variety of projects the city has demolished, re-done or removed for the past several years. We can utilize the recycled rock for various projects at minimal cost to the City versus hauling it off for disposal or purchasing new rock. This will **NOT** be a prevailing wage job according to BOLI (Bureau of Labor and Industries) because it is used material.

The three bids are as follows:

Taylor NW	\$92,355.00
Clint Woodward Construction (CWC)	\$117,500.00
SMAF Construction	\$159,500.00

FISCAL IMPACT: See Below

RECOMMENDATION:

After reviewing the bid's staff recommends Council award the crushing project to Taylor Northwest in the amount of \$92,335.00

*City of Prineville, Oregon
Financial Report
Fourth Quarter Ended June 30, 2019*



Executive Summary

The City's financial conditions strengthened approximately 42 percent or \$5.97 million through the fourth quarter ending, June 30, 2019. We are currently in our yearend audit process and some adjustments are still to be made. City funds that have had a positive impact to the City's financial condition included the General Fund, Transportation, Emergency Dispatch, all the SDC funds, Airport, Wastewater, Golf and the Building Facilities. Funds that had significant negative impacts to the City's financial condition included Planning, PERS / POB, Water, Public Works Support Services and the Administration Fund. City funds with decreases in fund balances are largely due to budgeted expenditures such as an additional deposit to a new side account with PERS, budgeted capital improvements / equipment and scheduled debt service payments.

Through the fourth quarter, General Fund revenues came in at approximately 112 percent of the annual budget or \$6.50 million. Year to date property tax revenue is roughly \$2.19 million or 102 percent of the annual budget, an increase of roughly \$120,500 over prior year. Transient lodging taxes are up over prior year at roughly \$431,500 compared to \$339,000 last year. Franchise fees are at roughly 115 percent of the annual budget and collection increased approximately \$272,000 over last year same time frame. Electrical franchise fees are up roughly \$245,000, and continue to be on an upward trend with the expansion of the data centers still in progress, telephone franchise fees are down slightly in comparison to the prior year. The General Funds ending balance increased approximately 11 percent through the fourth quarter.

The Emergency Dispatch Fund's ending fund balance has increased roughly \$118,300 or 29 percent through the fourth quarter, this related to an increase in intergovernmental revenue and a decrease in personnel service due to understaffing. Personnel services are at 88 percent of the annual budget and overtime is at 196 percent of the annual budget. During the fourth quarter two dispatchers were hired.

Local development has continued to positively affect the SDC funds. During the fourth quarter there were roughly 36 projects paying SDC's. The largest contributor to the increase in fund balance in all of the SDC funds is the SDC's that were paid in association with data center expansions during the first quarter. Current projects in the SDC funds include: the Elm Street Bridge project in Transportation SDC fund, the Plant Two Aeration project in Wastewater SDC and the Aquifer Storage and Recovery project (ASR) in the Water SDC fund. The ASR project is a method of water storage that uses the natural water storage capabilities of underground aquifers as a cost-effective, scalable and ecologically friendly water storage alternative to traditional storage options.

In the PERS / POB fund there was a budgeted \$800,000 additional payment sent to PERS to start another side account during the third quarter, this helping to offset the increased costs of PERS in the coming biennium. The City began receiving a monthly rate credit of 1.35 percent during the fourth quarter.

The Railroad Fund has seen an increase to fund balance of approximately \$63,600 or 6 percent through yearend, largely due to a roughly \$95,600 insurance check that was received for gate damages in the third quarter. Overall revenue comparisons to the prior year are down roughly

June 30th, 2019

\$76,100. Demurrage collections were roughly \$74,000 during the prior year, where this year there has been zero demurrage revenue. Expenses are also down roughly \$166,300 in comparison to the prior year with decreases in both personnel and materials and services.

Airport fund balance shows an increase of approximately \$82,800 largely due to Connect Oregon funds received for Airbase project associated with the installation of utilities. The airbase project is currently in process with the fuel system replacement construction starting during the fourth quarter. Fuel sales are up by roughly 21 percent over the prior year with total gallons sold up approximately 15 percent over the previous year. In April, Erickson Air Crane utilized the airport for their spring training resulting in significant fuel sales during their time there. Fuel inventory is at roughly \$37,900 for yearend.

The fund balance in the Water Fund decreased roughly -46 percent through the fourth quarter. This is due largely to budgeted capital projects that were done through the year. Capital improvements that took place during the fourth quarter were largely associated with the completion of the new Yancey well and the Airport Industrial Park Utility Extension project. A budget adjustment was done prior to yearend in materials and services to increase expenditures to improve and repair the Yancey well, another adjustment was made to correct an oversight from the prior year for franchise fees that are paid to streets.

In Wastewater (WW), fund balance has increase at yearend by roughly \$2.11 million or 122 percent due to the SDC reimbursement fees that were transferred from the WW SDC fund in the third quarter, this largely a result of the SDC collection from July to December which included data center fees. Capital improvements during the fourth quarter were for the 5th Street sewer line replacement project. Pump work that was anticipated to get completed by yearend and was included in the yearend estimates was put on hold due to the pumps not coming in on time.

Meadow Lakes Golf shows an increase in fund balance of roughly \$56,000 or 13 percent at yearend. Golf revenue is at roughly \$783,800 or 102 percent of the annual budget at yearend, which is up over the prior year by approximately \$81,600 or 12 percent making up for a large snow storm that closed the course for 24 days in February and 18 days in March. Operating expenditures are up roughly 6 percent for golf and maintenance combined compared to the prior year and management continues to monitor them closely.

The ending fund balance for the Administration and Financial Support Service Fund decreased approximately \$275,000 or -57 percent through the fourth quarter. Yearend adjustments are still in process. The SDC admin fee for the second half of the fiscal year is in process of being reconciled and calculated. During the third quarter, there was a \$200,000 transfer to the PERS / POB fund out of the Finance Department to support the new PERS side account that was created. During the fourth quarter in the IT department there were roughly \$78,100 in 911 equipment expenditures and \$68,000 for the Codon Trunked Radio System. The 911 equipment for the new jail is being reimbursed through the Crook County Sheriff's Department.

In the Building Facilities Fund, the fund balance increased approximately \$2.88 million through the fourth quarter largely due to the receipt of \$4 million in debt proceeds for the police facility department in the second quarter. During the fourth quarter, a new police facility building was

June 30th, 2019

purchased and design work for the remodel is set to begin. The Senior Center project fourth quarter expenditures are all associated with the administration of the grant and the beginning stages of the senior centers rehabilitation. During the fourth quarter the City went out to bid for the construction of the senior center remodel but only received one bid that was significantly higher than the grant amount. The City is in process of requesting a second Community Development Block Grant (CDBG) to get the project completed. In the Barnes Butte department, the property is part of the community wide master plan that is currently in process to be developed in collaboration with Parks and Recreation. Expenses for this project started to come in during the fourth quarter. Between the City and Parks and Recreation, two grants have been awarded totaling roughly \$130,000 to help fund the community wide master plan.

Other enterprise funds are as anticipated with insignificant change to fund balance at yearend. A summary is presented in each fund to provide an explanation of financial performance and operating issues. We appreciate comments on how we may be able to improve this report to enhance your understanding of the City's finances.

Sincerely,

Steve Forrester
City Manager

Liz Schuette,
Finance Director

Lori Hooper,
Accounting Manager

All City Funds

Fund	Beginning Fund Balance	Current Year Resources	Current Year Expenditures	Unaudited Ending Fund Balance	Change in Fund Balance	Percentage Change in Fund Balance	Projected Year-End Estimate	Variance Over/(under)
General	\$ 1,918,886	\$ 6,500,001	\$ 6,284,495	\$ 2,134,393	\$ 215,507	11%	\$ 1,918,286	\$ 216,107
Transportation	331,358	2,059,185	1,982,797	407,746	76,388	23%	456,058	(48,312)
Emergency Dispatch	404,256	1,709,366	1,591,043	522,579	118,323	29%	376,056	146,523
Planning	248,158	312,885	367,574	193,470	(54,688)	-22%	240,958	(47,488)
Transportation SDC	955,586	812,568	355,553	1,412,601	457,015	48%	1,400,086	12,515
Water SDC	1,499,223	5,711,840	5,183,413	2,027,650	528,427	35%	2,186,423	(158,773)
Wastewater SDC	2,237,992	8,139,693	7,166,941	3,210,745	972,753	43%	3,090,992	119,753
POB Fund	863,291	807,898	1,076,960	594,229	(269,062)	-31%	608,691	(14,462)
Railroad	1,036,693	754,042	690,401	1,100,334	63,641	6%	1,145,793	(45,459)
Airport	42,915	2,205,585	2,122,820	125,680	82,765	193%	13,215	112,465
Water	1,447,470	2,977,176	3,642,132	782,515	(664,955)	-46%	585,270	197,245
Wastewater	1,732,001	5,842,158	3,731,283	3,842,875	2,110,874	122%	3,894,001	(51,126)
Golf Course and Restaurant	426,395	1,420,342	1,364,373	482,364	55,969	13%	483,295	(931)
Administration and Financial Services	481,714	2,621,572	2,896,415	206,870	(274,844)	-57%	452,914	(246,044)
Plaza Maintenance	41,518	10,424	14,863	37,078	(4,440)	-11%	36,318	760
Building Facilities / Property	245,508	5,369,074	2,490,949	3,123,632	2,878,124	1172%	2,871,408	252,224
Public Works Support Services	267,033	1,602,996	1,921,319	(51,290)	(318,323)	-119%	174,933	(226,223)
Totals	\$ 14,179,997	\$ 48,856,806	\$ 42,883,332	\$ 20,153,471	\$ 5,973,474	42%	\$ 19,934,697	\$ 218,774

General Fund

The General Fund accounts for the City’s police and non-departmental operations and activities. The primary sources of revenue include property taxes, transient lodging taxes, franchise fees, and intergovernmental revenue.

Overall revenue collection for the fourth quarter is at approximately \$6.5 million with roughly \$2.19 million coming from property taxes. Year to date property tax revenue is roughly 102 percent of the annual budget at yearend and up over the prior year roughly \$120,500. Transient lodging taxes are up over prior year at roughly \$431,500 compared to \$339,000 last year. Franchise fees are at roughly 115 percent of the annual budget and collection increased approximately \$272,000 over last year same time frame. Electrical franchise fees are up roughly \$245,000 and only telephone franchise fees are down slightly in comparison to the prior year. Electrical franchise fees continue to be on an upward trend with the expansion of the data centers still in progress.

Police spending through the fourth quarter was at approximately 99 percent of the annual budget. Personnel services for the police department came in at roughly 99 percent of annual budget. Reimbursable grant overtime has increased significantly over the last year due to a HIDTA (High Intensity Drug Trafficking Area) grant. A budget adjustment was done during the fourth quarter largely due to the extra expenditures associated with the hiring of trained officers and a transfer to the Building Facility fund associated with the debt service for the new Public Safety building. Non-departmental is at 93 percent of the annual budget.

Overall, the General Fund realized an increase in fund balance of approximately 11 percent or \$215,500 through the fourth quarter. Unaudited ending fund balance is approximately \$ 2.13 million, which is better than anticipated compared to yearend estimates. The favorable variance in yearend estimates over actual is largely due to revenues coming in higher than anticipated.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/Unfavorable
	Budget	Actual		Budget	Actual				
Property taxes	\$ 535,000	\$ 116,304	22%	\$ 2,140,000	\$ 2,192,016	102%	\$ 2,140,000	\$ 2,140,000	\$ 52,016
Transient lodging tax	77,500	110,102	142%	310,000	431,501	139%	310,000	390,000	41,501
Franchise fees	653,750	1,018,918	156%	2,615,000	3,012,244	115%	2,615,000	2,875,000	137,244
Licenses and permits	2,225	3,624	163%	8,900	8,038	90%	8,900	7,300	738
Intergovernmental revenues	93,500	42,950	46%	374,000	381,940	102%	374,000	428,700	(46,760)
Charges for services	25	1,550	6200%	100	3,908	3908%	100	2,500	1,408
Interest	5,250	13,407	255%	21,000	45,856	218%	21,000	40,000	5,856
Miscellaneous	80,000	25,769	32%	320,000	424,499	133%	320,000	407,300	17,199
Total revenue	\$ 1,447,250	\$ 1,332,624	92%	\$ 5,789,000	\$ 6,500,001	112%	\$ 5,789,000	\$ 6,290,800	\$ 209,201
Expenditures									
Police	1,294,900	1,483,940	115%	5,179,600	5,117,783	99%	5,179,600	5,132,200	14,417
Non-departmental	313,075	390,717	125%	1,252,300	1,166,711	93%	1,252,300	1,159,200	(7,511)
Contingency							1,120,940		
Total expenditures	\$ 1,607,975	\$ 1,874,658	117%	\$ 6,431,900	\$ 6,284,495	98%	\$ 7,552,840	\$ 6,291,400	\$ 6,905
Revenue over (under) expenditures	(160,725)	(542,034)	-28%	(642,900)	215,507	11%	(1,763,840)	(600)	216,107
Beginning fund balance	1,763,840	1,918,886	109%	1,763,840	1,918,886	109%	1,763,840	1,918,886	
Ending fund balance	\$ 1,603,115	\$ 1,376,852	86%	\$ 1,120,940	\$ 2,134,393	190%	\$ -	\$ 1,918,286	\$ 2,134,393

Notes: A budget adjustment was done per resolution no. 1399 in the PD largely for personnel fees associated with the hiring of experienced officers and for transfers for the police facility in the Buildings Facility Fund for the new public safety facility.

Transportation Fund

The Transportation Fund accounts for the operation and maintenance of the City’s streets, bike lanes, and sidewalk systems. Principal sources of revenue are state gas taxes allocated to cities, permits, and interest. Principal expenditures are for public works staff, patching, painting, slurry seals, signals, insurance and asphalt.

Revenue collection through the fourth quarter came in at approximately 97 percent of the annual budget. Intergovernmental revenue collection is at 102 percent of the annual budget. The State of Oregon gas tax came in at roughly \$724,000 at yearend which is an increase over the prior year of roughly \$99,000.

Fourth quarter expenditures are roughly 98 percent of the annual budget. Capital expenditures through the fourth quarter totaled approximately \$1.09 million or 97 percent of the annual budget. Fourth quarter capital expenditures were largely for the completion of the Fall crack and seal project, asphalt paving on second and Beaver St and the purchase of an asphalt compactor. Personnel services came in on track at approximately 98 percent of the annual budget.

Overall the Transportation Fund realized an increase in fund balance of roughly \$76,400 or 23 percent. Unaudited ending fund balance is approximately \$407,000. The unfavorable variance in yearend estimates over actual is largely due to the ODOT grant associated with the Elm Street Bridge project being moved to the Transportation SDC fund where the project is being accounted for.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Franchise Fees	\$ 107,500	\$ 199,750	186%	\$ 430,000	\$ 430,000	100%	\$ 430,000	\$ 430,000	\$ (0)
Intergovernmental	321,125	229,612	72%	1,284,500	1,307,827	102%	1,284,500	1,369,000	(61,173)
Transfers	100,000	25,000	25%	400,000	300,000	75%	400,000	300,000	(0)
Interest	625	2,884	461%	2,500	5,778	231%	2,500	6,000	(222)
Miscellaneous	2,125	2,008	94%	8,500	15,580	183%	8,500	14,500	1,080
Total revenue	\$ 531,375	\$ 459,254	86%	\$ 2,125,500	\$ 2,059,185	97%	\$ 2,125,500	\$ 2,119,500	\$ (60,315)
Expenditures									
Personnel services	58,875	54,586	93%	235,500	231,569	98%	235,500	234,000	2,431
Material & services	61,400	94,030	153%	245,600	239,494	98%	245,600	245,800	6,306
Capital outlay									
Improvements	281,750	143,833	51%	1,127,000	1,093,634	97%	1,127,000	1,096,900	3,266
Transfers	104,525	104,525	100%	418,100	418,100	100%	418,100	418,100	0
Contingency							423,157		
Total expenditures	\$ 506,550	\$ 396,974	78%	\$ 2,026,200	\$ 1,982,797	98%	\$ 2,449,357	\$ 1,994,800	\$ 12,003
Revenue over (under) expenditures	24,825	62,280	19%	99,300	76,388	23%	(323,857)	124,700	(48,312)
Beginning fund balance	323,857	331,358	102%	323,857	331,358	102%	323,857	331,358	
Ending fund balance	\$ 348,682	\$ 393,638	113%	\$ 423,157	\$ 407,746	96%	\$ -	\$ 456,058	\$ 407,746

Note: Supplemental budget adopted per resolution NO. 1379 for additional consulting needs, to include a joint project with the county, the completion of the Beaver St. project and an ODOT grant for the West Y intersection

Emergency Dispatch Fund

This fund accounts for the Emergency Dispatch operation. The operation provides dispatching and records management services for the public safety departments serving the Crook County area, with the exception of the State Police. The primary revenue sources are payments by users for services provided, including a transfer from the City’s police department in the General Fund. The operation is managed by the City’s Police Department.

Revenue collection for the Emergency Dispatch Fund is approximately \$1.71 million or 104 percent of the annual budget. Intergovernmental revenue came in at 107 percent of the annual budget. Fourth quarter Intergovernmental revenue collections came in from the Crook County Sheriff’s Department for dispatching services in the amount of 101,200 and approximately \$122,300 coming in from the State of Oregon for E-911 funds and the second year reimbursement for a two year maintenance agreement.

Expenditures are approximately \$1.59 million or 91 percent of the annual budget. Personnel services are at 88 percent of the annual budget and overtime is at 196 percent of the annual budget due to dispatch being understaffed. During the fourth quarter two dispatchers were hired. Capital outlay expenditures are 100 percent of the annual budget and fourth quarter capital expenditures were largely for the Codon Trunked Radio System.

The Emergency Dispatch Fund increased its fund balance by roughly \$118,300 or 29 percent through the fourth quarter. A budget adjustment was done prior to yearend for infrastructure maintenance and GIS services that are reimbursable through the state.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Intergovernmental	\$ 216,300	\$ 232,125	107%	\$ 865,200	\$ 927,921	107%	\$ 865,200	\$ 864,800	\$ 63,121
Charges for Services	1,000	-	-	4,000	814	20%	4,000	7,500	(6,686)
Interest	750	3,567	476%	3,000	10,630	354%	3,000	10,000	630
Transfers from other funds	192,500	192,500	100%	770,000	770,000	100%	770,000	770,000	(0)
Total revenue	\$ 410,550	\$ 428,192	104%	\$ 1,642,200	\$ 1,709,366	104%	\$ 1,642,200	\$ 1,652,300	\$ 57,066
Expenditures									
Personnel services	275,450	231,160	84%	1,101,800	965,961	88%	1,101,800	1,037,200	71,239
Material & services	70,550	58,548	83%	282,200	252,822	90%	282,200	270,900	18,078
Capital outlay	51,250	169,578	331%	205,000	204,860	100%	205,000	205,000	140
Transfers	41,850	41,850	100%	167,400	167,400	100%	167,400	167,400	-
Contingency							220,159		
Total expenditures	\$ 439,100	\$ 501,136	114%	\$ 1,756,400	\$ 1,591,043	91%	\$ 1,976,559	\$ 1,680,500	\$ 89,457
Revenue over (under) expenditures	(28,550)	(72,944)	-18%	(114,200)	118,323	29%	(334,359)	(28,200)	146,523
Beginning fund balance	334,359	404,256	121%	334,359	404,256	121%	334,359	404,256	
Ending fund balance	\$ 305,809	\$ 331,312	108%	\$ 220,159	\$ 522,579	237%	\$ -	\$ 376,056	\$ 522,579

Notes: A budget adjustment was done per resolution no. 1399 to allow for additional dollars for training, infrastructure maintenance and equipment.

Planning Fund

The Planning Fund accounts for the planning activities of the City. A transfer of funds from General Fund to Planning helps support the short term planning needs of the city. General administrative costs are paid through internal charges to the Internal Services Fund for the following services based upon the cost to the department for using these services; administrative and financial services, risk management, computer and phone services. The costs of these services are at full cost, including replacement cost, thereby providing a more accurate cost of providing services.

Revenue collection through the fourth quarter came in at approximately \$313,000 or 154 percent of the annual budget. Revenue collection through the fourth quarter for licenses and permits is at approximately \$41,000 with roughly \$12,400 coming in the fourth quarter. Prior year collection was at approximately \$47,800 at year end. During the fourth quarter there were roughly 36 building starts that paid some form or SDC's.

Overall expenditures through the fourth quarter came in at approximately \$367,600 or 90 percent of the annual budget. A budget adjustment was done prior to yearend largely due to the DEQ Air Quality and Neighbor Impact expenses which are both reimbursed.

Through the fourth quarter, fund balance decreased roughly \$54,700 or -22 percent. Yearend audit adjustments are still in process and the admin fee for January through June SDC collection still needs to be distributed.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Licenses & Permits	\$ 11,250	\$ 12,449	111%	\$ 45,000	\$ 40,994	91%	\$ 45,000	\$ 40,000	\$ 994
Charges for services	5,500	3,571	65%	22,000	231,447	1052%	22,000	291,800	(60,353)
Intergovernmental	1,275	9,761	766%	5,100	15,053	295%	5,100	15,600	(547)
Interest	375	1,649	440%	1,500	6,071	405%	1,500	5,500	571
Misc. Income	-	-	-	-	19,320	-	-	19,400	(80)
Transfers from other funds	32,500	-	-	130,000	-	-	130,000	-	-
Total revenue	\$ 50,900	\$ 27,429	54%	\$ 203,600	\$ 312,885	154%	\$ 203,600	\$ 372,300	\$ (59,415)
Personnel services	58,375	52,862	91%	233,500	210,960	90%	233,500	212,000	1,040
Material & services	14,550	18,590	128%	58,200	41,914	72%	58,200	52,800	10,886
Transfers	28,675	28,675	100%	114,700	114,700	100%	114,700	114,700	0
Contingency							19,180		-
Total expenditures	\$ 101,600	\$ 100,126	99%	\$ 406,400	\$ 367,574	90%	\$ 425,580	\$ 379,500	\$ 11,926
Revenue over (under) expenditures	(50,700)	(72,697)	-29%	(202,800)	(54,688)	-22%	(221,980)	(7,200)	(47,488)
Beginning fund balance	221,980	248,158	112%	221,980	248,158	112%	221,980	248,158	
Ending fund balance	\$ 171,280	\$ 175,461	102%	\$ 19,180	\$ 193,470	1009%	\$ -	\$ 240,958	\$ 193,470

Note: A budget adjustment was done per resolution no. 1399 to allow for additional dollars for DEQ Air quality and Neighbor Impact expenses which are both reimbursed and phone allowance.

Transportation SDC Fund

This fund accounts for the collection and expenditure of transportation system development charges. The primary revenue source is SDC's. Expenditures are for qualified capital improvement projects and related costs.

Revenue collection through the fourth quarter for the Transportation SDC Fund is at approximately 78 percent of the annual budget. Fourth quarter SDC collection came in at roughly \$135,700 with \$593,100 total collection at yearend which is approximately 148 percent of the annual budget. Intergovernmental revenue collection for the year was from ODOT for the Elm St. Bridge rehabilitation. Local development continued in the fourth quarter positively affecting the SDC funds. There were roughly 32 projects during the fourth quarter paying street SDC's.

Expenditures during the fourth quarter were predominantly capital expenditures associated with the Elm St. Bridge project. Yearend estimates included the start of construction for the Elm Street Bridge project but construction started in July leaving a favorable difference in the actual expenditure versus yearend estimate.

During the second quarter a supplemental budget was adopted adjusting capital outlay for the Elm Street Bridge project and adjusting transfers for administrative fees from SDC collections. Resource adjustments included intergovernmental revenue for dollars for the Elm Street Bridge project and SDC collection from the data centers expansions. SDC collection is higher than anticipated and another supplemental budget was adopted prior to yearend.

Fund balance increased roughly \$456,900 or 48 percent through the fourth quarter. Yearend audit adjustments are still in process and the admin fee for January through June SDC collection still needs to be distributed.

Revenue	Current Quarter		Quarter	Year to Date		Annual	Annual	Year-end	Difference
	Budget	Actual	Budget %	Budget	Actual	Budget %	Budget	Estimate	Favorable/ (Unfavorable)
Intergovernmental	\$ 158,325	\$ 32,101	20%	\$ 633,300	\$ 179,018	28%	\$ 633,300	\$ 633,300	\$ (454,282)
Interest	2,250	9,931	441%	9,000	31,424	349%	9,000	26,000	5,424
Misc. Income	-	-	-	-	9,000	-	-	75,000	(66,000)
System development charges	100,000	135,653	136%	400,000	593,125	148%	400,000	500,000	93,125
Total revenue	\$ 260,575	\$ 177,684	68%	\$ 1,042,300	\$ 812,568	78%	\$ 1,042,300	\$ 1,234,300	\$ (421,732)
Expenditures									
Material & services	2,500	2,977	119%	10,000	9,868	99%	10,000	10,000	132
Capital outlay					-				
Improvements	224,250	146,811	65%	897,000	326,473	36%	897,000	746,800	420,327
Transfers	10,000	-	-	40,000	19,212	48%	40,000	33,000	13,788
Contingency							1,039,610		
Total expenditures	\$ 236,750	\$ 149,788	63%	\$ 947,000	\$ 355,553	38%	\$ 1,986,610	\$ 789,800	\$ 434,247
Revenue over (under) expenditures	23,825	27,897	3%	95,300	457,015	48%	(944,310)	444,500	12,515
Beginning fund balance	944,310	955,586	101%	944,310	955,586	101%	944,310	955,586	
Ending fund balance	\$ 968,135	\$ 983,483	102%	\$ 1,039,610	\$ 1,412,601	136%	\$ -	\$ 1,400,086	\$ 1,412,601

Note: Supplemental budget adopted per resolution NO. 1379 largely to adjust for the Elm St. Bridge project and per resolution No. 1398 due to the collection of SDCs coming in higher than budgeted with the expansion of the data centers.

Water SDC Fund

This fund accounts for the collection and expenditure of water system development charges. The primary revenue source is SDC's. Expenditures are for qualified capital improvement projects and related costs.

Overall revenue through the fourth quarter came in at approximately \$5.71 million or 88 percent of the annual budget. During the fourth quarter, SDC's revenue for the ASR project from Apple is roughly \$1.72 million. Sale of asset revenue for the fourth quarter was associated with the sale of property that was originally used as a well testing site in the industrial park area. Local development continued in the fourth quarter positively affecting the SDC funds. There were roughly 36 projects during the fourth quarter which paid water SDC's.

Capital expenditures during the fourth quarter are largely associated with the aquifer storage and recovery (ASR) project. This is a huge project that will continue into next year and yearend estimates in comparison to actual capital expenditures for this project show a favorable variance due to the timing in how much was completed this year. The ASR project is a method of water storage that uses the natural water storage capabilities of underground aquifers as a cost-effective, scalable and ecologically friendly water storage alternative to traditional storage options, such as above-ground reservoirs and short-term water supply storage tanks. It allows water to be appropriated and injected into the aquifer via wells during periods of cooler temperatures, higher streamflow and lower demands. The stored water can later be recovered and used during periods of hotter temperatures and higher demands, thereby reducing stress on native water sources. In addition, it also provides for a readily available source of stored water for use in the event of drought or supply interruption.

Fund balance increased roughly \$528,400 or 35% through the fourth quarter. Yearend audit adjustments are still in process and the admin fee for January through June SDC collection still needs to be distributed.

Revenue	Current Quarter		Quarter	Year to Date		Annual	Annual	Year-end	Difference
	Budget	Actual	Budget %	Budget	Actual	Budget %	Budget	Estimate	Favorable/ (Unfavorable)
Interest	\$ 2,500	\$ 13,299	532%	\$ 10,000	\$ 60,644	606%	\$ 10,000	\$ 50,000	\$ 10,644
Charges for services	131,575	-	-	526,300	526,305	100%	526,300	526,300	5
System development charges	1,480,500	1,801,846	122%	5,922,000	4,985,181	84%	5,922,000	5,922,000	(936,819)
Sale of Assets	-	139,710	-	-	139,710	-	-	-	139,710
Total revenue	\$ 1,614,575	\$ 1,954,855	121%	\$ 6,458,300	\$ 5,711,840	88%	\$ 6,458,300	\$ 6,498,300	\$ (786,460)
Expenditures									
Capital outlay									
Improvements	1,463,000	1,642,525	112%	5,852,000	4,902,282	84%	5,852,000	5,391,000	488,718
Transfers	105,025	-	-	420,100	281,131	67%	420,100	420,100	138,969
Contingency							2,358,391		
Total expenditures	\$ 1,568,025	\$ 1,642,525	105%	\$ 6,272,100	\$ 5,183,413	83%	\$ 8,630,491	\$ 5,811,100	\$ 627,687
Revenue over (under) expenditures	46,550	312,330	21%	186,200	528,427	35%	(2,172,191)	687,200	(158,773)
Beginning fund balance	2,172,191	1,499,223	69%	2,172,191	1,499,223	69%	2,172,191	1,499,223	
Ending fund balance	\$ 2,218,741	\$ 1,811,553	82%	\$ 2,358,391	\$ 2,027,650	86%	\$ -	\$ 2,186,423	\$ 2,027,650

Note: Supplemental budget adopted per resolution NO. 1379 to adjust capital outlay to include data center expansions, adjust transfers to include admin. fees.

June 30th, 2019

Wastewater SDC Fund

This fund accounts for the collection and expenditure of wastewater system development charges. The primary revenue source is SDC's. Expenditures are for qualified capital improvement projects and related costs.

Overall revenue collected through the fourth quarter came in at approximately \$8.14 million with a majority coming from SDC's collected during the first quarter. Fourth quarter revenue collection was largely from SDC's. Local development continues to positively affecting the SDC funds. There were roughly 33 projects during the fourth quarter which paid water SDC's.

Fourth quarter expenditures for materials and services were associated with survey work done for the 10th and Main street intersection improvement project that includes a sewer line. Fourth quarter capital improvements were largely for costs associated with the aeration project for plant two (pictured below). The public works crew is doing the work themselves saving a significant amount of money for the project. This is a project that increases energy efficiency and once it is done, it will qualify for a partial reimbursement through the Energy Trust of Oregon program.



A supplemental budget was adopted during the second quarter adjusting capital outlay for the data center expansion and plant two's aeration project and transfers to include administrative fees. Resource adjustments included SDC revenue collection and charges for services from the data center expansions. Projects came to a close quicker than anticipated and SDC collection is coming in higher than originally expected. Another supplemental budget was adopted for capital outlay and transfers prior to yearend.

Fund balance has increased roughly \$972,800 or 43 percent through the fourth quarter. Yearend audit adjustments are still in process and the admin fee for January through June SDC collection still needs to be distributed.

Wastewater SDC Fund - Continued

Revenue	Current Quarter		Quarter	Year to Date		Annual	Annual	Year-end	Difference
	Budget	Actual	Budget %	Budget	Actual	Budget %	Budget	Estimate	Favorable/ (Unfavorable)
Charges for services	\$ 131,575	\$ -	-	\$ 526,300	\$ 526,305	100%	\$ 526,300	\$ 526,300	5
Interest	5,000	21,102	422%	20,000	75,115	376%	20,000	70,000	5,115
System development charges	1,884,375	98,805	5%	7,537,500	7,538,273	100%	7,537,500	7,600,000	(61,727)
Total revenue	\$ 2,020,950	\$ 119,907	6%	\$ 8,083,800	\$ 8,139,693	101%	\$ 8,083,800	\$ 8,196,300	\$ (56,607)
Expenditures									
Material & services	2,500	2,996	120%	10,000	9,755	98%	10,000	10,000	245
Capital outlay									
Improvements	1,215,975	161,405	13%	4,863,900	4,738,301	97%	4,863,900	4,863,900	125,599
Transfers	620,000	-	-	2,480,000	2,418,884	98%	2,480,000	2,469,400	50,516
Contingency							3,429,704		
Total expenditures	\$ 1,838,475	\$ 164,401	9%	\$ 7,353,900	\$ 7,166,941	97%	\$ 10,783,604	\$ 7,343,300	\$ 176,359
Revenue over (under) expenditures	182,475	(44,494)	-2%	729,900	972,753	43%	(2,699,804)	853,000	119,753
Beginning fund balance	2,699,804	2,237,992	83%	2,699,804	2,237,992	83%	2,699,804	2,237,992	
Ending fund balance	\$ 2,882,279	\$ 2,193,498	76%	\$ 3,429,704	\$ 3,210,745	94%	\$ -	\$ 3,090,992	\$ 3,210,745

Note: Supplemental budget adopted per resolution NO. 1379 and resolution NO. 1398 to adjust capital outlay to include data center expansions and plant two aeration project and adjust transfers to include admin. fees.



