

**GOLDENDALE CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 6, 2016  
7:00 PM**

- A. Call to Order
  - 1. Pledge of Allegiance
- B. Roll Call
- C. Public Hearing
- D. Agenda
  - 1. Approval of Agenda
  - 2. Consent Agenda
    - a. Approval of Minutes
    - b. Claims
    - c. Payroll
    - d. Other
- E. Presentations
  - 1. Gwendolyn Grundei – Dear Problem in City
- F. Department Reports
- G. Council Business
  - 1. Professional Services for SCADA System Upgrades
  - 2. West Columbus Project Change Order #1
- H. Resolutions
  - 1. United States Department of Agriculture Rural Development Loan Resolution
- I. Ordinances
  - 1. 1<sup>st</sup> Reading for Sewer Revenue Bond
- J. Report of Officers and City Administrator
- K. Public Comment
- L. Executive Session
- M. Adjournment

NEXT REGULAR COUNCIL MEETING WILL BE ON , 2016 AT 7:00 PM.

**AGENDA TITLE: CONSENT AGENDA**

**DATE: September 6, 2016**

**ACTION REQUIRED:**

ORDINANCE \_\_\_\_\_ COUNCIL INFORMATION  X   
RESOLUTION \_\_\_\_\_ OTHER \_\_\_\_\_  
MOTION  X

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**EXPLANATION:**

The consent agenda includes the following:  
Minutes of the August 15, 2016 regular council meeting, first pay period August checks #47001 – 47046, 900648 in the amount of \$74,363.72, September 6, 2016 claims checks #47048 – 47146, 900652 - 900653 in the amount of \$533,460.92.

**FISCAL IMPACT:**

Payroll checks in the amount of \$74,363.72, claims checks in the amount of \$533,460.92.

**ALTERNATIVES:**

Approve the consent agenda.  
Remove certain items from the consent agenda for further discussion.

**STAFF RECOMMENDATION:**

Approve the consent agenda

**MOTION:**

**I MOVE TO APPROVE THE CONSENT AGENDA.**

**GOLDENDALE CITY COUNCIL  
REGULAR MEETING  
August 15, 2016**

Mayor Michael Canon called to order the regular meeting of the Goldendale City Council followed by the Pledge of Allegiance.

**ROLL CALL**

6:58:53 PM

**PRESENT:**

Mayor Michael A Canon  
Council Member Andy Halm  
Council Member Gary Hctor  
Council Member Guy Theriault  
Council Member Carmen Knopes  
Council Member John Sullivan  
Council Member Lucille Bevis  
Council Member Shannon Middleton

**STAFF:**

City Administrator Larry Bellamy  
Clerk-Treasurer Connie Byers  
Public Works Director Karl Enyeart  
Police Chief Reggie Bartkowski  
Fire Dept Steven Randall

**ABSENT:**

None

**PUBLIC HEARING**

Extended for Administration of Development Standards

Larry explained the public hearing was extended from the last meeting regarding notice issues. There is a copy of a comment from a concerned citizen that I have included into the record.

Person submitted the letter\*: Suggested that the city have a reader board in front of City Hall that would say there will be a public hearing with date and time.

With no other comments the hearing was closed. \*look for her name

**AGENDA AND CONSENT AGENDA**

It was moved by Council Member Guy Theriault, seconded by Council Member Lucille Bevis, to approve the agenda and consent agenda with the following amendment: the

agenda include the agreement for the tourism with the Goldendale Farmers Market on council business of G3.

## **PRESENTATIONS**

### **J&N Cable – Transfer Franchise Agreement**

John Kusky requested that the franchise for J&N Cable be transferred to Home Telephone.

Larry stated that this will have to be reviewed by the attorney to make sure the transfer is done properly.

## **DEPARTMENT REPORTS**

Karl reported that the transmission line replacement near the main collector will be done next week. There is two blocks left on the sewer line on the WCNIP to complete and sidewalks have been installed.

Reggie reported that Juan Garcia was injured at the Police Academy. Also, criminal cases are down and municipal codes cases are up.

## **COUNCIL BUSINESS**

### **Library Board Appointment**

Mayor Canon stated that the Goldendale Community Library has nominated Stephen Stout and I wish to appoint Stephen to the board.

It was moved by Council Member Guy Theriault, seconded by Council Member Gary Hctor, to give consent to the Mayor's appointment of Stephen Stout to the Goldendale Library Board.

7:12:16 PM

#### **AYES:**

Council Member Andy Halm  
Council Member Gary Hctor  
Council Member Guy Theriault  
Council Member Carmen Knopes  
Council Member John Sullivan  
Council Member Lucille Bevis  
Council Member Shannon Middleton

#### **NAYS:**

None.

**MOTION CARRIED UNANIMOUSLY 7-0.**

Illumination Control Task Force Members Appointments

Mayor Canon announced his selection for the Illumination Control Task Force members.

It was moved by Council Member Guy Theriault, seconded by Council Member Gary Hctor, to confirm the Mayor's appointments to special task force on outdoor lighting as listed on his memo dated August 11, 2016.

7:15:02 PM

**AYES:**

Council Member Andy Halm  
Council Member Gary Hctor  
Council Member Guy Theriault  
Council Member Carmen Knopes  
Council Member John Sullivan  
Council Member Lucille Bevis  
Council Member Shannon Middleton

**NAYS:**

None.

MOTION CARRIED UNANIMOUSLY 7-0.

Goldendale Farmers Market Agreement

Guy explained the Event Committee discussed redoing the scope of work for the Farmers Market and recommends councils approval.

It was moved by Council Member Guy Theriault, seconded by Council Member Andy Halm, to approve an amount of \$1,000.00 to the Farmers Market to advertise market, and fund operations for the 2016 season.

7:16:07 PM

**AYES:**

Council Member Andy Halm  
Council Member Gary Hctor  
Council Member Guy Theriault  
Council Member Carmen Knopes  
Council Member John Sullivan  
Council Member Lucille Bevis  
Council Member Shannon Middleton

**NAYS:**

None.

MOTION CARRIED UNANIMOUSLY 7-0.

ORDINANCES

First Reading – Administration of Development Standards

Larry stated this was discussed at the last council meeting giving background of the requirement by the state to have administration of development standards.

It was moved by Council Member Gary Hctor, seconded by Council Member Guy Theriault, to accept the first reading of the ordinance for the inclusion of administration of development standards Chapter 17.58 of the Goldendale Municipal Code.

7:18:38 PM

**AYES:** Council Member Andy Halm  
Council Member Gary Hctor  
Council Member Guy Theriault  
Council Member Carmen Knopes  
Council Member John Sullivan  
Council Member Lucille Bevis  
Council Member Shannon Middleton

**NAYS:** None.

MOTION CARRIED UNANIMOUSLY 7-0.

First Reading – Elimination of Conflict on Development Standards for Manufactured Homes

Larry explained that at the same time we updated our zoning code we also updated development standards. Right now we have the development standards listed in the zoning code and building code.

It was moved by Council Member Gary Hctor, seconded by Council Member Guy Theriault, to accept the first reading of the ordinance that will resolve a conflict in the administration of development standards for manufactured homes.

7:20:02 PM

**AYES:** Council Member Andy Halm  
Council Member Gary Hctor  
Council Member Guy Theriault  
Council Member Carmen Knopes  
Council Member John Sullivan  
Council Member Lucille Bevis  
Council Member Shannon Middleton

**NAYS:** None.

MOTION CARRIED UNANIMOUSLY 7-0.

