

CITY OF PRINEVILLE

MINUTES

November 13, 2007

The meeting of the Prineville City Council was called to order on November 13, 2007 at 6:30 PM in the Council Chambers at City Hall by Mayor Wendel. Present were Council Members Steve Uffelman, Steve Ilk, Dean Noyes, Betty Roppe, Gordon Gillespie, Jack Seley and City Manager Robb Corbett.

Representing the press media was Don Wood from Hometown Radio.

The meeting was opened with the flag salute.

Council Member Roppe requested that item "B" be removed from the consent agenda and placed under "Council Business".

CONSENT AGENDA:

A. Minutes of October 23, 2007 regular meeting.

Council Member Roppe moved to approve the consent agenda. Council Member Seley seconded and the motion passed unanimously.

VISITORS, APPEARANCES AND REQUESTS:

Executive Director Cyndy Cook from Housing Works was present to give an update to the Council. Ms. Cook handed out reports to the Council and introduced Board Members Bobbi Young, Laura Cooper and Ken Nelson.

Bobbi Young reported the Housing Works organization touches all types of people from the homeless to homeownership.

Laura Cooper reported on the Home Quest Program and briefly explained how the program works. This program affords families to purchase their own home. Housing Works owns the land, than leases it to the home buyer.

Ken Nelson stated one social problem we have here in Prineville is affordable housing. Housing Works is working to fulfill this need.

Executive Director Cyndy Cook stated Housing Works provides opportunity for families to get on their feet. It provides for seniors and disabled people to live in the community with dignity.

A presentation was given on Community Branding Project and a request for support by the Chamber of Commerce. The presentation was made by Bryan Iverson, Vice President of the Chamber as well as President of The Iverson Group and Bill Miniens, Marketing Director for The Iverson Group.

Bryan Iverson stated in relationship to tourism, what is Crook County and what do we stand for? They want to bring it all together, City, County and Chamber of Commerce. Presently there are a lot of different logos and they would like to focus on the selection of a brand that shows what the Prineville Community is all about.

The Iverson Group is asking the City and County to join the Chamber of Commerce in the selection of a "brand" that defines how we are different from the other communities in Central Oregon. The cost would be split three ways, which each entity contributing \$2,500 for a total maximum cost of \$7,500 for the project.

Bryan Iverson stated they would like to create a working committee to develop this brand and then bring it back for approval. He has asked the Crook County School District as well as Prineville/Crook County EDCO Director Jason Carr to be a part of this committee.

Bill Mintiens stated they will do a survey and research before the developing process. They will include Chamber members and businesses in this survey.

City Manager Robb Corbett stated he has a consulting line item in the budget that the funds could be paid out of.

ORDINANCE NO. 1148, ANNEXING CERTAIN PROPERTIES INTO THE CITY OF PRINEVILLE AND REZONING (second reading, first reading 10-23-07): Council Member Roppe moved to read Ordinance No. 1148 by title only for the second reading. Council Member Gillespie seconded. Council Member Uffelman stated he would be abstaining for the reason stated at the last meeting. The motion passed with Council Member Uffelman abstaining. City Manager Robb Corbett read Ordinance No. 1148 by title only for the second reading.

Council Member Roppe moved to adopt Ordinance No. 1148. Council Member Gillespie seconded and the motion passed with Council Member Uffelman abstaining.

CONSIDER APPEAL OF SYSTEM DEVELOPMENT CHARGES ON AIRPORT HANGAR PROJECT: Community Development Director Ricky Sites gave a staff report.

The Airport Commission has begun leasing spaces for hangar construction at the Airport as an entrepreneurial development. City staff has reviewed the project and determined that an assessment of System Development Charges is consistent with City policy, because of the nature of the business. A determination of the impacts the privately owned hangars has resulted in an assessment of six equivalent dwelling units (EDU's), \$1,718 per hangar for 64 hangars, or \$109,952 total.

As airport lessees are applying for building permits, the City has tried to mitigate charges for SDC's because the use of hangars would incur minimal utilization of infrastructure. Rather than charging one EDU per hangar, the City is allowing 64 hangars to utilize one 2" water meter and is reducing the overall charge as shown on the calculation sheet dated October 16, 2007 and communicated to the Airport Commission via a letter dated October 19, 2007.

Ms. Sites stated the calculation methods for SDC's are provided in Resolution No. 1059, Section 4. "For commercial uses not listed herein, the assignable EDUs shall be determined by the City on a case-by-case basis comparative to the foregoing commercial uses, or may be calculated on the basis of the actual use of water used divided by the EDU quantity of 300 gpd."

During the planning of this project, it was determined that the water demands of 64 hangars could be provided by one 2" meter rather than numerous ¾" water meters at each hangar, ¾" being the standard for residential homes. Based on this determination and the fact that a 2" water meter provides 6 times that of a ¾" water meter, an assessment of 6 EDU's was used.

Transportation charges were computed at one trip per hangar per day, whether it is for the aircraft user or for a support service. This may appear to be a high rate of utilization. However, the current zoning code of Airport Commercial allows many commercial uses other than an aircraft hangar, and could generate many times the trips estimated. Uses that we may anticipate seeing in this hangar development would be Fixed Based Operator, a repair and maintenance shop, an aircraft cleaning service, a catering establishment for aircraft, etc. Unless there is a new application for a building/plumbing/electrical permit, permitted commercial use could occupy these hangars without notification to the City of the change in use.

Ms. Sites stated although the Airport is a quasi-public agency, the Airport is leasing hangar space in competition with private industry and could be viewed by the public as being able to offer lower rates because they do not have to pay SDC fees. It is the position of staff to treat applicants for building permits equally and consistently.

The Airport Commission has appealed this assessment in a letter to the City dated October 25, 2007, consistent with the appeal procedure provided in Resolution No. 1059. The City Council is required to hear and consider the appeal.

Council Member Seley asked if the calculation of approximately 6 EDU's is based on the maximum capacity of that 2" line that you agreed on?

Ms. Sites replied that it is based on what they thought would be the division of the utilization on that line would be. It is 6 hangars per EDU basically. It is their estimate, be it right or wrong, it is an estimate.

Council Member Seley asked if the water service that we are providing up there include fire hydrants, that sort of thing?

Public Works Superintendent Jerry Brummer stated on the fire hydrants they'll be charged just like any commercial entity, so much for standby fire. They have a rate that is charged each month based on the size of the service line. It will be a separate charge.