PERS/ POB Fund

This fund accounts for the issuance of pension obligation debt to fund the City’s existing unfunded actuarial liability (UAL) and associated debt repayment. The principal source of revenue is charges to other funds with salaries subject to PERS via a surcharge. A transfer from the General Fund is included to pre-fund a portion of debt service costs. Expenditures are for payments to PERS for the UAL and for debt service requirements.

Overall revenues through the fourth quarter are at roughly 80 percent of the annual budget. During the fourth quarter the city started receiving a rate credit from the side account that was created during the previous quarter.

Fourth quarter expenditures are associated with the annual debt service payment that is due in June.

Ending fund balance through the third quarter decreased approximately \$269,100 or -31 percent.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Interest	\$ 2,500	\$ 3,990	160%	\$ 10,000	\$ 21,931	219%	\$ 10,000	20,000	1,931
Charges for Services	-	101,380	-	-	474,922	-	-	602,600	(127,678)
Transfer from other funds	250,650	100,000	40%	1,002,600	300,000	30%	1,002,600	200,000	100,000
Miscellaneous Revenue	-	11,045	-	-	11,045	-	-	-	11,045
Total revenue	\$ 253,150	\$ 216,415	85%	\$ 1,012,600	\$ 807,898	80%	\$ 1,012,600	\$ 822,600	\$ (14,702)
Expenditures									
Personnel Services	200,000	-	-	800,000	800,000	100%	800,000	800,000	-
Materials and Services	500	-	-	2,000	1,000	50%	2,000	1,000	-
Debt service									
Principal - POB 2013	45,525	181,648	399%	182,100	181,648	100%	182,100	182,100	452
Interest - POB 2013	23,525	47,156	200%	94,100	94,312	100%	94,100	94,100	(212)
Contingency							798,403		
Total expenditures	\$ 269,550	\$ 228,804	85%	\$ 1,078,200	\$ 1,076,960	100%	\$ 1,876,603	\$ 1,077,200	\$ 240
Revenue over (under) expenditures	(16,400)	(228,804)	-27%	(65,600)	(269,062)	-31%	(864,003)	(254,600)	(14,462)
Beginning fund balance	864,003	863,291	100%	864,003	863,291	100%	864,003	863,291	
Ending fund balance	\$ 847,603	\$ 634,487	75%	\$ 798,403	\$ 594,229	74%	\$ -	\$ 608,691	\$ 594,229

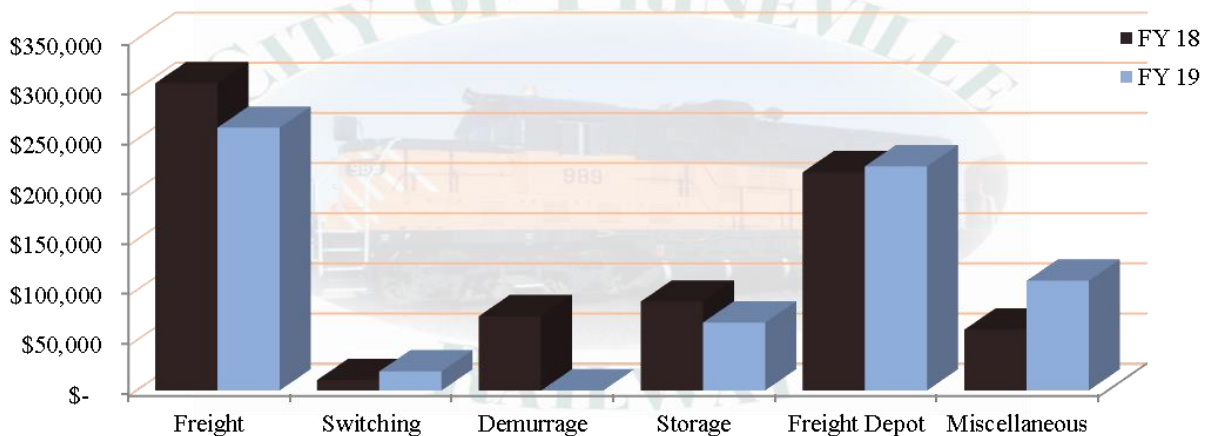
Note: Supplemental budget adopted per resolution NO. 1379 to allow for a lump sum payment to PERS.

Railroad Fund

This fund accounts for the activities of the City’s railroad operation and for the City’s freight depot operation. Starting in FY 14 the Railroad and Freight Depot Funds were consolidated. Primary revenue sources are payments for the use of railroad and freight depot facilities and related services. Expenditures are for the railroad and freight depot operations, including repair, debt service and capital improvements. Additionally, transfers to other City operations are budgeted.

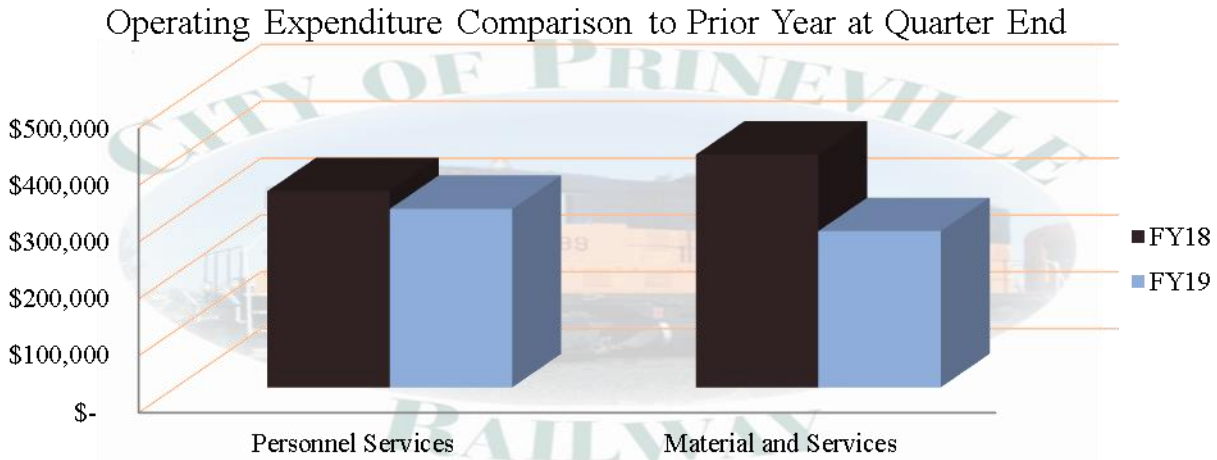
Overall revenue collection through the fourth quarter is at roughly \$754,000 or 75 percent of the annual budget. Charges for services for the railroad are at approximately \$315,500 or 63 percent of the annual budget and freight depot charges for services are approximately \$223,400 or 82 percent of annual budget. Overall revenue comparisons to prior year through the fourth quarter are down roughly \$76,200. Demurrage collections were roughly \$74,000 during the prior year, where this year there has not been any demurrage collected. During the fourth quarter there was only one Les Schwab railcar compared to 43 during the prior year fourth quarter. Management is finding ways to diversify commodity’s to back fill the Les Schwab gap. McCall Oil is utilizing the rail line and is one of the companies that are helping fill the gap. During the fourth quarter there were 60 McCall Oil cars that came into Prineville. Below is a breakdown of the funds major revenue sources compared to prior year collection at third quarter end.

Operating Revenue Comparison to Prior Year at Quarter End



Overall expenditures through the fourth quarter are at approximately \$690,400 or 74 percent of the annual budget. Personnel services are at roughly \$314,000 or 98 percent of the annual budget at yearend. Materials and services comparisons are down -33 percent in comparison to the prior year largely due to car traffic being released in a timely fashion minimizing car hire charges, which are accounted for in the Maintenance of Transportation department.

Railroad Fund- Continued



Through the fourth quarter the ending fund balance is at approximately \$1.1 million, an increase of roughly \$63,600 or 6 percent. The increase in fund balance can largely be attributed to an insurance check that was roughly \$95,600 that was received during the third quarter for gate damages.

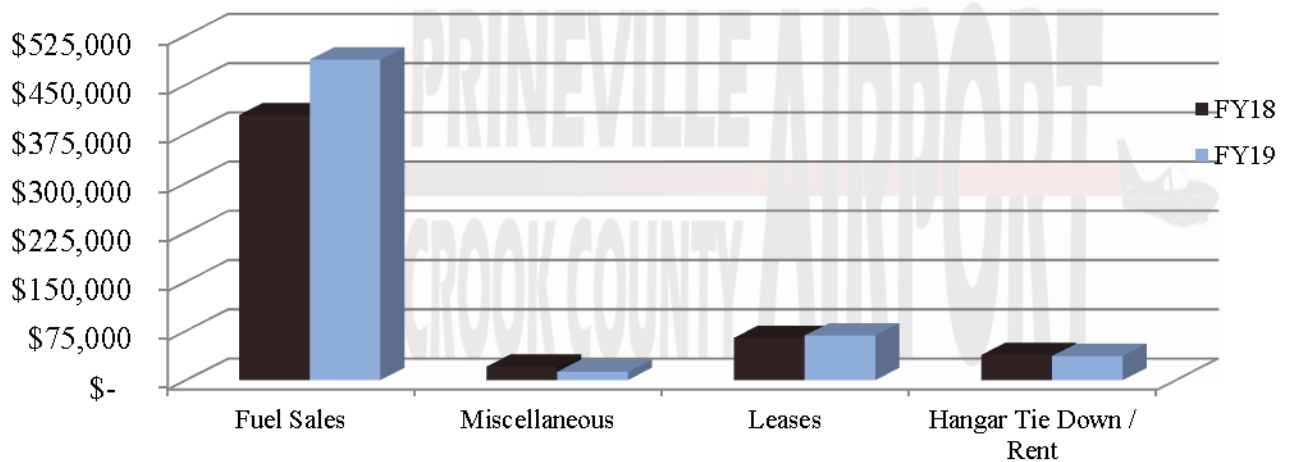
Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Charges for services									
Railroad	\$ 125,375	\$ 81,291	65%	\$ 501,500	315,450	63%	\$ 501,500	\$ 285,500	\$ 29,950
Freight Depot	68,000	58,970	87%	272,000	223,408	82%	272,000	225,000	(1,592)
Use of money & property	36,400	22,050	61%	145,600	105,722	73%	145,600	156,600	(50,878)
Miscellaneous	21,250	472	2%	85,000	109,462	129%	85,000	155,000	(45,538)
Total revenue	\$ 251,025	\$ 162,782	65%	\$ 1,004,100	\$ 754,042	75%	\$ 1,004,100	\$ 822,100	\$ (68,058)
Expenditures									
Personnel services	80,075	81,815	102%	320,300	313,956	98%	320,300	306,600	(7,356)
Material and services	76,800	57,048	74%	307,200	274,872	89%	307,200	291,400	16,528
Capital outlay									
Improvements	57,750	16,743	29%	231,000	21,573	9%	231,000	35,000	13,427
Transfers	20,000	20,000	100%	80,000	80,000	100%	80,000	80,000	(0)
Contingency							1,160,021		
Total expenditures	\$ 234,625	\$ 175,606	75%	\$ 938,500	\$ 690,401	74%	\$ 2,098,521	\$ 713,000	\$ 22,599
Revenue over (under) expenditures	16,400	(12,823)	-1%	65,600	63,641	6%	(1,094,421)	109,100	(45,459)
Beginning fund balance	1,094,421	1,036,693	95%	1,094,421	1,036,693	95%	1,094,421	1,036,693	
Ending fund balance	\$ 1,110,821	\$ 1,023,870	92%	\$ 1,160,021	\$ 1,100,334	95%	\$ -	\$ 1,145,793	\$ 1,100,334

Airport Fund

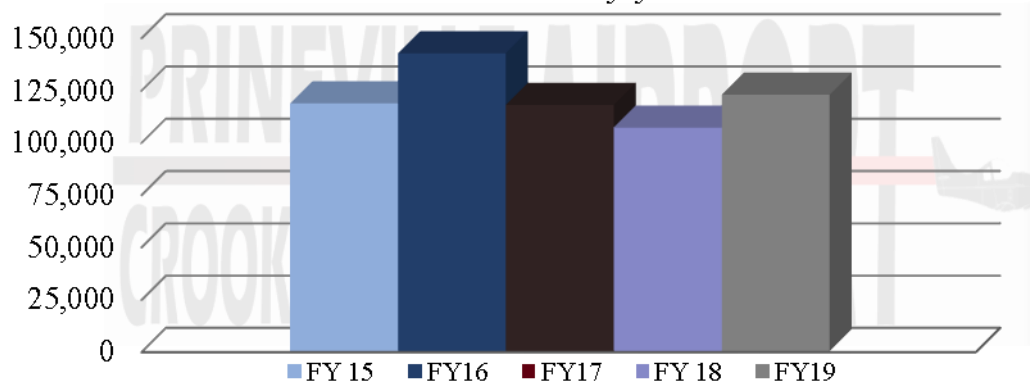
This fund accounts for the activities of the airport. The airport’s main source of operating revenue is through charges for services that revolve around fuel sales and hangar leases. Expenditures are for general operations of the airport including cost of goods sold, maintenance and capital improvements.

Overall revenues through the fourth quarter are at roughly \$2.21 million or 24 percent of the annual budget. Intergovernmental revenue collected during the fourth quarter was at approximately \$784,800 and is all for the airbase project from Connect Oregon. Charges for services through the fourth quarter are approximately 78% percent of the quarter budget or \$605,600 and are up over the prior year roughly 15 percent. Fuel sales are up by roughly 21 percent over the prior year with total gallons sold up approximately 15 percent over the previous year. In April, Erickson Air Crane utilized the airport for their spring training resulting in significant fuel sales during their time there. Below is a comparison to prior year for the revenue sources that make up charges for services at quarter end.

Charges for Services Comparison to Prior Year Quarter End



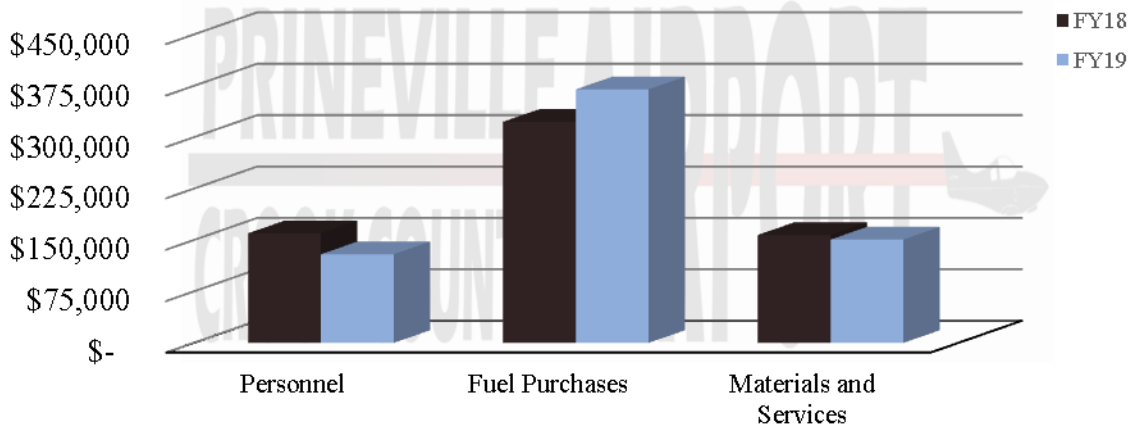
Gallons sold by year



Airport Fund – Continued

Fourth quarter expenditures came in at approximately \$2.12 million or 23 percent of the annual budget. Capital expenditures during the fourth quarter are all associated with the Airbase project which is partially reimbursed through a Connect Oregon grant. This project is a joint project with the City and the County and has been awarded several different grants between the two of them. It is a multi-year project and the city’s portion is coming to completion quicker than originally anticipated. Overall FY19 operating expenses are roughly 2 percent more than the previous fiscal year. Below is a comparison of operating expenditures to the prior year at quarter end.

Operating Expenditure Comparison to Prior Year Quarter End



Overall unaudited fund balance is up approximately \$87,200 at year end. Fuel inventory at quarter end is roughly \$37,900 with yearend audit adjustments still in process.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Intergovernmental	\$ 2,093,750	\$ 784,780	37%	\$ 8,375,000	1,549,791	19%	\$ 8,375,000	\$ 1,119,100	\$ 430,691
Charges for services	194,500	213,092	110%	778,000	605,605	78%	778,000	568,500	37,105
Other revenues	25	189	756%	100	189	189%	100	-	189
Transfers	12,500	50,000	400%	50,000	50,000	100%	50,000	50,000	-
Total revenue	\$ 2,300,775	\$ 1,048,061	46%	\$ 9,203,100	\$ 2,205,585	24%	\$ 9,203,100	\$ 1,737,600	\$ 467,985
Expenditures									
Personnel Service	38,500	30,575	79%	154,000	129,359	84%	154,000	130,100	741
Materials and Services	181,050	178,717	99%	724,200	520,888	72%	724,200	502,700	(18,188)
Capital outlay	2,046,250	450,759	22%	8,185,000	1,375,273	17%	8,185,000	1,037,200	(338,073)
Debt Service	6,250	-	-	25,000	25,000	100%	25,000	25,000	-
Transfers	18,075	18,075	100%	72,300	72,300	100%	72,300	72,300	-
Contingency							48,088		-
Total expenditures	\$ 2,290,125	\$ 678,126	30%	\$ 9,160,500	\$ 2,122,820	23%	\$ 9,208,588	\$ 1,767,300	\$ (355,520)
Revenue over (under) expenditures	10,650	369,935	862%	42,600	82,765	193%	(5,488)	(29,700)	112,465
Beginning fund balance	5,488	42,915	782%	5,488	42,915	782%	5,488	42,915	
Ending fund balance	\$ 16,138	\$ 412,850	2558%	\$ 48,088	\$ 125,680	261%	\$ -	\$ 13,215	\$ 125,680

Water Fund

This fund accounts for the activities of the City’s water utility. The primary source of revenue is water sales and expenditures are for the operation of the system including repair and maintenance of infrastructure.

Overall revenue collection through the fourth quarter came in at approximately \$2.98 million or 92 percent of the annual budget. Revenue associated with charges for services came in at roughly \$539,000 or 70 percent of quarter budget which is largely made up of water sales. Early spring was very wet and overall spring temperatures were slightly cooler than average during the fourth quarter allowing customers to wait a bit longer before needing to irrigate.

Fourth quarter expenditures are at roughly 119 percent of the quarter budget. Capital improvements during the fourth quarter were at approximately \$396,400. Capital improvements that took place during the quarter were largely associated with the completion of the new Yancey well and the Airport Industrial Park Utility Extension project. A budget adjustment was done prior to yearend in materials and services largely due to the Yancey well caving and a cavern developing during the third quarter and for franchise fees that were accidentally left out of the budget adjustment in the prior year.

Overall, the fund balance through the fourth quarter decreased by roughly \$665,000 or -46 percent.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Charges for services	\$ 772,500	\$ 539,034	70%	\$ 3,090,000	\$ 2,831,201	92%	\$ 3,090,000	\$ 2,680,100	\$ 151,101
Interest	2,250	2,392	106%	9,000	18,048	201%	9,000	20,000	(1,952)
Miscellaneous	1,375	3,927	286%	5,500	3,927	71%	5,500	5,500	(1,573)
Transfers	31,000	-	-	124,000	124,000	100%	124,000	124,000	-
Total revenue	\$ 807,125	\$ 545,354	68%	\$ 3,228,500	\$ 2,977,176	92%	\$ 3,228,500	\$ 2,829,600	\$ 147,576
Expenditures									
Materials and services	140,650	140,114	100%	562,600	508,437	90%	562,600	562,600	54,163
Franchise fee expense	63,250	155,500	246%	160,750	253,000	157%	253,000	253,000	0
Capital outlay									
Improvements	388,825	396,378	102%	1,555,300	1,434,568	92%	1,555,300	1,430,000	(4,568)
Debt service									
Principal									
Water refunding bond 2017	25,500	101,990	400%	102,000	101,990	100%	102,000	102,000	10
Interest									
Water refunding bond 2017	21,575	30,317	141%	86,300	86,237	100%	86,300	86,300	63
Transfers	314,475	314,475	100%	1,257,900	1,257,900	100%	1,257,900	1,257,900	(0)
Contingency							476,661		
Total expenditures	\$ 954,275	\$ 1,138,774	119%	\$ 3,724,850	\$ 3,642,132	98%	\$ 4,293,761	\$ 3,691,800	\$ 49,668
Revenue over (under) expenditures	(147,150)	(593,420)	-41%	(496,350)	(664,955)	-46%	(1,065,261)	(862,200)	197,245
Beginning fund balance	1,065,261	1,447,470	136%	1,065,261	1,447,470	136%	1,065,261	1,447,470	
Ending fund balance	\$ 918,111	\$ 854,050	93%	\$ 568,911	\$ 782,515	138%	\$ -	\$ 585,270	\$ 782,515

Note: A budget adjustment was done per resolution NO. 1399 to allow for additional materials and services.

Wastewater Fund

This fund accounts for the activities of the City’s wastewater and treatment facilities. The primary source of revenue is sewer service fees. Expenditures are for the operation of the wastewater system including repair and maintenance of infrastructure and debt service related to infrastructure costs.

Overall revenue collection through the fourth quarter came in at approximately \$5.84 million or 158 percent of the annual budget. Revenue collection for charges for services through the fourth quarter is roughly \$3.47 million or 98 percent of the annual budget. SDC reimbursement fee revenue through the fourth quarter is associated with the SDC collection from July through December 2018. SDC reimbursement fees for the second half of the year are done with the yearend audit adjustments and are still in process.

Expenditures are at roughly 86 percent of the annual budget through the fourth quarter with the 2017 refunding debt service payments coming out in the fourth quarter. Capital improvements during the fourth quarter were for the 5th Street sewer line replacement project. Pump work that was anticipated to get completed by yearend and was included in the yearend estimates was put on hold due to the pumps not coming in on time. A budget adjustment was done prior to yearend in personnel services to allow for an adjustment in accrued absences, and in materials and services for extra consulting needs and irrigation water rights.

Fund balance has increase at yearend by roughly \$2.11 million or 122 percent largely due to the SDC reimbursement fees that were transferred in the third quarter for the SDC collection from July to December.



The Crooked River Wetland Complex (pictured above) is part of the City’s wastewater system and accounted for in the Wastewater Fund.

Wastewater Fund - Continued

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Charges for services	\$ 883,750	\$ 869,341	98%	\$ 3,535,000	\$ 3,471,756	98%	\$ 3,535,000	\$ 3,555,000	\$ (83,244)
Interest	3,750	23,934	638%	15,000	101,671	678%	15,000	100,000	1,671
Miscellaneous	23,300	947	4%	93,200	219,481	235%	93,200	233,800	(14,319)
SDCs - reimbursement fees	14,700	-	-	58,800	2,049,250	3485%	58,800	2,089,400	(40,150)
Total revenue	\$ 925,500	\$ 894,222	97%	\$ 3,702,000	\$ 5,842,158	158%	\$ 3,702,000	\$ 5,978,200	\$ (136,042)
Expenditures									
Personnel services	32,550	37,281	115%	130,200	127,070	98%	130,200	132,000	4,930
Materials and services	178,850	251,864	141%	715,400	713,805	100%	715,400	715,400	1,595
Franchise fee Expense	44,250	44,250	100%	177,000	177,000	100%	177,000	177,000	-
Capital outlay									
Improvements	269,125	224,073	83%	1,076,500	284,393	26%	1,076,500	350,900	66,507
Debt service									
Principal									
State of Oregon IFA	7,825	-	-	31,300	19,772	63%	31,300	31,300	11,528
USDA - 2015	14,050	-	-	56,200	56,160	100%	56,200	56,200	40
DEQ CWSRF R74682/2	115,400	-	-	461,600	461,574	100%	461,600	461,600	26
Refunding 20117	29,775	119,010	400%	119,100	119,010	100%	119,100	119,100	90
Interest									
State of Oregon IFA	2,500	-	-	10,000	14,283	143%	10,000	14,300	17
USDA - 2015	27,500	-	-	110,000	110,000	100%	110,000	110,000	-
DEQ CWSRF R74682/2	31,425	-	-	125,700	125,646	100%	125,700	125,700	54
Refunding 2017 / interest	25,175	35,377	141%	100,700	100,629	100%	100,700	100,700	71
Fees									
DEQ CWSRF R74682/1 & 2	5,500	-	-	22,000	21,941	100%	22,000	22,000	59
Transfers	350,000	350,000	100%	1,400,000	1,400,000	100%	1,400,000	1,400,000	0
Contingency							607,357		
Total expenditures	\$ 1,133,925	\$ 1,061,856	94%	\$ 4,535,700	\$ 3,731,283	82%	\$ 5,143,057	\$ 3,816,200	\$ 84,917
Revenue over (under) expenditures	(208,425)	(167,634)	-10%	(833,700)	2,110,874	122%	(1,441,057)	2,162,000	(51,126)
Other resources/(requirements)									
Debt service reserve	470,200	-	-	470,200	-	-	470,200	-	
Beginning fund balance	1,911,257	1,732,001	91%	1,911,257	1,732,001	91%	1,911,257	1,732,001	
Ending fund balance	\$ 1,702,832	\$ 1,564,367	92%	\$ 1,077,557	\$ 3,842,875	357%	\$ -	\$ 3,894,001	\$ 3,842,875

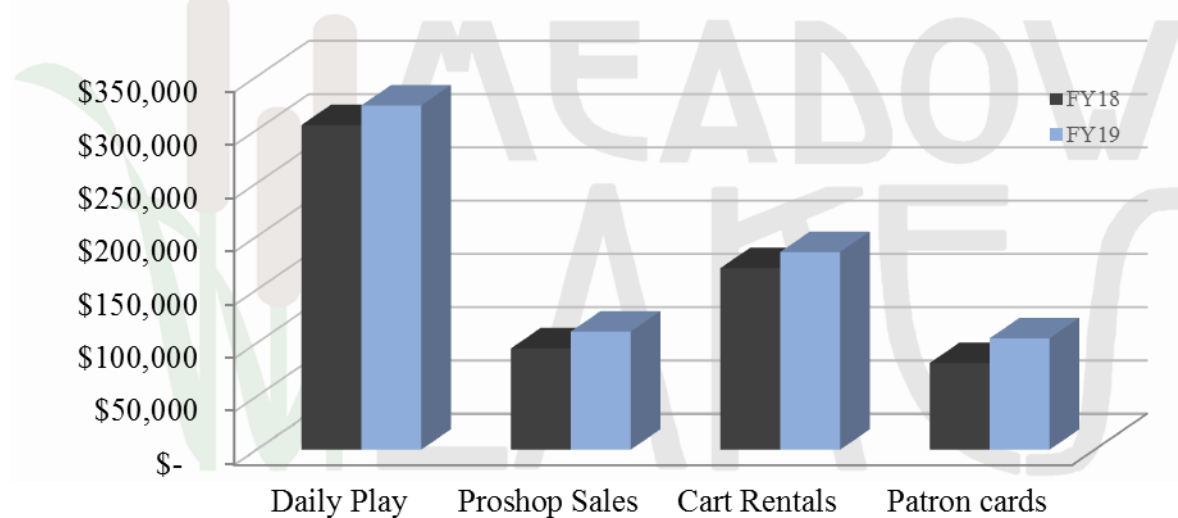
Note: A budget adjustment was done per resolution NO. 1399 to allow for additional dollars in personnel services and materials and services.

Golf Course and Restaurant Fund

This fund accounts for the activities of Meadow Lakes Golf Course and Restaurant. Revenue is generated through user fees, restaurant sales and lease revenue (starting February 2019), and an operating payment from the City’s Wastewater Fund for treatment.

Overall Revenue collection at yearend is at approximately 89 percent of the annual budget or \$1.42 million. Fourth quarter revenue collection for the golf course is at roughly 159 percent of the quarter budget. This made up for the third quarter slowdown from the large snow storm that closed the course for 24 days in February and 18 days in March. Golf revenue is at roughly \$783,800 or 102 percent of the annual budget at yearend, which is up over the prior year by approximately \$81,600 or 12 percent. The restaurant was leased in February 2019 so charge for service revenues only go through January 31st and then starting in February lease revenue is being collected monthly. Below is a comparison to the prior year of the significant operating revenue sources for golf which shows all categories are up over the prior year.

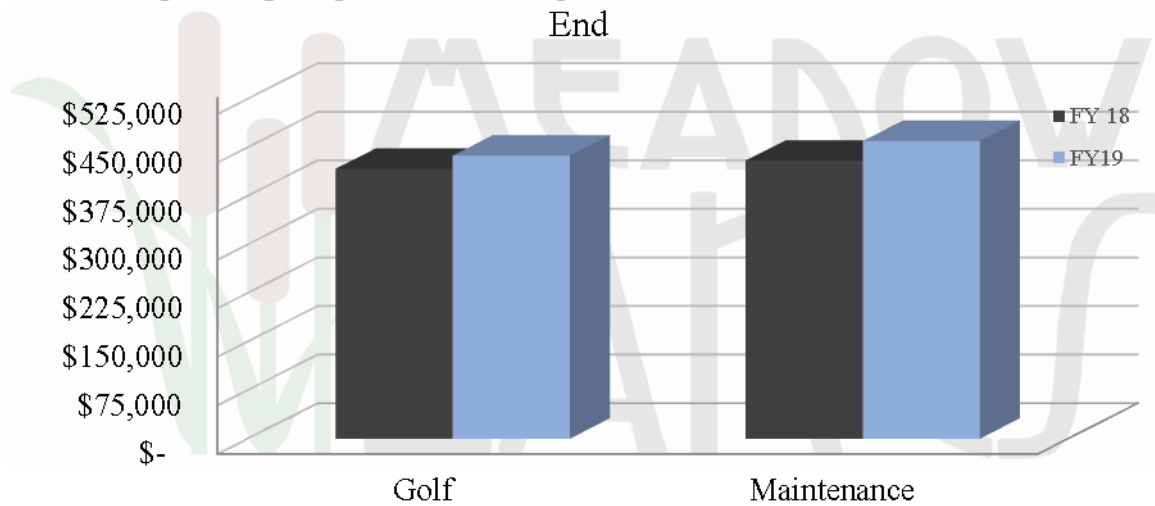
Golf Revenue Comparison to Prior Year at Quarter End



Overall expenditures through the fourth quarter came in at roughly \$1.36 million or 86 percent of the annual budget. Overall expenditures for the golf course are roughly \$467,100 or 95 percent at yearend. Overall expenditures for maintenance at yearend are roughly \$460,000 or 97 percent of the annual budget. A budget adjustment was done prior to yearend to cover costs in the pro shop related to merchandise needs, in personnel for lesson sales coming in higher than anticipated and in maintenance to cover costs associated with equipment repair and personnel expense. Restaurant operating expenses stop as of January 31st but lease contract specific expenditures continue. On the next page is a comparison of operating expenditures to the prior year at quarter end by department.