REPORT OF OFFICERS AND CITY ADMINISTRATOR

Carmen complimented Hot Rods on the improvements they have made. Also is there any way we can ban people using drugs from our parks? Reggie stated that he will look into that.

Guy reminded people that the Festival of Wheels is this weekend. Also on the 19<sup>th</sup> there will be a barbeque and cruse in.

Mayor Canon complimented all of the store owners on the flower barrels all over town.

**PUBLIC COMMENT**

Matt Hartman asked if the city gave rebates on solar panels on homes. He was directed to the PUD.

**ADJOURNMENT**

It was moved by Council Member Guy Theriault, seconded by Council Member Andy Halm, to adjourn the meeting.

7:26:27 PM

**AYES:**

Council Member Andy Halm  
Council Member Gary Hctor  
Council Member Guy Theriault  
Council Member Carmen Knopes  
Council Member John Sullivan  
Council Member Lucille Bevis  
Council Member Shannon Middleton

**NAYS:**

None.

MOTION CARRIED UNANIMOUSLY 7-0.

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Michael A Canon, Mayor

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Connie Byers, Clerk-Treasurer

# Register

Fiscal: 2016  
 Deposit Period: 2016 - Aug 2016  
 Check Period: 2016 - Aug 2016 - 2nd Council Aug 2016

Number	Name	Print Date	Clearing Date	Amount
<b>Columbia State Bank</b>				
47048	Rusty Cage	8/19/2016		\$1,100.00
47049	US Bank	8/30/2016		\$983.65
47096	Anatek Labs Inc	9/6/2016		\$450.00
47097	Aramark Uniform Serv Inc	9/6/2016		\$344.40
47098	AT&T Mobility	9/6/2016		\$145.48
47099	Avista Utilities	9/6/2016		\$81.99
47100	Bishop Red Rock Inc	9/6/2016		\$260.00
47101	Blumenthal Uniforms & Equipment	9/6/2016		\$159.78
47102	Board For Volunteer Firefighters	9/6/2016		\$295.00
47103	Broken Tractor LLC	9/6/2016		\$10,184.21
47104	CED Consolidated Electrical Distributors Inc	9/6/2016		\$34.83
47105	Centurylink AZ	9/6/2016		\$179.97
47106	Centurylink NC	9/6/2016		\$25.34
47107	Datec Inc	9/6/2016		\$451.50
47108	Evergreen Rural Wtr of WA Corp	9/6/2016		\$250.00
47109	Ferguson Enterprises Inc #3001	9/6/2016		\$11,584.04
47110	Foremost Promotions	9/6/2016		\$1,737.18
47111	General Store	9/6/2016		\$1.62
47112	Goldendale Auto Supply	9/6/2016		\$765.85
47113	Goldendale Exhaust LLC	9/6/2016		\$215.00
47114	Goldendale Sentinel	9/6/2016		\$252.00
47115	Goldendale Tire Center	9/6/2016		\$630.76
47116	Goldendale Veterinary Clinic	9/6/2016		\$24.00
47117	Goldendale, City of	9/6/2016		\$232.29
47118	Gorge Networks	9/6/2016		\$1,312.99
47119	Gwendolyn L Grundei	9/6/2016		\$4,000.00
47120	IBS Incorporated	9/6/2016		\$633.91
47121	Juan Randall	9/6/2016		\$130.00
47122	Klickitat CO Health Dept	9/6/2016		\$120.00
47123	Lanz & Trummel Attorneys at Law	9/6/2016		\$516.00
47124	Mail Finance	9/6/2016		\$316.06
47125	MCP Mid Columbia Producers Inc	9/6/2016		\$41.90
47126	Microsoft	9/6/2016		\$807.30
47127	Mountandale Maintenance	9/6/2016		\$1,493.00
47128	MPH Industries Inc	9/6/2016		\$886.88
47129	One Call Concepts Inc	9/6/2016		\$29.96

Number	Name	Print Date	Clearing Date	Amount
47130	Optimist Printers	9/6/2016		\$420.33
47131	PacWest Machinery	9/6/2016		\$180.10
47132	PMSI Paving Maintenance Supply Inc	9/6/2016		\$7,926.10
47133	POW Contracting	9/6/2016		\$457,179.92
47134	Providence Shared Services Division	9/6/2016		\$383.60
47135	Pump Tech Inc	9/6/2016		\$434.73
47136	Quill Corporation	9/6/2016		\$499.42
47137	Scott Robinson	9/6/2016		\$919.13
47138	Swissphone LLC	9/6/2016		\$50.00
47139	USA Blue Book	9/6/2016		\$3,211.35
47140	Verizon Wireless	9/6/2016		\$398.12
47141	WA ST Department of Labor & Ind (seattle)	9/6/2016		\$24.46
47142	WA ST Dept Labor & Indust (Olympia)	9/6/2016		\$129.00
47143	WA ST Dept Nat Resources	9/6/2016		\$106.00
47144	WA St Dept of Ecology	9/6/2016		\$50.00
47145	Wilbert Precast Inc	9/6/2016		\$4,552.63
47146	Wind River Office Cleaning	9/6/2016		\$1,321.67
900652	HSA Bank Employee Plan Funding	9/6/2016		\$7,905.00
900653	WA St Dept of Revenue	9/6/2016		\$7,092.47
		<b>Total</b>	<b>Check</b>	<b>\$533,460.92</b>
		<b>Total</b>	<b>20016310</b>	<b>\$533,460.92</b>
		<b>Grand Total</b>		<b>\$533,460.92</b>

**CITY OF GOLDENDALE  
CLAIMS REGISTER**

I, the undersigned, do hereby certify that the materials have been furnished, the services rendered or the labor performed as shown on Voucher numbers 47048 through 47146, 900652 - 900653 in the amount of \$533,460.92, and unpaid obligations against the City of Goldendale, Washington and that I am authorized to certify said claims.

DATED this 2<sup>nd</sup> day of September, 2016.

  
Clerk-Treasurer

# Register Activity

Fiscal: 2016  
 Period: 2016 - Aug 2016  
 Council Date: 2016 - Aug 2016 - 2nd Council Aug 2016

Reference	Date	Amount	Notes
<b>Reference Number: 47048</b>	<b>Rusty Cage</b>	<b>\$1,100.00</b>	
Invoice - 8/19/2016 2:06:21 PM	8/19/2016	\$1,100.00	Festival of Wheels
<b>Reference Number: 47049</b>	<b>US Bank</b>	<b>\$983.65</b>	
Invoice - 8/30/2016 9:32:39 AM	8/30/2016	\$983.65	Visa Payment
<b>Reference Number: 47096</b>	<b>Anatek Labs Inc</b>	<b>\$450.00</b>	
030831	8/5/2016	\$30.00	Testing Service
031071	8/12/2016	\$120.00	Testing Service
<u>160727022</u>	8/9/2016	\$300.00	Testing Service
<b>Reference Number: 47097</b>	<b>Aramark Uniform Serv Inc</b>	<b>\$344.40</b>	
862422457	7/5/2016	\$34.46	Cleaning Service
862422460	7/5/2016	\$34.42	Cleaning Service
862422462	7/5/2016	\$18.60	Cleaning Service
862433189	7/12/2016	\$34.46	Cleaning Service
862433191	7/12/2016	\$34.42	Cleaning Service
862433193	7/12/2016	\$18.60	Cleaning Service
862443785	7/19/2016	\$34.46	Cleaning Service
862443788	7/19/2016	\$34.42	Cleaning Service
862443790	7/19/2016	\$18.60	Cleaning Service
862454303	7/26/2016	\$28.94	Cleaning Service
862454307	7/26/2016	\$18.60	Cleaning Service
<u>962454305</u>	7/26/2016	\$34.42	Cleaning Service
<b>Reference Number: 47098</b>	<b>AT&amp;T Mobility</b>	<b>\$145.48</b>	
07/19/16-08/18/16	8/18/2016	\$79.21	Surface
287258483135X08182016	8/10/2016	\$66.27	Chlorination Station
<b>Reference Number: 47099</b>	<b>Avista Utilities</b>	<b>\$81.99</b>	
Invoice - 9/1/2016 3:55:43 PM	9/1/2016	\$81.99	Natural Gas
<b>Reference Number: 47100</b>	<b>Bishop Red Rock Inc</b>	<b>\$260.00</b>	
59272	8/8/2016	\$60.00	Cinder Sand
59277	8/10/2016	\$100.00	Cinder Sand
59279	8/10/2016	\$100.00	Cinder Sand