Mr. Brummer stated he would like to expand a little bit on the 2" water meter. This started about a year and a half ago when Frank Porfily came and visited with him about this and at that time, they were going to have a water meter for each one of these hangars. He suggested that it would probably benefit him and us both if they went to one large 2" meter, because 64 meters would have to be read and if they are just hangars, they don't use much water because the existing hangars up there right now do not use much water. However, we do not know what these are going to be used for. The demand on there is actually based on faucet units. When they go to the building department and they apply for their building permit, they are going to ask what

is going to be the faucet units of whatever this business is going to be. There is a formula for the number of faucet units. So, for him to say a 2" meter is big enough, he does not know because he does not know exactly what is going to be in there but by it saved them a lot of line size in total within their development.

Council Member Ilk asked if the calculation of one trip per hangar per day is even closely real? He is thinking you have to be an awfully wealthy pilot to be putting that plane in the air on a daily basis, just on the cost of aviation gas and daily maintenance, annual maintenance and overalls. That number just seems way out of line to him.

Community Development Director Ricky Sites stated the number for each single plane hangar, private plane hangar, probably is quite high. She knows on housing calculations it is figured on 10 trips per day per house, not because the people make that many trips but because there are support services and all types of things that come and go associated with those dwelling units. Now on a commercial basis, they can say that on the hangars, probably not, depending on what else they may be doing there.

Council Member Seley stated he noticed in the formula you had what amounts to 30% of an EDU for each hangar. Is that based on any empirical data or is that just a figure you came up with?

Ms. Sites stated it is a figure they came up with but she cannot give any empirical data. She does not believe there is any empirical data for them to come up with.

City Manager Robb Corbett pointed out in Josh's worksheet, one of the things that he notes is that a 2" water meter is roughly equivalent to 6 3/4" water meters, which is the standard size of a house and that is the methodology that he used to arrive at that.

Council Member Uffelman asked if he were to build his own hangar, what would you charge him for a hookup for System Development Charge?

Public Works Superintendent Jerry Brummer stated for sewer, water, transportation, the whole thing, he does not have that figure. Ms. Sites stated she does not have that figure either.

Council Member Uffelman stated his question is what you are in fact doing is establishing a fee, because if a private individual chose to build a hangar and lease it out in competition with the Airport Agency, then if he had to pay a System Development Charge for that hangar and they didn't, than it would not be equal.

Ms. Sites stated if you were to do one just out of the blue and just come up as a private individual, they would have to charge a full SDC or at least pretty close to it.

Council Member Uffelman stated what you are proposing to do is charge 1/6 of that for each hangar. Ms. Sites agreed that is correct.

Council Member Noyes stated by going back to Mr. Brummer's comment, the City did not have to do a distribution network in that park up there, right? You ran a 2" water meter and did the

curb stop and that was it, so the Airport did all the rest of the work, which normally the City would have to do and charge a full price to capture the cost for, right?

Mr. Brummer stated they would have put it in according to our requirements. They would have had to put in a larger line because our standards and spec say a minimum of an 8" line.

Council Member Noyes asked where does the City stop paying for that, is it at the 8" line?

Mr. Brummer stated it went all the way through and then there would be a tap come off of this, so we may do this like a subdivision. They pay for all this upfront and then the City accepts the responsibility after the year is up. To answer Council Member Uffelman's question, the \$1700 that they come up with, they have taken that SDC and divided it by 6, is where they arrived at that number.

Council Member Noyes stated City Resolution No. 1059, Section 4, says for commercial uses not listed herein, so he imagines in #1059 there is another section that there are a number of uses listed. Does it include Airport hangars in that listing? The answer was "no, it does not". Then this is almost establishing a precedence for future charges. How come it doesn't appear that a lot of incorporation consideration was given to some of the ideas or suggestions in Mr. Cooper's submission here. There were some that were pretty reasonable in terms of what they were trying to do here or trying to achieve, or get consideration of anyway. It seems like we have kind of held the line on this even though this is a precedence and there were some pretty good ideas over here on his side.

Community Development Director Ricky Sites stated there certainly are some good ideas there. One of their problem is that they do not currently have in place a code or ordinance that would limit the use of hangars only in this particular area and in fact could allow in the future other kinds of things to go in there on a commercial use basis. In order to be consistent we need to at least acknowledge that these are other permitted uses. Even with what we have here, we could run ourselves into some trouble unless we were to change our own code on this, which she does not believe is a bad idea.

Council Member Noyes stated you are just doing this as an option because in that same paragraph it says "or may be calculated on a basis of the actual use", is that what you are going with as opposed to collecting this on a case by case comparative?

Ms. Sites stated we don't have a record of actual use, so this is basically a case by case and its determined on the fact of not just the use, but the permitted use.

Council Member Noyes stated as a permitted use if there was a category that qualified a hangar as being simply just a hangar and it fell in the line of what is suggested here by Mr. Cooper than if that permitted use was applied to change, say it became a storage facility or it became a aircraft wash hangar, then obviously the volume is going to change but since it is centrally metered, it would be hard to sit there and substantiate that. It sounds like there is almost a little bit of a conundrum there.

Ms. Sites stated it is a conundrum that we have here. She believes also that we have looked at this from a different point of view probably than just a hangar use at the Airport. She would like to say that they tried very hard to bring this down as far as they thought was reasonable. There is an antidotal thing that she would like to add that within the last couple of weeks, somebody came to the County and tried to put a residence in one of these hangars and the County referred them to the City. They declined to come over to get a permit to do so but we have business license, so there is really no way if there is a new business or something of that nature that goes in that we are always alerted to those things. She believes they are finding that this uncovers more than just one issue here that we should be addressing and maybe this is not the appropriate place to address it at this point, but it certainly has raised some issues.

Council Member Gillespie asked if this 2" metered solution, was it a joint decision between us and the Airport at the time?

Public Works Superintendent Jerry Brummer stated he visited with a gentleman that they spoke of and also Dave Armstrong actually is the one the drew these up and he visited with Dave about this too, so he assumes when they accepted those plans, that they thought the 2" meter fit their application really well. He believes that it does and he doesn't think that is where the question is here. It's hard to say it is big enough for all the faucet units that might go in there, he does not know what all might go in there and he thinks that is the unknown for all or us out there. If it is all hangars and 64 hangars go in there, it probably uses "x" amount of water. If there are other businesses that go in there, they could in fact use more water than that. The Airport Commission would always have the ability if they choose to, to pay this amount of water, they could put individual meters of their own in there.