Golf Course and Restaurant Fund – Continued

Operating Expenditure Comparison to Prior Year at Quarter End



Fund balance increased roughly \$56,000 or 13 percent through the fourth quarter.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Charges for services									
Golf Course	\$ 191,375	\$ 304,128	159%	\$ 765,500	\$ 783,805	102%	\$ 765,500	\$ 739,500	\$ 44,305
Waste disposal	92,500	92,500	100%	370,000	370,000	100%	370,000	370,000	(0)
Restaurant	110,250	6,144	6%	441,000	245,549	56%	441,000	236,700	8,849
Other	1,250	1,308	105%	5,000	4,534	91%	5,000	4,500	34
Interest	875	3,553	406%	3,500	12,075	345%	3,500	11,000	1,075
Miscellaneous	625	1,512	242%	2,500	4,379	175%	2,500	13,200	(8,821)
Total revenue	\$ 396,875	\$ 409,145	103%	\$ 1,587,500	\$ 1,420,342	89%	\$ 1,587,500	\$ 1,374,900	\$ 45,442
Expenditures									
Golf Course	122,500	104,726	85%	490,000	467,082	95%	490,000	446,300	(20,782)
Waste disposal	118,750	124,231	105%	475,000	459,997	97%	475,000	443,900	(16,097)
Restaurant	136,375	15,020	11%	545,500	354,499	65%	545,500	344,900	(9,599)
Debt service									
Principal - note payable	6,300	6,360	101%	25,200	25,200	100%	25,200	25,200	0
Interest - note payable	675	598	89%	2,700	2,634	98%	2,700	2,700	67
Principal - 2011 bond	10,000	40,000	400%	40,000	40,000	100%	40,000	40,000	-
Interest - 2011 bond	3,750	5,259	140%	15,000	14,961	100%	15,000	15,000	39
Contingency							410,831		
Total expenditures	\$ 398,350	\$ 296,195	74%	\$ 1,593,400	\$ 1,364,373	86%	\$ 2,004,231	\$ 1,318,000	\$ (46,373)
Revenue over (under) expenditures	(1,475)	112,951	26%	(5,900)	55,969	13%	(416,731)	56,900	(931)
Beginning fund balance	416,731	426,395	102%	416,731	426,395	102%	416,731	426,395	
Ending fund balance	\$ 415,256	\$ 539,346	130%	\$ 410,831	\$ 482,364	117%	\$ -	\$ 483,295	\$ 482,364

Note: A budget adjustment was done per resolution NO. 1399 to cover costs in the pro shop related to merchandise needs, in personnel for lesson sales coming in higher than anticipated and in maintenance to cover costs associated with equipment repair and personnel expense.

Administration and Financial Support Services Fund

This fund accounts for the activities of the City Manager’s office, human resources, recorder, finance, Council directed contributions, and information technology services. The primary source of revenue is charges to other funds for services.

Overall revenue collection through the fourth quarter came in at approximately \$2.62 million or 97 percent of the annual budget. During the fourth quarter the IT department received approximately \$96,000 in reimbursements for 911 user equipment. Yearend adjustments are still in process. The SDC admin fee for the second half of the fiscal year is in process of being reconciled and calculated.

Overall expenditures for the yearend are at roughly 91 percent of the annual budget or \$2.90 million. During the fourth quarter there were roughly \$78,100 in 911 equipment expenditures in the IT department for the new jail and approximately \$68,000 for the Codon Trunked Radio System. A supplemental budget was adopted during the second quarter to adjust expenditures in Administration / team services to include a Bio Mass Feasibility Study, a temporary part time records management position, and an increase in attorney fees for unanticipated costs associated with the transition of the new attorney. The supplemental budget adjusted financial services in transfers to include additional dollars to the PERS fund for a lump sum deposit to PERS and associated fees, materials and services for additional dollars for audit expenses and fund additional dollars for accrued liabilities in personal services. It also adjusts IT to include the acquisition of time management software and the 911 user technology at the Crook County Jail. Another supplemental was adopted prior to yearend in IT for needed 911 equipment and software maintenance agreements.

Fund balance decreased approximately \$275,000 or -57 percent through the fourth quarter.

Revenue	Current Quarter		Quarter	Year to Date		Annual	Annual	Year-end	Difference
	Budget	Actual	Budget %	Budget	Actual	Budget %	Budget	Estimate	Favorable/ (Unfavorable)
Charges for services	\$ 701,250	\$ 620,118	88%	\$ 2,700,000	\$ 2,608,977	97%	\$ 2,805,000	\$ 2,727,100	\$ (118,123)
Interest	1,250	3,071	246%	5,000	12,595	252%	5,000	10,000	2,595
Total revenue	\$ 702,500	\$ 623,189	89%	\$ 2,705,000	\$ 2,621,572	97%	\$ 2,810,000	\$ 2,737,100	\$ (115,528)
Expenditures									
City Council	22,050	16,378	74%	88,200	75,806	86%	88,200	87,000	11,194
Administration/team services	214,775	173,414	81%	859,100	800,391	93%	859,100	798,800	(1,591)
Financial services	322,350	245,446	76%	1,289,400	1,087,593	84%	1,289,400	1,082,000	(5,593)
Information technology	233,275	328,488	141%	933,100	932,626	100%	933,100	798,100	(134,526)
Contingency							140,055		
Total expenditures	\$ 792,450	\$ 763,726	96%	\$ 3,169,800	\$ 2,896,415	91%	\$ 3,309,855	\$ 2,765,900	\$ (130,515)
Revenue over (under) expenditures	(89,950)	(140,537)	-29%	(464,800)	(274,844)	-57%	(499,855)	(28,800)	(246,044)
Beginning fund balance	499,855	481,714	96%	499,855	481,714	96%	499,855	481,714	
Ending fund balance	\$ 409,905	\$ 341,177	83%	\$ 35,055	\$ 206,870	590%	\$ -	\$ 452,914	\$ 206,870

Note: Supplemental budget adopted per resolution NO. 1379 and resolution NO. 1398 to adjust Administration/team services in materials and services, to increase Financial services transfers to include additional dollars to the POB/PERS fund and additional dollars for audit expense and accrued liabilities in personnel services. IT was adjusted to include the acquisition of time management software and technology for the 911 user agency's.

June 30th, 2019

Building Facilities Fund

This fund accounts for the operating costs of the city hall facility and related debt service, police facility, public works facility, Barnes Butte Complex and the community development block grant (CDBG) for the senior center. Revenue is received through rental charges to user departments, grants and activities.

Overall revenues through the fourth quarter are at approximately \$5.37 million or 99 percent of the annual budget. During the fourth quarter, intergovernmental revenues were received in the amount of roughly \$59,000 for the community development block grant for the senior center and \$50,000 was from Parks and Recreation for the community wide master plan.

Overall expenditures at yearend are roughly \$2.49 million or 48 percent of the annual budget. During the fourth quarter, a new police facility building was purchased and design work for the remodel is set to begin. In the CDBG – Senior Center department, fourth quarter expenditures are all associated with the administration of the grant and the beginning stages of the senior centers rehabilitation. During the fourth quarter the City went out to bid for the construction of the senior center remodel but only received one bid that was significantly higher than the grant amount. The City is in process of requesting a second CDBG to get the project completed. A supplemental budget was done prior to yearend for the CDBG. The public works facilities department is at roughly 79 percent of the annual budget with expenses for roof repairs coming in at \$6,500 during the fourth quarter. The Barnes Butte property is part of the community wide master plan that is currently in process to be developed in collaboration with Parks and Recreation. During the fourth quarter, expenses for this project started to come in. Between the City and Parks and Rec., two grants have been awarded totaling roughly \$130,000 to help fund the community wide master plan.

A supplemental budget was adopted during the second quarter to adjust expenditures in the Police Facility department for the acquisition and or improvements to a public safety building, to budget for the debt serve payment and the debt service reserve, this increases the contingency for this year. The supplemental budget also included in the Barnes Butte property the expenditure of the State Parks grant. A second supplemental budget was adopted prior to yearend to allow for unanticipated roof repairs in the Public Works Facility department and for the CDBG – SR. Center project.

Fund balance increased roughly \$2.88 million at yearend.

Building Facilities Fund - Continued



The new Police Facility building (pictured above) that was purchased during the fourth quarter.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Rent	\$ 51,225	\$ 51,225	100%	\$ 204,900	\$ 204,900	100%	\$ 204,900	\$ 204,900	\$ -
Interest	625	23,497	3760%	2,500	73,512	2940%	2,500	70,000	3,512
Misc. Income	1,625	3,107	191%	6,500	14,264	219%	6,500	13,000	1,264
Debt Proceeds	1,000,000	-	-	4,000,000	4,000,000	100%	4,000,000	4,000,000	-
Intergovernmental	71,250	109,044	153%	285,000	185,898	65%	285,000	292,300	(106,402)
Transfers	232,575	421,525	181%	930,300	890,500	96%	930,300	890,500	0
Total revenue	\$ 1,357,300	\$ 608,399	45%	\$ 5,429,200	\$ 5,369,074	99%	\$ 5,429,200	\$ 5,470,700	\$ (101,626)
Expenditures									
City Hall Facilities	53,475	100,497	188%	213,900	171,994	80%	213,900	203,100	31,106
Police Facilities	1,102,225	1,867,497	169%	4,408,900	2,063,485	47%	4,408,900	2,254,100	190,615
CDBG - Sr. Center	61,250	40,858	67%	245,000	135,900	55%	245,000	243,800	107,900
Public Works Facilities	10,625	10,081	95%	42,500	33,373	79%	42,500	39,500	6,127
Barnes Butte Facilities	67,825	24,449	36%	271,300	86,197	32%	271,300	104,300	18,103
Contingency							344,058		
Total expenditures	\$ 1,295,400	\$ 2,043,381	158%	\$ 5,181,600	\$ 2,490,949	48%	\$ 5,525,658	\$ 2,844,800	\$ 353,851
Revenue over (under) expenditures	61,900	(1,434,982)	-584%	247,600	2,878,124	1172%	(96,458)	2,625,900	252,224
Other requirements									
Debt service reserve	112,900	-	-	112,900	-	-	112,900	-	-
Beginning fund balance	209,358	245,508	117%	209,358	245,508	117%	209,358	245,508	
Ending fund balance	\$ 271,258	\$ (1,189,474)	-439%	\$ 456,958	\$ 3,123,632	684%	\$ -	\$ 2,871,408	\$ 3,123,632

Note: Supplemental budget adopted per resolution NO. 1379 for the acquisition of the new public safety building in the Police Facility department and to include the State park grant in the Barnes Butte department. Supplemental budget adopted per resolution NO. 1398 to allow for unanticipated roof repairs in the PW Facility department and for the CDBG - SR. Center project.

Plaza Maintenance Fund

This fund accounts for the maintenance of the plaza joining City Hall and the Crook County Annex building. The county and the city maintain the plaza in a joint effort. Starting in 2005 the county was responsible for accounting for the maintenance of the plaza per a city and county agreement. The agreement has been revised and the city, starting FY 13, now assumes the responsibility of accounting for the plaza maintenance. Revenues are generated through a transfer from the city with matching monies from the county. Expenditures are for maintaining the landscaping, sidewalks and lighting.

Revenues are as anticipated at yearend with the newest intergovernmental agreement stipulating lower match funds so that the fund balance stays under \$50,000. Fourth quarter expenses are for contracted plaza grounds keeping.

Ending fund balance decreased through the fourth quarter approximately \$4,400 or -11 percent.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Intergovernmental	\$ 2,500	\$ -	-	\$ 10,000	\$ 4,242	42%	\$ 10,000	\$ 4,200	\$ 42
Interest	100	257	257%	400	1,021	255%	400	1,000	21
Misc. Income	-	-	-	-	920	-	-	900	20
Transfers	2,500	-	-	10,000	4,242	42%	10,000	4,200	42
Total revenue	\$ 5,100	\$ 257	5%	\$ 20,400	\$ 10,424	51%	\$ 20,400	\$ 10,300	\$ 124
Expenditures									
Materials and services	3,775	1,867	49%	15,100	11,163	74%	15,100	11,800	637
Transfers	925	3,700	400%	3,700	3,700	100%	3,700	3,700	-
Contingency							41,505		-
Total expenditures	\$ 4,700	\$ 5,567	118%	\$ 18,800	\$ 14,863	79%	\$ 60,305	\$ 15,500	\$ 637
Revenue over (under) expenditures	400	(5,310)	-13%	1,600	(4,440)	-11%	(39,905)	(5,200)	760
Beginning fund balance	39,905	41,518	104%	39,905	41,518	104%	39,905	41,518	
Ending fund balance	\$ 40,305	\$ 36,208	90%	\$ 41,505	\$ 37,078	89%	\$ -	\$ 36,318	\$ 37,078

Note: A budget adjustment was done per resolution NO. 1399 to cover unanticipated costs related to snow removal in the plaza.

Public Works Support Services Fund

This fund accounts for the activities of the Public Works management, support staff, fleet and vehicle maintenance costs. The primary source of revenue is charges to other funds for services.

Overall revenues are at roughly 86 percent of the annual budget. Charges for services associated with engineering fees are transferred as part of the yearend process for the capital projects in the SDC funds and are still in process of being calculated.

Expenditures for public works support services are at \$1.57 million or 97 percent of annual budget at yearend. Fourth quarter expenditures for fleet and vehicles is at roughly 99 percent of the annual budget. A budget adjustment was done prior to yearend in Public Works Support largely to allow for an adjustment in accrued absences and in Public Works vehicles due to the budgeted used road grader coming in slightly over what was originally anticipated.

Fund balance decreased roughly \$318,300 or -119 percent through the fourth quarter.

Revenue	Current Quarter		Quarter Budget %	Year to Date		Annual Budget %	Annual Budget	Year-end Estimate	Difference Favorable/ (Unfavorable)
	Budget	Actual		Budget	Actual				
Charges for services	\$ 459,575	\$ 399,575	87%	\$ 1,838,300	\$ 1,598,300	87%	\$ 1,838,300	\$ 1,828,300	\$ (230,000)
Interest	750	758	101%	3,000	3,933	131%	3,000	3,000	933
Miscellaneous	6,125	-	-	24,500	763	3%	24,500	24,500	(23,737)
Total revenue	\$ 466,450	\$ 400,333	86%	\$ 1,865,800	\$ 1,602,996	86%	\$ 1,865,800	\$ 1,855,800	\$ (252,804)
Expenditures									
Public Works Support Services	403,725	419,919	104%	1,614,900	1,570,493	97%	1,614,900	1,599,400	28,907
Public Works Fleet & Vehicles	88,875	45,499	51%	355,500	350,826	99%	355,500	348,500	(2,326)
Contingency							170,275		
Total expenditures	\$ 492,600	\$ 465,418	94%	\$ 1,970,400	\$ 1,921,319	98%	\$ 2,140,675	\$ 1,947,900	\$ 26,581
Revenue over (under) expenditures	(26,150)	(65,085)	-24%	(104,600)	(318,323)	-119%	(274,875)	(92,100)	(226,223)
Beginning fund balance	274,875	267,033	97%	274,875	267,033	97%	274,875	267,033	
Ending fund balance	\$ 248,725	\$ 201,948	81%	\$ 170,275	\$ (51,290)	-	\$ -	\$ 174,933	\$ (51,290)

Note: A budget adjustment was done per resolution NO. 1399 to cover unanticipated costs of roughly \$80k in PW Support Services department and Fleet department for personnel services, materials and services, for events and accruals not originally anticipated in the budget.



STAFF REPORT

MEETING DATE: 8/13/2019

PREPARED BY: Joshua Smith

SECTION: Ordinance

DEPARTMENT: Planning

CITY GOAL: Strive to improve on transparency & effective communication.

SUBJECT: Text amendment to Land Use Code, Process and Procedures.

REASON FOR CONSIDERATION: See attached Planning Commission recommendation.

BACKGROUND: See attached Planning Commission recommendation.

FISCAL IMPACT: Should provide a more efficient use of staff time.

RECOMMENDATION: See attached Planning Commission recommendation.



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
PLANNING COMMISSION RECOMMENDATION

File No.: AM-2019-100
Applicant/Owner: City of Prineville
Location: City of Prineville
Notice to DLCD: 6/11/2019
PC Workshops: 07/2/2019
Newspaper Notice: Planning Commission Notice – 7/5/2019 & 7/9/2019
Public Hearing: Planning Commission – 7/16/2019
Staff: Joshua Smith,
Planning Director
Proposal: Amending the text of Land use code chapter 153. Specifically process and procedural sections of the code 153.005 – 034 & 153.230 – 261.

Background

The City of Prineville adopted our existing procedures Ordinance 153.250 – 153.261 on the 28th day of November, 2006. The code was an edited version of the Deschutes County code. Prior to that the City relied on state statutes and our small amendment procedural code 153.230. Over the years our procedures code has needed some interpretation and clarification to be consistent with the ORS and workable on the local level.

Consistency with the Comprehensive Plan

Oregon laws require that proposed changes to the land use code are consistent with the Comprehensive Plan. The Comprehensive plan does not have specific policies for land use procedures; however, Goal 2 of the state wide planning program requires “implementing Ordinances” to administer the comprehensive plan. The City’s land use code, those procedures within and amendments thereto are the implementing Ordinances.

Planning Commission Conclusions and Recommendation

The proposed amendments are provided in track changes as “Exhibit A”. Under each amendment section is a purpose statement explaining the reason for the change. These changes are intended to align the code with the ORS, define and use terms common in land use, clarify and expand on process and procedures and provide better cross references and consistent language. The Planning Commission recommends these amendments be approved by City Council.

EXHIBITS

Exhibit A – Planning Commission Recommended Amendments

Marty Bailey: W M Bailey Date: 7-17-19
Planning Commission Chair

CHAPTER 153: LAND DEVELOPMENT CODE
Updating Land Use Code Procedures

Yellow sections are unchanged and included for reference

Table of Contents shall be amended as follows:

General Provisions

...

~~153.017~~ — ~~Permit Processing: Outright, Type I & II~~

Purpose: Move this section to a more logical place in 153.250.030.

Specific Zone Requirements

...

[153.077 Marijuana & Medical Marijuana Overlay Zone \(Chapter 153A & B\)](#)
[153.078 Temporary Worker Housing \(Chapter 153C\)](#)

...

Purpose: Add references to other sub chapters of the code.

Administration and Enforcement

153.250 Introduction, ~~and~~ definitions, [permit process](#)

...

153.254 ~~Review of~~ [H](#) and use action applications

...

Purpose: Simple change of section titles.

Section 153.005 shall be amended as follows:

153.005 COMPLIANCE.

A lot or parcel may only be used and a structure, or part of a structure, may only be constructed, reconstructed, altered, occupied or used as permitted by this chapter [or other applicable City Ordinance](#). [No dimensional requirement of these standards shall be violated after its terms become effective unless specifically provided for herein](#). No lot or parcel area, yard or other open space [which is required by these standards for one use shall be used as the required area for another use](#). ~~existing on or after the effective date of this chapter shall be reduced below the minimum required by the provisions set forth in this chapter.~~

Purpose: More detailed description of compliance to City code.

153.006 CITING.

This chapter may be so cited, or may be cited as "this chapter" and shall have the same force and effect as any city ordinance, resolution or other regulation.

153.007 EXISTING AGREEMENTS AND PERMITS.

This chapter does not repeal, abrogate or impair any existing easements, covenants, deed restrictions or permits such as preliminary subdivision plats and partitioning approvals, conditional use permits, nonconforming use permits, temporary use permits, special use permits, special exceptions or building permits issued or effective (and still valid) prior to the date of adoption hereof.

Section 153.008 shall be amended as follows:**153.008 ZONING/OTHER DEVELOPMENT PERMIT APPROVAL.**

Prior to the construction, alteration, reconstruction, expansion or change of use of any structure, lot or parcel for which a land use permit or other ~~land development~~ approval or license is required by this chapter or other applicable City Ordinance, the permit, ~~or approval~~ or license shall be obtained from the city, ~~or the designated official thereof prior to the construction, alteration, reconstruction, expansion or change of use.~~

Purpose: Expand language to include City Ordinances and licenses.

Section 153.009 shall be amended as follows:**153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.**

(A) Approval of any use or development proposal pursuant to the provisions of this chapter or other City Ordinance shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.

(B) The compliance shall be evident prior to the final approval of any affected land use or development proposal; ~~for example, the~~ or compliance may be set forth as a condition of final approval.

...

Purpose: Expand language to include City Ordinances.

153.010 APPLICABILITY OF CURRENT REGULATIONS.

An application for any use or activity requiring a permit or approval by any city land use document, ordinance or regulation, shall be processed and reviewed in accordance with the standards and criteria effective at the time the application was submitted providing that the initial application was complete or completion was accomplished in a timely manner.

153.011 INTERPRETATION.

Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter, or by any other city ordinance, resolution, regulation, policy or document, the provisions which are more restrictive shall govern.

153.012 CONSOLIDATED PERMIT PROCEDURE.

All applications or permit processes required by this chapter and other city planning ordinances, documents or regulations for a specific single land use development or use may be consolidated into a single permit processing procedure, including the public hearings, public notices and City and/or County Planning Commission(s) and/or City Council and/or County Court action requirements. For example, for a specific land use development proposal which may require a zone change (map or text amendment), a conditional use permit, a dimensional or area variance and a partitioning, all of these required permits and the respective hearing and notice requirements therefore may be consolidated into a single public hearing process, a single public notice and a single decision and order action record. Notice of the consolidated process option shall be given to the applicant, and upon request thereby, such a process shall be utilized.

153.013 ADMINISTRATION.

The City Council shall have the power and the duty to enforce the provisions of this chapter. The City Council may appoint City officials or other agents to issue zoning and other land development permits, process applications and fulfill other administrative functions required in the implementation of this chapter.

Section 153.015 shall be amended as follows:**153.015 AUTHORIZATION OF SIMILAR USES.**

(A) The ~~city~~ Planning Director, Designee or Planning Commission may authorize a use ~~that is~~ not specifically listed in the allowed uses of a specific zone if the use is of the same general type and impact as other uses permitted in the subject zone, unless the city finds the following:-

...

- (1) The proposed use is specifically permitted in another zone; or
- (2) The proposed use is more similar to uses provided for in another zone; and
- (3) That the permitting of the proposed use in the zone requested would be detrimental to the intent and purpose of the zone and this chapter in general. The City shall consider the following factors.
 - (a) Size, scale, configuration, bulk, and other characteristics of the requested use.
 - (b) Physical and operational similarity of the use to uses now allowed in the zone.
 - (c) Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.

(B) The application for and processing procedure for a similar use approval shall be as required by the use it is determined to be similar too.

(C) Similar changes of uses that do not violate the Nonconforming use criteria 153.115 of this chapter and are of equal or lesser impact with regard to water, sewer, ~~and~~ traffic, noise, odor and other potential nuisance factors, as determined by the Planning Director and City Engineer, do not require a ~~planning application~~ and use permit. Sign off on a building permit or a Certificate of Occupancy from the Building Department or a City License may be required. See section 153.135 for transferability of a conditional use.

Purpose: Clarifying language and expand on use impacts to consider.

Section 153.017 shall be removed:~~**153.017 PERMIT PROCESSING: OUTRIGHT, TYPE I & II.**~~

~~Uses set forth by this chapter may be classified as an Outright use or a Type I or II conditional use. If the classification is not set forth and the use is not classified as a similar use by the Planning Director, all such uses shall be processed in accordance with the type II processing requirements set forth hereinafter. Per section 153.245.020 any land use action may be referred to the Planning Commission by the Planning Director.~~

~~(A) Outright. Uses marked by an "O" in the City's use tables. Outright uses are processed in 4 different ways as follows:~~

~~(1) Similar use. Outright uses that comply with similar use criteria in 153.015.~~

~~(2) Counter review and sign off. The Planning Director has discretion on how to process outright uses that are considered inconsequential. The Director may choose to provide an over the counter review and sign off on a building permit with no application. A planning number shall be assigned with plans attached. A sign off worksheet may be developed for implementation. Developments considered inconsequential include, but are not limited to the following:~~

~~(a) Small structures such as breeze ways, architectural projections, solar panels or covered patios and similar structures well within setback and lot coverage standards.~~

~~(b) Small structures considered insignificant to the use as a whole, such as small storage or utility buildings on a large manufacturing sites.~~

~~(3) Application without notice. As defined in 153.250.020 the following uses when identified as outright in a zone are considered development actions and, therefore; not subject to the notice requirements: Sign permits, single family homes, duplexes, residential additions and accessory structures, boundary line adjustments, lot consolidations and similar applications.~~

~~(4) Application with notice. The City Planning Official shall, within 5 working days of the receipt of a completed application for an outright use, provide individual written notice of the application in accordance with the administrative notice requirements of 153.255.~~

~~(B) Type I conditional use. Uses marked by a "T1" in the City's use tables. The City Planning Official shall, within 5 working days of the receipt of a completed application for a type I conditional use provide individual written notice of the application in accordance with the administrative notice requirements of 153.255. If no objection is received within the response period the Planning Official may take action on the subject proposal for approval, approval with amendments, modifications and/or conditions for denial or may refer the subject application to the Planning Commission for public hearing. If one or more objections are received within the response period, the subject application shall be referred to the Commission for public hearing. The applicant shall be required to pay any additional hearing fees prior to scheduling the public hearing.~~

~~(C) Type II conditional use. Uses marked by a "T2" in the City's use tables. An application for a type II conditional use shall be subject to review by the Planning Commission in accordance with the public hearing requirements of 153.255.~~

~~Statutory reference: Application for permit or zone change, see O.R.S. 227.175~~

Purpose: Move this section to a more logical place in 153.250.030.

Section 153.030 shall be amended as follows:

153.030 CLASSIFICATION OF ZONES.

...

Section	Zone Title	Abbreviated Designation
153.077	Marijuana & Medical Marijuana (Chapters 153A & 153B)	
153.078	Temporary Worker Housing (Chapter 153C)	

...

Purpose: Add references to other sub chapters of the code.

153.031 LOCATION OF ZONES.

(A) The boundaries of the zones established and classified by this chapter are as indicated and set forth on the map entitled the “Zoning – City of Prineville” dated *May 24, 2011*, which is hereby adopted by reference as though set forth in full herein. The designations and boundaries of zones may be modified in accordance with Zoning Map amendments adopted in accordance with the provisions of this chapter which shall also be adopted by reference.

(B) The City of Prineville’s first Comprehensive Plan was adopted on April 10th 2007 by Ordinance 1143. The map entitled “Adopted City Comprehensive Plan 2007” is adopted by reference and was based on Crook County’s 1984 Comprehensive Plan Map as amended and expanded to meet the current UGB and zoning at that time. The designations and boundaries of zones may be modified in accordance with Comprehensive map amendments adopted in accordance with the provisions of this chapter which shall also be adopted by reference.

153.032 ZONING MAP AND AMENDMENTS.

A Zoning Map or Zoning Map Amendment adopted by 153.230 et. seq., or by an amendment thereto, shall be prepared by authority of the City Planning Commission and the City Council, or as may otherwise be provided for by the Urban Growth Management Agreement adopted by the city and the county. The Map or Map Amendments shall be dated with the effective date of the adoption thereof by the jurisdiction designated by the UGM agreement, and shall be signed by the respective highest elected official and attested to by the respective planning official of the jurisdiction. The signed original, together with a copy thereof, shall be maintained on file in the offices of the City Planning Official, the City Recorder, the County Planning Official and the County Clerk.

Section 153.033 shall be amended as follows:**153.033 ZONE BOUNDARIES.**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of streets and other rights-of-way or utilities, water courses, ridges or rimrocks, contour lines, [other readily recognizable or identifiable natural features](#) or such lines extended. Whenever uncertainty exists as to the exact boundary of a zone as shown on the Zoning Map(s) or amendments thereto, the following provisions shall control:

...

(A) Where a boundary line is indicated as following a street, alley, canal or railroad right-of-way, it shall be construed as following the centerline of the right-of-way.

(B) Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, public utility easement, watercourse, ridge or rimrock or contour line, it shall be construed as following the line.

(C) If a zone boundary, as shown on the Zoning Map, divides a lot or parcel between two zones, the entire lot or parcel may be determined to be in the zone in which the greater area of the lot or parcel lies unless there is a specific statement set forth by this chapter or on the applicable Zoning Map as to the exact location of the boundary line, and if the adjustment is in compliance with the Comprehensive Plan use designating for the area. [The property owner may also file for a declaratory ruling to determine the exact location of the zone boundary. The determination shall be made by the Planning Commission, subject to appeal by City Council.](#)

...

(D) Where a public street, alley, canal or railroad right-of-way is officially vacated, the zoning regulations applicable to the abutting property on each side of the centerline of the right-of-way shall apply up to the centerline of the right-of-way as such existed prior to vacation on each respective side hereof. If the right-of-way is vacated in total to one property-owner, the zoning of that abutting property shall apply to the total vacated property.

Purpose: Clarifying language and process in case of dispute.

153.034 ZONING OF ANNEXED AREAS.

An area annexed to the city shall, upon annexation, assume the zoning classification determined by the city to be in compliance with the Comprehensive Plan and/or the City/County Urban Growth Management Agreement. The determination shall be made by the City Council upon receipt of a recommendation relative thereto from the City Planning Commission.

Sections 153.230 - 233 shall be amended as follows:**153.230 AUTHORIZATION TO INITIATE AMENDMENTS.**

An amendment to the [Comprehensive Plan](#), text of this chapter or to a [zoning or plan](#) map may be initiated by the City Council, by the City Planning Commission, by the City Planning Official, by any planning advisory committees duly appointed by the city, by any planning board established by this chapter or by an application of a property owner or the authorized agent thereof.

Purpose: Reference to specific documents.

153.231 APPLICATION FOR AMENDMENTS.

An application for an amendment to the Comprehensive Plan, text of this chapter or ~~for to~~ a zone or plan map change by a property owner or the authorized agent thereof shall be filed with the City Planning Official on forms prescribed by the city and shall be accompanied by the required filing fee as established by the City Council. For all others authorized to initiate amendments, the City shall be the applicant. ~~The application shall be filed not less than 30 days prior to the date of the Commission hearing thereon. The applicant shall provide reasons for the requested change, and shall present facts showing that the amendment will substantially be in compliance with the goals, objectives and policies of the City Comprehensive Plan and with the applicable statewide planning goals and implementing administrative rules.~~

(A) Criteria for Amendments – The burden of proof is upon the applicant. The applicant shall show the proposed change is:

1. In conformity with all applicable State statutes;
2. In conformity with Statewide planning goals and implementing administrative rules when determined to be applicable;
3. In conformity with the goals, objectives and policies of the City's Comprehensive Plan;
4. Due to of a change in circumstance or further studies justifying the amendment or mistake in the original zoning.

Purpose: Adding reference to specific documents, clarify authorizations and adding a list of amendment criteria.

153.232 PUBLIC HEARINGS ON AMENDMENTS.

Unless initiated by Council, ~~T~~he City Planning Commission shall, at its earliest practicable meeting date following ~~the a~~ 30 day filing-completeness period, duly advertise and conduct a public hearing on the subject amendment application, and shall, ~~within five working days of at~~ the conclusion of the hearing, recommend ~~to the~~ City Council; approve, at, disapproval or modified-approve, al with conditions or deny of the proposed amendment. Within 30 days of ~~receipt of~~ the Commission's recommendations, the City Council (unless section 153.256.030 applies for plan amendments or zone changes) shall duly advertise and conduct a public hearing on the proposed amendment. ~~The Council shall approve, approve with modifications or disapprove the proposed amendment.~~ The Commission or Council may ~~recess or~~ continue a hearing in order to obtain additional information and input on a ~~subject~~ proposed amendment. The Council shall approve, approve with conditions or deny the proposed amendment. If the applicant fails to abide by the conditions or modifications attached to a rezoning of property, the City Council may, at a later date, rezone the affected property to its original zoning. (O.R.S. 227.175 (3) and (5))

Purpose: Clarify process, remove unworkable time lines and add failure to perform clause.

153.233 PUBLIC NOTICE REQUIREMENTS.

Notwithstanding any other public notice requirements that may be set forth in this chapter or by applicable state statutes or administrative rules, the following public notice requirements shall apply to applications for an amendment to the text of this chapter or to an application for a zoning amendment provided for by this subchapter. (O.R.S. 227.175(3) and (5))

(A) ~~Each~~ Notice of a public hearing regarding an amendment to the text of this chapter or to a zoning or plan map shall be made at least 10 days prior to the initial public hearing for each hearings body in accordance with 153.252.020. Notice shall be published in a newspaper of general circulation in the city or other media readily available to the public. ~~published once a week for each of the two successive weeks prior to the date of the hearing in a newspaper of general circulation in the city.~~

(B) In addition to the notice requirements set forth by division (A) of this section, for an amendment that proposes to rezone property or effect the permissible uses of a property, individual notice shall be mailed or otherwise delivered to the owner of each lot or parcel of property ~~that is proposed to be rezoned~~ affected at least 20 days but not more than 40 days prior to the hearing. If such rezoning is for a single lot or parcel, notice shall also be mailed to all property owners within 250 feet of the exterior boundaries of the subject property. ORS 227.186.

...
(C) Notice of an application for a zone change shall be provided to the owner of a public use airport if the property subject to the zone change is as follows.