Reference	Date	Amount	Notes
<b>Reference Number: 47101</b>			
<u>005850482</u>	Blumenthal Uniforms & Equipment	\$159.78	
<u>005865776</u>	8/9/2016	\$139.81	Cap, Embroidery
	8/11/2016	\$19.97	Cap, Embroidery
<b>Reference Number: 47102</b>			
<u>Invoice - 9/1/2016 4:15:46 PM</u>	Board For Volunteer Firefighters	\$295.00	
	9/1/2016	\$295.00	Walter
<b>Reference Number: 47103</b>			
<u>71504</u>	Broken Tractor LLC	\$10,184.21	
	8/3/2016	\$10,184.21	Rear Axle Assembly, Rear Axle Assembly CORE
<b>Reference Number: 47104</b>			
<u>9477-764819</u>	CED Consolidated Electrical Distributors Inc	\$34.83	
	8/3/2016	\$34.83	Traf Lamp
<b>Reference Number: 47105</b>			
<u>Invoice - 9/2/2016 7:26:27 AM</u>	Centurylink AZ	\$179.97	
	9/2/2016	\$179.97	Fax/DSL
<b>Reference Number: 47106</b>			
<u>Invoice - 9/2/2016 7:26:56 AM</u>	Centurylink NC	\$25.34	
	9/2/2016	\$25.34	Long Distanc
<b>Reference Number: 47107</b>			
<u>32584</u>	Datec Inc	\$451.50	
	3/29/2016	\$451.50	Printer
<b>Reference Number: 47108</b>			
<u>Invoice - 9/2/2016 7:29:22 AM</u>	Evergreen Rural Wtr of WA Corp	\$250.00	
	9/2/2016	\$250.00	Wastewater Exam Review
<b>Reference Number: 47109</b>			
<u>0532249</u>	Ferguson Enterprises Inc #3001	\$11,584.04	
<u>0536719</u>	8/3/2016	\$9,962.03	Blue Pipe
<u>0536828</u>	8/11/2016	\$927.73	Coup
	8/12/2016	\$694.28	Supplies
<b>Reference Number: 47110</b>			
<u>358013</u>	Foremost Promotions	\$1,737.18	
	8/30/2016	\$1,737.18	Supplies for Community Days
<b>Reference Number: 47111</b>			
<u>442141</u>	General Store	\$1.62	
	8/30/2016	\$1.62	Key
<b>Reference Number: 47112</b>			
<u>316086</u>	Goldendale Auto Supply	\$765.85	
<u>316262</u>	7/26/2016	\$0.99	Lamp
<u>316280</u>	7/28/2016	\$31.57	Air Filter
<u>316388</u>	7/28/2016	\$5.59	Oil Filter
<u>316552</u>	7/30/2016	\$21.39	Strap
<u>316593</u>	8/2/2016	\$8.68	Ujoint
<u>316622</u>	8/2/2016	\$85.56	Manifold Set and Gasket Set
<u>316708</u>	8/3/2016	\$7.51	Credit, Ujoint
	8/4/2016	\$7.34	Cap, Plug

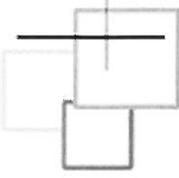
Reference	Date	Amount	Notes
<b>Reference Number: 47112</b>			
<u>316712</u>	Goldendale Auto Supply	<b>\$765.85</b>	
<u>316713</u>	8/4/2016	\$10.20	Cap, Plug
<u>316726</u>	8/4/2016	\$379.00	Battery, Core Deposit
<u>316994</u>	8/8/2016	\$3.87	Nut Bolt
<u>317062</u>	8/8/2016	\$5.15	Toggle On-Off
<u>317129</u>	8/9/2016	\$14.77	Lamp
<u>317220</u>	8/10/2016	(\$4.15)	Credit, Lamp
<u>317333</u>	8/11/2016	\$8.59	Gloves
<u>317334</u>	8/11/2016	\$136.35	Alternator, Belt-Serpentine
<u>317714</u>	8/17/2016	\$49.55	Mirror, Stk-On-Mi
<u>317784</u>	8/18/2016	\$6.28	Ft Blac
<u>318059</u>	8/22/2016	(\$38.70)	Core Deposit Credit
<u>318059.1</u>	8/22/2016	\$18.33	Chain
		\$7.98	Radiator Cap
<b>Reference Number: 47113</b>			
<u>103412</u>	Goldendale Exhaust LLC	<b>\$215.00</b>	
	8/17/2016	\$215.00	Installed 409 Heavy Pack Muffler
<b>Reference Number: 47114</b>			
<u>143937</u>	Goldendale Sentinel	<b>\$252.00</b>	
	8/10/2016	\$28.00	Public Hearing - Administration of Development Regulations
<u>144001</u>	8/17/2016	\$224.00	RFQ Electrical Engineering Services
<b>Reference Number: 47115</b>			
<u>292889</u>	Goldendale Tire Center	<b>\$630.76</b>	
<u>292983</u>	8/8/2016	\$103.74	Used Truck Tires
<u>293100</u>	8/11/2016	\$140.88	Trailer Tires
<u>293257</u>	8/16/2016	\$249.85	Tires
<u>293274</u>	8/22/2016	\$78.96	Flat Repair
	8/22/2016	\$57.33	Tires
<b>Reference Number: 47116</b>			
<u>38837</u>	Goldendale Veterinary Clinic	<b>\$24.00</b>	
	7/25/2016	\$24.00	Mr Minthorn
<b>Reference Number: 47117</b>			
<u>2016-49</u>	Goldendale, City of	<b>\$232.29</b>	
	8/30/2016	\$232.29	Bulk Water
<b>Reference Number: 47118</b>			
<u>I-1474168</u>	Gorge Networks	<b>\$1,312.99</b>	
<u>I-1474500</u>	8/16/2016	\$1,112.92	Land Line
	8/16/2016	\$200.07	FD DSL
<b>Reference Number: 47119</b>			
<u>Invoice - 9/2/2016 8:21:06 AM</u>	Gwendolyn L Grunde	<b>\$4,000.00</b>	
	9/2/2016	\$4,000.00	August Service
<b>Reference Number: 47120</b>			
<u>623131-1</u>	IBS Incorporated	<b>\$633.91</b>	
	8/11/2016	\$633.91	Supplies