Council Member Ilk asked if the hangars would have plumbing for a sink and toilet?

Airport Commission Chairman Deane Cooper stated there are actually two different types of hangars at the airport. The 64 hangars really consist of about 30 that are box hangars that typically do have a restroom in them, toilet and sink and the other ones are "T" hangars, there is about 24 of those that typically what you have is that you might have 12 hangars, but only one restroom to service all of those. However, to be fair if there are 12 people coming in whether they have a restroom or have a toilet in each hangar or not, they are still going to use that toilet 12 times verses their own toilet one time. He believes the 64 hangars is a fair number to use.

Council Member Roppe stated she noticed in the letter from Mr. Cooper that they had requested a meeting with you before those decision were made and apparently the City did not do that, wasn't that a reasonable request? It seems to her it should be.

Ms. Sites stated it was a reasonable request but she was not aware of it and secondarily they did have people come in before a meeting was requested who were very anxious to get their building permit right then and there, so something had to be done to assist those people. She is not aware of the request but she gathers one was made.

City Manager Robb Corbett stated he would clarify that because he was involved in that a little bit. He was aware of a meeting that was scheduled and he is not sure why it was cancelled. At that same time, he had directed staff to make the final calculations because of a pending building permit and his concern that the decision of the SDC calculation might hold up that permit, understanding that there is an appeal process if someone wasn't satisfied.

Council Member Roppe stated she is hearing Mr. Corbett say that what they applied for are hangars but something else could come in, but isn't there a way the City could limit what could come in? You are basing this on a potential of some businesses coming in when they are saying there isn't going to be any businesses coming in, they are strictly going to be hangars. Isn't there a way for that to be limited as to what could go in if they are saying only hangars could be there? You could have something stating that there could be no businesses.

Community Development Director Ricky Sites stated under our code, they don't have to come in for just hangars. They can come in and do anything that is permitted, a permitted use in the Airport Commercial zone, just because that is where this happens to occur. That is pretty nearly anything that we have in our commercial areas. She understands and she is sure that they will speak to this, that they have a restriction on their leases as to what the use within the leasing would be, but we as a City do not have control over that.

Airport Commission Chairman Deane Cooper stated he wanted to clear up a couple of things. One thing that keeps coming up is the no control over hangars only. They have a staff report dated November 9, 2006 and it says in here that this approval is for airport hangars only, so you already have that in place. It states that any change in use shall be applied for through the city of Prineville's Planning Department and an increase in SDC's may apply, so he believes that we have already covered that plus their lease as pointed out, does not allow for anything other than private storage of airplanes. Residences aren't allowed and that type of thing.

Mr. Cooper stated the other thing that he heard was the conversation about the 2" meter and their recommendation through Don Svinth who was a representative of the Airport Commission at the time, was to put in a single meter but to make it ¾" or 1" meter but the suggestion came back for a 2" meter. They really didn't have any problem with a 2" meter but they did not realize at the time in putting in a 2" meter, that they were going to do a calculation with the idea that a 2" meter can pass 6 times as much water as a residence and then all of a sudden we are going to be charged 6 SDC's. They do not have any problem with a 2" meter, but they do have a problem with the logic involved with charging 6 SDC's just because it allows that much water to be passed through.

Mr. Cooper stated as was pointed out, the Airport has been working on this for about 5-6 years, developing some unproductive vacant land and is now under construction of aircraft storage hangars and leasing that land to the public for that purpose. Land leases, property taxes and fuel sales generated as a result of that directly benefit the City and the County.

They have an appeal before the Council because obviously you have asked some pertinent questions from the appeal, but the appeal only goes back to a short period in time.

Mr. Cooper gave the Council some history behind this project. About a year ago, they appointed two representative for the Airport Commission, Don Svinth who is an engineer and also a General Contractor to meet with the Planning Department and everybody to get this project going. They had meetings with Josh Smith, Robb Corbett and the Assistant City Manager Jerry Gillham was involved and Jim Mole was involved. They had some meetings with Scott Cooper and others and they presented basically the same type of information that he provided showing how they were going to calculate the water usage up at the Airport. They came away with the understanding that the project would have one main water meter and the project would be charged one SDC, not six and there would not be any additional charges at that point to individual builders.

November 12, 2006 Don Svinth, the Engineer and two Airport Commission representatives received a final decision from City Staff dated November 6, 2006, which they just referred to from the Planning Department going into great detail about the project, but it didn't detail a single SDC issue. Don on the 13th, the next day, emailed him a copy of that final decision and mentioned that we should get some clarification from Planning regarding the SDC agreement which was not detailed in the decision. A couple of days later they had an Airport Commission meeting, November 15th, Don reported to the Airport Commission at that meeting. It is on tape and in the minutes, that as a result of his meeting with City officials, that there would be one SDC on the project and that we needed clarification because it was not addressed in the final decision. Frank Porfily, Airport Commission secretary, reported that he had spoken to Robb Corbett and that the single SDC was a done deal. They did not feel that any further clarification was necessary at that point.

Josh Smith mentioned several times in an email that there was some miscommunication between City officials and the Airport Commission. It wasn't a misunderstanding, but a miscommunication between the Airport and the City officials and they made their planning decisions based on that. They only expected one SDC and they felt this was reasonable.

Mr. Cooper stated then about a year later, on September 27th of this year, he received an email from Josh Smith stating that they were leaning towards six EDU's but felt that a meeting between City staff and the Airport Commission would be appropriate. The following day he emailed Josh back and said "that sounds great" and set up a time and he had some information to show them that was more realistic as to the actual projected impacts. He has copies of all the emails. Two or three days later, Scott Edelman from Planning, emailed him and gave me three dates to choose from for a meeting. The next day he emailed him back and he gave him his choice. Then soon after that he called back and said that Ricky Sites was not able to attend because of health reasons, so he believes that she was aware of the fact that there was going to be a meeting, but chose not to have it. There wasn't any correspondence after that.

Then on October 15th Josh email him to say that they decided on six EDU's without any meeting. He told Josh on the 16th that he

would pass this information on to the Airport Commission at the meeting that night and asked if he would attend the meeting and present his case to the Airport Commission and Josh did not respond back and he did not attend the meeting.