(1) Within 5,000 feet of the side or end of a runway of a visual airport; or
(2) Within 10,000 feet of the side or end of the runway of an instrument airport; and

(3) If the zone change would allow a structure greater than 35 feet in height on property located inside the runway approach surface. (O.R.S. 227.175(6))

(D) Notice of an application for a zone change of property which includes all or part of a mobile or manufactured home park shall be given by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing. (O.R.S. 227.175(8))

(E) Notice of an application for a proposed zoning amendment, together with a copy or description of the proposed amendment, shall be provided to the State Department of Land Conservation and Development Commission (LCDGDLCD) at least 35 days prior to first evidentiary hearing ~~the date of the final hearing thereon.~~ (OAR 660-018-0020)

Purpose: Align notice requirements with other code sections, ORS & OAR requirements and local standards of at least a 10 day newspaper notice. Also provide alternative to a newspaper notice if it becomes necessary or desired.

153.234 RECORDS OF AMENDMENTS.

The duly approved and signed original and a copy thereof of an amendment to the text or zoning map(s) of this chapter shall be maintained without change on file in the office of the City Recorder. As applicable, a certified true copy thereof shall be maintained in the office of the City Planning Official. Copies of the amendments shall be available for public review and information.

153.235 LIMITATIONS ON REAPPLICATIONS.

No reapplication for an amendment to the text of this chapter or to a zoning map by a property owner shall be considered by the Planning Commission or Council within a 6 month period immediately following a previous denial of the application. However, if in the opinion of the Planning Commission, new evidence or a change in circumstances warrants the reapplication in a lesser time, the Commission may permit a new application.

153.236 ADOPTION OF AN AMENDMENT.

An amendment to the text of this chapter or a zoning map shall be approved by ordinance only.

Section 153.250 – 250.030 shall be amended to read as follows:

153.250 INTRODUCTION, ~~AND-DEFINITIONS,~~ PERMIT PROCESS

...

Purpose: Add permit process to title, moved from 153.017.

153.250.010. Introduction and application.

(A) Section 153.250 is enacted to provide a uniform procedure for the grant or denial and processing of applications, approvals and determinations by the Planning Department of the City of Prineville, under the applicable Comprehensive plan, land use regulations and other ordinances which by their terms incorporate by reference the procedures in this title.

(B) The provisions of Section 153.250 do not apply to the issuance, suspension, or revocation of any on-site sewage disposal, building, electrical or plumbing permits except as they relate to Planning Department consideration of permitted uses.

153.250.020. Definitions.

...

The following definitions apply to Section 153.250.

Argument. Means assertions and analysis by a party regarding the satisfaction or violation of legal standards. "Argument" does not include assertion of facts not already in the record. "De novo review" means a hearing by the review body as if the action had not previously been heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration will be considered a part of the record on review.

Development. Means all human caused change to improved or unimproved real estate including but not limited to: buildings, fences, decks, placement or replacement of manufactured or other structures, subdividing or partitioning property, parking and loading areas, landscaping, roadways, paved or graveled areas, grading, excavation or drilling operations and areas devoted to storage of equipment and materials.

Purpose: Add development definition to this section of the code for quick reference.

Development action. Includes decisions that do not require exercise of discretion and are based on clear and objective criteria including the following applications: ~~Means the review of any permit, authorization or determination that the City of Prineville Planning Department is requested to issue, give or make that either:~~

~~—(A)— Involves the application of a City zoning ordinance and is not a land use action as defined below; or~~

~~(AB) Involves the~~ Those applications ~~involving the~~ ~~of~~ standards in other portion of the Land Use Ordinance (Section 150 -152).

(B) Boundary or lot line adjustments including lot consolidations;

(C) Land use permit extensions;

(D) Sign permits;

(E) Setback and lot coverage determinations;

(1) Single family homes, duplexes

(2) Residential additions and accessory structures

(F) Temporary use permits;

(G) Other nondiscretionary approvals requiring the application of clear and objective criteria. ~~For illustrative purposes, the term "development action" includes review of any lot line adjustment, permit extension, sign permit, setback determination, and lot coverage determination.~~

...
Purpose: Define more clearly what a development action is for permit processing purposes. "Development Action" is a commonly used term for certain types of applications.

Evidence. Means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed to be relevant to the decision.

Land use action. Includes any consideration for approval of a quasi-judicial plan amendment or zone change, and any consideration for approval of a land use permit not determined to be a development action, ~~and any consideration of a request for a declaratory ruling (including resolution of any procedural questions raised in any of these actions). For illustrative purposes, the term "land use action" includes review of conditional use permit, variance, partition, subdivision, site plan review and other applications which require the exercise of discretion or policy judgment in applying and/or interpreting applicable criteria.~~ Land use actions include the following applications:

- (A) Conditional Use Permits;
- (B) Alteration or Repair of a Nonconforming Use;
- (C) Variance;
- (D) Text or map amendment;
- (E) Declaratory Ruling;
- (F) Subdivision;
- (G) Partition;
- (H) Site and Design Review; and
- (I) Other applications which require the exercise of discretion or policy judgement in applying and/or interpreting applicable criteria.

Purpose: Define more clearly what a Land use action is for permit processing purposes. "Land use Action" is a commonly used term for certain types of applications.

Land use permit. Includes any approval of a ~~proposed~~ development ~~of land or use of land~~ under the standards ~~in the of~~ City zoning ordinances, ~~involving the exercise of significant discretion in applying those standards.~~ By way of illustration, "land use permit" includes review of conditional use permits, partition, master plan, site plan, site plan change of use, modification of approval subdivision, and subdivision variance and variance.

...
Purpose: Properly define what a land use permit is for reference throughout the code.

Legislative changes. Generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, zoning ordinances, or changes in zoning maps not directed at a small number of property owners.

Modification of application. Means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following previously described components: proposed uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

Party. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

Purpose: Add definition of the term "Party" used throughout the code.

Quasi-judicial. Zone change or plan amendment generally refers to a plan amendment or zone change affecting a single or limited group of property owners and that involves the application of existing policy to a specific factual setting. (The distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.)

153.250.030. Permit processing: Outright, Type I & II.

Uses set forth by this chapter may be classified as an Outright use or a Type I or II conditional use. If the classification is not set forth and the use is not classified as a similar use by the Planning Director, all such uses shall be processed in accordance with the type II processing requirements set forth hereinafter. Per section 153.245254.020 any land use action may be referred to the Planning Commission or Hearings Officer by the Planning Director.

(A) Outright. Uses marked by an "O" in the City's use tables. Outright uses ~~are~~ may be processed in 4 different ways ~~as at the discretion of the Planning Director as~~ follows:

(1) Similar changes of use. This decision is made when ~~Outright~~ uses ~~that~~ comply with the similar use criteria in 153.015(C). No land use permit or notice is required, a written decision may be issued to acknowledge this.

(2) ~~Counter review and sign-off.~~ Ministerial. ~~The Planning Director has discretion on how to process outright uses.~~ This decision is made when there are clear and objective standards and criteria that requires no exercise of discretion. These decisions are neither a land use decision nor a limited land use decision as defined in ORS 197.015. that are considered inconsequential.—The Planning Director may choose to provide a ministerial decision in writing or through a ~~an over the counter review and sign off~~ signature on a building permit with no land use application or notice required. ~~application.~~ A planning number ~~shall~~ may be assigned with plans attached. A

sign off worksheet may be developed for implementation. Examples ~~Developments considered inconsequential~~ include, but are not limited to the following:

(a) Small Residential development structures such as sheds, breeze ways, architectural projections, solar panels, parking and access areas or covered patios and similar ~~structures development that won't create a significant impact and is~~ well within setback and lot coverage standards.

(b) Small Commercial or Industrial development structures that won't create a ~~considered insignificant impact in the to the area or to the~~ use as a whole, such as small storage or utility buildings or parking and access areas on a large commercial or industrial developments manufacturing sites.

(3) Application without notice. This decision is made and processed as a Development action A as defined in 153.250.020. These uses require a land use application but are ~~the following uses when identified as outright in a zone are considered development actions and, therefore;~~ not subject to ~~the~~ notice requirements as a land use action. ~~Sign permits, single family homes, duplexes, residential additions and accessory structures, boundary line adjustments, lot consolidations and similar applications.~~

(4) Application with notice. This decision is made and processed as a Land use action as defined in 153.250.020, without a public hearing. The City Planning Official shall, ~~within 5 working days of the receipt of a completed application for an outright use,~~ provide ~~individual written~~ notice of the application in accordance with the administrative notice requirements of 153.254.0305. (ORS 197.015 Limited Land Use Decision).

(B) Type I conditional use. Uses marked by a "T1" in the City's use tables. This decision is made and processed as a Land use action as defined in 153.250.020. The City Planning Official shall, ~~within 5 working days of the receipt of a completed application for a type I conditional use~~ provide individual written notice of the application in accordance with the administrative notice requirements of 153.254.0305. If no objection is received within the response period the Planning Official may make the final decision take action on the subject proposal without a public hearing. ~~for approval, approval with amendments, modifications and/or conditions for denial or may refer the subject application to the Planning Commission for public hearing.~~ If one or more objections are received within the response period based on applicable criteria that cannot be resolved by the parties, the subject application shall be referred to the Planning Commission or Hearings Officer for a public hearing. Notice and hearing shall be provided in accordance with 153.255. The applicant shall be required to pay any additional hearing fees prior to scheduling the public hearing.

(C) Type II conditional use. Uses marked by a "T2" in the City's use tables. This decision is made and processed as a Land use action as defined in 153.250.020, with a public hearing. An application for a type II conditional use shall be subject to review by the Planning Commission or Hearings Officer in accordance with the public hearing requirements of 153.255.

Purpose: Moved from 153.017 and edited to clarify process and align our permit process with specific land use terms defined above.

153.251 GENERAL PROVISIONS**153.251.005 Pre-application conference**

A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use ordinances, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning ordinance or land division ordinance and to identify issues likely to arise in processing an application. The applicable zoning ordinance may require that a pre-application conference be held for particular types of applications.

Section 153.251.010 shall be amended as follows:

153.251.010 Application requirements

...

(A) Property Owner. For the purposes of this section, the term "property owner" shall mean the owner of record or the contract purchaser and does not include a person or organization that holds a security interest.

(B) Applications for development [actions](#) or land use actions shall:

...

(1) Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;

(2) Be completed on a form prescribed by the City;

(3) Include supporting information required by the zoning ordinance and that information necessary to demonstrate compliance with applicable criteria (burden of proof); and

(4) Be accompanied by the appropriate filing fee, unless such fees are waived by the City Council.

(C) Failure to include any of the required information may lead to a determination that the application is incomplete and may be rejected.

(D) Acceptance of the application indicates only that the application is ready for processing and review. It does not represent an acceptance of a complete application.

(E) Applications for uses or developments not specifically listed in the allowed uses of a zone or permitted by another chapter or authorized under 153.015 will not be accepted.

Purpose: Clarify application acceptance.

153.251.015 Development Review Committee

(A) Within 10 days of the submittal of a land use application, notice shall be sent to the following persons, parties and agencies which shall constitute the membership of the City Development Review Committee.

(1) City Superintendent of Public Works.

(2) City Engineer.

(3) City Superintendent of Streets.

(4) City Police and County Sheriff as applicable

(5) Crook County Fire and Rescue

(6) Public utility representatives.

(7) Ochoco Irrigation District as applicable.

(8) School district representatives.

(9) County Roadmaster as applicable.

(10) County Planning representative.

(11) Parks and Recreation District Director.

(12) Any other person, party or agency deemed by City staff to be affected by the land use proposal or to have specific knowledge or expertise in regard to the specific proposal.

(B) Development review conference. Within 30 days of submittal of a land use application, the Community Development Department shall schedule a meeting with the City Development Review Committee to discuss issues relevant to the proposal. At the request of the applicant, or as initiated by staff, the Development Review Committee may conduct a follow-up meeting with the applicant and applicant's representatives to discuss any issues identified in the development review conference.

(C) Committee review factors. In review of a proposed development, the Committee shall, at a minimum, consider the following factors.

(1) Tentative plan, site plan or other relevant requirements.

(2) Possible adverse effects on the development by natural hazards, or adverse effects on any natural or other Goal 5 resources by the development.

(3) Quantity and quality of existing or proposed water supply, and the adequacy of the existing or proposed sewage disposal system.

(4) Adequacy of public services to serve the development; including streets, schools, police, fire, public utilities and health or medical facilities.

(5) Conformance with the design and improvement standards and requirements set forth in 153.190 et seq. and in any other applicable city ordinance, regulations or standards.

(6) Conformance with applicable state regulations.

(7) Provisions for the continuity of public services and access to adjoining lands.

153.251.020 Acceptance of application

(A) Development action and land use action applications shall not be accepted until the Planning Director has determined that (1) the requirements of 153.251.10 have been met and (2) the application is complete or the application is deemed to be complete under state law.

(B) An application is complete when in the judgment of the Planning Director all applicable issues have been adequately addressed in the application.

(C) Acceptance of an application as complete shall not preclude a determination at a later date that additional criteria need to be addressed or a later determination that additional information is needed to adequately address applicable criteria.

Section 153.251.030 & 153.251.040 shall be amended as follows:**153.251.030 Incomplete applications**

(A) If an application is incomplete, the ~~P~~planning ~~D~~irector ~~or designee~~ shall, within 30 days of receipt of the application, notify the applicant in writing of exactly what information is missing. ~~The applicant may amend his application or submit a new application supplying the missing information.~~

(B) The applicant shall have 30 days from the date of notice ~~from the planning director~~ to supply the missing information, continue to pursue a decision without the information or withdraw the application.

(C) If the applicant fails to respond within 30 days, at the discretion of the Planning Director, the City may return the application or continue through to final decision. If the application is returned a refund may be granted in accordance with 153.251.040. If an applicant does not submit the missing information within the 30-day period specified in 153.251.030(B), the application may be processed in accordance with 153.254.040.

(D) If the applicant or the applicant's representative or apparent representative makes a misstatement of fact on the application regarding property ownership, authority to submit the application, acreage, or any other fact material to the acceptance of the application, and such misstatement is relied upon by the Planning Director or designee or Hearings Body in making a decision whether to accept the application, the Planning Director or designee may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Purpose: Clarify and expand incomplete application language.

153.251.040 Withdrawal of application

An application may be formally withdrawn in writing by the property owner, the applicant, or applicant's representative at any time prior to the City's final written decision. Receipt by the City of a written request to withdraw the applications is final. Such request shall include a written statement waiving any statutory rights to pursue a writ of mandamus as provided under state law. A withdrawn application that is resubmitted to the City will be treated as a new application.

~~An applicant may withdraw an application in writing at any time prior to the time a land use action decision becomes final. If the landowner is not the applicant, no consent to withdraw the application is needed from the landowner.~~

Purpose: Expand application withdrawal language.

Refunds for withdrawn applications shall be determined from the following schedule;

(A) Refund request after file is made prior to acceptance of an application as complete and/or prior to the mailing of transmittals or public notice. 75%

(B) Refund after public notice or transmittals have been sent. 50%

(C) No refund shall be allowed after the preparation of a Decision or Staff Report.

153.251.050 Time computation

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the City is not open for business pursuant to a city or county ordinance, in which case it shall also be excluded.

153.251.060 Submission of documents

A document is "submitted" when it is received. Submittal shall be made either at a noticed hearing or at the offices of the Planning Division, unless specified otherwise by the Hearings Body or notice.

153.252 LEGISLATIVE PROCEDURES

Section 153.252.010 & 153.252.020 & 153.252.040 shall be amended as follows:

153.252.010 Hearing required.

No legislative change shall be adopted without review [and approval](#) by the ~~Planning Commission and a public hearing before the~~ City Council. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

153.252.020 Notice.

(A) Published Notice.

(1) Notice of a legislative change shall be [made at least 10 days prior to the initial public hearing for each hearings body. Notice shall be published in a newspaper of general circulation in the city or other media readily available to the public.](#) ~~at least 10 days prior to each public hearing.~~

(2) The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

...

(B) **Posted Notice.** Notice shall be posted at the discretion of the Planning Director.

...

(C) Individual Notice. Individual notice to property owners, as defined in 153.251.010(A), shall be provided at the discretion of the Planning Director, except as required by [153.233 for zone amendments.](#) ORS 227.186.

153.252.030 Initiation of legislative changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the City Council or the Planning Commission.

153.252.040 Hearings Body.

...

(A) **The following shall serve as hearings or review body for legislative changes in this order:**

(1) **The Planning Commission.**

(2) **City Council.**

(B) [At the discretion of the City Council,](#) ~~Any~~ legislative change initiated by the City Council may be reviewed by the Planning Commission prior to action being taken ~~by the City Council, at the City Council's discretion.~~

Purpose: The original wording subverts Council Authority. Review by the PC should not be required but has been a general policy of the Council in the past. Also provides consistent notice requirements with section 153.233 for amendments.

153.252.050 Final decision.

All legislative changes shall be adopted by **the Council.**

153.253 DEVELOPMENT ACTION PROCEDURES**152.253.010 Review of development action applications.**

(A) A development action application may be handled administratively by the Planning Director without public notice or hearing.

(B) The Planning Director has the discretion to determine that for the purposes of the land usage ordinance whether a development action application should be treated as if it were a land use action application.

Section 153.253.020(A) shall be amended as follows:**153.253.020 Decision.**

(A) Development action applications acted upon without notice or hearing shall be approved, [approved with conditions](#) or denied by the Planning Director or his designee within 30 days of the application's acceptance by the Planning Director.

...

(B) Notice of a decision shall be provided to the applicant or the applicant's representative.

(C) The decision may be appealed under 153.258.

Purpose: Add "approval with conditions", which is how we approve all applications.

Section 153.254 – 254.070 shall be amended as follows:**153.254 ~~REVIEW OF~~ LAND USE ACTION APPLICATIONS**

Purpose: Change title to be consistent with other titles.

153.254.010. Effect of determinations made outside of established processes.

...

Any informal interpretation or determination, or any statement describing the uses to which a property may be put, made outside the declaratory ruling process (City of Prineville Land Development Ordinance, Section 153.260) or outside the process for approval or denial of a land use permit (153.254 – 153.256) shall be deemed to be a supposition only. Such informal interpretations, determinations, or statements shall not be deemed to constitute final City action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person. 153.254.020. Action on land use action applications.

~~(A) Except for comprehensive plan amendments and zone changes and other instances where a hearing is required by state law or by other ordinance provisions, the Planning Director may decide upon a land use action application administratively either with prior notice, as prescribed under 153.254.030 or without prior notice, as prescribed under 153.254.040 or he/she may refer the application to the Planning Commission for hearing. The Planning Director shall take such action within 30 days of the date the application is accepted or deemed accepted as complete. This time limit may be waived at the option of the applicant.~~

~~(B) The Planning Director's choice between or among administrative or hearing procedures to apply to a particular application or determination shall not be an appealable decision.~~

~~(C) Zone change and plan amendment applications shall be referred to a hearing before the Planning Commission.~~

Purpose: Redundant language to section 153.254.020 below.

153.254.020 Action on land use action applications.

(A) ~~Except for comprehensive plan amendments and zone changes and other instances where a hearing is required by state law or by other ordinance provisions, t~~The Planning Director or designee may decide upon a land use action application administratively either with prior notice, as prescribed under 153.254.030 or without prior notice, as prescribed under 153.254.040 or ~~he/she~~ may refer the application to the Planning Commission or Hearings Officer for a hearing. The Planning Director or designee shall take such action within 30 days of the date the application is ~~accepted or~~ deemed ~~accepted as~~ complete. (See 153.251.030 for incomplete applications). This time limit may be waived at the option of the applicant.

...

(B) The Planning Director's choice between or among administrative or hearing procedures to apply to a particular application or determination shall not be an appealable decision.

(C) ~~Zone change and plan a~~Amendment applications per section 153.232 or other instances where a hearing is required by State law or by other ordinance provisions shall be referred to a hearing before the Planning Commission or Hearings Officer.

Purpose: Clarify decision maker and add code section references.

153.254.030 Administrative land use decisions with prior notice.

(A) Notice of a complete ~~the~~ application shall be sent within 10 days of submittal of the application to persons entitled to notice under 153.255.030. Such notice shall include all the information specified under 153.255.040(A) except for the information specified in 153.255.040(A)(7) and (10).

(B) Any person may comment in writing on the application within ~~140~~ days from the date notice was mailed or a longer period as specified in the notice.

(C) The Planning Director's or designee's decision to approve, deny or send to a hearing shall be made within 30 days after an application is accepted as complete. This time limit may be waived by the written consent of the applicant.

(D) Notice of the Planning Director's or designee's decision and the appeal period shall be sent to all parties ~~persons entitled to notice under 153.255.030~~ and to all ~~persons who commented. Notice shall also be given to all~~ members of the Planning Commission. The Planning Commission shall ~~who~~ have the authority to call up any decision of the Planning Director or designee within the appeal period in accordance with section 153.258.010. ~~The notice shall contain the applicable information required under 153.255.040.~~

(E) The applicant, ~~all persons entitled to notice under 153.255.030~~ and all ~~other~~ persons commenting in writing as provided in ~~153.254.020~~ this section constitute parties to the administrative decision. Any party can appeal the decision in accordance with 153.258 (Appeals).

Purpose: Clarify decision maker and clarify who's entitled to notice and notice of decision.

153.254.040 Administrative decision without prior notice.

The procedures for administrative decisions without prior notice shall be the same as those set forth in 153.254.030, except that ~~no prior notice shall be given only the notice of decision and appeal period shall be given containing the information required under 153.255.040.~~

Purpose: Clarifies that a notice of decision shall be sent.

153.254.050 Final action in land use actions.

(A) Except as otherwise provided, the City shall take final action, including consideration of appeals to the City Council, in land use actions within 120 days after the application is deemed complete. [ORS 227.178](#)

~~(B) If the applicant refuses or fails to submit missing information within the 30 days specified in 153.251.030, the application shall be deemed complete, for purposes of processing the application, on the 31st day after the application was first submitted, and final action of City Council, if required, shall be taken within one hundred fifty one (151) days after the application was first received unless otherwise provided.~~

(BC) The periods set forth in 153.254.050 during which a final decision on an application must be made may be extended for a reasonable period of time at the written request of the applicant.

Purpose: Section (B) is covered in section 153.251.030 (incomplete applications).

~~153.254.060 Supplementation of application within first 30 days of submittal.~~

~~An applicant shall not submit any evidence to supplement its application during the 30 days following submittal of its application, except to respond to a request for additional information made under 153.251.030. Any evidence submitted by an applicant in violation of 153.254.060 will not be considered in determining whether the application is complete and will be returned to the applicant.~~

Purpose: Unnecessary and contradictory to next section.

153.254.0760 Modification of application.

(A) An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process, ~~subject to the provisions of 153.254.060 and this section.~~

Purpose: Change number and delete unnecessary section reference.

(B) The Planning Director or Planning Commission shall not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application (as that term is defined in 153.250) unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 120-day time clock as of the date the modification is submitted. The 120-day time clock for an application, as modified, may be restarted as many times as there are modifications.

(C) The Planning Director or Planning Commission may require that the application be re-noticed and additional hearings be held.

(D) Up until the day a hearing is opened for receipt of oral testimony, the Planning Director shall have sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Planning Commission shall make such determinations. The Planning Director or Planning Commission determination on whether a submittal constitutes a modification shall be appealable only to LUBA and shall be appealable only after a final decision is entered by the City on an application.

153.255 LAND USE ACTION HEARINGS

Section 153.255.010 – 255.040 shall be amended as follows:

153.255.010 Filing of staff report for hearing.

(A) At the time an application, that in the judgment of the Planning Director or designee requires a hearing, and is deemed complete, a hearing date shall be set.

...

(B) A staff report shall be completed seven days prior to hearing. If the report is not completed by such time, the hearing shall be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date that is at least seven days after the date the initial staff report is complete.

(C) A copy of the staff report shall be ~~mailed~~ made available to the applicant, ~~shall be made available~~ and to such other persons who request a copy and shall be filed with the Planning Commission or Hearings Officer based on local procedure.

...

(D) Oral or written modifications and additions to the staff report shall be allowed prior to or at the hearing.

Purpose: Clarify decision maker and Staff Report availability.

153.255.020 Hearings Body.

(A) The following shall serve as the hearings body:

- (1) Planning Commission or Hearings Officer.
- (2) City Council

(B) The Hearing's Body order shall be as set forth in 153.255.020(A), except that the Council may call up any ~~administrative decision application~~ for review without the necessity of an application going before the Planning Commission or Hearing Officer.

Purpose: Add hearing officer reference and clarify that Council can call up any application before a decision is made and not just those done administratively by staff.

153.255.030 Notice of hearing ~~or administrative action~~.

(A) Individual Mailed Notice.

(1) Except as otherwise provided for herein, notice of a land use application shall be mailed at least 20 days prior to the hearing ~~for those matters set for hearing, or within 10 days after receipt of an application for those matters to be processed administratively with notice~~. Written notice shall be sent by mail to the following persons:

...

(a) The applicant.

(b) Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;

(c) The owner of a public use airport if the airport is located within 10,000 feet of the subject property.

(d) The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.

~~(e) The Planning Commission.~~

...

(f) Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site.

(2) The failure of a property owner to receive mailed notice shall not invalidate any land use approval if the ~~Planning Division~~City can show by affidavit that such notice was given.

(B) Published Notice. In addition to notice by mail ~~and posting~~, notice of an initial hearing shall be published at least 10 days prior to the hearing in a newspaper of general circulation in the City or other media readily available to the public. ~~at least 10 days prior to the hearing.~~

Purpose: Remove duplicate notice language found in 153.254.030. Remove PC from mailed notice. Provide consistent notice requirements.

153.255.040 Contents of notice.

(A) All mailed notices of a land use action hearing shall:

...

(1) Describe the nature of the applicant's request and the nature of the proposed uses that could be authorized.

(2) List the criteria from the zoning ordinance and the plan applicable to the application at issue.

(3) Set forth the street address or easily understood geographical reference to the subject property.

(4) State the date, time and location of any hearing or date by which written comments must be received.

(5) State that any person may comment in writing and include a general explanation of the requirements for submission of testimony and the procedures for conduct of testimony, ~~including, but not limited to, a party's right to request a continuance or to have the record held open.~~

...

(6) If a hearing is to be held, state that any interested person may appear.

(7) State that failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

(8) State the name of a City representative to contact and the telephone number where additional information may be obtained.

(9) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(10) State that a copy of the staff report will be available for inspection at no cost at least ~~seven~~-7 days prior to the hearing and will be provided at reasonable cost.

(B) All mailed and published notices for hearings shall contain a statement that recipients may request a copy of the staff report.

~~—(C)— All mailed and published notices concerning applications necessitating an exception to one of the statewide land use planning goals shall state that a goal exception is proposed and shall summarize the issues in an understandable manner.~~

Purpose: Unnecessary language in an already lengthy notice. Section (C) is a reference to County Planning issues.

153.255.050 Burden of proof

Throughout all local land use proceedings, the burden of proof rests on the applicant.

153.255.060 Standing

(A) Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record; a person must have participated in a previous hearing on the subject application.

(B) Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

153.255.070 Disclosure of ex parte contacts

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication - whether written or oral - occur, the

Hearings Body member shall:

(A) Publicly announce for the record the substance of such communication; and

(B) Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.

153.255.080 Disclosure of personal knowledge.

(A) If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record.

(B) For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.

153.255.090 Challenge for bias, prejudice or personal interest.

Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudice or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.

Section 153.255.100 shall be amended as follows:**153.255.100 Hearings procedure.**

A hearing shall be conducted as follows:

...

(A) The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.

(B) A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.

(C) Any facts received, noticed or recognized outside of the hearing shall be stated for the record.

(D) Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.

(E) The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond precludes appeal to [City Council](#) or the [Land Use Board of Appeals](#) ~~LUBA-based~~ on that issue.

(F) Order of presentation:

(1) Open the hearing.

(2) Staff report [& any Public Agency](#).

(3) ~~Proponents~~[Applicants](#)' presentation [& those in Support](#).

(4) Opponents' presentation [& others in opposition](#).

(5) [Neutral Comments and questions](#)

(65) ~~Proponents~~[Applicants](#)' rebuttal.

(76) ~~Opponents'~~ [rebuttal may be allowed](#) [Process may continue](#) at the Hearings Body's discretion.

(87) Staff comments.

(98) Questions from or to [Staff or](#) the [Hearings Body chair](#) may be entertained at any time at the Hearings Body's discretion.

(109) Close the hearing.

(11) [Hearings Body deliberation, comments to or from Staff are permitted](#).

(G) The record shall be available for public review at the hearing.

Purpose: Expand and clarify our hearing process.

153.255.110 Setting the hearing.

(A) After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the City staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with 153.255.130.

(B) If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in 153.254.050.

153.255.120 Close of the record.

(A) Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.

(B) If the hearing is continued or the record is held open under 153.255.130, further evidence or testimony shall be taken only in accordance with the provisions of 153.255.130.

(C) Otherwise, further testimony or evidence will be allowed only if the record is reopened under 153.255.140.

(D) An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day clock.

153.255.130 Continuances or record extensions.

(A) Grounds.

(1) Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request if accompanied by a corresponding suspension of the 120 day clock. If a continuance request is made after the published or mailed notice has been provided by the City, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.

(2) Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:

(a) Where additional documents or evidence are submitted by any party; or

(b) Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

For the purposes of 153.255.130(2)(a), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

(3) The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

(B) Continuances.

(1) If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.

(2) An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.

(3) If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

(C) Leaving record open.

If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

(D) A continuance or record extension granted under 153.255.130 shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day clock is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

153.255.140 Reopening the record.

(A) The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.

(B) Procedures.

(1) Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.

(2) The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

153.256 LAND USE ACTION DECISIONS

Section 153.256.010 shall be amended as follows:

153.256.010 Decision.

(A) Approval, [approval with conditions](#) or denial of a land use action shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria standards and facts set forth.

...

Purpose: Add "approval with conditions", which is how we approve all applications.

(B) Any portion of an application not addressed in a Hearings Body's decision shall be deemed to have been denied.

(C) A decision on a land use action is not final until the Planning Director or Hearings Body issues a written decision, the decision has been mailed and the appeal period to the next higher Hearings Body within the City has run.

(D) No building permit shall issue until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision for purposes of issuing building permits.

153.256.020 Notice of decision.

A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants.

153.256.030 Decision on plan amendments and zone changes.

(A) Except as set forth herein, the Planning Commission when acting as the Hearings Body shall have authority to make decisions on all quasi-judicial zone changes and plan amendments. Prior to becoming effective, all quasi-judicial plan amendments and zone changes shall be adopted by the City Council.

(B) In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

153.256.040 Reapplication limited.

(A) If a specific application is denied on its merits, reapplication for substantially the same proposal may be made at any time after the date of the final decision denying the initial application.

(B) Notwithstanding 153.256.040(A), a final decision bars any reapplication for a non-conforming use verification or for a determination on whether an approval has been initiated.

153.256.050 Review by Council.

(A) Review of an administrative action or a Planning Commission decision may be initiated by the City Council. The Council shall consider calling up for review any administrative decision that a majority of the Planning Commission recommends be reviewed.

(B) Review by the Council shall be initiated by Council order within 12 days of the date of the mailing of the final written decision of the Planning Director or Planning Commission.

(C) Review shall be conducted in the same manner provided for in appeals, except that an appeal fee and transcript shall not be required. Any Council order calling up for review a decision shall specify whether the Council will review the decision called up on the record or de novo and whether it intends to limit the issues on review to certain specified issues.

153.256.060 Correction of clerical errors

Upon its own motion or the motion of a party, the Council may, subject to any applicable public notice and hearing requirements, enact an ordinance correcting clerical or typographical errors in plan amendment or zone change ordinances and any maps appended thereto implementing decisions of the Planning Commission. Such changes shall be entered only if the Council is able to make a finding that the decision of the Planning Commission, including appendices, is not accurately reflected in the implementing ordinances.

153.257. RECONSIDERATION**153.257.010 Reconsideration.**

(A) An applicant may request that the Planning Commission decision be reconsidered as set forth herein. A request for reconsideration shall be accompanied by a fee established by the City and by applicant's written consent that the 120-day time clock will not run during the period of the reconsideration.

(B) Grounds for reconsideration are limited to the following instances where an alleged error substantially affects the rights of the applicant:

- (1) Correction of an error in a condition established by the Planning Commission where the condition is not supported by the record or is not supported by law;
- (2) Correction of errors that are technical or clerical in nature.