Reference	Date	Amount	Notes
Reference Number: 47121 <u>470496</u>	Juan Randall 8/11/2016	\$130.00 \$130.00	New Flagger Class
Reference Number: 47122 <u>000030105</u>	Klickitat CO Health Dept 8/16/2016	\$120.00 \$120.00	Testing Service
Reference Number: 47123 <u>364.1</u>	Lanz & Trummel Attorneys at Law 8/29/2016	\$516.00 \$516.00	Quiet Title Gustafson
Reference Number: 47124 <u>N6090449</u>	Mail Finance 8/18/2016	\$316.06 \$316.06	Postage Lease
Reference Number: 47125 <u>774770</u> <u>778686</u>	MCP Mid Columbia Producers Inc 8/3/2016 8/18/2016	\$41.90 \$26.86 \$15.04	Grain Buckskin Drive Grain Cowhide W/Keys
Reference Number: 47126 <u>E01002FIA3</u> <u>E01002FIT1</u>	Microsoft 7/10/2016 7/10/2016	\$807.30 \$621.58 \$185.72	Office 365 Business Premium Office 365 Business Essentials
Reference Number: 47127 <u>2398</u> <u>2427</u> <u>2429</u>	Mountaintale Maintenance 8/10/2016 8/14/2016 8/15/2016	\$1,493.00 \$400.00 \$736.00 \$357.00	FD Carpet Cleaning CH Carpet Cleaning PD Carpet Cleaning
Reference Number: 47128 <u>671312</u>	MPH Industries Inc 8/5/2016	\$886.88 \$886.88	Radar Unit
Reference Number: 47129 <u>6089067</u>	One Call Concepts Inc 8/31/2016	\$29.96 \$29.96	Utility Notification
Reference Number: 47130 <u>33894</u> <u>34696</u>	Optimist Printers 6/14/2016 8/23/2016	\$420.33 \$364.43 \$55.90	Building Permit Bostick Bus Cards
Reference Number: 47131 <u>10260178</u>	PacWest Machinery 8/9/2016	\$180.10 \$180.10	Mirror
Reference Number: 47132 <u>35001170</u>	PMSI Paving Maintenance Supply Inc 8/4/2016	\$7,926.10 \$7,926.10	Sealant-C-Roadsaver
Reference Number: 47133 <u>Invoice - 9/2/2016 10:19:14 AM</u>	POW Contracting 9/2/2016	\$457,179.92 \$457,179.92	Pay Estimate 4 WCNIP

Reference	Date	Amount	Notes
<b>Reference Number: 47134</b> 118099	Providence Shared Services Division 8/2/2016	\$383.60 \$383.60	Coop Health Res
<b>Reference Number: 47135</b> 0108358-IN 0108568-IN	Pump Tech Inc 8/1/2016 8/18/2016	\$434.73 \$235.20 \$199.53	Kit, Hose, EP2, 6MM Epdm Kit Connector
<b>Reference Number: 47136</b> 8200736 8448543	Quill Corporation 8/11/2016 8/19/2016	\$499.42 \$405.65 \$93.77	Staples, Folders, Copy Paper Rechargeable Batteries, Pens, Binder Clips
<b>Reference Number: 47137</b> Invoice - 9/2/2016 10:36:50 AM	Scott Robinson 9/2/2016	\$919.13 \$919.13	Festival of Wheels Reimbursement
<b>Reference Number: 47138</b> SI-303303	Swissphone LLC 7/27/2016	\$50.00 \$50.00	Belt Clip
<b>Reference Number: 47139</b> 024990 030574 031532 031782 039190	USA Blue Book 8/3/2016 8/10/2016 8/11/2016 8/11/2016 8/19/2016	\$3,211.35 \$324.74 \$909.05 \$531.15 \$709.27 \$737.14	Pipet Tip, Petri Dish DURATRACE Detectable Burial Tape Detectable Burial Tape, DURATRACE DURATRACE
<b>Reference Number: 47140</b> 9769783182 9769851898	Verizon Wireless 8/4/2016 8/6/2016	\$398.12 \$320.08 \$78.04	Police Vehicles Chlorination Station
<b>Reference Number: 47141</b> Invoice - 9/2/2016 11:09:34 AM	WA ST Department of Labor & Ind (seattle) 9/2/2016	\$24.46 \$24.46	Balance Due
<b>Reference Number: 47142</b> 274169 274230	WA ST Dept Labor & Indust (Olympia) 8/19/2016 8/22/2016	\$129.00 \$64.50 \$64.50	Inspection Inspection
<b>Reference Number: 47143</b> 18013611	WA ST Dept Nat Resources 8/12/2016	\$106.00 \$106.00	Fire Supplies & Materials
<b>Reference Number: 47144</b> Invoice - 9/2/2016 10:58:41 AM	WA St Dept of Ecology 9/2/2016	\$50.00 \$50.00	Operator Certification Application
<b>Reference Number: 47145</b> 1061285	Wilbert Precast Inc 8/12/2016	\$4,552.63 \$4,552.63	Manhole

Reference	Date	Amount	Notes
Reference Number: 47146 393	Wind River Office Cleaning 8/28/2016	\$1,321.67	August Service
Reference Number: 900652 Invoice - 9/2/2016 8:24:35 AM	HSA Bank Employee Plan Funding 9/2/2016	\$7,905.00	Plan Funding
Reference Number: 900653 Invoice - 9/2/2016 11:28:02 AM	WA St Dept of Revenue 9/2/2016	\$7,092.47	Excise Tax