On October 17th, he told Josh that he passed the information on to the Airport Commission and they would like to sit down and discuss the SDC's and call him back with some dates that would work for them and he got no response back from Josh, but a few days later, he received the final decision, which is dated October 16th, which they are now appealing. He believes that we could have avoided this whole process if we just sat down and talked face to face, like suggested here and as promised, but because of miscommunication, we now have to renegotiate. Since there were no meetings with Planning, that is why they are here this evening. At least four people are holding off on signing leases until we figure out what we are going to do here this evening. What the Airport wants to do is pay one SDC right upfront and no additional fees to people signing leasing because that is what they represented to them. We have had a waiting list up at the Airport since 2001.

Mr. Cooper stated there are three parts to the SDC fees. There is transportation, sewer and water. On the transportation side as pointed out in the appeal, it is ludicrous to think that anybody is going to fly their airplane once a day, everyday. No one could afford to do that if they could and they have no need to. Their experience at the airport has been once a week is more frequent than most people fly. They do allow for once a week. The 64 hangars works out to about 8½ flights a day and that works out to be about \$7800 in SDC fees.

When you talk about the water system, this development is really for hangars that will serve as storage units, not unlike garages, for the sole purpose of storing aircraft out of the weather. As mentioned earlier, the most they will have is a toilet and a sink and probably at each visit they may use the toilet once and the sink once. He has actual records of water usage because they have hangars that have been up at the airport for quite some time and he has copies of those. The thing to keep in mind here, they are not doing laundry, they are not watering grass, they are not taking showers, nobody is washing dishes and nobody brushing teeth. This is not a lot of water usage. He has the records from the City of Prineville Water Department and there is a hangar complex right next to him that has 11 hangars. Last year, they have been there for two years, over the last two years they have averaged two units of water per year. That is 1500 gallons a year. This project has about 64 units, so if you took that 11 times 6 that would 66 units, if we multiplied that 1500 gallons times 6, we are expecting those hangars to use the same amount of water that those hangars that have been there for two years have experienced, that is using 9,000 gallons a year. If a residences uses 300 gallons a day, 365 days a year that is over 109,000 gallons of water, so if you take 109,000 gallons of water and divide by the 9,000 gallons and we are talking about 1/12 of one EDU of water up there.

The sewer follows right along with the water, so that would be the same. If we add those up together then it works out to be about \$17,000 and the airport is willing to pay for that upfront and then they would not have to do any bookkeeping or anything like that.

Mr. Cooper stated the other thing that the ordinance does allow as pointed out earlier is since they have one meter and someone is concerned that they will be using more water than that, they are willing to pay one SDC upfront and keep track of the water usage and if they go over 300 gallons per day, they will pay another water/sewer SDC. They are not trying to cheat anybody out of the water, but it is just that these hangars are not going to use anywhere near the water that the Planning Department proposed. If they had had an opportunity to speak to the Planning Department, then they could have conveyed that information to them.

They just want to be fair. They thought they had an agreement on one SDC in the past and they think they have proved their case of one SDC is reasonable and appropriate and it is up to the City Council to look at this in a common sense prospective.

Mayor Wendel stated he would like to see the Airport Commission and staff sit down and try and figure this out. Between the two entities, we have staff and the Airport Commission, and we can actually have that meeting that we were suppose to have and haven't had. It is his opinion that we can resolve a lot of this by having both sides figure out a date and sit down and meet and come back to the Council. He feels there is a win win situation that they can come up with.

Council Member Roppe stated she believes part of the problem for her in trying to see what the most logical thing is to do, when we do not have a lot of the data that they are telling us they had. They said they had communication in November of 2006 that they were going to figure this on one SDC. If he has that she want to know that because that means that our staff has not followed through on what they said.

City Manager Robb Corbett stated that was the question he asked when he was first presented this was that if the City had made a commitment, then he felt it was important for the City to honor their commitment and requested documentation of that and doesn't have anything in his hand that was produced by the City or handed to anybody that says that the City had made that commitment and still do not have that. Then also he does have an email that was shared that indicates there was some question on the part of the Airport Commission and he cannot remember who sent the email. It said, "I believe the City is going to charge us one SDC, but I think we need to get clarity on that." Yet he cannot find anything in writing that supports that.

Council Member Roppe stated she believes the Council also needs to have copies of the emails from Josh. If the City made commitments, then they need to know that. We cannot make a fair judgment if we do not know what the City has committed in the past and she would personally like to see those emails and she would like to have an answer as to why the meeting did not occur. It is not acceptable that they did not sit down and discuss that.

Mayor Wendel asked Council Member Roppe if she would agree with him that they should sit down and have a meeting and try and figure this thing out. Would that be acceptable to you?

Council Member Roppe replied she certainly believes that they should have the meeting because it sounds to here like they both have some very logical concerns.

Council Member Noyes stated he believes it is important to note that Resolution No. 1059 has the capacity for some flexibility in this issue and then the focus has to be put on that or we will set a trend for other future developments and this is an important part of our construction projects up there. Also last year this issue was addressed in this room and he believes that it was Frank Porfily that was before Council and the bathroom issue in each one of these hangars, it was a matter of the minutes in this room. There is other communication that can be researched on this. He was in the gallery listening, but he remembers the conversation, but he does not remember the details, but feels it would be important to have information like that.

Mr. Cooper stated to answer the question on the communications, the memos he has from Josh dealt mainly with setting up meetings and notifying that the decision had already been made on 6 EDU's. As far as the previous commitment by the City, or misunderstanding or miscommunication with the City, there wasn't anything in writing on that. Normally there would be under the circumstances. They had a gentleman that attended different meetings and he did not walk away with anything in writing because you don't necessarily walk away with anything in writing, but when he did receive the final decision by the City, it was remarkable to him that the SDC wasn't in there and it threw up the red flag for him because he felt that was a done deal. The only communication he had from him is that his concern was that it did not show anything about the single SDC fee in that decision that he felt clear that it should have. When he reported to the Airport Commission that there was going to be one SDC but it did not show up in this report that we should get some clarification on it, that is when Frank Porfily stated he had spoke with Mr. Corbett and it is a done deal. They did not feel that they need to go back and say now we need this in writing.

Mayor Wendel asked Mr. Cooper if he was willing to meet with City staff to try and resolve this? Mr. Cooper stated he is leaving town tomorrow, but someone from the Airport Commission will be at the meeting.

Frank Porfily stated he would like to say that on those commitments, what they did is they went to these 12 or 13 people and they put down \$420,000 of their money into this project based on what they represented to them. They represented to them that we were going to have one SDC because that is what they agreed on. They have made some commitments and if he was one of these people he would back out of it and say you guys committed to us one SDC and now you are going to ask to pay another \$90,000, I don't think so. He would back out of it. He believes they have something more here than just sitting down with the Planning Commission and saying they need this and you need this and this. They agreed on one SDC and that is what they have represented to these people. He is pretty upset to the fact that they have sold these things based on that commitment and now we are going to weasel out of it.