153.257.020 Procedure.

(A) A request for reconsideration shall be filed with the Planning Director within 10 days of the date the decision was mailed. The request shall identify the alleged error in the Planning Commission decision and shall specify how the applicant would be adversely affected if the alleged error were to remain uncorrected.

(B) Upon receipt of a request for reconsideration, the Planning Director shall forward the request for reconsideration to the Planning Commission and notify the other parties to the proceeding of the request and allow for a 10-day comment period on the request. At the end of the comment period, the Planning Commission shall determine whether the request for reconsideration has merit.

(C) The Planning Commission shall modify the decision upon a determination that the request has merit and the alleged error substantially affects the applicant. Notice of the modification shall be sent to all parties to the proceeding. If the Planning Commission determines that no modification is warranted, a determination shall issue a decision to that effect.

(D) Filing a request for reconsideration shall not be a precondition for appealing a decision.

(E) Filing a request for reconsideration stays the deadline for any party to file an appeal of the Planning Commission decision. The appeal period for all parties to the proceeding shall commence upon mailing of a modification or upon mailing a determination that a modification is not warranted. If an opponent files an appeal and an applicant has requested reconsideration, the opponent's appeal shall be stayed pending disposition of the request for modification. If the decision is not modified, the appeal will be processed in accordance with the procedures set forth in 153.258. If the decision is modified, the appellant must within 12 days of the mailing of the modified decision file in writing a statement requesting that its appeal be activated.

153.257.030 Limitation on reconsideration

No decision shall be reconsidered more than once by the Planning Commission.

153.258 APPEALS**153.258.010 Who may appeal**

(A) The following may file an appeal:

(1) A party;

(2) In the case of an appeal of an administrative decision without prior notice, a person entitled to notice, a person adversely affected or aggrieved by the administrative decision, or any other person who has filed comments on the application with the Planning Division; and

(3) A person entitled to notice and to whom no notice was mailed.

(4) Any administrative decision may be called up for a public hearing by the Planning Commission as long as at least 3 Planning Commissioners submit a written request to review a decision. In such a case, there shall be no additional hearings fee charged to the applicant and the hearing shall be scheduled for the next available meeting date with consideration for required notice periods.

(B) A person to whom notice is mailed is deemed notified even if notice is not received.

Section 153.258.020 shall be amended as follows:

153.258.020 Filing appeals

...

(A) To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Planning Department and an appeal fee.

(B) Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the City of Prineville Planning Department no later than 5:00 PM on the ~~twelfth~~¹² day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than 5:00 PM on the ~~twelfth~~¹² day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machine.

...

(C) If the City Council is the Hearings Body and the City declines review, a portion of the appeal fee may be refunded. The amount of any refund will depend upon the actual costs incurred by the City in reviewing the appeal.

~~(D) The appeal fee shall be paid by cash or check or money order, except that local, state or federal governmental agencies may supply a purchase order at the time of filing.~~

Purpose: Call out numbers for quicker document search, and delete payment options.

153.258.030 Notice of appeal

The Notice of Appeal shall include:

(A) A statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue in dispute.

(B) If the City Council is the Hearings Body, a request for review by the Council stating the reasons why the Council should review the lower Hearings Body's decision.

(C) If the City Council is the Hearings Body and de novo review is desired, a request for de novo review by the Council stating the reasons why the Council should provide de novo review as provided in 153.258.060.

Section 153.258.040 shall be amended as follows:

153.258.040 Transcript requirement

(A) Except as otherwise provided in 153.258.040, appellants shall provide a complete transcript of any hearing appealed from, from recorded audio provided by the Planning Department.

(B) Appellants shall submit the transcript to the Planning Department no later than 10 days after the date notice of appeal was filed or within 10 days after the audio was given to the appellant, whichever is later. ~~than the close of the 5th day prior to the date set for a de novo appeal hearing, in on the record appeals, the date for receipt of written arguments.~~ Unless excused under this section, an appellant's failure to provide a transcript shall cause the Council to decline to consider the appellant's appeal further and shall, upon notice mailed to the parties, cause the lower Hearings body's decision to become final.

Purpose: Add a clear time limit for transcripts. Current language does not work. 5 days prior to hearing is after the time packets should be ready for hearing.

(C) An appellant shall be excused from providing a complete transcript if appellant was prevented from complying by:

(1) The inability of the Planning Department to supply appellant with a recording of the prior proceeding; or

(2) Defects on the recording of the prior proceeding that make it not reasonably possible for applicant to supply a transcript. Appellants shall comply to the maximum extent reasonably and practicably possible.

153.258.050 Consolidation of multiple appeals

If more than one party files a notice of appeal on a land use action decision, the appeals shall be consolidated and noticed and heard as one proceeding.

Section 153.258.060 shall be amended as follows:

153.258.060 Scope of review

(A) Before Planning Commission or Hearings Officer. ~~The r~~Review on appeal ~~before the Planning Commission~~ shall be de novo.

(B) Before the Council.

(1) Review before the City Council, if accepted, shall be on the record except as otherwise provided for in this section.

(2) The Council may grant an appellant's request for a de novo review at its discretion after consideration of the following factors:

(a) Whether hearing the application de novo could cause the 120-day time limit to be exceeded; and

(b) If the ~~magnetic tape~~ audio of the hearing below, or a portion thereof, is unavailable due to a malfunctioning of the recording device during that hearing, whether review on the record would be hampered by the absence of a transcript of all or a portion of the hearing below; or

... Purpose: Add Hearing officer, delete "magnetic tape" and replace with "audio".

(c) Whether the substantial rights of the parties would be significantly prejudiced without de novo review and it does not appear that the request is necessitated by failure of the appellant to present evidence that was available at the time of the previous review; or

(d) Whether in its sole judgment a de novo hearing is necessary to fully and properly evaluate a significant policy issue relevant to the proposed land use action.

(e) For the purposes of this section, if an applicant is an appellant, factor 153.258.060(B)(2)(a) shall not weigh against the appellant's request if the applicant has submitted with its notice of appeal written consent on a form approved by the City to restart the 120-day time clock as of the date of the acceptance of applicant's appeal.

(3) Notwithstanding 152.258.060(B)(2), the Council may decide on its own to hear a timely filed appeal de novo.

(4) The Council may, at its discretion, determine that it will limit the issues on appeal to those listed in an appellant's notice of appeal.

153.258.070. Hearing on appeal.

(A) The appellant and all other parties to the decision below shall be mailed notice of the hearing on appeal at least 10 days prior to any de novo hearing or deadline for submission of written arguments.

(B) Except as otherwise provided in 153.258, the appeal shall be heard as provided in 153.255. The applicant shall proceed first in all de novo appeals.

(C) The order of Hearings Body shall be as provided in 153.255.020.

(D) The record of the proceeding from which appeal is taken shall be a part of the record on appeal.

(E) The record for a review on the record shall consist of the following:

(1) A written transcript of any prior hearing;

(2) All written and graphic materials that were part of the record below;

(3) The Hearings Body decision appealed from;

(4) Written arguments, based upon the record developed below, submitted by any party to the decision;

(5) Written comments submitted by the Planning Commission or individual planning commissioners, based upon the record developed below; and

(6) A staff report and staff comment based on the record. No oral evidence, argument or comment other than staff comment based on the record shall be taken. The Board shall not consider any new factual information.

153.258.080 Declining Review

Except as set forth in 153.256.030, when there is an appeal of a land use action and the City Council is the Hearings Body:

(A) The Council may on a case-by-case basis, at a public meeting, determine that the decision of the lower Hearings Body of an individual land use action or a class of land use action decisions shall be the final decision of the City.

(B) If the City Council decides that the lower Hearings Body decision shall be the final decision of the City, then the Council shall not hear the appeal and the party appealing may continue the appeal as provided by law. In such a case, the City shall provide written notice of its decision to all parties. The decision on the land use application becomes final upon mailing of the Council's decision to decline review.

(C) The decision of the City Council not to hear a land use action appeal is entirely discretionary.

(D) In determining whether to hear an appeal, the City Council may consider only:

- (1) The record developed before the lower Hearings Body;
- (2) The notice of appeal; and
- (3) Recommendations of staff.

153.258.090 Development Action appeals

Notice of the hearing date set for appeal shall be sent only to the applicant. Only the applicant, his or her representatives, and his or her witnesses shall be entitled to participate. Continuances shall be at the discretion of the Hearings Body, and the record shall close at the end of the hearing.

153.258.100 Withdrawal of an appeal

An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received.

153.259 LIMITATIONS ON APPROVALS

Section 153.259.010 shall be amended as follows:

153.259.010 Expiration of approval.

(A) Scope.

(1) Except as otherwise provided herein, this section shall apply to and describe the duration of all approvals of land use permits provided for under the [standards of City Ordinances; including the](#) City of Prineville Land Development Ordinance and the various zoning ordinances administered by City of Prineville.

(2) 153.259.010 does not apply to:

(a) Those determinations made by declaratory ruling or expiration determinations, that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of the zoning ordinance. Such determinations, whether favorable or not to the applicant or landowner, shall be final, unless appealed, and shall not be subject to any time limits.

(b) Quasi-judicial map changes.

(B) Duration of Approvals.

(1) Except as otherwise [stated in a decision of approval](#), provided under this section or under applicable zoning ordinance provisions, ~~all~~ land use permits ~~is~~ [are](#) void 1 year after the date the ~~discretionary~~ [decision of approval](#) becomes final if the use approved in the permit is not initiated within that time period [as defined in 153.259.020](#).

(2) Except as otherwise [stated in the decision of approval](#), provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after 1 year from the date of ~~preliminary~~ approval, unless the final plat has been submitted to the Planning Department for final approval within that time period, or an extension is sought under 153.259.010(C), or the preliminary plat or master plan approval has been initiated as defined herein.

(3) In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within 1 year of completion of the prior phase, if no timetable is specified.

(C) Extensions.

(1) The Planning Director may grant 1 extension of up to 1 year for a land use approval or a phase of a land use approval, regardless of whether the applicable criteria have changed, if:

(a) An applicant makes a written request for an extension of the development approval period;

(b) The request, along with the appropriate fee, is submitted to the City prior to the expiration of the approval period;

(c) The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and

(d) The City determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.

(e) All fees charged to the project have been paid.

(2) Up to two additional one-year extensions, may be granted under the above criteria by the Planning Director or his/her designees with the condition that all plans be brought up to current city standards, including Land Use and Zoning Code requirements and Standards and Specifications.

(3) Any additional extensions beyond the three allowed under 1 and 2 above may only be approved by City Council. Such extensions shall be based on the following:

(a) All requirements listed for extensions under 1 (a), (b), (c), (e) and 2 above are met.

(b) Council determines that, due to unforeseen general economic conditions, reasonable expectations for developing the project in a given timeframe have changed since the date of the original approval. General economic conditions refer to citywide (or broader) conditions, not the specific economic situation of the applicant.

(c) The applicant demonstrates that a substantial effort has been made to move the project forward. Evidence of substantial effort shall be evaluated at the discretion of the Council and may include planning, engineering, architectural design, bonding for or construction of public improvements, or other similar demonstrations of economic commitment.

(D) Procedures.

(1) The Planning Director shall make the determination whether a land use decision has been initiated based on the criteria listed in 153.259.020. A ~~dispute over determination of~~ whether a land use has been initiated shall be processed as a declaratory ruling.

(2) Approval of an extension granted under 153.259.010(c) is an administrative decision, is not a land use decision described in ORS 197.015 and is not subject to appeal as a land use decision and shall be processed under 153.250 as a development action, ~~except to the extent it is necessary to determine whether the use has been initiated.~~

...

Purpose: Clarify that all approvals have a 1 year time limit unless otherwise approved and allow Planning Director to make determinations on whether a land use approval has been initiated.

(E) Effect of Appeals. The time period set forth in 153.259.010(B) shall be tolled upon filing of an appeal to LUBA until all appeals are resolved.

153.259.020 Initiation of use

(A) For the purposes of this section, development action undertaken under a land use approval described in 153.259.010, has been "initiated" if it is determined that:

(1) The proposed use has lawfully occurred;

(2) Substantial construction toward completion of the land use approval has taken place; or

(3) Where construction is not required by the approval, the conditions of a permit or approval have been substantially exercised and any failure to fully comply with the conditions is not the fault of the applicant.

(B) For the purposes of this section, "substantial construction" has occurred when the holder of a land use approval has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward the completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.

Section 153.259.030 shall be amended as follows:**153.259.030 Modification of approval**(A) Modification

(1) An applicant may apply to modify an approval at any time after a period of ~~six~~ 6 months has elapsed from the time a land use action approval has become final.

(B2) Unless otherwise allowed under section 153.020(H) for Revision of plans, or other specified in a particular zoning ordinance provision, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.

(C3) An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that ~~would~~ have significant additional impacts on

surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal. Modifications shall not be accepted in such cases where a variance would be required.

~~(D4)~~ An application for a modification shall be processed in the same manner as the original approval unless criteria for that use has changed. ~~handled as a land use action.~~

(B) Alteration of an Approved Plan

(1) Minor alterations of an approved site plan, design or preliminary plat shall be processed as a Development Action. Examples of such alterations include:

(a) Minor shifting of building location such that no setback is violated.

(b) Minor shifting of street alignments or easements which do not add or delete intersections or diminish road connectivity.

(c) Minor amendments to lot lines such that no new lots are created and all lots continue to meet lot size and frontage requirements.

(d) Minor changes to landscaping species or location of plant materials such that there is no change to the aesthetic improvement qualities of the landscaping.

(e) Minor changes to the building design including roof line.

(f) Minor amendments to phasing plans that would have no adverse effect on the phasing of public improvements.

(2) Proposed alterations shall be submitted in writing to the City Planning Department for approval. The Planning Director shall grant approval to the proposed if it is determined that the change does not substantially alter the approval previously given, or the final conditions of approval. If the Director determines that the proposed change does constitute a substantial alteration or a violation of the conditions the proposal shall be processed as a modification or in the same manner as a new application.

(3) An Alteration can only be considered if there are non-substantive changes in the outward appearance of the development, impact on the surrounding properties is minimal, and the alteration is consistent with the conditions of the original approval and applicable criteria.

Purpose: Note the difference between a modification and an alteration and allows the Planning Director to make this determination based on the criteria.

153.259.040 Transfer of permit

(A) A land use action permit shall be deemed to run with the land and be transferable to applicant's successors in interest.

(B) The Planning Department may require that an applicant record a notice of land use permit and conditions of approval agreement in the Crook County Records. Such an agreement shall set forth a description of the property, describe the permit that has been issued and set forth the conditions of approval.

(C) The terms of the approval agreement may be enforced against the applicant and any successor in interest.

153.259.050 Revocation of approvals

(A) Approvals shall be subject to revocation according to standards set forth in the applicable zoning ordinances.

(B) Revocations shall be processed as a declaratory ruling under City of Prineville Land Development Ordinance. 153.259.010 notwithstanding, a public hearing shall be held in all revocation proceedings.

153.260 DECLARATORY RULING**153.260.010 Availability of declaratory ruling.**

(A) Subject to the other provisions of this section, there shall be available for the City's comprehensive plans, zoning ordinances and City of Prineville Land Development Ordinance process for:

(1) Interpreting a provision of a comprehensive plan or ordinance (and other documents incorporated by reference) in which there is doubt or a dispute as to its meaning or application;

(2) Interpreting a provision or limitation in a land use permit issued by the City or quasi-judicial plan amendment or zone change in which there is doubt or a dispute as to its meaning or application;

(3) Determining whether an approval has been initiated or considering the revocation of a previously issued land use permit, quasi-judicial plan amendment or zone change;

(4) Determining the validity and scope of a nonconforming use; and

(5) Determination of other similar status situations under a comprehensive plan, zoning ordinance or land division ordinance that do not constitute the approval or denial of an application for a permit.

(6) Such a determination or interpretation shall be known as a "declaratory ruling" and shall be processed in accordance with this section. In all cases, as part of making a determination or interpretation the Planning Director shall have the authority to declare the rights and obligations of persons affected by the ruling.

(B) A declaratory ruling shall be available only in instances involving a fact-specific controversy and to resolve and determine the particular rights and obligations of particular parties to the controversy. Declaratory proceedings shall not be used to grant an advisory opinion. Declaratory proceedings shall not be used as a substitute for seeking an amendment of general applicability to a legislative enactment.

(C) Declaratory rulings shall not be used as a substitute for an appeal of a decision in a land use action or for a modification of an approval. In the case of a ruling on a land use action a declaratory ruling shall not be available until six months after a decision in the land use action is final.

(D) The Planning Director may refuse to accept an application for a declaratory ruling if:

(1) The Planning Director determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director judgment the requested determination should be made as part of a decision on an application for a quasi-judicial plan amendment or zone change or a land use permit not yet filed; or

(2) The Planning Director determines that there is an enforcement case pending in district or circuit court in which the same issue necessarily will be decided as to

the applicant and the applicant failed to file the request for a declaratory ruling within two weeks after being cited or served with a complaint.

(3) The Planning Director determination to not accept or deny an application under this section shall be the City's final decision.

153.260.020 Persons who may apply.

(A) 153.251.010(B) notwithstanding, the following persons may initiate a declaratory ruling under 153.260:

(1) The owner of a property requesting a declaratory ruling relating to the use of the owner's property;

(2) In cases where the request is to interpret a previously issued quasi-judicial plan amendment, zone change or land use permit, the holder of the permit; or

(3) In all cases arising under 153.260.010, the Planning Director.

(4) No other person shall be entitled to initiate a declaratory ruling.

(B) A request for a declaratory ruling shall be initiated by filing an application with the planning department and, except for applications initiated by the Planning Director, shall be accompanied by such fees as have been set by the Planning Department. Each application for a declaratory ruling shall include the precise question on which a ruling is sought. The application shall set forth whatever facts are relevant and necessary for making the determination and such other information as may be required by the Planning Department.

153.260.030 Procedures

Except as set forth in this section or in applicable provisions of a zoning ordinance, the procedures for making declaratory rulings shall be the same as set forth in 153.250 for land use actions. Where the Planning Department is the applicant, the Planning Department shall bear the same burden that applicants generally bear in pursuing a land use action.

153.260.040 Effect of declaratory ruling.

(A) A declaratory ruling shall be conclusive on the subject of the ruling and bind the parties thereto as to the determination made.

(B) 153.256.040 notwithstanding, and except as specifically allowed therein, parties to a declaratory ruling shall not be entitled to reapply for a declaratory ruling on the same question.

153.260.050 Interpretation

Interpretations made under 153.260 shall not have the effect of amending the interpreted language. Interpretation shall be made only of language that is ambiguous either on its face or in its application. Any interpretation of a provision of the comprehensive plan or other land use ordinance shall consider applicable provisions of the comprehensive plan and the purpose and intent of the ordinance as applied to the particular section in question.

153.261 ENFORCEMENT AND REMEDIES**153.261.010 Enforcement**

(A) The City Manager or designee shall have the powers and the duties to enforce the provisions of this chapter and all amendments thereto.

(B) In addition, the City Manager or designee may initiate action to enforce any provision of this chapter, including any violation of any restriction or condition established under the provisions of this chapter in the granting of any application authorized or required pursuant to the provisions of this chapter.

(C) Failure to comply with any order or decision as above provided will subject the violator to any legal remedy provided under law, including but not limited to the following.

(1) A complaint filed with the Circuit Court, or other court of competent jurisdiction whereupon conviction the court may fine the violator up to the maximum allowed by law, or imprison the violator in jail for up to the maximum time allowed by law, or both. Each day a violation occurs may be considered a separate offense.

(2) The City Planning Official and/or a certified Building Official may order the stoppage of work of any type which is in violation of any of the provisions of this chapter or a permit granted pursuant hereto.

(3) A copy of the stop work order shall be posted at the site of construction or use and a copy thereof shall be mailed to the last known address of the property owner and/or the permittee.

(4) Upon the posting of the order, all work shall cease forthwith, and the property owner, permittee or permittee's agents or employees who thereafter continue to work shall be in violation of this chapter.

(5) The stop work order shall not be removed until satisfactory evidence that the violation has or will be corrected has been provided.

153.261.020 Remedies

A person violating a provision of this chapter shall be subject to the following provisions.

(A) Unlawful construction or use declared a nuisance. The location, erection, construction, maintenance, repair, alteration or use of a building or other structure, or the subdivision, partitioning, other land development or use of land in violation of this chapter shall be deemed a nuisance.

(B) Penalty. Except as otherwise provided for by law or by a court of competent jurisdiction, a person violating a provision of this chapter shall, upon conviction, be punished by fine of not more than \$500. A violation of this chapter shall be considered a separate offense for each day the violation continues.

(C) Alternative remedy. In case a building or structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or land is, or is proposed to be, used in violation of this chapter, the building or land thereby in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing this chapter, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

(D) Nuisances. Violations which constitute or include a nuisance violation shall also be subject to the abatement procedures set forth in sections 93.70 through 93.99.

**RESOLUTION NO. 1407
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION AUTHORIZING THE CITY OF PRINEVILLE TO SUBMIT TO THE
STATE OF OREGON A COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION FOR REHABILITATION OF THE PRINEVILLE SENIOR CENTER
AND TO PROVIDE HOUSING REHABILITATION LOANS TO LOW- AND
MODERATE-INCOME HOMEOWNERS**

Whereas, the City of Prineville (“City”) was awarded a Community Development Block Grant (“CDBG”) for the rehabilitation of the Prineville Senior Center (“Senior Center”) owned and operated by the Soroptimist International of Prineville Charitable Trust (“Trust”); and

Whereas, additional funds are required for the rehabilitation of the Senior Center; and

Whereas, grant funds are available through the CDBG program to rehabilitate the Senior Center; and

Whereas, there is a need in Central Oregon to provide housing rehabilitation loans to low- and moderate-income homeowners that own and occupy their single-family residence; and

Whereas, the City has agreed to apply for a regional grant on behalf of itself, the City of La Pine, the City of Madras, City of Sisters, Crook County, Deschutes County, and Jefferson County; and

Whereas, grant funds are available through the CDBG to rehabilitate the Senior Center; and

Whereas, the CDBG application must be filed by a City or County; and

Whereas, the CDBG rules require that a public hearing be held regarding the CDBG application, which public hearing was held on July 23, 2019.

NOW, THEREFORE, the City resolves as follows:

1. The City shall submit the following CDBG applications to the State of Oregon Business Oregon: (1) for the full grant amount for repair and/or rehabilitation of the Senior Center and parking lot owned and operated by Trust; and (2) for up to the full grant amount to provide housing rehabilitation loans to low- and moderate-income homeowners that own and occupy their single-family residence.

2. City staff and City officers shall take the necessary steps to complete the CDBG applications process including executing necessary documents and, if the grant application is approved, managing the project(s).

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

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder



STAFF REPORT

MEETING DATE: 8/13/2019 **PREPARED BY:** Scott Smith/ODOT Rep
SECTION: Council Business **DEPARTMENT:** Public Works
CITY GOAL: Provide Quality Municipal Services & Programs
SUBJECT: Resolution Exercising The Power of Eminent Domain

REASON FOR CONSIDERATION:

Temporary Construction Easement for Rails to Trails Project.

BACKGROUND:

The City of Prineville entered into an right of way service agreement with the Oregon Department of Transportation, (ODOT #33356) (City Resolution #1390) on April 23,2019.

This agreement allowed ODOT to identify any properties or easements that may be needed to construct the Prineville Rails to Trails project. During ODOT's investigation a temporary construction easement was identified in the area of the SW corner of Hwy26/E 3rd St and NE Spruce Ln. The photo below shows 2 properties affected by this easement. ODOT Staff will be here to explain the next steps in this process.



FISCAL IMPACT: Project is in the approved city budget.

RECOMMENDATION:

Staff recommends Council approve Resolution Numbers 1408 and 1409.

**RESOLUTION NO. 1408
CITY OF PRINEVILLE, OREGON**

A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

Whereas, the City of Prineville (“City”) may exercise the power of eminent domain pursuant to ORS 223.005 through ORS 223.105, and the laws of the State of Oregon generally, when the exercise of such power is deemed necessary by the City’s governing body to accomplish public purposes for which the City has responsibly; and

Whereas, City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public; and

Whereas, the project or projects known as **Prineville Rails to Trails** have been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded; and

Whereas, to accomplish the project or projects set forth above, it is necessary to acquire the interests in the property described in “Exhibit A,” attached to this resolution and, by this reference incorporated herein.

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

1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
3. The City’s staff and the Oregon Department of Transportation and the Attorney General are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.
4. City expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

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

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder

Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 15 South, Range 16 East, Willamette Meridian, Crook County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Adam Kraus, recorded February 13, 2019 as Instrument No. 2019-291731, Crook County record of deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Ochoco Highway at Engineer's Stations 41+83.00 and 42+75.00 and included in a strip of land 72.00 feet in width, lying on the Southerly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 35+00.00, said station being 797.86 feet South and 854.35 feet East of the North one-quarter corner of Section 5, Township 15 South, Range 15 East, W.M.; thence North 89° 40' 28" East 1,000.00 feet to Engineer's Station 45+00.00 on said center line.

Bearings are based upon the Oregon Coordinate Reference System (O.C.R.S.), Bend-Redmond-Prineville Zone, NAD 83(2011) Epoch 2010.00.

This parcel of land contains 1,560 square feet, more or less.

**RESOLUTION NO. 1409
CITY OF PRINEVILLE, OREGON**

A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

Whereas, the City of Prineville (“City”) may exercise the power of eminent domain pursuant to ORS 223.005 through ORS 223.105, and the laws of the State of Oregon generally, when the exercise of such power is deemed necessary by the City’s governing body to accomplish public purposes for which the City has responsibly; and

Whereas, City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public; and

Whereas, the project or projects known as **Prineville Rails to Trails** have been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded; and

Whereas, to accomplish the project or projects set forth above, it is necessary to acquire the interests in the property described in “Exhibit A,” attached to this resolution and, by this reference incorporated herein.

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

1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
3. The City’s staff and the Oregon Department of Transportation and the Attorney General are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.
4. City expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

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

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder

Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 15 South, Range 16 East, Willamette Meridian, Crook County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Prineville Associates, an Oregon limited liability company, recorded April 12, 2019 as Instrument No. 2019-292672, Crook County record of deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Ochoco Highway at Engineer's Stations 41+83.00 and 42+75.00 and included in a strip of land 72.00 feet in width, lying on the Southerly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 35+00.00, said station being 797.86 feet South and 854.35 feet East of the North one-quarter corner of Section 5, Township 15 South, Range 15 East, W.M.; thence North 89° 40' 28" East 1,000.00 feet to Engineer's Station 45+00.00 on said center line.

Bearings are based upon the Oregon Coordinate Reference System (O.C.R.S.), Bend-Redmond-Prineville Zone, NAD 83(2011) Epoch 2010.00.

This parcel of land contains 262 square feet, more or less.

**RESOLUTION NO. 1410
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING AMENDMENT NO. 01 TO LOCAL AGENCY
AGREEMENT WITH THE STATE OF OREGON DEPARTMENT OF
TRANSPORTATION**

Whereas, The City of Prineville (“City”) and the State of Oregon, acting by and through its Department of Transportation (“ODOT”) entered into a Local Agency Agreement on or about June 5, 2018 (“Agreement”) regarding the Prineville Rails to Trails; and

Whereas, an Amendment was desired to add right of way language that reflects the acceptance by City of required right of way purchased to complete the Project and to update the ODOT contact information; and

Whereas, ODOT has prepared an Amendment attached to this Resolution identified as Misc. Contracts and Agreements No. 32422-1;

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 attached hereto 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 August, 2019.

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder

**AMENDMENT NUMBER 01
LOCAL AGENCY AGREEMENT
Prineville Rails to Trails
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,” and **the City of Prineville**, acting by and through its elected officials, hereinafter referred to as “Agency,” entered into on June 5, 2018.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to add right of way language that reflects the acceptance by the Agency of required right of way purchased to complete the Project and to update the ODOT 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 RECITALS, Paragraph 5, to read as follows:**

NE Spruce Lane and NE Mason Drive are a part of the city street system under the jurisdiction and control of Agency.

b. **RECITALS, Paragraphs 5 through 7, shall be hereinafter re-numbered as Paragraphs 6 through 8.**

c. **TERMS OF AGREEMENT, Paragraph 26, Page 7, which reads:**

ODOT Contact for this Agreement is Rick Williams – Local Agency Liaison, 63055 N. Highway 97, Bldg M, Bend, OR 97703, (541) 388-6084, richard.i.williams@odot.state.or.us, or assigned designee upon individual’s absence. ODOT 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:

ODOT’s Contact for this Agreement is Abbey Driscoll – Local Agency Liaison, 63055 N. Highway 97, Bldg M, Bend, OR 97703, (541) 388-6064, abbey.driscoll@odot.state.or.us, or assigned designee upon individual’s absence. ODOT shall notify the other Party in writing of any contact information changes during the term of this Agreement.

d. **Insert new TERMS OF AGREEMENT, Paragraph 19, to read as follows:**

Upon completion of the Project, Agency shall accept, as a portion of its city street system that property acquired by State and needed for the construction phases of

the Project. The conveyance from State to Agency shall be free of costs and fees. Any property being conveyed shall be vested in Agency only so long as used for public transportation purposes. If said right of way is no longer used for public transportation purposes, it shall automatically revert to State.

e. Insert new TERMS OF AGREEMENT, Paragraph 20, to read as follows:

Parties agree that State shall construct ADA compliant curb ramps at the location of NE Spruce Lane and NE Mason Drive at their intersection with US Route 26, which may result in minor widening or narrowing of the curb-to-curb width of the city streets. Agency, if a City, by execution of Agreement, gives its consent as required by ORS 373.030(2) and ORS 105.760 to any and all changes of curb-to-curb street widths within the Agency limits, and gives its consent as required by ORS 373.050(1) to any and all modification of streets intersecting the highway, if any there be in connection with or arising out of the Project covered by the Agreement.

f. TERMS OF AGREEMENT, Paragraphs 19 through 27, shall be hereinafter re-numbered as Paragraphs 21 through 29.

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.

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 2018-2021 Statewide Transportation Improvement Program, (Key #20269) that was adopted by the Oregon Transportation Commission on July 20, 2017 (or subsequently approved by amendment to the STIP).

SIGNATURE PAGE FOLLOWS

CITY OF PRINEVILLE, by and through
its elected officials

By _____
Mayor

Date _____

By _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Agency Counsel

Date _____

Agency Contact:

Eric Klann – City Engineer
387 NE Third Street
Prineville, OR 97754
(541) 447-2357
eklann@cityofprineville.com

State Contact:

Abbey Driscoll – Local Agency Liaison
63055 N. Highway 97, Bldg M
Bend OR, 97703
(541) 388.6064
abbey.driscoll@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 4 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By: Bonnie Heitsch via email
Assistant Attorney General

Date: August 1, 2019

**RESOLUTION NO. 1411
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING AN INTERCHANGE SIGNAL MAINTENANCE AGREEMENT
WITH THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION**

Whereas, the City of Prineville (“City”) and the State of Oregon, acting by and through its Department of Transportation (“ODOT”) have negotiated an Interchange Signal Maintenance Agreement title “Misc. Contracts and Agreements No. 33441 (the “Agreement”) for the purposes of traffic signal maintenance and costs for traffic signals located within the City; and

Whereas, both City and ODOT own traffic signals within the City; and

Whereas, Pursuant to ORS 190.110, 366.572 and 366.576, the parties may enter into a cooperative agreement for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties; and

Whereas, Pursuant to ORS 810.210, ODOT is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by authority other than State, except with its written approval. Traffic signal work on this Project will conform to the current State standards and specifications; and

Whereas, ODOT and City have determined that it is both to their mutual benefit and to the general public’s benefit if they jointly utilize ODOT and City maintenance resources; and

Whereas, City and ODOT have negotiated an agreement that defines the roles and responsibilities of the Parties regarding the traffic signals within the City; and

Whereas, City staff believes it is in the best interest of the City to approve and execute the Agreement.

Now, Therefore, the City of Prineville resolves that the Agreement attached hereto is hereby approved and that the Mayor is authorized to sign such Agreement on behalf of the City.

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

Stephen P. Uffelman, Mayor

///
ATTEST:

Lisa Morgan, City Recorder

INTERCHANGE SIGNAL MAINTENANCE AGREEMENT
City of Prineville

THIS AGREEMENT is made and entered into by and 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," both herein referred to individually or collectively as "Party" or "Parties".