# Register



Number	Name	Fiscal Description	Cleared	Amount
47001	Barkowski, Reggie	2016 - Aug 2016 - 1st Council Aug 2016		\$2,772.54
47002	Bellamy, Larry D	2016 - Aug 2016 - 1st Council Aug 2016		\$1,833.12
47003	Berkshire, Stan	2016 - Aug 2016 - 1st Council Aug 2016		\$1,809.09
47004	Bevis, Lucille A	2016 - Aug 2016 - 1st Council Aug 2016		\$46.02
47005	Bostick, Kenneth W B/CE	2016 - Aug 2016 - 1st Council Aug 2016		\$1,587.84
47006	Bowen, Jeremy J	2016 - Aug 2016 - 1st Council Aug 2016		\$1,292.58
47007	Byers, Connie L	2016 - Aug 2016 - 1st Council Aug 2016		\$1,870.01
47008	Canon, Michael A	2016 - Aug 2016 - 1st Council Aug 2016		\$446.61
47009	Casey, Brian P	2016 - Aug 2016 - 1st Council Aug 2016		\$1,375.72
47010	Enderby, Michelle R	2016 - Aug 2016 - 1st Council Aug 2016		\$1,051.22
47011	Enyeart, Karl A	2016 - Aug 2016 - 1st Council Aug 2016		\$2,852.85
47012	Fitzgibbons, Thomas R	2016 - Aug 2016 - 1st Council Aug 2016		\$128.50
47013	Frantum, Douglas	2016 - Aug 2016 - 1st Council Aug 2016		\$1,457.38
47014	Garcia, Juan C	2016 - Aug 2016 - 1st Council Aug 2016		\$1,467.31
47015	Halm, Andrew J	2016 - Aug 2016 - 1st Council Aug 2016		\$46.02
47016	Halm, Noah M	2016 - Aug 2016 - 1st Council Aug 2016		\$418.66
47017	Hocor, Gary Robert	2016 - Aug 2016 - 1st Council Aug 2016		\$46.02
47018	Hunziker, Jay Allen	2016 - Aug 2016 - 1st Council Aug 2016		\$1,929.20
47019	Hutchins, Maria P	2016 - Aug 2016 - 1st Council Aug 2016		\$1,452.73
47020	Knopes, Carmen A	2016 - Aug 2016 - 1st Council Aug 2016		\$46.02
47021	Lucatero, Leo B	2016 - Aug 2016 - 1st Council Aug 2016		\$1,923.92
47022	Middleton, Shannon	2016 - Aug 2016 - 1st Council Aug 2016		\$92.05
47023	O'Connor, Andrew F	2016 - Aug 2016 - 1st Council Aug 2016		\$2,254.58
47024	Oswalt, Bert F	2016 - Aug 2016 - 1st Council Aug 2016		\$1,940.76
47025	Patterson, Randy E	2016 - Aug 2016 - 1st Council Aug 2016		\$869.57
47026	Perez, Benjamin A	2016 - Aug 2016 - 1st Council Aug 2016		\$1,207.14
47027	Randall, Steven A	2016 - Aug 2016 - 1st Council Aug 2016		\$273.93
47028	Seward, Jacob R	2016 - Aug 2016 - 1st Council Aug 2016		\$1,041.72
47029	Shelton, Kelsey A	2016 - Aug 2016 - 1st Council Aug 2016		\$1,738.31
47030	Smith, Michael L	2016 - Aug 2016 - 1st Council Aug 2016		\$2,074.01
47031	Stelljes, Michael S	2016 - Aug 2016 - 1st Council Aug 2016		\$1,520.90
47032	Sullivan, Donald L	2016 - Aug 2016 - 1st Council Aug 2016		\$114.98
47033	Sullivan, John F	2016 - Aug 2016 - 1st Council Aug 2016		\$46.02
47034	Theriault, Guy R	2016 - Aug 2016 - 1st Council Aug 2016		\$46.02
47035	Thompson, Robert L	2016 - Aug 2016 - 1st Council Aug 2016		\$1,617.31
47036	Trunkey, Christopher D	2016 - Aug 2016 - 1st Council Aug 2016		\$667.77
47037	Vargas, Yanira	2016 - Aug 2016 - 1st Council Aug 2016		\$91.08
47038	Wardrip, Nathaniel I	2016 - Aug 2016 - 1st Council Aug 2016		\$1,438.98
47039	Wells, Sandy R	2016 - Aug 2016 - 1st Council Aug 2016		\$1,192.79

Number	Name	Fiscal Description	Cleared	Amount
47040	Council Trust Acct.	2016 - Aug 2016 - 1st Council Aug 2016		\$965.28
47041	Deferred Comp Program	2016 - Aug 2016 - 1st Council Aug 2016		\$105.00
47042	Dept of Labor & Industries	2016 - Aug 2016 - 1st Council Aug 2016		\$2,359.59
47043	Dept of Retirement	2016 - Aug 2016 - 1st Council Aug 2016		\$9,237.89
47044	Employment Security	2016 - Aug 2016 - 1st Council Aug 2016		\$123.14
47045	Goldendale, City of	2016 - Aug 2016 - 1st Council Aug 2016		\$90.00
47046	ICMA Retirement Trust (Plan 302195)	2016 - Aug 2016 - 1st Council Aug 2016		\$112.50
900648	City of Goldendale	2016 - Aug 2016 - 1st Council Aug 2016		\$17,289.04
				<b>\$74,363.72</b>



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## Mulies on Main Street

**Why Helena's deer problem could soon spread to communities throughout Montana.** By Tom Dickson

This story is featured in *Montana Outdoors* March-April 2008



Last December, Frank Cooper said his last goodbyes to a canine hunting companion he assumed was as good as dead. Cooper, of Helena, had let his English cocker spaniel out into the backyard in the morning. Fifteen minutes later, the dog scratched at the door and limped into the house, jaw broken and body bleeding, before collapsing in shock. It was the second time the 11-year-old pet had been attacked by a deer in the family's yard. "I picked him up and raced to the vet," says Cooper. "I thought he wouldn't live."

The dog survived, but he might not have. In 2006, a doe killed a 110-pound Weimaraner in its owner's backyard. The year before, game wardens had to kill four aggressive bucks that chased a paper carrier under a car and kept him there for several hours. Dave Loewen, FWP game warden in Helena, says he and other game wardens are responding to increasing complaints about deer threatening homeowners, chasing people during their walks, and false-charging children at school playgrounds and day-care facilities.

Learn more:

- [A Warden's Perspective](#)
- [Urban Wildlife Working Group](#)
- [Helena Citizens' Council](#)
- [Montana FWP: Living With Wildlife](#)

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The emerging deer problem in Helena and other Montana communities is one that suburbanites and even city dwellers elsewhere in the United States have been struggling with for years. Primarily due to no-hunting restrictions and housing developments expanding into wildlife habitat, urban deer numbers across the country are growing. Many residents consider the animals a welcome addition to their neighborhoods. But others view deer as garden-munching nuisances and even threats to public safety. In Montana, city officials and Fish, Wildlife & Parks staff are caught in the middle as they try to decide if urban deer populations need control and how to do it safely and humanely. "This is new territory for Montana," says Jeff Hagener, FWP director. "It's something we haven't had a lot of time to work out yet, because it hasn't been a big deal until recently."

With an estimated deer population of 700 and climbing, Helena has Montana's worst urban deer problem, but not the only one. State wildlife officials have counted nearly 400 deer within the city limits of Fort Benton, a small town northeast of Great Falls with a human population of fewer than 1,600. Colstrip and Fort Peck have held special management hunts to reduce deer numbers. Billings, Missoula, Kalispell, and other larger towns also report growing deer numbers and accompanying conflicts between the animals and humans.

The deer boom is partly due to modern wildlife management. The careful regulation of doe harvest has helped rebuild a state deer herd devastated in the early 1900s by unregulated and commercial hunting. The recent string of mild winters has reduced natural mortality and helped maintain high deer numbers. Meanwhile, Montana cities have been expanding into the countryside. Lush gardens and shrubbery planted around new houses create an unnatural food source that draws deer much closer to urban areas than in the past. "Housing developments are definitely a problem," says Gayle Joslin, a recently retired FWP wildlife biologist in Helena. Irrigated lawns and gardens convert low-nutrition native landscapes into succulent smorgasbords, especially in drought years. "New development is transforming semi-arid lands into the Garden of Eden," Joslin says. "It only takes a couple of deer to figure out it's a much better arrangement, and then they lead others into the new feeding areas."

Most urban deer appear to live harmoniously with people. But some cause problems. Homeowners complain that the animals devour vegetables and flowers. Deer also denude shrubbery and kill saplings

by rubbing the bark with their antlers. And then there are the dangerous deer: Mulies have chased joggers, bluff-charged people in their driveways, attacked postal carriers, and squared off with day-care workers. Though these cases remain uncommon, they are occurring more frequently as deer numbers grow. "It's a matter of perspective," says Ken McDonald, chief of the FWP Wildlife Division. "All the deer in Helena aren't out killing dogs and chasing kids across playgrounds. Most of the complaints we get have to do with deer droppings on the lawn and deer eating tulips. But if left unchecked, the few real health and safety problems we now see will continue to increase, so it's important to address deer numbers in Helena before the population grows even larger."