Mayor Wendel asked again if they would be willing to sit down with the Planning staff to try and resolve this. Is that okay?

Mr. Cooper stated as long as it does not extinguish the appeal process.

City Attorney Carl Dutli suggested that the appeal hearing be kept open until the next Council Meeting. If they do not come back with a resolution and it is resolved, then the Council will have to make a decision at that time.

Council Member Roppe asked Frank Porfily a question, he said they had committed to these people and it was because he felt he had something in concrete. Did you have it in writing?

Mr. Porfily stated he did not have it in writing. He guesses he is from the old school, when he makes agreements with people and they say they are going to do something, than he believes it.

Council Member Roppe asked who he verbally discussed that with?

Frank Porfily stated they came through with Don Svinth and he came to their meeting up at the Airport and he said "we finally resolved it, we are going to be down to one SDC." He visited with Mr. Corbett about it and that is what they agreed on and that is what they based everything they have gone on. They have gone to all these big companies that are putting up these hangars, and they represented to them that this is the only charge that they are going to have, the one SDC, which the Airport is going to absorb. If the Council says they have to pay \$112,000, it is his opinion it needs to come out of the Airport funds because they have sold their hangars based on the information that they had come up with. They do not build hangars themselves, they lease them out. They lease them a piece of ground and the private people come in and build a hangar on that and they pay them a ground lease.

Airport Commissioner Jim Petersen stated as the newest member of the Airport Commission, when he first came on board this issue was being discussed and he had the clear understanding that it was going to be one SDC. Part of having the large meter made it much easier and cheaper for the City to do their job and they were all trying to cooperating to try and make this project go forward with the least cost possible. He thought it was a done deal and he thought it was simple and easy and a lot of common sense.

Mayor Wendel again asked the Airport Commission if they were willing to meet? If you are not willing to meet, then the Council can resolve this here tonight one way or another. City staff is telling him that they are willing to meet with you and try and resolve this, are you guys willing to meet with them?

Mr. Cooper stated his concern is putting these people with the hangars on hold for another 30 days. It is not an easy answer.

Jim Petersen stated as the Vice Chairman of the Airport Commission Dean is leaving town and he has turned this over to him and on Monday alone he had 4 phone calls to deal with. People wanting to lease this, wanting to look at the lease, wanting to look at the map and wanting to get going on this. They have not yet sent out a press release. They are going to start doing that. They are going to put that press release in the Bend Bulletin and the Western Flyer and that should generate a lot more interest. They are trying to move forward. He does not mind meeting.

Council Member Gillespie stated he heard Frank Porfily say that he felt obligated because he told these people one SDC. If in

fact, you had to spread the extra SDC's out over all these people that are considering it, what would the amount of money be over 64 hangars?

Mr. Cooper stated the figure he saw was \$1718 he believes or \$1817, or something like that. They are not going to turn around and charge people that have already committed. One of the hangars is already leased out and it has 14 doors in it. He has already paid \$130,000 towards his share of the infrastructure costs and for us to turn around and tell him he needs to pay \$1700-\$1800 times 14 and we would appreciate a check tomorrow, we just can't do that. They cannot recoup that. The FAA has charged them with being fair in treating everyone at the Airport fairly. If they do not charge some people, they can't charge other people, is his interpretation.

Council Member Uffelman stated it sounds to him and his request would be confirmation of the email that you have and as that can be produced, then the City has the obligation to fulfill the commitment that the City Manager has made to these people for one EDU. Honestly, that is not what he feels ought to be charged, but he feels we have a commitment on the part of the City and we have to honor that because that commitment was made.

Mr. Cooper stated for clarification again, the emails from the City officials do not say there will be one SDC. The emails that he has are from Josh this year saying there will be 6 EDU's and he was trying to set up meetings and the meetings did not happen. The only email that he has is from Don Svinth saying that once he got the report from the City he recognized everything in there but there was a conspicuous absence of the one SDC that they had talked about and had confirmed. He talked to him and told him there was going to be one SDC and it was taken to the Airport Commission Meeting and it was suggested that we get some clarification on it because it was not in the written report.

Council Member Roppe asked what the date of that letter is that he felt there was a conspicuous absence of the one SDC.

Mr. Cooper stated he believes it was November of 2006. Council Member Roppe requested a copy of that letter.

Mayor Wendel stated he will ask one more time, are you willing to meet with staff or not?

Frank Porfily stated the way he sees it, they have people up there waiting to rent these things and they really can't do the government approach and take a whole bunch of time. Mayor Wendel stated it would only take two weeks. Frank stated he would not mind setting in a meeting with the staff as long as they come up with one SDC because that is what they have committed with. They can talk about this thing and kick it around all you want, we have the data and we are much less than one SDC when it comes to water, so he thinks the Council ought to make a decision tonight and tell them whether they are going to have to pay \$112,000 or \$12,000 or whatever it is so they can go on with business.

Airport Commissioner Dorless Reid stated all of the Commission had the same opinion, that they would be charged one SDC. That is what they have based everything on. If we had had the

meeting at the time that it was scheduled, then maybe they would have changed their thoughts on what they would be charging.

Mr. Cooper stated they would like to have a decision this evening.

Council Member Roppe stated this email asking for a meeting where they feel they need some clarification on this, was dated November 13, 2006. It seems to her that if they have communication, emails or whatever trying to set up a meeting that the City has had ample time to meet with them. In an entire year, there has to have been some time that we could have met with them or they with us.

Mayor Wendel stated on the other hand it would also make sense that if you are planning on building a structure that has SDC's that you would want to get that clarified before you move forward with it and they have had a year to clarify that.

Mr. Cooper stated as soon as they found out that it was going to be 6 EDU's, they requested meeting after meeting and was refused time and time again for those meetings. He has an email giving him three dates to chose from and he choose a date and then they were not able to have the meeting on that date and weren't able to have a meeting after that, but came out with a decision instead. Then Josh even stated they wanted to do 6 EDU's, but felt they ought to sit down and talk about it. He agreed and wanted to set up a meeting and that is when the meeting was cancelled and another time was never set up, just a decision made.