RECITALS

1. The traffic signals listed in Exhibit A, are part of the city street system under the jurisdiction and control of Agency
2. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic signal work on this Project will conform to the current State standards and specifications.
4. State and Agency have determined that it is both to their mutual benefit and to the general public's benefit if they jointly utilize State and Agency maintenance resources.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. This Agreement shall supersede any existing traffic signal agreements between State and Agency if any there be.
2. Under such authority, State and Agency enter into this Agreement to identify the maintenance, timing adjustments, inspection, emergency repair, and electrical energy responsibilities for Signal Systems covered by this Agreement. "Signal Systems" means: signals; illumination connected to signals; detection and preemption devices, including video detection devices and illumination connected to them; flashers, interconnects, and all controls systems and required for the enumerated equipment. The Signal Systems covered by this Agreement are shown in the list marked Exhibit A, attached hereto and by this reference made a part of

this Agreement. The scope of the work performed under this Agreement is limited to maintenance activities and does not include alteration, upgrade, or construction of sidewalks or curb ramps, or installation of pedestrian activated signals.

3. The total cost of the maintenance, timing adjustments and inspections shall not exceed \$5,000 per Agency owned Signal System, per calendar year. The estimated total cost amount for all signals during the term of this Agreement is \$25,000. Said cost is subject to review for inflation, and any changes shall be made by an amendment to this Agreement, signed by both Parties. All costs in excess of the estimate shall be the responsibility of Agency.
4. Maintenance costs do not include repairs performed on an emergency basis. The cost of emergency repairs will depend on the actual cost of the repairs and State shall invoice Agency for these repairs on Agency owned Signal Systems.
5. This Agreement shall become effective on the date that all required signatures are obtained and shall terminate on June 30, 2025 unless extended by a fully executed Amendment to this Agreement. Any pre-existing maintenance and electrical energy responsibilities shall survive termination of this Agreement.

AGENCY OBLIGATIONS

1. Agency shall pay 100 percent of the electrical energy costs associated with Agency owned Signal Systems. Agency shall have the power company send bills directly to Agency.
2. Agency shall pay 50 percent of the electrical energy costs associated with State owned Signal Systems identified in Exhibit A.
3. Agency shall maintain the asphaltic concrete pavement surrounding the vehicle detector loops installed in the city streets in such a manner as to provide adequate protection for said detector loops.
4. Agency shall be responsible for locating all utilities in connection with the Signal Systems covered by this Agreement.
5. In cases where Agency modifies timing to add railroad or emergency vehicle preemption, bus priority, or other changes that affect vehicle or pedestrian clearances, or operation of the interstate ramps, such modifications shall be reported to State's Region Traffic Engineer. State shall retain the right of review of the traffic signal timing for signals on state highways and shall reserve the right to request adjustments when needed. All modifications shall follow guidelines set forth in the current Manual on Uniform Traffic Control Devices, and the current State Traffic Signal Policy and Guidelines.
6. In cases where an Agency construction project will impact the timing at Signal Systems covered by this Agreement, the Agency shall contact one of State's

contacts listed in this contract prior to the beginning of construction.

7. Agency shall include one or both of State's contacts listed in this contract in plan development on projects that include signal work or work that may impact the Signal Systems covered by this Agreement.
8. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.
9. Agency shall pay one-hundred (100) percent of the maintenance and timing adjustment costs associated with the Agency owned Signal Systems covered by this Agreement.
10. Agency shall pay one-hundred (100) percent of the emergency repair costs associated with the Agency owned Signal Systems covered by this Agreement.
11. Agency shall pay one-hundred (100) percent of the annual inspection costs associated with the Agency owned Signal Systems covered by this Agreement.
12. Agency shall cooperate with State to extract the signal programming from the Signal Systems covered by this Agreement.
13. Agency shall, upon receipt of invoice from State for maintenance, emergency repairs or annual inspection costs associated with Agency owned Signal Systems, reimburse State for one-hundred (100) percent of said costs and 50 percent of the electrical energy costs associated with State owned Signal Systems covered by this agreement. Agency shall remit payment within forty-five (45) days.
14. 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.
15. Agency acknowledges and agrees that State, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after completion of Project. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
16. Agency's Project Manager for this Project is Scott Smith, Maintenance/Street Lighting Manager, 541-883-5397, ssmith@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.

STATE OBLIGATIONS

1. State shall submit billings to Agency for 50% of the percent of the electrical energy costs associated with State owned Signal Systems and work performed under this Agreement for the Signal Systems listed on Exhibit A.
2. State shall perform all necessary maintenance, signal timing adjustments, and emergency repairs of Signal Systems listed on Exhibit A.
3. State shall prioritize Agency requests for maintenance or repair based on resource availability and the State's Operational Notice MG-144.02 (Traffic Signal Maintenance Priority) attached hereto, marked Exhibit B, and by this reference made a part hereof.
4. State shall coordinate the operational inspections of each Signal System with Agency. State shall work cooperatively with Agency on the extraction of the signal programming from the Signal Systems as requested by Agency.
5. State shall retain the right to review, at its discretion, the Signal System timing and to make timing adjustments when needed.
6. State's primary contact for this Project is the Miranda Wells - Traffic Operations Engineer, 4670, Bldg K, 63055 N highway 97, Bend, Oregon 97703, (541) 388-6309, Miranda.wells@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.
7. State's secondary contact for this Agreement is the David Hirsch – Region Traffic Operations Engineer, 4670, Bldg K, 63055 N Highway 97, Bend, Oregon 97703, (541) 388-6472, david.hirsch@odot.state.or.us, or assigned designee upon individual's absence. State shall notify Agency in writing if any contact information changes during the term of this Agreement.
8. **Americans with Disabilities Act Compliance:**
 - a. The Parties agree that all work performed by either Party under this Agreement (“Work”) shall comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, “ADA”).
 - b. Scope of Work:
 - i. The scope of the Work performed under this Agreement is limited to maintenance activities and shall not include alteration, upgrade, or construction of sidewalks or curb ramps, or installation of pedestrian activated signals.
 - ii. If Work to be performed by either Party includes an alteration under

the ADA as set forth in ODOT Maintenance Operational Notices MG 144-03 or MG100-107 (“Alteration”), and thereby triggers additional modifications to the facility in order to comply with the ADA (“ADA Modifications”), and if the ADA Modifications cannot reasonably be included in the Work, then the Work falls outside the scope of this Agreement. The Parties may enter into a separate agreement for performance of such work and ADA Modifications. Whether specific Work may include an Alteration shall be determined by the Party responsible for performing the Work.

- c. For Work performed by ODOT under this Agreement, the Parties shall:
 - i. Utilize ODOT standards, including but not limited to ODOT Maintenance Operational Notices MG 100-107 (“MG 100-107”), MG144-03 (“MG144-03”), and MG Activities-2 (“MG Activities-2”), to ensure that the Work complies with the ADA, and,
 - ii. Follow ODOT’s processes for modification or upgrade of pedestrian-activated signals and performance of any ADA Modification, including but not limited to MG 144-03 and MG 100-107.
- d. Agency reaffirms its commitment to provide an accessible ADA-compliant transportation system and ensure that any feature or part of a feature that was addressed as part of the Work (“Feature”), including ADA Modifications, that falls under Agency’s jurisdiction, is maintained in compliance with the ADA throughout the useful life of the Feature. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Agency, or abutting property owner, pursuant to local code provisions, performs any repair or removal of obstructions needed to maintain the facility in compliance with the ADA requirements that were in effect at the time the facility was constructed or altered,
 - iv. Any future alterations during the useful life of the Feature complies with the ADA requirements in effect at the time the future alteration work is performed, and
 - v. Applicable permitting and regulatory actions are consistent with ADA requirements.
- e. Maintenance obligations in Subsection d above shall survive termination of this Agreement.

- f. ODOT Maintenance Operational Notices MG 100-107, MG144-03, MG Activities-2, and the OTTCH are incorporated herein by reference.
 - i. The OTTCH is available at <http://www.oregon.gov/ODOT/Engineering/Pages/OTTCH.aspx>
Copies of MG 100-107, MG144-03, and MG Activities-2 are available for inspection at the ODOT District 11 Office located at District 11 Administration, 2557 Altamont Drive, Klamath Falls, OR 97603-5701 during regular business hours, or at the following locations online:
 - MG 100-107:
https://www.oregon.gov/ODOT/Engineering/DOCS_ADA/MG100-107_w-diagram.pdf
 - MG 144-03:
https://www.oregon.gov/ODOT/Engineering/DOCS_ADA/MG144-03.pdf
 - MG Activities-2:
https://www.oregon.gov/ODOT/Engineering/Doc_TechnicalGuidance/MG-Activities-2.pdf
 - ii. All references to MG 100-107, MG144-03, and MG Activities-2 in this Section refer to the version of the policy in place at the time the Services are performed.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Agreement.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for

performance of this Agreement.

- e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Agency may terminate this Agreement effective upon delivery of written notice to State, or at such later date as may be established by Agency, under any of the following conditions:
 - a. If State fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If State fails to provide payment of its share of the cost of the Agreement.
 - c. If Agency fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow Agency, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or Agency is prohibited from paying for such work from the planned funding source.
 4. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
 5. Both Parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Both Parties expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
 6. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party

Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

7. With respect to a Third Party Claim for which the State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
8. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
9. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
10. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
11. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or

representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

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.

CITY OF PRINEVILLE, by and through its
elected officials

By _____
Mayor

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____

Date _____

Agency Contact

Scott Smith
City of Prineville
Maintenance/Street Lighting Manager
Office: 541-883-5397
Fax: 541-851-2464
ssmith@cityofprineville.com

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 4 Manager

Date _____

APPROVAL RECOMMENDED

By _____
State Traffic Engineer

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By Rachel Bertoni via email _____
Assistant Attorney General

Date August 1, 2019 _____

State Contact

Miranda Wells - Traffic Operations
Engineer, 63055 N Highway 97, Bldg K
Bend, Oregon 97703
(541) 388-
6309miranda.wells@odot.state.or.us

EXHIBIT A


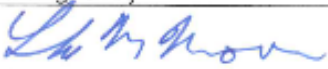
Agency owned Signal Systems in the table below are part of the city street system and under the jurisdiction and control of the Agency:

Agency owned Signal System(s):	
TSSU Number	Location
10048	Main at 10th

State owned signal systems listed in the table below are part of the State Highway System and under the jurisdiction and control of the State:

State owned Signal System(s):	
TSSU Number	Location
10030	3 rd at Main Street
10031	3 rd at Deer Street
10032	3 rd at Elm Street
10099	3 rd at Harwood Street

EXHIBIT B

	Highway Division Maintenance Leadership Team Operational Notice		
Number	Supersedes	Effective Date	Cancellation Date
MG-144-02	New	March 1, 2015	Until further notice
Subject	Issuing Body		
Traffic Signal Maintenance Priority	 State Maintenance & Operations Engineer		

PURPOSE:

Guidelines and considerations for use in prioritization of response to Traffic Signal maintenance requests.

BACKGROUND:

Documentation of expected Traffic Signal Maintenance priority to communicate expected requirements with our own staff, Local agency agreements and to outline expectations for expected response to Traffic Signal Maintenance calls. Traffic Signal Priority issues also come up as multiple calls for the limited staff arrive, possible on call support needed, and perspective for maintenance urgency.

PROCESS:

Call-Out Level A:

An emergency response effort with potential life safety issues, the maintenance crew arriving on-scene and repairing within a few hours as resources allow, including weekends and holiday.

Examples include.

- Damaged cabinet, poles or equipment in danger of falling
- Exposed wiring posing a perceived danger
- Twisted or conflicting primary signal indications facing the same approach
- Stuck signal indications
- Low hanging signals or electrical equipment
- Upraised Hand (don't walk) pedestrian signal indication burned out indications in an actuated environment.
- Detection failures for such movements as pedestrian, left-turn, and cross street signals
- Open controller cabinet or service pedestal

Highway Division
Notice MG144-02

EXHIBIT B – continued

- Railroad or bridge pre-emption failure
- Signal off
- Power out (prior to responding first verify status and conditions with power company and advise local law enforcement.)
- Traffic signal in “conflict” red flashing operation (respond before next peak hour)
- School Speed limit beacons (before next normal school day operation)
- Rectangular Rapid Flash Pedestrian Beacon out of service.

Call out Level B:

Immediate response efforts, same work day or next workday response needs to be directed toward:

- Red or Yellow signal indication burned out
- School warning beacons out of service
- Accessible Pedestrian signal tone failures
- Emergency vehicle pre-emption failure (notification of emergency services or repair)
- Supplemental regulatory beacons out of service
- Supplemental warning beacons out of service
- Supplemental intersection beacons out of service
- Upraised Hand (don't walk) or walk pedestrian signal indication burned out in a non-actuated environment
- Ramp metering signals out of service
- Lane control signals out of service

Call out Level C:

One work week , scheduled response efforts depending on severity:

- Burned out Green or Walking person (Walk) indications
- Damaged visors
- Broken lens
- Flickering LED units
- Missing visors or backplates
- Transit priority out of service
- Stuck pedestrian pushbutton
- Trimming of trees to improve visibility of signals
- Timing coordination failures
- Supplemental in-roadway lighting

EXHIBIT B – continued

Call out Level D:

Maintenance response efforts to accomplish during next scheduled maintenance visit

- Calls for timing changes
- Annual inspections
- Firmware updates

Regardless of the Maintenance call issues the following IMSA seven step process is critical to a safe operation and to avoid recurring or return maintenance calls; Step 8 was added to keep the TOC informed.

- Step 1: Observe intersection Operation
- Step 2: Identify the problem or problems
- Step 3: Determine the general areas that could create the observed symptoms
- Step 4: Isolate the cause
- Step 5: Test to determine which device is causing the problem
- Step 6: Correct the problem
- Step 7: Observe the signal operation to insure all problems have been corrected.
- Step 8: Call the TOC to give a Status update.

It is critical to remember that, no matter how many critical trouble calls are stacked up waiting for the technician to arrive, the complete checking and securing of the signal before the technician leaves the intersection is the top priority.

Other Considerations:

The timelines stated in the call out levels above are to be considered as general timelines.

There are many factors that may also impact the ability to perform repairs within the general timelines. These include: large scale emergencies, budget, staffing, material shortages, and availability of contractor resources, road and weather conditions or the need to respond to other highway priority safety issues.

When reviewing individual situations, maintenance managers should consider whether other interim measures are beneficial.



STAFF REPORT

MEETING DATE:	8/13/2019	PREPARED BY:	Jered Reid
SECTION:	Resolutions	DEPARTMENT:	Public Works
CITY GOAL:	Provide Quality Municipal Services & Programs / Position City for the Future		
SUBJECT:	Professional Services Contract – Mount Hood Environmental		

REASON FOR CONSIDERATION:

Position City for Renewable Energy Opportunities – Bowman Dam Hydro Project.

BACKGROUND:

City of Prineville Resolution 1266 authorizes the City Council when acting as the Contract Review Board for the City to award personal services contracts directly based upon the following factors:

- (1) Total costs to the City for delivery of services;
- (2) Expertise of the contractor in the required area of specialty;
- (3) References regarding prior work done by the Contractor;
- (4) Capacity and capability to perform the work, including any specialized services within the time limitations for the work;
- (5) Educational and professional records;
- (6) Availability to perform the assignment and familiarity with the area in which the specific work is located;
- (7) Timeliness of delivery of service;
- (8) Experience in working with the City; and
- (9) Knowledge of City's needs and desires related to the contract.

City Staff recommends that the Council award a personal services contract to Mount Hood Environmental LLC, (MHE) for consultation regarding the Fish Passage Waiver Application based on the following factors:

(1) Total costs to the City for delivery of services: \$83,700

(2) Expertise of the contractor in the required area of specialty:

Ian Courter is the owner and operator of Mount Hood Environmental (MHE), a fisheries and water quality research and service company located in Sandy, Oregon. Ian has served as principal investigator for anadromous fish studies in numerous watersheds throughout the Pacific Northwest and California, including the Willamette, Clackamas, Deschutes, Lewis, Yakima, Methow, Wenatchee, Owyhee, Lower Snake, Upper Columbia, Klamath and Sacramento River Basins. Most of this work has been focused on life-history diversity, effects of flow and temperature conditions on fish survival and production potential, as well fish passage survival at dams. Ian has lead several relevant studies in the Crooked River proximate to Bowman Dam including redband trout surveys, evaluations of total dissolved gas conditions, and fish habitat carrying capacity estimation.

(3) References regarding prior work done by the Contractor:

Relevant reports and publications:

Courter, I. and F. Carpenter. 2018. Predicted Impacts of Bowman Dam Fish Passage and Remediation of Gas Bubble Disease on Redband Trout Production in the Crooked River Basin. Technical report prepared for Ochoco Irrigation District and the City of Prineville. 23 pp.

Carpenter, F., T. Blackman, and **I. Courter**. 2018. Springhill Pumping Plant Fish Entrainment Monitoring, Tualatin River, Oregon. Technical report prepared for Joint Water Commission and Barney Reservoir Joint Ownership Commission. 37 pp.

Courter, I., TM Garrison, TJ Kock, RW Perry, DB Child, JD Hubble. (2016) Benefits of prescribed flows for salmon smolt survival enhancement vary longitudinally in a highly managed river system. *River Research and Applications*. DOI: 10.1002/rra.3066

Perry RW, TJ Kock, **I. Courter**, TM Garrison, JD Hubble, DB Child. (2016) Dam operations affect route-specific passage and survival of juvenile Chinook salmon at a mainstem diversion dam. *River Research and Applications*. DOI: 10.1002/rra.3059

Stevens, P., **I. Courter**, C. Peery, and C. Caudill. 2016. Evaluation of Adult Pacific Lamprey Passage at Lower Snake River Dams. 2015 Annual Report prepared for the U.S. Army Corps of Engineers. Contract: W912EF-14-P-5061. Submitted April 2016, 66pp.

- Courter, I., K. Ceder, C. Fisher, and S. Schaller.** 2016. Impacts of Stream Flow on Salmonid Production Potential in Stapaloo and Swimptkin Creeks, Washington. 2015 Annual Report prepared for the Colville Confederated Tribes, Omak, Washington, 27pp.
- Courter, I., K. Ceder, M. Vaughn, R. Campbell, F. Forrester, and G. Engelgau.** 2014. Evaluation of steelhead trout and Chinook salmon summer rearing habitat, spawning habitat, and fish passage in the upper Deschutes Basin. Report prepared for the Deschutes Basin Board of Control and City of Prineville, Oregon, 63pp.
- Courter, I., T. Garrison, and F. Carpenter.** 2013. Swift Reservoir floating surface collector juvenile salmon collection efficiency pilot study. Report prepared for Pacific Power. 43 pp.
- Courter, I., J. Vaughan, and S. Duery.** 2012. Crooked River Redband Trout Study. Report Prepared for Ochoco Irrigation District, Prineville, Oregon, Page(s): 21 pp.
- Courter, I. and J. Vaughan.** 2011. Hydropower Operations Reduce Bull Trout Entrainment Mortality at Tieton Dam. Series: Hydro Review, Vol. 30, Num. 5, Page(s): 100-107

(4) Capacity and capability to perform the work, including any specialized services within the time limitations for the work:

MHE specializes in anadromous fish evaluations directly relevant to fish passage at Bowman Dam. Previous work experience will allow MHE to complete the fish passage waiver application more quickly than a generalist consultancy. MHE has multiple staff available to assist with document preparation and background research.

(5) Educational and professional records:

- M.S., Fisheries Science, Minor in Natural Resource Policy and Law. Oregon State University, Corvallis, Oregon. 2005.
- B.A., Environmental Biology. Pacific University, Forest Grove, Oregon. 2002
- Project Management Certification. Portland State University, Portland, Oregon. 2008.

(6) Availability to perform the assignment and familiarity with the area in which the specific work is located:

MHE has performed several projects in the Crooked River within the river reach near Bowman Dam. MHE was responsible for conducting a pre-project analysis and is familiar with the City's needs for development of the fish passage waiver. MHE staff are available and technically qualified to develop the fish passage waiver application.

(7) Timeliness of delivery of service:

August 30, 2019 with extension contingent upon negotiations with ODFW.

(8) Experience in working with the City:

MHE has conducted two previous projects on behalf of the City of Prineville: Redband trout electrofishing surveys and a desktop assessment of total dissolved gas remediation and fish passage benefits at Bowman Dam. MHE also provided technical expertise, analysis, and reporting in support of the Deschutes Basin Habitat Conservation Plan.

(9) Knowledge of City's needs and desires related to the contract.

MHE has been in communication with City staff about the objectives of the project, reviewed the necessary background documentation, and crafted a template for the project deliverable.

FISCAL IMPACT:

Total costs to the City for delivery of services: \$83,700.

RECOMMENDATION:

That City Council make a Motion to approve Resolution No. 1412, approving a personal services agreement with Mount Hood Environmental, LLC, to provide personal services for consultation services regarding the fish passage waiver application.

**RESOLUTION NO. 1412
CITY OF PRINEVILLE, OREGON**

**A RESOLUTION APPROVING A PERSONAL SERVICES AGREEMENT WITH
MOUNT HOOD ENVIRONMENTAL, LLC TO PROVIDE PERSONAL SERVICES FOR
CONSULTATION SERVICES REGARDING THE FISH PASSAGE WAIVER
APPLICATION**

Whereas, in 2016, the City of Prineville (“City”) secured a three-year preliminary permit from the Federal Energy Regulatory Commission (FERC) for the addition of a hydroelectric power plant at Bowman Dam on the Crooked River. To benefit affected native fish populations, Oregon Department of Fish and Wildlife (ODFW) requires the addition of fish passage measures if a modification to an existing fish barrier occurs. However, fish passage measures are not necessary if a mitigation strategy proves more beneficial. Initial assessments have indicated mitigation to be a plausible approach in this case. Moreover, fish passage at the dam was determined to be cost prohibitive for the project. Therefore, the City will pursue a Fish Passage Waiver prior to their FERC permit expiration in November 2019.

Whereas, The City requires the assistance of a consultant to assist with the Fish Passage Waiver Application; and

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

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

Whereas, City Counsel finds that Mount Hood Environmental, LLC, meets the following applicable criteria as set out in City Resolution 1266, Section 8(C): (1) Total costs to the City for delivery of services; (2) expertise of the contractor in the required area of specialty; (3) References regarding prior work done by the Contractor; (4) capacity and capability to perform the work, including any specialized services within the time limitations for the work; (5) Educational and professional records; (6) availability to perform the assignment and familiarity with the area in which the specific work is located; (7) timeliness of delivery of service; (8) experience in working with the City; and (9) knowledge of City’s needs and desires related to the contract.

Now, Therefore, the City of Prineville Resolves as follows:

1. That the City Council, serving in its role as the Local Contract Review Board for the City, hereby approves the City entering into a personal services contract with Mount Hood Environmental, LLC to provide consultation services related to the Fish Passage Waiver Application and authorizes the City Manager to execute, on behalf of the City, such contract and any other related documents.

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

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder

**RESOLUTION NO. 1413
CITY OF PRINEVILLE, OREGON**

A RESOLUTION APPROVING A PERSONAL SERVICES AGREEMENT WITH BAER DESIGN GROUP, LLC, TO PROVIDE PERSONAL SERVICES FOR CONSULTATION SERVICES REGARDING THE MEADOW LAKES IRRIGATION PROJECT

Whereas, the City of Prineville (“City”) Meadow Lakes Golf Course requires the renovation of its installation system due to the system being outdated and at the end of its life cycle, which has required an increasing amount of maintenance, and to modernize the Golf Course’s irrigation system to make it competitive with courses of a similar nature; and

Whereas, the City requires the assistance of a consultant to assist with irrigation design, which includes, but is not limited to, the following: mapping and site study; irrigation master plan and construction cost estimate, construction documents and specifications; bidding assistance; construction staking; construction observation; irrigation as-built and field control books; central control programming; and central control mapping; and

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

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

Whereas, City Counsel finds that Baer Design Group, LLC, meets the following applicable criteria as set out in City Resolution 1266, Section 8(C): (1) Total costs to the City for delivery of services; (2) expertise of the contractor in the required area of specialty; (3) references regarding prior work done by the Contractor; (4) capacity and capability to perform the work, including any specialized services within the time limitations for the work; (5) educational and professional records; (6) availability to perform the assignment and familiarity with the area in which the specific work is located; (7) timeliness of delivery of service; and (8) knowledge of City’s needs and desires related to the contract.

Now, Therefore, the City of Prineville Resolves as follows:

1. That the City Council, serving in its role as the Local Contract Review Board for the City, hereby approves the City entering into a personal services contract with Baer Design Group, LLC to provide consultation services related to the Meadow Lakes Irrigation Project and

authorizes the City Manager to execute, on behalf of the City, such contract and any other related documents.

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

Stephen P. Uffelman, Mayor

ATTEST:

Lisa Morgan, City Recorder



Statement of Qualifications Irrigation Design & Consulting



*2018 Excellence In Irrigation
Honor Award Recipient*

Baer Design Group, LLC

Irrigation Design & Consulting

p. 208.859.1980 | e. greg@baerdg.com

BASIC QUALIFICATIONS

Baer Design Group, LLC (BDG) is an irrigation consulting, landscape architecture and graphics design firm with nearly 40 years combined experience. We are passionate about our environment and improving our resources whenever possible. All of our design projects are approached with long term functionality, durability, and ease of maintenance for the end user in mind. Our mission is to provide our client with an aesthetically pleasing, sustainable, effective, efficient and low maintenance product on time and within budget.

We are proudly affiliated with the American Society of Irrigation Consultants, Irrigation Association and American Society of Landscape Architects and are members of the Idaho, Inland Empire and Peaks & Praries GCSAA Chapters.



ASLA



Our irrigation experience ranges from small xerigation systems to large golf course irrigation systems with thousands of rotors and multiple pumping stations. Each project is approached differently as each is unique and requires varying attention to detail. We have successfully worked with multiple private ownership and public agencies throughout the west including:

- Public/Private Golf Courses
- City Parks
- State Parks
- Transportation Dept.
- Public Schools
- Libraries
- City Halls
- Universities
- Medical Facilities



We believe working in environments with open communication and teamwork amongst our clients and sub consultants provides for a unified vision and ensures all aspects of a project are addressed from inception to completion. In working through a project in a collaborative approach we:

- Apply the highest standard of excellence in all that we do.
- Proceed towards a common goal.
- Provide a product that meets our Clients needs.
- Ensure critical dates and timelines are met.
- Provide a product that is within budget.
- Contribute positively to our communities, environment and natural resources.



SERVICES

Overview

Baer Design Group, LLC (BDG) is an independent Irrigation Consulting, Graphics Communication and Landscape Architectural firm based in Boise, Idaho. Our personnel have been providing a full range of professional irrigation consulting and design services in multiple states since 1999. We are well experienced and capable of designing highly technical irrigation systems whether it be micro-drip irrigation or large golf course and turf irrigation systems with integrated central control and pumping system with remote accessibility and management capabilities.

We work closely with a Golf Course Architect, Ownership and Superintendent throughout a project to best understand the course layout, playability, desired aesthetic, planting types, soil types, shaded areas, hot zones, wet zones and management capabilities. This upfront coordination provides us with the direction needed to provide an irrigation design/system that fits the golf course from an operational standpoint. Our high level of detail throughout our design process results in an irrigation system that is highly manageable to provide the playability and aesthetic envisioned by the Golf Course Architect but will also use less water, less power and last longer than an average irrigation system, saving the Owner money and Superintendent the inconvenience of an inadequate system long term.

BDG has no affiliations with irrigation equipment, pump station manufacturers or distributors. We are educated in all major brands of irrigation related products and are able to provide our Clients with accurate designs and efficient irrigation systems regardless of the brand selected by the Client. Our independence reflected in our designs provides for competitive bidding amongst manufacturers and contractors when desired by Client. This independence ensures our Clients interests and needs are met at the least overall cost without compromising quality or their investment.

We use a number of programs including Civil 3D, WaterCAD, SpacePRO, Leica Geo Office GPS software, Adobe Photoshop, Adobe Illustrator, Lumion and Microsoft Office to provide concise, accurate, clear and efficient designs and presentations.

Services

BDG is passionate about helping you save water and energy. In doing so we offer a wide range of services including Existing System Audit, Existing Systems Analysis, GPS Mapping/As-Built, Planning and Feasibility Studies, Water Resource Studies, Pond and Water Resource Management Design, Preliminary Irrigation Plans and Cost Estimates, Pump Station Design and Specifications, Construction Documentation and Specifications, Contract Administration, Project Closeout, Central Control Programming and Mapping and Field Control Books.

EXISTING SYSTEMS ANALYSIS

We like to fully understand what we are working with and the history behind it. Knowing the past makes for a better future. In doing so we look at all components of an existing irrigation system, the site in which it's installed and climate that surrounds it. Existing Systems Analysis includes Soil Samples, Historical Weather Data Collection, Water Audits, Static and Dynamic Pressure Analysis, Pump Station Efficiency Testing, Electrical Analysis, Hydraulic Model Analysis and Existing Operation Analysis. A full report with recommended improvements, phasing options and estimated construction costs is provided to the client for review and implementation.



PLANNING AND FEASIBILITY STUDIES

BDG works closely with our clients from the very beginning of any project. We evaluate existing operational and maintenance costs required to maintain the existing pumping station and irrigation system and weigh that against the cost to replace the existing system with a new highly efficient irrigation system to project a return on investment. We are often able to locate grants that apply towards improving power and water efficiency rates on an irrigation system ultimately lowering overall construction costs.

WATER RESOURCE STUDIES

BDG closely evaluates all water rights associated with the property and potential water rights for purchase if available and required. After identifying all water rights and sources available for use in the irrigation system we are able to make recommendations on how to best utilize and manage the water rights based on available volumes, diversion rates, water costs and quality.

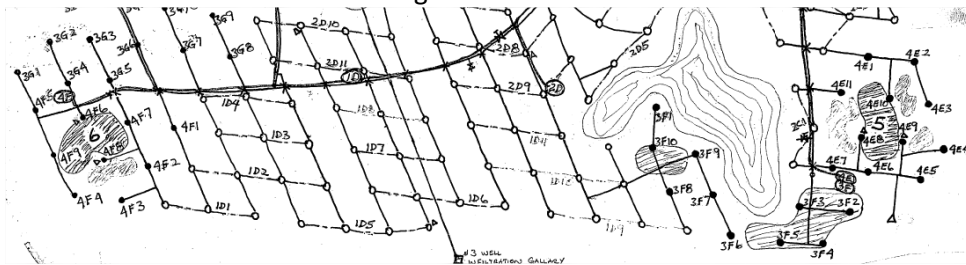


POND AND WATER RESOURCE MANAGEMENT DESIGN

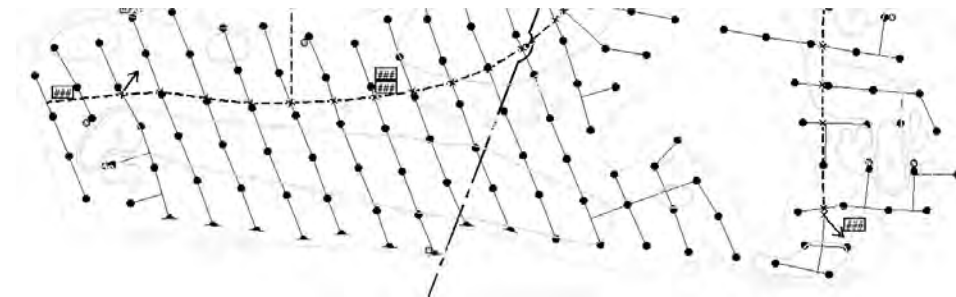
Following completion of a Water Resource Study, **BDG** plans how to best utilize your water rights on the property. We are able to identify how to best utilize your irrigation water rights in order to minimize utility costs and ensure your system does not run out of water. Many times, water resources can be used as site amenities such as creeks and water falls in which case we are capable of integrating into our designs.

GPS MAPPING/AS-BUILDING

An accurate plan starts with an accurate base. There are a number of ways to create or obtain an accurate site plan for any project from aerial survey on large scale sites to GPS for smaller sites. In some cases on budget conscious projects even Google Earth can be utilized. All site features and surface mounted irrigation components are collected and transferred to an autocad base file to create an accurate to scale site plan and as-built drawing. **BDG** is capable of providing mapping that fits our clients' needs and budget.