Large numbers of deer in urban areas can create other hazards. "Mountain lions are quick to take advantage of deer concentrations. Having too many deer may lead to an increase in lion activity near residences," says Tim Their, an FWP wildlife biologist in northwestern Montana. Game warden Loewen says he has seen a steady increase over the past decade in the number of deer killed or injured by vehicles in the greater Helena area. A few years ago, several deer that wandered into a municipal parking ramp jumped three stories to their deaths after being spooked and having nowhere to flee.

Deer lovers maintain that the benefits of viewing deer far outweigh the problems. "We had twin fawns out here last year, and to watch them chase each other in the spring was about the cutest thing you could imagine," says Janet Sperry, a Helena homeowner. Though illegal, some people put out cracked corn and other foods to attract even more deer to the neighborhood. As for deer eating flowers and shrubs, many gardeners modify their landscaping, fencing off plants deer desire and planting others the animals avoid.

Conflicting public views about deer put city officials such as Tim Burton in a bind. The Helena city manager says he sympathizes with residents who like seeing deer, "but when this turns into a public health and safety issue, we feel we have a responsibility to do something about deer numbers."

Cities are limited in what they can do. FWP manages the state's wildlife and must authorize all hunting seasons or wildlife culling, which can put the agency at odds with municipalities. "Wildlife is a state resource, and FWP has the statutory responsibility to manage urban deer just as it manages deer outside city limits," says Burton. The agency has authorized public deer-control hunts in rural Fort Benton, Colstrip, and Fort Peck, but hunting may not be an option in larger municipalities. Hagener points out that FWP lacks legislative authority to aggressively manage wildlife in urban areas and would only reluctantly authorize special urban deer removal programs in which public hunters could not participate. He says the agency provides biological expertise to communities wrestling with deer problems, offers tips to homeowners for reducing deer damage to gardens and shrubbery, and authorizes FWP game wardens to remove deer causing direct public safety threats. In 2003 the department formed a statewide Urban Wildlife Task Force, which reviewed other states' efforts to resolve conflicts between people and wildlife such as deer, mountain lions, and bears.

That same year, the Montana legislature provided cities the authority to manage wildlife for public safety and health. Helena formed its own Urban Wildlife Task Force, which included an FWP biologist as well as citizen volunteers appointed by the city commission. Task force members spent a year studying the deer problem, reviewing citizen opinions, and discussing possible solutions. The group created a management plan that called for stronger enforcement of wildlife feeding laws and more public education to help people learn how to live with deer. The plan also included a controversial proposal to reduce the Helena herd to a manageable size by culling 334 deer using professional sharpshooters. The task force looked at several other options, including transplanting and sterilization, but decided the most humane and effective course would be through lethal means. If the steady stream of opposing letters to the *Independent Record* is any indication, residents appear divided on the culling proposal. City officials backed the plan and asked the FWP Commission to approve the cull and split the costs with the city.

In November 2007, the FWP Commission agreed to support a pilot program that would include culling up to 50 deer in early 2008 by police officers and other city staff. The venison will be donated to Helena Food Share, which has expressed interest in distributing the meat. Because the FWP receives almost no general fund money, commissioners questioned the appropriateness of using hunter license dollars to manage deer that hunters could not hunt. "Becoming involved in urban herd reductions can tie the department to an activity that has no funding source," says Hagener. "It puts us in a tough position."

According to Hagener and Burton, FWP and the city of Helena will ask the 2009 legislature to appropriate general fund dollars to help manage the state's growing urban deer herds. Legislators could also modify state laws prohibiting public hunting within city and town limits. As is done in some other states, carefully regulated public hunts, such as with bows only, could thin urban herds and satisfy FWP's mandate to manage wildlife while providing additional public hunting opportunities. Cities and counties

also have the option of changing zoning to make new developments less desirable by requiring native landscaping, limiting the size of irrigated lawns, and making homeowners responsible for removing fruit trees and other food sources that draw deer into town.

What seems certain is that the urban deer issue is not going away. Winters keep getting warmer. Communities are spreading farther into the countryside. And people continue to disagree whether the buck on the boulevard should be shot with a camera or a gun. Though FWP remains committed to helping communities work through those conflicts, says Hagener, Montanans should not expect easy solutions and quick results. "This is a new issue for this department and for communities," he says, "and that's why we're being cautious. We want to minimize mistakes and make sure we do what's best for people and deer." 🐾

Tom Dickson is editor of *Montana Outdoors*.

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## A Warden's Perspective

Dave Loewen often finds himself in the center of Helena's urban deer problem. As a local game warden, he is called in to dispatch aggressive mule deer charging walkers, threatening homeowners, and frightening children. "It's part of our job to remove threats to public safety," Loewen says. He and other Helena wardens have removed more than three dozen deer in the past two years. A few have stood out. "The deer (lower right) in the play area was part of a group hanging around a day-care facility. Before the kids could go out and play, the day-care workers would have to go out and chase the deer away. But sometimes the deer would square off with the workers and stand their ground. That was a real concern. The buck you see me about to dispatch (above) was the most aggressive deer I've ever seen. The day before, we'd been called in to remove a larger buck that had been bluff-charging people. We shot that buck, but before it died this one attacked and impaled it several times with its antlers. It then threw the bigger buck up into the air onto a hedge and then charged us. I still can't believe the power of that deer. I've never seen anything like it. When you think how unpredictable these animals are, it drives home the point that at times they really can be a major threat to people living around them."

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# Deer Management 2017 Program

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## Program Establishment

On August 17, 2015, City Council approved the [Resolution to Establish a Deer Management Program within the City of Ann Arbor](http://a2gov.legistar.com/LegislationDetail.aspx?ID=2400914&GUID=7099031C-235D-4E59-B859-BA2F7825F20A) (<http://a2gov.legistar.com/LegislationDetail.aspx?ID=2400914&GUID=7099031C-235D-4E59-B859-BA2F7825F20A>) for four years, including lethal culls on City of Ann Arbor property beginning in the winter of 2016.

In addition, City Council directed city staff to continue to explore the viability of a deer fertility control program. The non-lethal resolution stated in part:

RESOLVED, that the City will work with local stakeholders, MDNR, willing institutions of higher education, and/or the Humane Society of the United States to design and, if practical and cost-effective, implement a doe sterilization and/or contraceptive program in areas where a deer cull is impermissible, unsafe, or ineffective, beginning in winter FY2017.

## Nonlethal Program

City staff is engaging with some citizen groups supporting nonlethal, including members of FAAWN, Ann Arbor Citizens for nonlethal deer management, and Ann Arbor Citizens for Public Safety to explore management options that may be viable for Ann Arbor. In an effort to be open and transparent in this process, staff will chronicle efforts to date as well as future activities below. If you are interested in participating in nonlethal discussions and efforts, please email [deermanagement@a2gov.org](mailto:deermanagement@a2gov.org) (<mailto:deermanagement@a2gov.org>) or attend one of the public meetings later this year.

## Measures of Success

Under development.