City Manager Robb Corbett stated one of the processes that Mayor Wendel outlined gave the City the opportunity to address maybe some of the things that they wish. Perhaps Ms. Sites wants to address something in the presentation that was made. From his point of view, he clarified that we did not deny the meeting necessarily, but he directed staff to come out with the decision, the meeting was cancelled because of health issues. The conversation that he had with Mr. Cooper, they had two conversations after the assessment was determined and in fact they talked about whether or not they felt whether it would get us anywhere to sit down and meet and they both arrived at the idea that probably where we were at that it wouldn't make sense for us to sit down and talk. It's back to the issue of there is a gray area here and there is distinctly two different positions here that unfortunately that policy doesn't clarify for us.

Council Member Ike stated he is going to agree with Council Member Uffelman on this. He believes that the Airport Commission in good faith has made these commitments to these contractors on the belief that it was going to be one SDC. He does not hear that there was any written documentation from anybody on this, but he would venture to guess that they would not go to this point with your contractors if you did not have this belief. He would like to see it resolved tonight and he is thinking one SDC.

Council Member Gillespie stated to him there seems to be a second issue that he has not heard the solution to and that is these hangars could become something else. The Airport Commission said "No, they are going to stay hangars. That is all they are going to be. People are only going to use the facilities a little bit." He heard from staff that they could

turn into anything. He thinks that is an issue and he trusts that staff looks at this trying to be fair for not only now, but into the future. He knows that they are bombarded with people who think that they shouldn't be paying as high SDC's as they are. He feels he does not have enough information to overturn what the staff is saying we should be doing. Unless they want to meet with them, and he hears they are all of one voice that one SDC is all that they will accept, but he would like them to iron it out with them on the use and what constitutes going to the next EDU and all those sorts of things. Otherwise, he is going to support the staff on this.

Council Member Noyes asked if they indicated last year November 1st, that the application was conditional it that it is only a hangar application?

Mr. Cooper stated they monitor that up there and their lease only allows for hangar use. You have a staff report from the City of Prineville, November 6th that says "that the approval is for airport hangars only".

Community Development Director Ricky Sites stated she had not seen what he is referring to but she does know that the uses there are permitted uses. She will take a look at it.

City Manager Robb Corbett asked City Attorney Carl Dutli to take a look at the reference in the ordinance on this process, it says the Council may affirm, modify or overrule the decision. The Council decision on the appeal shall be set forth in writing within 21 days. Do you think that gives the Council the ability to be able to examine information and render a written decision within 21 days or do you think that it states the Council has the ability and is required to make a decision tonight and offer a written decision in 21 days.

City Attorney Carl Dutli stated it say that it has to be in written form within 21 days. Theoretically, the Council could wait two weeks or deliberate tonight if they wanted to, as long as the decision is made within 21 days of the hearing. He questions whether the hearing could be continued but you could close the hearing and deliberate at the next meeting as long as you give a decision in writing three weeks from tonight.

Council Member Roppe asked Mr. Corbett if we have a necessary meeting scheduled and we have somebody on staff who is the primary staff person and they are unable to attend that meeting, do we not have other people that can fill those shoes for that meeting?

City Manager Robb Corbett stated, yes, he thinks that there was no thought that the timing of that meeting would be as critical as it has been, given where we are at today.

Council Member Roppe asked why Josh Smith is not at the meeting tonight? It was stated that he has not been requested to be at this meeting.

Public Works Superintendent Jerry Brummer stated he believes that he can clarify this. He was the one this engineer spoke with and he thinks what might have happened here, there was going to be 64 hangars to begin with and what he told him was if you go with one meter, you have one meter fee. You have one hookup fee. If you go with 64, you have 64 meter fees and you

have 64 hookup fees. A hookup fee is approximately \$500 and a meter fee is \$900 to tap into a waterline, so right there if you do the math on that, that is \$89,000. Instead of being \$89,000 to do this with 64 individual units up there, you now have one 2" hook up fee and you have one 2" tap in fee. He did not bring the SDC fees up, that is not his niche, but he is curious in listening to this, if this is what was brought up and everybody assumed that it was one SDC fee. He does not know that but he does know by doing what he suggested to them, it saved them all these hookup fees and from having an 8" waterline instead of a 3 or 4" line, whatever it is, that is probably \$5-6 a foot for waterline, plus this savings here. Any way he just wanted the Council to know that, it is just information. He is not saying what they should do, but he is just trying to provide information for clarification.

Frank Porfily stated with the questions that have been asked, he wanted the Council to know that they have a set of Airport Rules and Regulations which has been accepted by the City and the County. In these Airport Rules and Regulations it only says that these will only be used for hangars. There will be nobody residing in them as well. There is a whole list of rules that are listed. They did have several years back, have someone try and reside in a hangar and they got it all taken care of. They police all that and they watch that because it is in their rules. This fear about this thing turning into a big commercial development and a whole bunch of things using lots of water and lots of things that an SDC would pay for, is not going to happen. It is all protected in these Airport Rules and Regulations, which again has been adopted by the City and the County.

Council Member Uffelman asked if an FBO could be a function inside of a hangar?

Mr. Porfily stated an FBO can come inside if they want to but what they have to do is provide some things. They cannot say that they cannot.

Council Member Uffelman stated for clarification an FBO can go to your hangar and work on your plane, but what if they want to set up and operation as a fixed FBO on a site in one of those hangars?

Mr. Porfily stated they could do that if they want to, an FBO, but again he has to provide the things that an FBO has to do. He has to have a bathroom. He has to have a facility, a telephone and all the services that are required. They have one FBO now at the Airport and for anyone else to come in and be in competition to him or working on radios or anything like that, they have to meet all these conditions. It would have to be with their approval and everything has to be in order for them to do that.

Council Member Uffelman stated if it continues to be non-commercial and if a unit became commercial, i.e. an FBO or other purposes than that hangar would then be charged the full SDC's.

Mr. Porfily stated he feels that is reasonable.

Mayor Wendel asked who is building the hangars? Mr. Porfily replied a private individual. The Mayor asked then if they rent

the hangar out, isn't that a business. If you own a hangar and rent it out, isn't that a business?

Mr. Porfily replied, "sure if you want to call it a business". You have two units that have 12 planes apiece in it, there is only one toilet and maybe one sink for all twelve of them airplanes, so to him there are only 42 hangars and they are separate buildings or course. These people that have these "I" hangars, there are going to be 12 planes in each one of those.