BEFORE GPS AS-BUILT

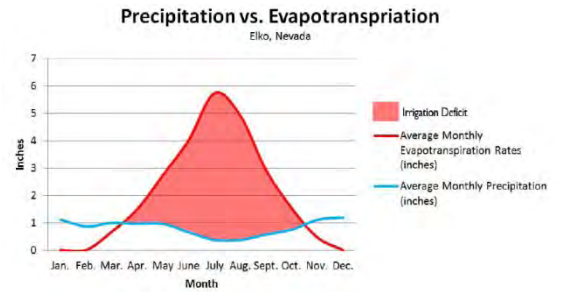


AFTER GPS AS-BUILT



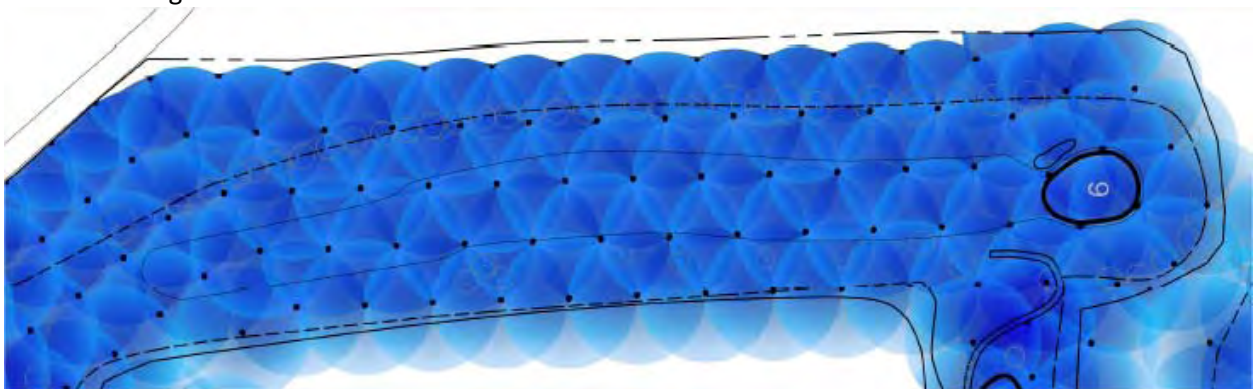
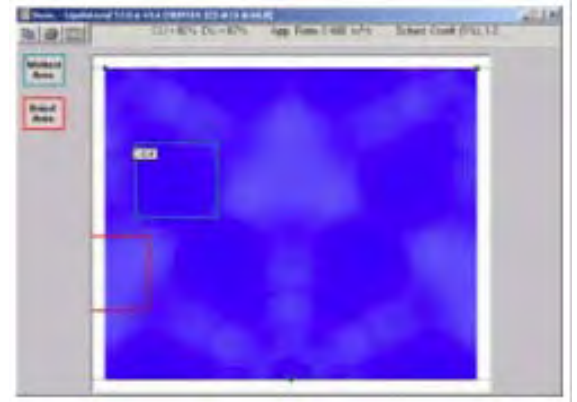
SITE STUDIES

Before initiating any design work, **BDG** will research all site factors in which will affect performance of an irrigation system including; wind speed, wind direction, precipitation and ET rates. Identifying these climatic factors helps in determining irrigation demands and sprinkler spacing requirements.



PRELIMINARY IRRIGATION PLANS AND COST ESTIMATES

Utilizing the site plan generated from GPS Mapping and irrigation demands determined in our Site Study, **BDG** develops a preliminary irrigation plan including head locations, laterals, valves, mainlines, controller locations and electrical wiring. We evaluate sprinkler spacing requirements, distribution uniformities, precipitation rates and flow rates. Calculations are made to ensure proper pressures and flow demands are met through pipe and pump sizing. The preliminary plan is used to verify adequate sprinkler coverage and to ensure there are no conflicts with pipe routing or equipment location. Utilizing the preliminary irrigation plan a construction cost estimate is generated using current material and labor costs. Changes can then be made to the preliminary plan to resolve component conflicts, change sprinkler coverage or meet budget constraints.



Coverage Plan

PUMP STATION DESIGN AND SPECIFICATIONS

Pump stations are the most critical part of an irrigation system. They are often referred to as the heart of the irrigation system. **BDG** designs economically sound, low maintenance and high efficiency pumping stations that meet the demands of the irrigation system. We evaluate pumping curves of all pump types and scenarios to ensure maximum efficiency is obtained. Strict specifications and drawings are created to obtain competitive bidding from multiple manufacturers. Our designs may often include integration with the central control system, fertigation and remote access/management capabilities.





CONSTRUCTION DOCUMENTATION AND SPECIFICATIONS

Construction documents include the development of all details necessary for the system to be installed. Specifics such as wire sizes, construction detail drawings, installation procedures and specifications are prepared for bidding and construction. Specifications include Bid Advertisement, Bidding Instructions, Bid Proposal Form, Contracts, Notice of Award, Notice to Proceed, General Conditions, Technical Specifications and more.

BID AND CONTRACT ADMINISTRATION

Following completion of Construction Documentation and Specifications, **BDG** will assist the Owner in the bidding process. In addition to publishing the bid advertisement in local publications, we will notify all of our recommended qualified golf contractors of the bid to ensure competitive bidding amongst qualified contractors. BDG can administer all correspondence related to bid questions and issue addendums if required. Once bids are compiled, BDG provides a letter of recommendation for preferred contractor based on bid amount and qualifications.

GPS STAKING FOR CONSTRUCTION

To ensure maximum water distribution uniformity and irrigation efficiency, **BDG** is capable of locating all sprinkler heads utilizing survey grade gps equipment. In addition to construction staking, **BDG** can also verify and create an as-built of all head locations following installation to ensure the contractor installed the heads within an allowed tolerance of original surveyed location. With new construction, BDG will gps all grassing lines defined by the Golf Course Architect, revise the irrigation design to fit as-built course conditions and then locate irrigation by GPS.

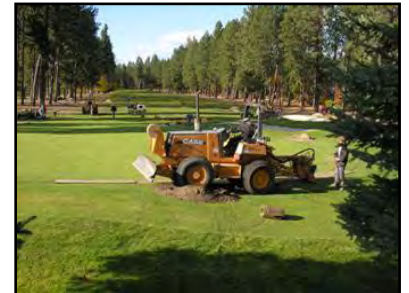


CONSTRUCTION ADMINISTRATION

The most critical phase of an irrigation project is installation. If a system is not installed per plans and specifications, your investment is sacrificed. BDG holds a preconstruction conference with contractor and owner following award of contract and prior to commencement of construction to start your project off on the right foot. We inspect the site regularly as deemed appropriate to ensure specifications are met and our Client receives the most of his investment.



Renovations



New Construction

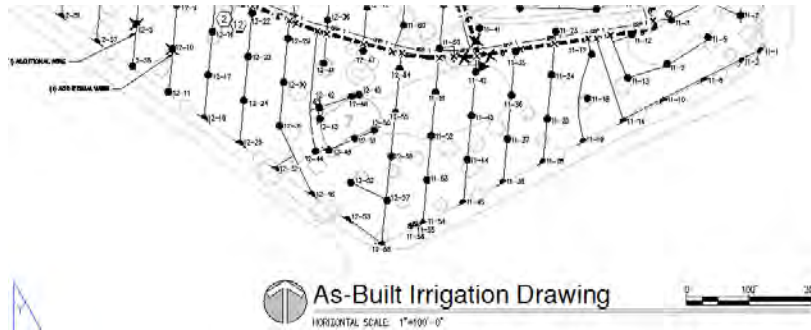


CONTRACT ADMINISTRATION

BDG will assist the owner with administration of all paperwork such as Product Submittals, Substitution Requests, RFI's, Change Order Requests, Pay Application Requests and Progress Reports.

PROJECT CLOSEOUT

As construction nears the end a substantial completion report will be provided to the contractor with remaining items to be completed. Once all items are considered 100% complete a final completion report will be provided to the owner and contractor. Project closeout material includes As-Built Documentation, Owner Operation and Maintenance Manuals, Warranty Letters, Extra Materials and Owner Training on all Irrigation and Pumping Station components.



CENTRAL CONTROL PROGRAMMING AND MAPPING

When applicable to the system installed, **BDG** prepares irrigation programming and mapping tools for the central control program. Flow manager will be programmed to properly distribute flows throughout the entire irrigation system maintaining maximum pumping efficiency throughout a majority of the irrigation cycle. All head performance data, stationing and base run times will be input into the programs spreadsheet and a base program will be created for use by the site superintendent. When applicable a central control map can be implemented into the software mapping utility and used by the contractor to operate the irrigation system from the map on the computer screen. The mapping utility also provides square footage take offs for a superintendent to calculate fertilizer, top dressing and bunker volumes.

Program	#	On	Auto Cycle	Last RT	Next RT	Adj. RT	Last Amt.	Next Amt.	Adj. Amt.	Pct. Adjust	Start Time	Priority	Active Days	RT Calc	ET Mode	ET Source	Ref ET	Rainfall	Turf Guard
Hole		On	Auto Cycle	Last RT	Next RT	Adj. RT	Last Amt.	Next Amt.	Adj. Amt.	Pct. Adjust	Start Time	Priority	Active Days	RT Calc	ET Mode	ET Source	Ref ET	Rainfall	Turf Guard
1-Greens	1	On	10	10	1000	0.080/0.43	0.080/0.43	0.080/0.43	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
2-Greens	2	On	10	10	1000	0.110/0.24	0.110/0.24	0.110/0.24	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
3-Greens	3	On	10	10	1000	0.110/0.24	0.110/0.24	0.110/0.24	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
4-Greens	4	On	10	10	1000	0.11	0.11	0.11	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
5-Greens	5	On	10	10	1000	0.110/0.24	0.110/0.24	0.110/0.24	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
6-Greens	6	On	10	10	1000	0.110/0.24	0.110/0.24	0.110/0.24	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
7-Greens	7	On	10	10	1000	0.110/0.24	0.110/0.24	0.110/0.24	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
8-Greens	8	On	10	10	1000	0.110/0.24	0.110/0.24	0.110/0.24	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
9-Greens	9	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
10-Greens	10	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
11-Greens	11	On	10	10	1000	0.080/0.27	0.080/0.27	0.080/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
12-Greens	12	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
13-Greens	13	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
14-Greens	14	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
15-Greens	15	On	10	10	1000	0.11	0.11	0.11	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
16-Greens	16	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
17-Greens	17	On	10	10	1000	0.11	0.11	0.11	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
18-Greens	18	On	10	10	1000	0.110/0.43	0.110/0.43	0.110/0.43	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
19-Greens	19	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
20-Greens	20	On	10	10	1000	0.110/0.27	0.110/0.27	0.110/0.27	100	0	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
Tees	2	On	10	10	1000	0.080/0.60	0.080/0.60	0.080/0.60	100	None	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
Fairways	3	On	10	10	1000	0.090/0.27	0.090/0.27	0.090/0.27	100	None	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
Bunkers	4	On	10	10	1000	0.240/0.27	0.240/0.27	0.240/0.27	100	None	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
Rough	5	On	10	10	1000	0.060/0.56	0.060/0.56	0.060/0.56	100	None	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
Club House	9	On	10	10	1000	0.11/1.61	0.11/1.61	0.11/1.61	100	None	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
Driving Range	10	On	10	10	1000	0.110/0.33	0.110/0.33	0.110/0.33	100	None	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None
Planting Beds	11	On	10	10	1000	0.110/2.38	0.110/2.38	0.110/2.38	100	None	None	A	25 26 27 28 29 30 31	User Defined	None	None	None	None	None



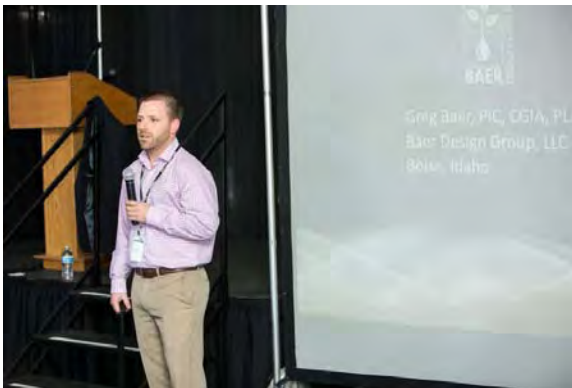
CONTROL BOOKS

Utilizing the Irrigation As-Built, **BDG** creates water resistant field control books with irrigation command codes, consultant contact information, manufacturer contact information, irrigation legend, station callouts and more for use by the superintendent in the field.



PUBLIC SPEAKING/EDUCATION

Greg Baer, Principal Irrigation Consultant of **BDG**, has spoken to and educated numerous groups of superintendents on golf irrigation topics ranging from Basics of Irrigation to Irrigation Auditing to Irrigation Technology. Greg Baer has also taught the Irrigation Associations - Golf Irrigation Auditor Class to superintendents from around the world in southern California so they could become certified auditors.



2015 GIS San Diego – Golf Irrigation Audit Instruction



2016 Irrigation Association, So. Cal – CGIA Curriculum



2015 GIS San Diego – Golf Irrigation Audit Field Day



2017 Top Golf Salt Lake City – Irrigation Audit Class

GRAPHICS

Baer Design Group also provides plan view, perspective and 3D renderings.



Crane Creek Country Club – New Property



Crane Creek Country Club – Simulated New Holes 14/15



Crane Creek Country Club – Existing 18 Green



Crane Creek Country Club – Proposed 18 Green



Golf Course Master Plan

Baer Design Group, LLC

Irrigation Design and Consulting | Graphic Communication

p. 208.859.1

baerdg.com



RESUMES

Greg Baer has over 19 years of experience in the fields of Irrigation Consulting and Landscape Architecture. Being involved in a wide range of projects and tasks, Greg is able to bring all elements of a project together and take them to final completion on time and within budget.

Greg provides a full range of irrigation consulting and design services from water rights acquisition to central control programming. Primary focus of work is on new and existing large turf complexes such as golf courses. Irrigation projects include VIH golf course designs, sports field designs, as-built analysis, and a variety of commercial, residential and agricultural designs.

A major emphasis of our services is on complete project participation in order to gain maximum irrigation and power efficiencies. An efficient irrigation system relies not only on a appropriate system design, but proper installation, maintenance and operation. Neglect of any one element will result in a less than adequate system ultimately costing more to the user. Consulting and design services include Feasibility Studies, Irrigation Systems Assessment and Report, Water Rights Research and Acquisitions, GPS Mapping, Pond Design, Creek Designs, Irrigation Transfer Systems, Hydraulic Models, Automatic and Central Controlled Irrigation Systems, Central Control Programming, Wells, Pumping Systems, Water Rights Research, Water Usage Calculations, Drainage System Design, Construction Details and Specifications, Cost Estimating, Construction Documentation, Bidding, Construction and Contract Administration and Owner Maintenance and Operation Training.

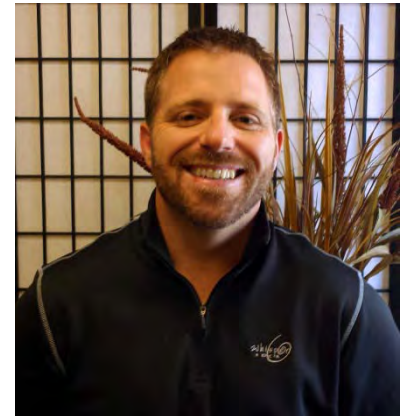
Greg is typically involved throughout all phases of a project including project management, schematic design and development, construction documentation, specifications, cost estimating, construction observation and contract administration. Greg has successfully managed multiple projects with contracts exceeding well over one million dollars.

Greg works closely with his clients from the very beginning stages of a project including Existing Site Inventory through completion including Final Inspections, Programming and Operation and Maintenance Plans. He strives to lead his designs through stewardship of land and communities. He believes working in environments with open communication and teamwork amongst our Clients and sub consultants provides for a unified vision and ensures all aspects of a project are addressed from inception to completion.

Greg's Recent Relevant Experience

- Bandon Dunes – Sheep Ranch
- Black Butte Ranch
- Tetherow Golf Club
- Desert Canyon Golf Course
- Polson Bay Golf Course
- Broken Top Club
- Anchorage Golf Course
- Pryor Creek Golf Club
- Yakima Elks Golf Club
- Snake River Sporting Club
- Wolf Creek Golf Club
- Meadow Springs Golf Club
- Blue Lakes Country Club
- Pinecrest Golf Course
- Desert Sage Golf Course
- Sand Creek Golf Course
- McCall Golf Course
- Sun Valley Resort
- The Elks Golf Club
- Elkhorn Golf Course
- Lakeview Golf and Country Club
- Ruby View Golf Course
- Idaho Falls Country Club
- Pacific Dunes @ Bandon Golf Resort
- Bandon Trails @ Bandon Golf Resort
- Old Mac Donald @ Bandon Golf Resort

- Preserve @ Bandon Golf Resort
- Oakridge Country Club
- Marias Valley Golf Course
- Bill Roberts Golf Course
- Rupert Country Club
- The Whitetail Club
- Winnemucca Golf Course
- Purple Sage Golf Course
- Touchet Valley Golf Course
- Boise Ranch Golf Course
- Lakeview Golf Course
- Highland Golf Course
- Juniper Hills Country Club
- Skagit Golf and Country Club
- Sunland Golf and Country Club
- Yakima Country Club
- Spurwing Country Club
- Crane Creek Country Club
- Hillcrest Country Club
- Orchard Hills Country Club
- Terrace Lakes Golf Resort
- Larchmont Golf Course
- Quail Hollow Golf Club
- Banbury Golf Course
- Canyon Springs
- Inglewood Country Club



Education

ITT Technical Institute - Associates of Applied Science 2000

Professional Registration and Licensure

State of Idaho #LA16635
State of Montana #ARC-LAR-LIC-12562
Professional Irrigation Consultant - ASIC
Irrigation Association CGIA #007616

Professional Affiliations





Talena Baer has over 17 years of experience in the field of Landscape Architecture and Graphics Communication, Talena has been involved in a wide variety of projects with various clients and agencies. With knowledge in software programs such as AutoCAD, Adobe Photoshop, 3D Studio Max, Sketchup, Adobe Illustrator, Microsoft Publisher, and Microsoft Word she has the ability to graphically communicate all phases of a project. Through experience and knowledge, Talena has the ability to bring all elements of a project together, from beginning to final completion, on time and within budget.



Talena has been involved in the landscape plan for the new City Center Plaza & Valley Regional Transit in Boise ID, Scentsy Headquarters in Meridian ID, Mace River Ranch and Edgewood Assisted Living in Eagle ID, as well as several residential landscape designs. Each project involves client meetings, site visits and analysis, design development, landscape plans and specifications, landscape details, applications and submittals to various agencies, construction documents, bidding, and construction administration.

She has worked with clients on marketing material, sign designs, color plans and photo simulations. These graphic depictions help the client clearly communicate proposed changes to a project before construction has even begun. These graphics can aid in the design process as well as communicate future changes to members, committees, agencies and contractors.

Education

University of Idaho - Bachelor of Landscape Architecture 1999

Community Organizations

2005-2008
Olmstead Chapter of the American Society of Landscape Architecture (ASLA) / Treasurer

Talenas' Relevant Project Experience

Golf Courses

- Sun Valley Golf Resort
- Wolf Creek Golf Club
- Meadow Springs Country Club
- Arizona Country Club
- Polson Bay Golf Course
- Ruby View Golf Course
- Snake River Sporting Club
- Lakeview Golf and Country Club
- Bill Roberts Golf Course
- Touchet Valley Golf Course
- Rupert Country Club
- Highland Golf Course
- Ridgecrest Golf Course
- Spurwing Country Club
- Crane Creek Country Club
- Hillcrest Country Club
- Bandon Trails Golf Course
- Old Mac Donald Golf Course
- Preserve Golf Course
- Pacific Dunes Golf Course
- Larchmont Golf Course
- Skagit Golf and Country Club
- Murasaki Country Club



Employment

2012 to Present
Baer Design Group, LLC
539 S. Fitness Pl, Ste 120
Eagle, Idaho 83616

1999-2010
The Land Group, Inc.
462 East Shore Dr., Suite 100
Eagle, Idaho 83616

2011-2012
Franz Witte Landscape and Nursery
9770 W. State Street
Boise, Idaho 83714

Commercial/Residential Projects

- Idaho State Historical Museum – Lewis and Clark Discovery Trail
- City Center Plaza
- Valley Ride Transit
- Nampa Library Square
- Garden City Planning
- Kansas Assisted Living
- Edgewood Assisted Living Facility
- Micron
- Winco
- Scentsy World Headquarters
- The Gateway
- Treasure Valley Pointe
- BSU – College of Business and Economics
- ITD – Twin Falls Alternate Route and Weiser Bridge
- U of I – Living Learning Center
- Alaska Light and Electric Power Company
- Silverstone Business Park
- Corrente Bello Subdivision
- Two Rivers Subdivision
- Tamarack Resort Residential Lots
- Legacy Subdivision
- Mace River Ranch
- Creekwood Subdivision
- Lions Gate Subdivision
- Archer Square
- Centre Point Marketplace
- Charter Pointe Subdivision
- Willowcreek Subdivision
- Copperleaf Subdivision
- Golden Valley Subdivision
- Greyhawk
- Oak Tree Counseling & Wellness
- Cooper Residence
- Perenchio Residence





Crane Creek Country Club



Spurwing Country Club



Wolf Creek Golf Club



Old MacDonald - Bandon Dunes Golf Resort



Preserve - Bandon Dunes Golf Resort



REFERENCES

Scott Moffenbeier

Bend Golf Club
Superintendent
ph. (541) 383-2295
e. moff@bendgolfclub.com

Jacob Olsen

City of Mountain Home, Idaho
Superintendent – Desert Canyon GC
ph. (208) 724-0033
e. jolsen@mountain-home.us

Brian Mickels

City of Elko, Nevada
Superintendent - Ruby View Golf Course
ph. (775) 777-7270
e. bMickels@ci.elko.nv.us

Chris Gray

Sun Valley Resort - Elkhorn Course
Superintendent
ph. (208) 622-4111
e. c_gray@yahoo.com

Doug Richert

Bandon Dunes Golf Resort
Irrigation Technician
ph. (541) 347-5843
e. drichert@bandondunesgolf.com

Ken Nice

Bandon Dunes Golf Resort
Director of Agronomy
ph. (541) 297-1074
e. knice@bandondunesgolf.com

Joe Aholt

Hillcrest Country Club
Superintendent
ph. (208) 343-6563
e. Joe@hillcrestcc.com

Chris Condon

Tetherow
Director of Agronomy
ph. (541) 388-2626
e. ccondon@tetherow.com

Carl Taylor

Turf Equipment/Turf Star
Golf Sales Manager
ph. (253) 266-6052
e. carl.taylor@western-equip.com

Troy Russell

Eaglemont Golf Course
Superintendent
ph. (541) 297-1078
e. troyrussell@gmail.com

Amy Teegarden

City of Helena, Montana
Director of Parks & Recreation
ph. (406) 447-8463
e. ateegarden@ci.helena.mt.us

Ben Hay

Crane Creek Country Club
General Manager
ph. (208) 514-4342
e. ben@cranecreekcountryclub.com

Pete Morris

Rain Bird Services
Golf Sales Specialist
ph. (541) 604-5848
e. pmorris@rainbird.com

Scott Lenneman

Marias Valley Golf Course
Superintendent
ph. (406) 360-9478
e. scott.lennemann@outlook.com

Wes York

Oakridge Country Club
Superintendent
ph. (801) 425-5185
e. wes@oakridgecc.com

David Druzisky

Druzisky Golf Design
Principal Architect
ph. (208) 343-5101
e. david@drugolf.com

David Zinkand

Coore Crenshaw / Zinkand Golf Design
Golf Course Architect
ph. (602) 859-5551
e. zinkandgolf@aol.com

Kevin Atkinson

Phelps Atkinson Golf Design
Golf Course Architect
ph. (720) 530-5484
e. kevin@phelpsgolfdesign.com



RECENT PROJECTS

Bandon Dunes – Sheep Ranch

Bandon, Oregon
Irrigation Design, Pump Station Design, Drainage Design,
Construction Documents
2018

Eaglemont Golf Course

Mount Vernon, Washington
Irrigation System Analysis, HDPE Bridge Crossing Design,
Continuing Consulting
2018

Oakridge Country Club

Farmington, Utah
GPS Mapping, Irrigation Design, Pump Station Design, Water
Transfer System Design, Water Feature Integration Design
2018

Marias Valley Golf Course

Shelby, Montana
Irrigation Design, Pump Station Design
2018

Hillcrest Country Club

Boise, Idaho
GPS Mapping, Irrigation Master Plan, Construction Cost
Estimate, Tree Replacement Plan
2011, 2018

Plantation Country Club

Boise, Idaho
GPS Mapping, Irrigation As-Built
2018

The Club at Spurwing – Championship Course

Meridian, Idaho
GPS, Irrigation Master Plan, Construction Cost Estimate,
Construction Documents
2017

Tetherow Golf Club

Bend, Oregon
GPS, As-Built, Rain Bird Cirrus Mapping, Field Control Book
2017

Desert Canyon Golf Course

Mountain Home, Idaho
Irrigation Audit, Pump Station VFD Control Panel Design,
Irrigation Master Planning, Construction Cost Estimate
2016 – Current

Pinecrest Golf Course

Idaho Falls, Idaho, Idaho
Irrigation Audit, Feasibility Study, Irrigation Master Plan,
Construction Cost Estimate, Grant Application
2016 - Current

Snake River Sporting Club

Jackson, Wyoming
GPS Mapping, Irrigation Design, GPS Staking, Construction
Admin., Irrigation Pumping Station
2016

Sage Lakes Golf Course

Idaho Falls, Idaho, Idaho
Irrigation Audit, Feasibility Study
2016

Polson Bay Golf Course

Polson, Montana
GSP, Irrigation Master Planning, Construction Documents,
Bidding, Construction Administration
2015 - Current

Yakima Country Club

Yakima, Washington
Lynx Central Control Mapping
2017

Crane Creek Country Club

Boise, Idaho
Renovated Irrigation System, HDPE piping, Irrigation Transfer
System Design, Dynamic Hydraulic Systems Analysis, Creek
Mitigation, Drainage Design, Perspective Simulation Material
2016

Purple Sage Golf Course

Caldwell, Idaho
Rain Bird Cirrus Central Control Mapping, Irrigation Audit
2016/2017

Lakeview Country Club

Soap Lake, Washington
GPS Mapping, Pump Station, Irrigation Renovation
2013-2014

Elkhorn Golf Course - Sun Valley Resort

Sun Valley, Idaho
Reclaimed Water Delivery and Cross Connection
2013



Idaho Falls Country Club

Idaho Falls, Idaho
GPS Mapping, Practice Facility Irrigation Renovation
2013

Ruby View Golf Course - City of Elko

Elko, Nevada
Existing Irrigation System Analysis, Water Audit, Feasibility Study, Irrigation Master Plan, Construction Documentation, Competitive Bidding, Construction Administration, Central Control Programming and Mapping, As-Built
2015

Touchet Valley Golf Course - Columbia County

Dayton, Washington
Renovated Irrigation System, Reclaimed Booster Pump Station, Gravity Irrigation Pump Station, Pond Design
2013

Highland Golf Course - City of Pocatello

Pocatello, Idaho
Irrigation Analysis Report, Irrigation Renovation Bid Package
2011/2012

Larchmont Golf Course - Missoula County

Missoula, MT
Renovated Irrigation System, Well modification, Water Rights Adjustment, New 2200 GPM Well Pump System, GPS Staking, Bidding, Construction Administration, Programming, Mapping, As-Built, Operation and Maintenance Manuals
2009

Bill Roberts Golf Course - City of Helena

Missoula, MT
Irrigation Analysis & Report, Pump Efficiency Test, Audit, Dual Pumping Station Design, Irrigation Construction Documents, Lynx Mapping, Programming and Database
2012-2014

Challenge at Spurwing Country Club

Meridian, Idaho
New Irrigation System, New 1500 GPM Golf Pump Station, New 450 GPM Residential Pump Station, New Pressure Irrigation to Common Landscaping and Residential Lots, GPS Staking, Construction Administration, As-Building, Bidding
2012

Bandon Dunes Golf Resort - Preserve Course

Bandon, Oregon
New Decoder and Radio Controlled Irrigation System
2011

Bandon Dunes Golf Resort - Old MacDonald Course

Bandon, Oregon
Decoder/PVC/HDPE Irrigation System, Pump Station Design
2009

Juniper Hills Country Club

Pocatello, Idaho
Preliminary Irrigation System Design
2008

Terrace Lakes Golf Resort

Garden Valley, Idaho
Irrigation Renovation, 850 GPM Pump Station, 650 GPM Pump Station, Irrigation Pond Design, Creek Design
2012

Quail Hollow Golf Course

Boise, Idaho
Renovated Irrigation System Design at Driving Range, Central Control Mapping, Grading and Drainage Design, Marketing Material for Golf Course Architect
2010

Winnemucca Golf Course & Vesco City Park

City of Winnemucca, NV
Renovated Irrigation System, New 1200 GPM Booster Pump Station, Decoder Design, Programming, Construction Admin.
2006

Bandon Dunes Golf Resort - Bandon Trails

Bandon, Oregon
New Irrigation System, Tension Cable HDPE Pipe Bridge Spanning a 200' Canyon, HDPE Dune Crossing, New Irrigation System, New 2400 GPM Pump Station
2006

Orchard Hills Country Club

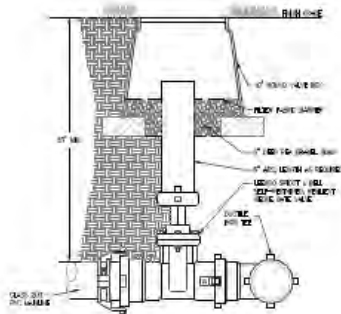
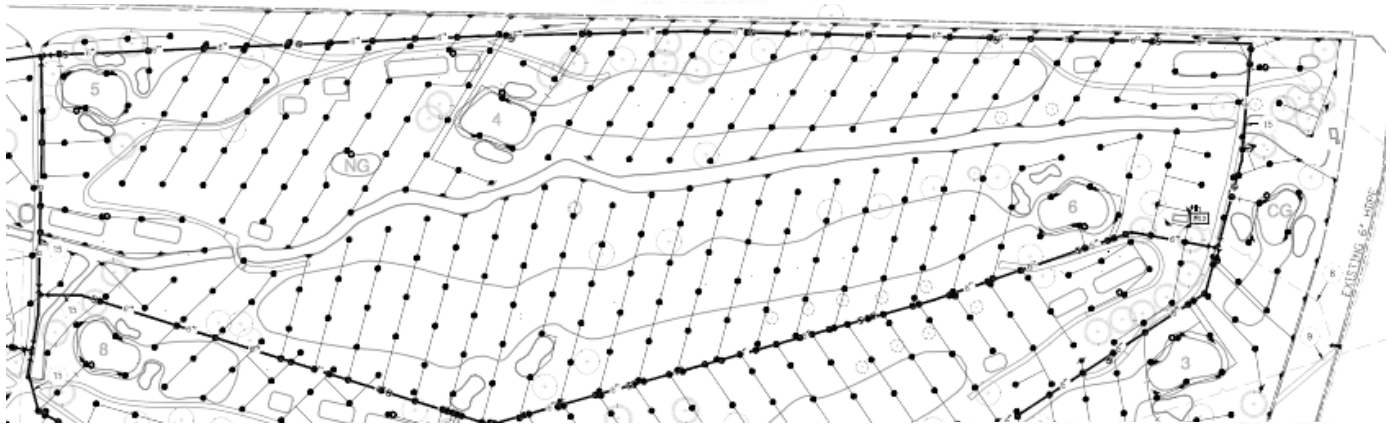
Washougal, Washington
Irrigation Renovation/Pump Station Construction Document Package
2000

Yakima Country Club

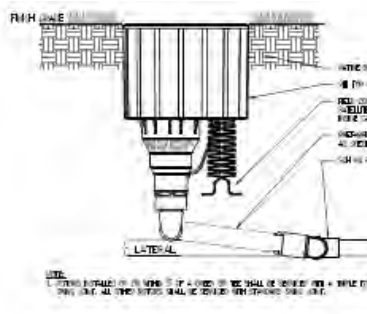
Yakima, Washington
New Irrigation System, New 1800 GPM Dual Zone Pumping Station, Central Control System Database and Programming
2003, 2017



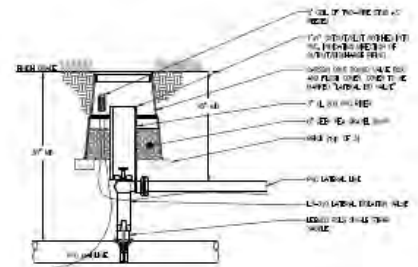
Ruby View
ELKO, NEVADA



1 Mainline Gate Valve (Base Bid)



7 VIH Rotor



2 Lateral Isolation Valve

Client:
City of Elko, Nevada

Reference:
Brian Mickels, Superintendent
775-777-7270
Jeremy Draper, Director of Dev.
775-777-7217

Construction Cost:
\$3 Million

Start Date:
2015

Site: 18 hole 140 Acre Park Style Course

Services included:

- Existing System Analysis
- Site GPS Survey
- Irrigation Master Plan and Cost Estimate
- Construction Documentation
- Bid Administration
- Construction Administration
- As-Building
- Project Closeout
- Tee Box, Cart Path and Putting Green Improvements

Summary: The irrigation system consists of 1800 VIH rotors and is controlled with a two wire decoder central control system. Golf improvement included new tee boxes allowing for wider age and ability improved asphalt cart paths and larger putting green.