## Stakeholder Meeting Summaries

- [MDNR/MSU/FAAWN/A2 Residents for non-lethal - July 12, 2016 \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/Meeting%20MSU-MDNR%2020160712.pdf\)](http://departments/community-services/PublishingImages/Pages/Deer-Management-Project-/Meeting%20MSU-MDNR%2020160712.pdf)

- [MDNR Deer Mangement in Local Communities - July 12, 2016 \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/MDNR%20Deer%20Mangement%20Slides.pdf\)](#)
- [White Buffalo/FAAWN/A2 Residents for non-lethal - July 19, 2016 \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/Meeting%20Summary%20WB%20Call%2020160719.pdf\)](#)

## Lethal Program

The City of Ann Arbor conducted the first of a four-year cull during the winter of 2016 in designated City of Ann Arbor parks and nature areas. Ann Arbor's deer management program aims to decrease the deer population in Ann Arbor in order to reduce negative deer/human interactions and support biological diversity in natural areas. City staff is engaging with citizens on the Washtenaw Citizens for Ecological Balance. Below is a summary of the activities being done to prepare for a lethal cull this coming winter.

## Measures of Success

Under development.

## Stakeholder Meeting Summaries

- [City Staff and MDNR Meeting Summary \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/City\\_MDNR\\_Meeting\\_Summary\\_8-19-16.pdf\)](#) - August 19, 2016
- [City Staff and WC4EB Meeting Summary \(/departments/community-services/Documents/City\\_WC4EB\\_Meeting\\_Summary\\_8-24-16.pdf\)](#) - August 24, 2016

## Overall 2017 Lethal & Non-Lethal Program

The overall programs are being implemented as part of an initial four year effort. While each method (lethal and non-lethal) has measures of success, the overall program's measures are below:

## Measures of Success

Under development.

## Resources

- [Driving Tips: Deer Crashes in Michigan \(http://www.michigandeer-crash.com/\)](http://www.michigandeer-crash.com/)
- [Managing Garden Damage from Deer \(http://msue.anr.msu.edu/news/how\\_to\\_protect\\_your\\_yard\\_and\\_garden\\_from\\_deer\\_and\\_rabbits\)](http://msue.anr.msu.edu/news/how_to_protect_your_yard_and_garden_from_deer_and_rabbits)
- [Tick and Lyme Disease Prevention \(https://www.michigan.gov/documents/emergingdiseases/Tick\\_Lyme\\_Prevention\\_432371\\_7.pdf\)](https://www.michigan.gov/documents/emergingdiseases/Tick_Lyme_Prevention_432371_7.pdf)

Deer Hotline: 734.794.6295

E-mail: [DeerManagement@a2gov.org](mailto:DeerManagement@a2gov.org) (<mailto:DeerManagement@a2gov.org>)

# Deer Management Background

## Deer Management 2016 Program

In August 2015, City Council approved the establishment of Ann Arbor's deer management program, which included culling deer on city property in Wards 1 and 2. The city contracted with the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services (USDA-APHIS), whose marksmen used suppressed firearms to cull deer from 14 designated City of Ann Arbor parks and nature areas between Jan. 2 and March 1, 2016. The city posted signs in multiple languages at impacted park and nature area entrances to notify visitors of the early closures; and residents living near the designated parks or nature areas were informed of early closures via postcard.

## Background

During the spring of 2014, City Council directed Ann Arbor's City Administrator to develop deer management information with the assistance of community partners and the Michigan Department of Natural Resources Wildlife Division (MDNR). The directive from Council arose as a result of numerous resident reports of deer damaging landscaping and natural areas as well as concerns regarding vehicle/deer collisions and deer-borne diseases.

## Timeline

On Aug. 14, 2014, the City Administrator provided to City Council the [Deer Management Options Report \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/City%20Council%20Deer%20Management%20Report.pdf\)](/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/City%20Council%20Deer%20Management%20Report.pdf), which outlined the need to develop a community-endorsed deer management plan built upon community input and management options approved by the MDNR Wildlife Division, the public agency responsible for managing Michigan's deer. On August 17, 2015, City Council approved the [Resolution to Establish a Deer Management Program within the City of Ann Arbor \(http://a2gov.legistar.com/LegislationDetail.aspx?ID=2400914&GUID=7099031C-235D-4E59-B859-BA2F7825F20A\)](http://a2gov.legistar.com/LegislationDetail.aspx?ID=2400914&GUID=7099031C-235D-4E59-B859-BA2F7825F20A) for the next four years, including culls on City of Ann Arbor property beginning in the winter of 2016. In addition, City Council directed city staff to continue to explore the viability of a deer fertility control program with the Humane Society of the United States. The resolution stated:

"RESOLVED, That in addition to the measures identified in Approach A above, that the City will work with local stakeholders, MDNR, willing institutions of higher education, and/or the Humane Society of the United States to design and, if practical and cost-effective, implement a doe sterilization and/or contraceptive program in areas where a deer cull is impermissible, unsafe, or ineffective, beginning in winter FY2017."

Ann Arbor's deer management program aims to decrease the deer population in Ann Arbor in order to reduce deer-human negative interactions and support biological diversity in natural areas by not placing one species above another.

On November 5, 2015, City Council approved two resolutions necessary to implement Ann Arbor's deer management plan:

1. [Resolution to Impose a Temporary Moratorium on Enforcement of the Prohibition Regarding the Possession and Discharge of Weapons in Public Places \(https://a2central.a2gov.org/Projects/Deer-Management/\\_layouts/15/WopiFrame2.aspx?sourcedoc=/Projects/Deer-Management/Shared%20Documents/Website.docx&action=default\)](https://a2central.a2gov.org/Projects/Deer-Management/_layouts/15/WopiFrame2.aspx?sourcedoc=/Projects/Deer-Management/Shared%20Documents/Website.docx&action=default). Passage of this resolution suspends the restriction in City Code Chapter 115, Weapons and Explosives, thereby allowing the City, by and through its proposed agent, the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services USDA-APHIS, to conduct a cull on City properties in the winter of 2016.

2. [Resolution Authorizing Cooperative Service Agreement Between the City of Ann Arbor and the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services \(USDA-APHIS\) in the amount of \\$35,000 \(http://a2gov.legistar.com/ViewReport.ashx?M=R&N=Master&GID=55&ID=2501131&GUID=396BC5FD-A78A-4CE4-9656-EA3DF975DEB1&Extra=WithText&Title=Legislation+Details+%28With+Text%29\)](http://a2gov.legistar.com/ViewReport.ashx?M=R&N=Master&GID=55&ID=2501131&GUID=396BC5FD-A78A-4CE4-9656-EA3DF975DEB1&Extra=WithText&Title=Legislation+Details+%28With+Text%29).

Contracting with the USDA-APHIS was recommended by city staff for the initial culling program year due to the following reasons.

Exceptional safety standards: USDA-APHIS has trained sharpshooters on staff, who also serve as instructors to train others. In fact, a number of organizations model their culling safety program on USDA-APHIS's safety program, such as the Federal Aviation Administration. They are an extremely professional and safe organization with the latest technologies available for carrying out a safe and effective cull, such as night-vision and thermal-imaging scopes.

Experience: The USDA-APHIS is experienced in performing safe culls in urban environments. They currently are performing culls in Meridian Township under contract with Michigan Department of Natural Resources (MDNR) to reduce the spread of Chronic Wasting Disease. USDA-APHIS staff have performed culls in several Michigan communities, including Big Rapids, Mount Pleasant, Grand Haven, Manistee, and Barton Hills. They also assisted the Huron Clinton Metro Parks in culling in their first year.

Cost effective: As a governmental agency, their financial goals are not to make a profit, but simply to cover their costs. They are also self-insured. All USDA-APHIS sharpshooters are USDA-APHIS employees, and most are biologists or specialists and are given rigorous special safety and training on conducting the culls.