Eldon Nimmo, the FBO at the airport, briefly explained what an FBO consists of. An FBO is anyone who sets up a business on an airport that is aircraft related or airport related business, i.e. a flight instructor could set up a flight school on the airport. That doesn't mean that he is going to sell fuel or maintain the airplanes or anything. If you wanted to set up an aircraft paint shop or anything related to that, it would be considered an FBO, Fixed Base of Operation.

Mr. Cooper stated that in your own ordinance it states that any change in use shall be applied for through the City of Prineville Planning Department and an increase in SDC's may apply, so anything other than airport hangars would have to be addressed separately.

Council Member Gillespie asked how would the City know about that?

Council Member Roppe stated what we should be doing is putting in a business license and then the City would know when a business is coming in.

City Manager Robb Corbett stated that is the point that is coming from the Planning Department, is how would we know? They pointed out that it is in the document that is produced by the City and yet he does not know that the policies exist that enable us to enforce that easily.

Mr. Cooper stated why they are worried about this is, that a lot of walk-in traffic that might generate more water and sewer use, and a concern of a business versus a hangar, that has a toilet. If that is the case, the whole hangar area is going to have a security fence around it with a locking gate. So it is impossible for the general public to go in there. Nothing up there would be set up so that you would have a lot of walk-in traffic and people coming in and using the bathroom. Someone might set up an operation where someone might do some airport upholstery or something like that, but that doesn't generate any traffic at all.

Mayor Wendel asked then why do you need a 2" meter?

Mr. Cooper stated they do not need a 2" meter. Actually, they would be willing to go ahead and put in a ¾" or 1" meter and they can change that meter out. They have no problem with that and in fact, he recommended that to Robb on Friday that we do just that as he was working on it. Let's go back to a meter that is more realistic and more accurate. A smaller meter is going to be more accurate.

Public Works Superintendent Jerry Brummer stated the County Building Department is the one that is going to say what size meter needs to go in. When a commercial building comes into Prineville, it has to be based on faucet use, so either the

architect, the engineer, or the County Building Department says how many bathrooms are going to be in, and how many sinks are going to be in and it is a given amount for every one of those has a faucet unit. He does not have the projections on that because they are not the ones that establish the meter size. It is up to the Building Department or the engineers, so that is where the 2" meter came in. He told them to begin with if you only have one meter, one 2" meter, it would be a lot more cost effective than having 64 3/4" meters. That would have been \$80,000 more dollars and he believes a 2" meter is going to be around \$2,000. He believes that is quite a bit of savings.

Mr. Brummer suggested to be fair to the City of Prineville and to be fair to the Airport Commission is if in fact you need a 2" meter, when the County Building Department decides how many faucet units you need at build out, the 2" meter stays, they will be billed for the 2" meter every month, plus your consumption. They will keep track of this for a year, so at the end of the year if they come up with twice that then he would say the Airport Commission would owe for one more EDU. If they don't, then everything is satisfactory. They probably want to evaluate this and take a look at it.

Mayor Wendel asked if this was okay with staff?

Council Member Uffelmann stated with a stipulation that if any of the units are converted to commercial, they automatically going to get charged for SDC charges for that unit.

Council Member Noyes stated that should be for non-aviation commercial because he knows that John Shelk has a commercial hangar for his own plane.

Mayor Wendel asked if that is okay with the Council?

Jim Petersen stated he has a hard time understanding how a commercial business that doesn't use any more than a bare hangar, should be charged more SDC', that doesn't seem fair. If you do that, you are going to kill an awful lot of aviation business there. They have 4 people right now that are contemplating leasing hangars that may do a commercial enterprise. It may be upholstery or a regular shop. They are going to use way less than a household. If you do that, those businesses will not come to town. Therefore, they will not be able to compete with Bend's aviation shop or Bend's upholstery shop.

Council Member Noyes stated again, this is all read off of one meter.

Mr. Cooper stated the fairest thing to do is what has been proposed and they would go along with that and if it is monitored for a year and if they are using more than 300 gallons per day, which is what the ordinance says is an EDU, then they go on to a second EDU.

Mr. Brummer stated they will also be charged for the fire hydrants in addition to that.

City Attorney Carl Dutli stated he is concerned about one year. Why limit it to one year?

Mr. Brummer stated he should rephrase that to when it is built out rather than one year.

Mr. Dutli stated regardless if it is one year or five years, if somebody comes in and starts using more water, they should pay.

Mr. Brummer stated perhaps they can flag it during the meter reading process, so they can watch to see if there is a greater demand over a certain amount that they re-evaluate it?

Community Development Director Ricky Sites stated in reading this document for anything other than a hangar, they will have to come through the Planning Department. At that time they will assess what the use is and if there are transportation fees that arise out of that, than they will apply those fees.

Council Member Gillespie stated he heard that they have applications for 4 commercial businesses.

Mr. Cooper stated they have one commercial applicant at this point that wants to put in an upholstery shop for aircraft. It is one person working in there. It is no different than him going up to his personal airplane. There won't be any flights during the day out of that shop and there will be no retail customers coming in, so the usage isn't any higher. They tell him that he needs to make application to the City and there maybe some SDC fees involved. He clarified they have four people waiting for a decision, but they are not commercial.

Mr. Cooper stated he would like to go away from this meeting having some kind of guideline on approximately what the additional fees might be if they do have a commercial application. He can meet with Ms. Sites on this later.

Mayor Wendel stated it looks like right now we are okay with the water meter, we are going to read it monthly, like we normally do. When it goes above that than we charge them an additional SDC, right?

Mr. Cooper stated what he believes he is hearing is the Airport would pay one SDC upfront and then over the course of the first year period if it exceeds 300 gallons per day, than there would be an additional SDC incurred or over the next year if we average over those two years more than 300 gallons per day or for three years it averages more than 300 gallons per day, then at some point there would be another SDC fee. He suggested averaging it over those years.

Council Member Uffelman stated we are not talking about averaging. If the monthly consumption exceeds 300 gallons per day than an additional SDC is charged.

Mr. Cooper stated not for just one month, he does not believe that would be fair, maybe over any 12-month period if it would exceed 300 gallons per day.

Council Member Noyes stated the monthly administration of that would be a nightmare.

Mr. Cooper stated once a year is something everyone can agree to.

Ms. Sites stated she would like to be able to sit down and see what this means to us as the development of the infrastructure and that is what the whole SDC fees are used for. If we have people starting to use over 300 gallons per day, the way they have it calculated at this point in time. It would not have to average one year and why we would have to wait an entire year to charge another SDC fee.