Client:
City of Polson, Montana

Reference:
Patrick Nowlan
406-249-5121

Construction Cost:
\$700,000

Start Date:
2014

Site: 9 hole 40 Acre Park Style Course

Services included:

- 💧 Site GPS Survey
- 💧 Irrigation Master Plan and Cost Estimate
- 💧 Construction Documentation
- 💧 Contract Documentation
- 💧 Bid Administration

Summary: The irrigation system consists of 550 VIH rotors. The control system was planned around an existing central control computer and pump station for utilization with the newly renovated automatic irrigation system and cross connection with the existing irrigation system on the 18 hole championship course.



SPURWING
THE CLUB



Client:
Sundance Company

Reference:
Jerry Palmerton, Director of Grounds
208-887-0040

Construction Cost:
\$5 Million

Start Date:
2012

BDG performed as the irrigation consultant on the new 40 acre Challenge Course at The Club at Spurwing. **BDG** coordinated with civil and the golf course architect to design an irrigation pump station and centrally controlled irrigation system for the new golf course.

The pump station was dual skid and included a 1500 gpm pump station for the Golf Course and a 450 gpm pump station for the subdivision. Both stations were cross connected and designed to serve as a back up to the other.

The irrigation system on the new Challenge course was cross connected to the existing irrigation system on the existing championship course. **BDG** designed pressure reducing and bypass valves strategically placed so the two systems could work together seamlessly.

Services Provided:

Pond Storage Design, Pump Station Design, Irrigation System Design, Graphic Communication/Marketing, Construction Admin, GPS



Client:
City of Helena, Montana

Reference:
Larry Kurokawa
406-447-8090

Construction Cost:
\$650,000

Start Date:
2012

BDG was originally hired by the City of Helena in 2012 to provide an irrigation analysis and feasibility study of the existing irrigation system on the golf course. Following completion of the analysis, **BDG** was retained to provide GPS Mapping, pump station design, pump house design, irrigation design, central control system programming, as-building and construction administration.

Bill Roberts golf course has five water sources delivering water to two irrigation reservoirs. **BDG** studied the water rights and seasonal output of each well to design in automation of the lake fill system from the wells by sensing which of the two irrigation lakes required additional water. This component was not accepted with the bid alternates.

BDG performed a hydraulic analysis of the existing irrigation system and designed two new irrigation pump stations for the golf irrigation system, with one 1350 gpm station located on the front nine irrigation lake and the other 750 gpm station located on the back nine irrigation lake but connected to the same hydraulic system. **BDG** designed the pump stations to communicate with each other and work together so each pump station operated at its peak efficiency rate. Both stations are VFD and communicate via radio. We designed both stations to connect to the internet for remote diagnosis and programming. **BDG** designed a pump house for the front nine station over the existing concrete wet well and pump pad.

Services Provided:

Irrigation Master Planning, Feasibility Study, Pump Station Design, Pump House Design, Irrigation Design, Programming, As-Building, Construction Administration, GPS Mapping.



Client:
Crane Creek Country Club

Reference:
Adam Bagwell, Director of Grounds
208-514-4363

Construction Cost:
\$6 Million

Start Date:
2014

BDG has provided landscape architecture, irrigation consulting and graphic communication services to Crane Creek Country Club for over 8 years.

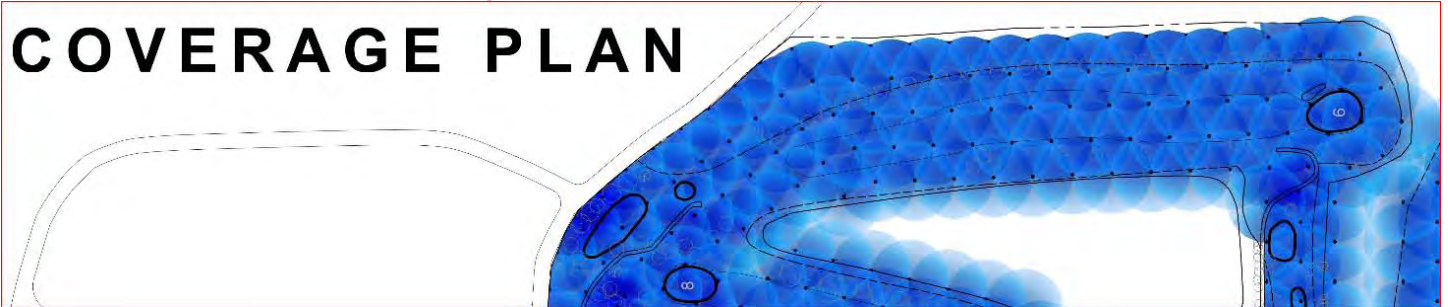
In 2014, **BDG** designed a new tennis facility, parking lot and phased irrigation plan for the front nine of the golf course. In 2015, **BDG** began master planning of a full irrigation renovation project in collaboration with golf course feature improvements by Druzisky Golf Design. The golf course varies in elevation by 300 feet. Our hydraulic modeling and irrigation design has provided for smooth operation of pumping systems while maintaining minimum pressures throughout the entire irrigation system while minimizing pressure spikes or drops.

Services Provided:

- 💧 Master Planning
- 💧 Landscape Architecture
- 💧 Irrigation Analysis
- 💧 Irrigation Design
- 💧 Pump Station Design
- 💧 Graphic Communication
- 💧 Construction Administration
- 💧 GPS Staking

LAKEVIEW GOLF AND COUNTRY CLUB

COVERAGE PLAN



Client:
Lakeview Golf and Country Club
Soap Lake, Washington

Reference:
Kevin Smith, Superintendent
(509) 683-3078

Construction Cost:
\$1.325 Mil

Start Date:
2013

Site: 18 hole 120 Acre Links Style Course

Services included:

- 💧 Site GPS Survey
- 💧 Irrigation Master Plan and Cost Estimate
- 💧 Construction Documentation
- 💧 Contract Documentation
- 💧 Bid Administration
- 💧 Construction and Contract Administration
- 💧 GPS Staking
- 💧 As-Built Documentation
- 💧 Central Control Programming and Mapping
- 💧 Project Closeout

Summary: BDG consulted on the full irrigation renovation project including irrigation lake design, pumping station and irrigation system. The irrigation system consists of 1800 VIH rotors and 2000 GPM VFD pump station on the 18 hole golf facility.



RECOMMENDATIONS

Adam Bagwell, Superintendent, Crane Creek Country Club, Boise, Idaho

"A brilliant irrigation designer, Greg has provided irrigation auditing services to improve the efficiency of our existing system, provided a design for the installation of Pressure Reducing Valves to reduce the amount of broken pipes, and completed a spreadsheet that convinced the membership that we are spending more money in labor and R+M than a new system would cost.

Greg brings the most advanced technology in irrigation and land-planning to help fix your problems. Those who know him consider him one of the brighter minds in irrigation designs today."

Jerry Palmerton, Superintendent, The Club at Spurwing

"Greg and his team have designed several Irrigation Layouts, Graphic Displays, and Pump-stations. Most critical is his involvement in the planning, coordination, and then the implementation of designs from concept to completion in the field. His expertise has saved us money by maximizing the potential of our irrigation systems Central Control, and Pump-station efficiency resulting in lower power costs per year.

I would highly recommend Greg Baer and Baer Design Groups services to anyone as they have been responsive, very professional, flexible, and timely in all dealings with our business."

David B. Zinkand, Owner, Zinkand Golf Design, Limited; Associate, Coore & Crenshaw

"Greg Baer provided the irrigation and drainage designs for Bandon Preserve, He carried out these responsibilities in a timely manner that reflected our personal intentions for the new golf course. Greg's effort to keep in regular communication was a demonstration of his personable nature, while his success at tailoring the irrigation design displayed significant experience. Happily, I continue to work with Greg on upcoming design projects."

Jerry Sepich, Director of Parks & Recreation, City of Pocatello, Idaho

"Greg was initially hired to conduct an analysis of the irrigation system at the golf course. The analysis that he prepared not only identified the existing issues and problems with the irrigation system, but was done very professionally and in a timely manner."

Dan Smith, Superintendent, Larchmont Golf Course, Missoula County, Montana

"I have found Greg to be an outstanding and capable individual. His work for Missoula County and Larchmont Golf Course has been professional, knowledgeable, and prompt and he has acted in our best interest throughout our project."

Gary Peterson, President, American Golf Construction

"While Greg is direct and businesslike, during the bid process he is open and responsive. Always accessible, and thorough with replies and information. As a contractor, I always appreciate working with a consultant who follows up personally with bid results and explanations...A true professional!"

Mike Aho, Director of Parks and Recreation, City of Eagle, Idaho

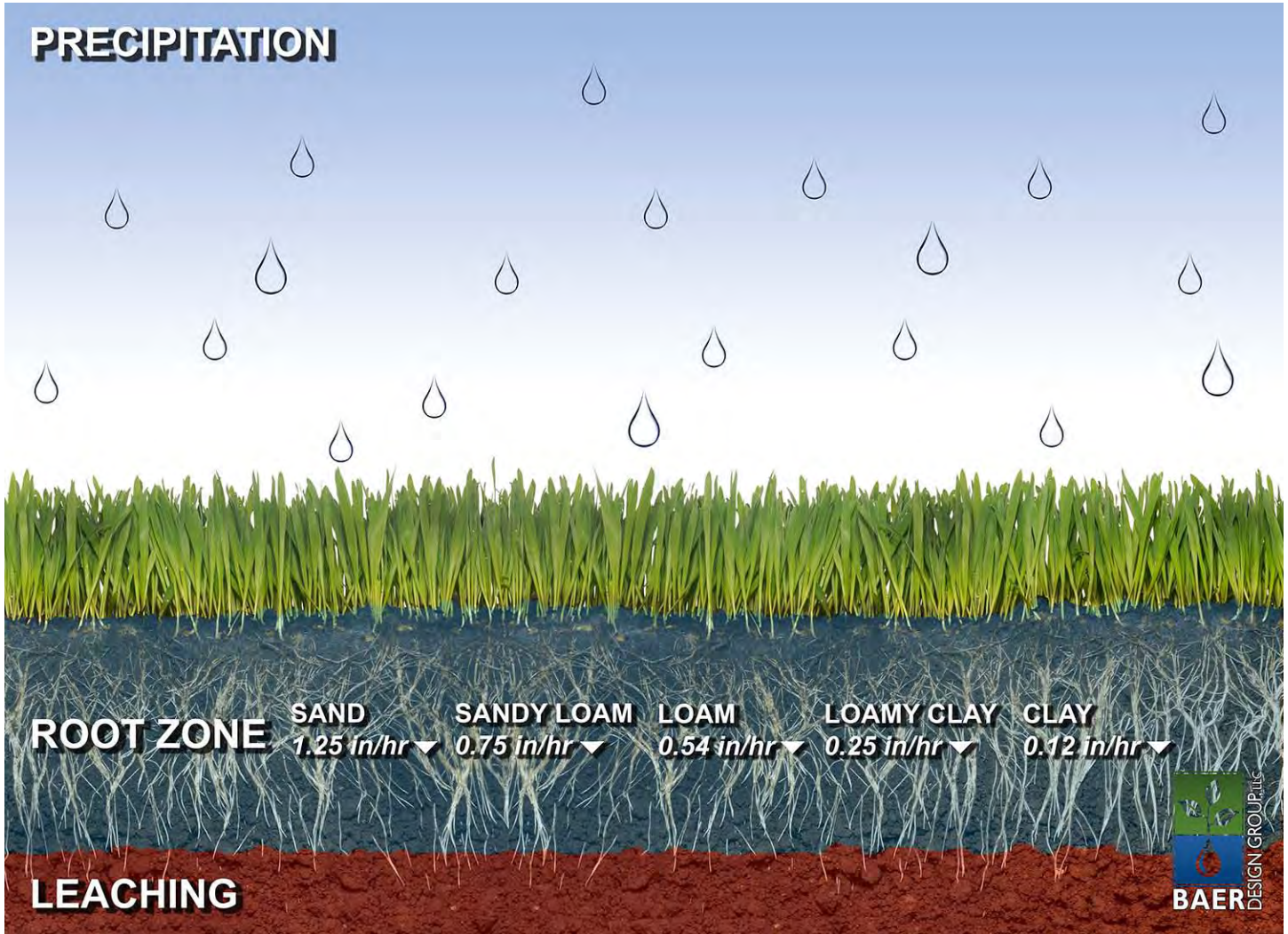
"Baer Design Group and Greg Baer provided irrigation consultation, audit and scheduling for one of Eagle Parks and Recreation's parks. I found his knowledge and ability to explain the process and outcomes to me very beneficial. From the start of the project to its current stage, Greg has helped us to identify solutions to watering more efficiently, purchasing and installing the correct controllers, and improving the delivery of water to our turf. Greg was very thorough and efficient in the work that he did for us. I have the utmost confidence in Greg and the Baer Design team and hole heartily recommend them for their professional irrigation services. I would not hesitate in utilizing Baer Design Group in our parks and facilities."

Roger Norberg, City of Meridian Parks Foreman, Water Management Professional

"I've been working on various irrigation projects with Greg for a long time now. In that time I've come to enjoy Greg's passion for this industry. His customers best interests are at all times his primary focus. I have complete confidence in his irrigation knowledge and design capabilities. Working with Greg is always a professional experience."



Our Motto is...
“Applying Water Where It Counts”



We provide our clients with systems that are capable of uniformly applying a precipitation rate that reflects the percolation rate of the soils, has the volume capacity to irrigate an entire facility within a desired water window and is manageable. Contact us to help you find success with your existing or proposed irrigation system!

Ruby View GC Irrigation Renovation 2016

Brian Mickels, CGCS, Lifetime AA

Ruby View Golf course in Elko, Nevada recently completed a major irrigation project. The success of this project, as is with other major construction projects, is a direct reflection of the time spent in the planning process that took place over the past several years.

Prior to 2014, the golf department staff had very limited success in “selling” city management and finance departments on various irrigation options. In 2014, the discussions gained traction as the mayor (golf nut) became involved with the project. The mayor, city staff and I met and determined that the best way to proceed was to hire an independent certified golf irrigation consultant to complete a golf irrigation audit. We contracted with BDG, LLC to start a golf irrigation audit of all components of our irrigation system. BDG performed a comprehensive analysis and testing of our system in the fall 2014, and completed

a “hard copy” report of the findings. The report looked at/or tested irrigation components such as:

- Water source and storage capacities
- Water quality and available quantities
- Pump station
- Hydraulic design limits
- Main line piping and shut-off valves
- Lateral piping and fittings
- Rotors (heads) age, condition, matched precipitation
- Rotor spacing
- Central control system
- Satellite controller
- Power and Field wire condition

We scheduled a workshop in January 2015, with the city council, for Greg Baer and golf staff to present the report, and answer questions of the Board. The report as presented was a real “eye-opener” as to the true condition of our irrigation system. The city council accepted the findings of the report, and requested that a “project team” of BDG, golf course superintendent, and parks and rec. director determine the scope of the project and associated cost estimates. We determined the project would include replacement of all irrigation components downstream of the pump station and BDG would calculate a “preliminary” project estimate. At this time we retained BDG as our project



Rotor install and testing #15

<p style="text-align: center;">TOP PERFORMING CULTIVARS</p> <hr style="border: 1px solid white;"/> <p style="text-align: center;">SAND ROOT ZONE</p> <hr style="border: 1px solid white;"/> <p style="text-align: center;">CUSTOM PRODUCTION AVAILABLE</p>	 <p><i>Premium Putting Green Sod</i></p>	 <p style="text-align: center;">Rennie L. Kubik AEP - Northwest Regional Manager</p> <p>10808 NE. 27th Court Vancouver, WA 98686 renniek@amvac-chemical.com</p> <p style="text-align: right;">(360) 546-5954 office (360) 546-5987 fax (360) 921-8019 cell</p> <p style="text-align: center;">www.amvac-chemical.com</p>
<p>Matt Nelson <small>OWNER</small> 208.358.4420</p>		<p>www.magicvalleybentgrass.com matt@magicvalleybentgrass.com</p>

Day two of rotor installation and testing # 2



management firm through the completion of the project.

Next step: Winter/Spring 2015

“Discovery”

Get staff educated on available irrigation products, central control systems, field systems and communication options. We utilized various opportunities to sit in on manufacturer product seminars, trade shows, and distributor demonstrations. We also used the firm’s contact info to personally speak with superintendents and managers of facilities who had gone through recent renovations. We gained some great insight talking to end users. Our peers are great resources.

We started work on the “Pre-Bid” Phase in spring ’15 with a goal to have the project out to formal bid in July. This is the time to finalize material specs, including: pipe type, central control system, field controllers/hubs, rotors, and communication systems (decoder/satellite).

BDG would incorporate this information with construction, installation, and other City of Elko bid requirements to complete the “Formal Bid Document” for review by City staff (May ’15). City staff approved bid documents in June ’15. The city requested a delay in the bid schedule to potentially add some bid alternates (separate construction items not in formal bid) to the package for possible acceptance if within overall bid budget. It took several months for the city staff to spec these bid alts. It became apparent that the entire bid package (w/ bid alts) could not be “put-out” to bid until early January 2016.

Formal bids were mailed out in early January, to be returned and reviewed in February for a possible award. The returned bids were reviewed by staff, and forwarded to City Council for possible award of the contract. The Elko City Council awarded the contract to Landscapes Unlimited, LLC in mid February, with a contract start date set in early April.

We held an open-house at the clubhouse in early April for all interested golfers and homeowners who live adjacent to the course. This open-house included a presentation by Greg Baer summarizing the project objectives, timetable, and effect on play from construction related closures. Landscapes representatives were also there to answer questions, as were golf staff and the city project coordinator. This meeting was well attended and appreciated by the public.

It was early April and great to see the Landscape crew mobilizing! Finally, out of the planning stage and into the “meat-

potatoes” of the project. Golf staff and Landscapes crew had several pre-construction meetings and quickly established good working relationships. Landscapes provided the City with their construction schedule with estimated timelines when and where the hole closures would occur. They were going to keep hole closures to one or two holes, max.

Construction would start about April 15 and would begin on the easterly boundary of the course (#3), and systematically work west

and finish on #14 in September. The bid alternates #1, 2 & 3 would be completed as the irrigation installation crew was working in those adjacent areas. All other standards of installation would follow all bid construction specs as follows:

- Existing irrigation system (Site Pro) during construction is to remain in operation as long as practical. New system (Lynx) shall be operational before installation moves to next area.
- New mainlines are temporarily tied into existing mains. All new mainlines will be trenched to spec depth, lateral valves installed, decoder wire, and grounding systems installed, main pressure-tested for leaks, trench backfilled, compacted, valve boxes installed, sod replaced and leveled, and main remains “charged.”
- Lateral piping “pulled,” swing joints installed, decoder wire installed, piping flushed, rotors installed and wired, rotors back-filled and tested, “puller” mounding rolled to level.
- As each area is complete and Lynx operational; remove, backfill, and sod OLD rotors, quick couplers, valve boxes, and field satellite pedestals.

Landscapes worked areas of usually two-three holes based on our existing main “shut-off” capabilities. They did keep hole closures to one hole at a time, with just a few days where two holes were closed at one time. We had very few complaints regarding the construction crew or hole closures the entire Upon completion of this project, we’ve upgraded our

continued page 14



Tel: (208) 326-2220 Magic Valley, Idaho

Turfgrass Varieties:

100% Kentucky Bluegrass
Fine Fescue ★ Tall Fescue XRE
Blue Rye Blend Maintained at 7/8” mowing height

Proud Partner of Magic Valley Bentgrass



What I'm presenting are my observations and experiences after going to dermatologists for over 40 years. I'm not a doctor, but information contained in this article can be confirmed with info from medical sites on the internet.

SHEDDING SOME LIGHT ON SKIN CANCER

**Sean Sullivan, CGCS
Briarwood Golf Club, Billings, Mont.**

Also, I have stayed at Holiday Inn Express before!

I'll be discussing four types of skin lesions, common to golf course maintenance employees, related to long term sun exposure and UV radiation. For the sake of this article, you can think of the four types of skin lesions using the three signal words for pesticides – caution, warning and danger. First is Actinic Keratosis (Caution), second and third is Basal Cell Carcinoma and Squamous Cell Carcinoma (Warning), and fourth is Melanoma (Danger). Those of us in the golf course maintenance industry are at risk of all four types of skin lesions, as two of the causes are long term sun exposure and UV radiation. These two contributing factors could be written into our job descriptions: have fun in the sun all day long! Two other factors involved are

skin color and genetics, of which we don't have control. Being a fair skinned man of Irish decent, I have had three of the four types of skin lesions: Actinic Keratosis (AK), Basal Cell Carcinoma (BCC), and Squamous Cell Carcinoma (SCC). Thankfully, I have not had any Melanomas. I'm not bragging about it and not happy with the fact that I'm susceptible to them. Also, I have undergone three of the most common treatments for skin lesions/cancer.

CAUTION

Actinic Keratosis (AK) is a pre-cancerous patch of thick, scaly, or crusty skin. These growths are more common on fair skinned people and those frequently in the sun. They usually form when the skin is damaged by UV radiation from the sun or tanning beds. As tanning beds have no relevance to the day-to-day golf maintenance operation, they will be left out of the description and/or discussion of skin cancer. AKs are considered

continued page 16

Renovation 2016 continued from page 14

irrigation system capabilities as follows:

- Lynx operating system from Site Pro
- Decoder field system from OSMAC
- 65' rotor spacing from 80'-120' rotor spacing
- 1900 rotors from 640 rotors
- Precip. matched rotors from 12 different models 1985-2014
- 1900 stations from 235 stations (1, 2, 3, 4, & 5 head/sta.)
- Dual heads (Greens) from NOPE!
- Added 12 Acres irrigated
- Reduced "water window" from existing system <1-2hrs
- DU 0.90 from DU 0.75
- Average daily gallons July 0.750M from Average daily gallons July 0.875M

In summary, this project, with its complexity of maintaining operation of the Site Pro system during installation of the Lynx system, went quite smoothly. We weren't void of "bumps in the road," which led to some stressful periods. These "bumps" were limited in numbers and were managed effectively between Landscapes and our staff. Landscapes completed the five-month project on time and with excellent results.

I'm proud of the finished project and feel comfortable that I left an outstanding irrigation system for Pete and his staff that, hopefully, makes their job easier and less stressful. *P.S. – I am now retired and livin' the life*

Next day #2



Four days after installation #15





November 6, 2017

To Whom It May Concern:

It is my privilege to recommend Greg Baer and Baer Design Group, LLC as the design team for any golf or green space irrigation project you are considering.

Landscapes Unlimited has had the opportunity to work with Greg on several projects, including Crane Creek Country Club in Boise, Idaho and Ruby View Golf Course in Elko, Nevada. Greg has been designing irrigation for decades and that experience is evident not only in the design of the irrigation system, but throughout the overall management of the entire project.

Greg has an innate ability to sort out the best solution. This starts with his initial site visit on a renovation or in the case of new construction with his added value in team pre construction meetings. His knowledge and thorough audit of a site along with his understanding his client's priorities are a tremendous value to any project.

Baer Design Group uses its state of the art design equipment to develop an irrigation layout of the site, which reflects the needs of their customer as well as the most beneficial use of their investment. This group has done their homework and knows the best product and how to incorporate this into a solid design solution that is tailored to the project. Often times irrigation designs are "boiler plate" / generic, as stated above this will not be the case with Baer Design Group as they "figure out the puzzle" and customize a well thought out solution. But their responsibility doesn't stop there.

This team is involved throughout the entire bidding and installation process. Greg and his team will make sure that if any issues come up during the project, everyone is aware of those issues and that all parties involved come to the best resolution. Greg is fair to all parties and is very proactive, so that what issues do arise do not impact the progress of the project.

If you have any other questions that I could answer about Greg or his fine design team, please do not hesitate to call me at 402-416-7027. Again, I would not hesitate to recommend this fine organization for your design needs.

Sincerely,
Landscapes Unlimited, LLC

Tom Works
Vice President
Irrigation Division



4354 Town Center Blvd. Suite 114-169
El Dorado Hills, CA 95762
916 941 8692
www.2Pgolfdesign.com

January 3, 2013

To Whom It May Concern:

I am pleased to write this letter recommending the irrigation design services of Greg Baer. I worked with Greg on the development of a new golf course and practice facility for Spurwing Country Club in Meridian, Idaho. This project was part of a residential development and was completed in two phases one year apart.

Greg was an excellent design partner who was able and willing to tailor his irrigation system to help us achieve the original design vision. What impressed me most throughout the project was Greg's attention to detail, not only to the design of the irrigation system, but to all of the outside factors that could impact that design. He stayed in constant communication with the entire design team and demonstrated excellent knowledge of local regulations and codes. With the dynamics of the marketplace changing Greg saw that HDPE was becoming competitive with typical PVC systems. He completed a comprehensive analysis of the two systems before determining that PVC was appropriate for our project.

His services included playing an active role in the bidding and contractor selection process which was important to us because all of our bidders came from outside of Idaho. Finally, Greg was frequently onsite during construction to make sure that the system when into the ground as designed or to help with any field changes that were required.

I look forward to working with Greg in the future as he exhibited a high level of professionalism and would not hesitate to recommend his services to other golf course architects or clients.

Sincerely,

Damian Pascuzzo ASGCA
Pascuzzo & Pate Golf Design



October, 2017

To whom it may concern,

I have had the good fortune of working with Greg Baer and Baer Design Group now on several very successful golf projects. His professionalism and approach on each project has been very beneficial and a key aspect of each projects success. I would not hesitate to work with Greg again and strongly recommend his firm to those in need of a qualified irrigation consultant.

David B. Druzisky, ASGCA



City of Helena

Parks & Recreation
316 North Park Avenue
Helena MT 59623
Telephone: 406-447-8090 Fax: 406-447-8434
E-mail: lkurokawa@ci.helena.mt.us

December 12, 2012


TO WHOM IT MAY CONCERN:

It is a pleasure to provide this letter of recommendation for Baer Design Group, LLC.

I am currently working with Greg Baer on an irrigation improvement analysis for Bill Roberts Golf Course in Helena, Montana. We retained Baer Design Group, LLC to conduct an analysis of our current irrigation system and provide recommendations with cost estimates tied to itemized improvement options. He has been prompt, very responsive, and conducts himself in a professional manner. From the start I have been very comfortable with Greg. He shows a genuine interest in our project and has taken the time to gather information to understand our situation and recognize our needs. This is extremely important to me in receiving his recommendations. I have also been impressed with Greg's communication skills and the ease of working with him.

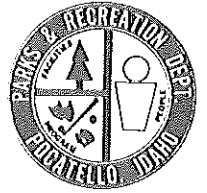
Baer Design Group, LLC was selected through a competitive RFP process, and I am pleased with his service and without hesitation recommend Baer Design Group, LLC to others.

Sincerely,


Larry Kurokawa
Golf Course Superintendent



PARKS AND RECREATION DEPARTMENT
144 Wilson
P.O. Box 4169
Pocatello, Idaho 83205-4169
(208) 234-6232
Fax: (208) 234-6578



September 29, 2012

To whom it may concern:

It is my pleasure to write this letter of recommendation for Greg Baer. As Director of Parks & Recreation for the City of Pocatello, I have had the opportunity to work with Greg regarding an irrigation project for the Highland golf course.

Greg was initially hired to conduct an analysis of the irrigation system at the golf course. The analysis that he prepared not only identified the existing issues and problems with the irrigation system, but was done very professionally and in a timely manner.

Based on his analysis, the City initiated a process to address the needs of the system. Specifically, the City began the process of soliciting bids for irrigation equipment, including a central control system, weather station, satellites, and rotors. Based on Greg's expertise, the City contracted with him to prepare the equipment specification for the Invitation to Bid. Again I feel that Greg did a very thorough and professional job in preparing these specifications. In addition, Greg served as the "point contact" person if potential bidders had specific questions regarding the specifications.

Again, I feel that Greg has done a great job for the City of Pocatello. He is very knowledgeable regarding golf course irrigation systems, conducts himself in a very professional manner and gets the job completed in a timely manner. I would have no hesitation in hiring him again to assist the City with future golf course irrigation needs.

Sincerely,

Jerry Sepich, CPRP
Parks & Recreation Director



To whom it may concern:

Greg Baer has had a positive impact on Crane Creek CC over the past five years. He has been asked to provide various simulations for design changes to golf holes, as well as netting simulations for our driving range. This provides an easy way to communicate to our members, after all, “a picture says a thousand words”.

A brilliant irrigation designer, Greg has provided irrigation auditing services to improve the efficiency of our existing system, provided a design for the installation of Pressure Reducing Valves to reduce the amount of broken pipes, and completed a spreadsheet that convinced the membership that we are spending more money in labor and R+M than a new system would cost.

Greg brings the most advanced technology in irrigation and land-planning to help fix your problems. Those who know him consider him one of the brighter minds in irrigation designs today.

Sincerely,

Adam Bagwell, CGCS
Director of Grounds
Crane Creek CC
500 W Curling Drive
Boise, ID 83702
Office: 208 514 4363



June 9, 2011

Greg Baer, ASLA
The Land Group Inc.
462 East Shore Drive, Suite 100
Eagle, Idaho 83616

To Whom It May Concern:

I am righting this letter of recommendation in behalf of Greg Baer.

Greg and I have been acquainted now for going on 3 years. I have found him to be an outstanding and capable individual. His work for Missoula County and Larchmont Golf Course has been professional, knowledgeable, and prompt and he has acted in our best interest throughout our project.

I have been a golf course superintendent for 17 years and in the golf business for 25. I have had the opportunity to work with some truly extraordinary people Greg is that sort and I recommend him without reservation.

Dan Smith

Superintendent
Larchmont Golf Course



January 2, 2013

I am writing on behalf of Greg Baer and Baer Design Group and the work they have performed for The Club at SpurWing. Greg and his team have designed several Irrigation Layouts, Graphic Displays, and Pump-stations. Most critical is his involvement in the planning, coordination, and then the implementation of designs from concept to completion in the field. His expertise has saved us money by maximizing the potential of our irrigation systems Central Control, and Pump-station efficiency resulting in lower power costs per year.

I would highly recommend Greg Baer and Baer Design Groups services to anyone as they have been responsive, very professional, flexible, and timely in all dealings with our business.

Sincerely;

Jerry Palmerton

Golf Course Superintendent

The Club at SpurWing

Meridian, Idaho



CITY OF EAGLE

P.O. Box 1520
Eagle, Idaho 83616
(208) 939-6813

December 22, 2015

To whom it may concern,

Baer Design Group and Greg Baer provided irrigation consultation, audit and scheduling for one of Eagle Parks and Recreation's parks. As a lay person I found his knowledge and ability to explain the process and outcomes to me very beneficial. From the start of the project to its current stage Greg has helped us to identify solutions to watering more efficiently, purchasing and installing the correct controllers, and improving the delivery of water to our turf. Greg was very thorough and efficient in the work that he did for us. I have the utmost confidence in Greg and the Baer Design team and whole heartily recommend them for their professional irrigation services. I would not hesitate in utilizing Baer Design Group in our parks and facilities.

Sincerely,

Michael J. Aho

Director

Eagle Parks and Recreation