Council Member Roppe stated what she is saying if they look at it six months from now and it has gone over 300 gallons per day, then she is going to come to you and say they need to pay another SDC.

It was questioned if that was for a six month period or a one day period?

Mayor Wendel stated when somebody buys a house down here on Third Street, converts it over to commercial and we charge them for that, if that what it takes. We do not average it out for the year, they pay that at the time.

Mr. Petersen stated we need to determine what period of time either six months or a year that we are averaging during that period of time more than 300 gallons per day.

Ms. Sites stated they are not trying to do anything on an unusual event and charge an SDC. What they are trying to do is if we are having utilization at this level, we need to charge another SDC. She has no problem with talking reasonably to anybody about that. Secondly that would be in conjunction with if you have a commercial use moving in, than they will assess another SDC as well.

Council Member Uffelman stated from his perspective he understands too that while we understand that utilization is low for water and sewer, we still have a decision responsibility of making the infrastructure available for that to be in place. He could start up a run of a half dozen apartments and rent to bachelors that are never home and their water usage is very low, so he should only pay one SDC for 6 apartments. We are putting the system in place and we have the obligation to maintain and develop the infrastructure. Yes, the SDC fees may appear to be high, what we are saying we are going along with the one EDU for the Airport under these circumstances. Personally, that is not the direction he would have chosen to go but that is where we are because of perceived commitment that has been made in the past and therefore, what we will honor.

City Attorney Carl Dutli stated we need to get this in writing and he can have this for the Council at the next meeting to consider.

After a brief discussion, Council Member Noyes moved that we approve the appeal recommendation of 1 EDU calculation for the SDC fee to be evaluated at a future date from an incremental time frame to be established by staff with a potential for adjustments of EDU calculations and associated SDC fees based on the 300 gallons per day calculations which establishes the 1 EDU allotment.

City Attorney Carl Dutli stated it covers the sewer and water pretty well, but transportation, it does not affect that. He asked Ms. Sites if she was comfortable enough with this motion?

Ms. Sites stated she would like to hear mentioned that should there be an application for commercial use, than additional SDCs may be applied.

Council Member Noyes added to his motion that should the application for commercial use or any use other than aircraft as mentioned in previous City correspondence or policy, would require review by the City and possible application of further SDCs charges associated with that use could be applied.

Council Member Uffelman seconded the motion.

After a brief discussion, the motion passed unanimously.

SUPPORT FOR MADRAS AIRPORT PROJECT: Council Member Roppe questioned if multiple people apply for the Connect Oregon II Grant or are we in competition. It was stated that yes, there are multiple grants and we are in competition with them but multiple people can receive grants in the same region. It was reported the City of Madras will be submitting a letter of support for the Freight Depot Connect Oregon II Grant Application.

Council Member Roppe moved to send a letter of support for the Madras Airport Connect Oregon II Grant Application. Council Member Gillespie seconded and the motion passed unanimously.

OPEN MEETING LAW: Council Member Uffelman stated he was reading through the Opening Meeting Law pertaining to the evaluation and one of the things that came up in that ORS 192 had to do with criteria that would be used in Executive Session. His question is when was the criteria established. He got a verbal that the criteria would only be for the last six months from Council Member Roppe. Basically, what he is hearing is Council Member Roppe and Mayor Wendel set the criteria for the evaluation.

Mayor Wendel stated it was his assumption that it would go from review to review.

Council Member Uffelman stated as he read through the ORS Statute, it talked about the circumstances under which you can hold a Public Meeting to review, evaluate, pursuant to standards and criteria and policies adopted by the governing body, etc. The Chief Executive Officer of any Public Body and then it continues on, the standards, criteria and policies directed to be used in evaluating the Chief Executive Officer shall be adopted by the governing body in a meeting open to the public in which their has been opportunity for public comment. His concern is are we using criteria that were established in an open meeting policy in which the public had the opportunity to participate in establishing or at least participate in speaking to the criteria we are utilizing for the evaluation, because if we are not using that criteria and have gone through the steps than he believes the Executive Session is in violation of ORS 192.660.

Mayor Wendel asked Council Member Uffelman what he is proposing that they do?

Council Member Uffelman stated what he is saying if he understands the Statutes correctly is that when we establish the criteria that they are going to utilize for an evaluation of the

Chief Executive Officer, we need to establish that criteria in an open forum in an open meeting and we have to have according to this present the opportunity for the public to make statements as to their feelings on the criteria. He does not believe that the Council has done that.

Council Member Gillespie stated we discussed the criteria in public, each time they went over the Council Policies.

City Manager Robb Corbett stated the Council at one time appointed Council Member Gillespie to meet with him and talk about the criteria and it is a part of the Council Policies that they adopted. Obviously, that policy could be amended at any time. In the Policy documents, there are criteria for the evaluation of the City Manager. They were adopted and discussed at a Public Meeting. Whether you want to revisit the criteria and change the criteria, that is obviously something that you always have the flexibility to do. He would just ask, if you change the criteria that you acknowledge that he has been working under a set criteria and take that into consideration as you make your evaluation.

Council Member Roppe stated she would like to make a comment. They had an Executive Session on May 22, 2007 and they did an evaluation of the City Manager at that time. At the end of that evaluation it was agreed that they would do a follow-up review in six months that was not stated in a Public Meeting. If we need to, we need to do that.

Council Member Uffelman stated he understands that but his concern is that according to the ORS Statutes that he was reading through, the public has to have the opportunity to comment on the criteria that is used.

City Attorney Carl Dutli stated that essentially what it is, basically the law say you can have an Executive Session when you are evaluating the City Manager or Chief Executive Officer, so long as the criteria that you use for evaluating him has been discussed in open session allowing people to talk about the criteria. If he is hearing what Mr. Corbett was saying, the criteria that was used was the Council-Manager Relations Policy and if those were developed in Open Session, and his recollection is that they were, he does not know if there wasn't any public hearing but certainly people could comment under "Visitors, Appearances and Requests" could comment on them if they wanted to. So, it sounds like if the evaluation is only using that criteria, then he believes we are okay.

After a brief discussion, Mayor Wendel requested City Attorney Carl Dutli review this matter and get back to the Council.

Council Member Roppe commented on the letter from Andy Munsey regarding the condition of the track, that was included in the Council packet. She serves on the Schools Facilities Committee and she wanted to inform the council that this project is part of what they will be getting funding for.

There was no further business to be discussed at this time, so the meeting was adjourned at 9:35 PM.

Robb Corbett, City Manager

Mike Wendel, Mayor