Experienced: USDA-APHIS is experienced in developing work plans that will meet Ann Arbor's deer management program needs. In addition, these work plans must comply with National Environmental Policy Act, Endangered Species Act and other applicable federal statutes. The USDA-APHIS will provide the

City with an after-action report and any other information requested or required by the MDNR as part of the issued permit. This information will allow the City to better estimate the conditions and necessary budget for future culls if private sharpshooters are used in successive years.

USDA and city staff worked together to identify potential cull sites. The following criteria was considered:

- Public safety
- Size and shape of the city-owned property
- Terrain
- Surrounding land-use and housing density
- Proximity to neighbors
- Ease of access
- Attractiveness of the location for deer

The approved 2016 deer management program utilized both lethal and nonlethal deer management methods and included:

- Obtaining a special MDNR permit for the USDA-APHIS to cull and remove up to 100 deer on City of Ann Arbor property located in Wards 1 and 2 in winter 2016.
- Per the MDNR special permit, the deer were processed and the venison donated to a local food bank. Michigan Sportsmen Against Hunger helped process the venison, which was donated to Food Gatherers.
- Culls were conducted during the winter of 2016 with suppressed firearms in designated City of Ann Arbor parks and nature areas in Wards 1 and 2 only and public access was restricted during cull operations.
- The deer cull was performed by highly experienced USDA sharpshooters who are specially trained to conduct culls in urban settings with precision, accuracy and safety as top priorities.
- Per Council direction, city staff continue to explore a deer fertility control program options.

## Deer Management Program Documents

- [City Council Deer Management Options Report \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/City%20Council%20Deer%20Management%20Report.pdf\)](#) - August 2014
- [Council Resolution for Deer Management Plan and Funding \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/Council%20Resolution%20for%20Deer%20Management%20Plan%20and%20Funding.pdf\)](#)
- [RFP for Consultation Services for Development of Deer Management Plan \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/RFP%20for%20Consultation%20Services%20for%20Development%20of%20Deer%20Management%20Plan.pdf\)](#)
- [Project Schedule \(/departments/community-services/PublishingImages/Pages/Deer-Management-Project-/Community%20Engagement%20Deer%20Management%20Plan%20v10212014.pdf\)](#)



# CITY OF ANN ARBOR, MICHIGAN

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## Frequently Asked Questions: City of Ann Arbor Deer Management Program

### 1. Why was a City of Ann Arbor deer management program created?

During the spring of 2014, City Council directed Ann Arbor's City Administrator to develop a deer management options report. The directive from Council arose as a result of residents reporting deer damaging landscaping and concerns about vehicle/deer collisions and deer-borne diseases.

On Aug. 14, 2014, the [Deer Management Options Report](#) was provided to Council, which outlined the need to develop a community-endorsed deer management plan built upon community input and management options approved by the Michigan Department of Natural Resources Wildlife Division.

The May 2015 [Ann Arbor Deer Management Plan](#) recommended decreasing the deer population to reduce deer-human negative interactions. The recommended methods identified in the report were options allowed by the Michigan Department of Natural Resources, the public agency responsible for managing Michigan's deer.

On August 17, 2015, City Council approved the establishment of a deer management program for the next four years, including culls on City of Ann Arbor parks or natural areas beginning in the winter of 2016.

### 2. What is the goal of Ann Arbor's deer management program?

The goal of Ann Arbor's deer management program is to decrease the deer population in Ann Arbor in order to reduce deer-human negative interactions and support biological diversity in natural areas.

### 3. What does the deer management program include?

The approved program utilizes both lethal and nonlethal deer management methods and includes:

- City Council approval of a Cooperative Service Agreement between the City of Ann Arbor and the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services (USDA-APHIS) in the amount of \$35,000.
- City Council passage of Resolution to Impose a Temporary Moratorium on Enforcement of the Prohibition Regarding the Possession and Discharge of Weapons in Public Places, which suspends the restriction in City Code Chapter 115, Weapons and Explosives, thereby allowing the city, by and through its proposed agent, the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services USDA-APHIS, to conduct a cull on city parks or natural areas in the winter of 2016.
- A special Michigan Department of Natural Resources (MDNR) permit for USDA-APHIS marksmen to cull and remove up to 100 deer in designated City of Ann Arbor parks or natural areas only January 2 – March 1, 2016.
- Providing deer management education materials to the public including deer-resistant gardening techniques, "Don't Veer for Deer" tips for motorists and Lyme-disease prevention resources online at [www.a2gov.org/deermanagement](http://www.a2gov.org/deermanagement).
- A Deer Feeding Ban Ordinance, which makes it a civil infraction to feed deer on private property. This ordinance is not intended to ban the use of bird feeders, but rather to ban the feeding of deer on private property. The proposed ordinance states, "No person may place or permit to be placed on the ground, or less than five feet above the ground surface, any grain, fodder, salt licks, fruit, vegetables, nuts, hay or other edible materials (including feed for birds) which may reasonably be



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expected to result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Living fruit trees and other live vegetation shall not be considered as deer feeding."

- Continued exploration of a deer fertility control program via the Humane Society of the United States. The exploration of such a program will begin in 2016. Per Council resolution, "the City will work with local stakeholders, MDNR, willing institutions of higher education, and/or the Humane Society of the United States to design and, if practical and cost-effective, implement a doe sterilization and/or contraceptive program in areas where a deer cull is impermissible, unsafe, or ineffective, beginning in winter FY2017."

#### 4. What does the deer management program not include?

The City of Ann Arbor wants to note specifically that the Deer Management Program:

- Will not include culling more than 100 deer during the winter of 2016.
- Will not include culling deer on private property.
- Will not include allowing the discharge of firearms by hunters, residents or visitors at any time within city limits.

#### 5. Why did city staff recommend contracting with USDA-APHIS to conduct the cull?

Exceptional safety standards: USDA-APHIS has trained marksmen on staff, who also serve as instructors to train others. In fact, a number of organizations model their culling safety program on USDA-APHIS's safety program, such as the Federal Aviation Administration. They are an extremely professional and safe organization with the latest technologies available for carrying out a safe and effective cull, such as night-vision and thermal-imaging scopes.

Experience: The USDA-APHIS is experienced in performing safe culls in urban environments. They currently are performing culls in Meridian Township under contract with the MDNR to reduce the spread of Chronic Wasting Disease. USDA-APHIS staff has performed culls in several Michigan communities, including Big Rapids, Mount Pleasant, Grand Haven, Manistee, and Barton Hills. They also assisted the Huron Clinton Metro Parks in culling in their first year.

Cost effective: As a governmental agency, their financial goals are not to make a profit, but simply to cover their costs. They are also self-insured. All USDA-APHIS marksmen are USDA-APHIS employees, and most are biologists or specialists and are given rigorous special safety training on conducting the culls.

Experienced: USDA-APHIS is experienced in developing work plans that will meet Ann Arbor's deer management program needs. In addition, these work plans must comply with National Environmental Policy Act, Endangered Species Act and other applicable federal statutes. The USDA-APHIS will provide the City with an after-action report and any other information requested or required by the MDNR as part of the issued permit. This information will allow the City to better estimate the conditions and necessary budget for future culls if private marksmen are used in successive years.

#### 6. Where and when will culls be conducted?

Culls will be conducted by trained USDA-APHIS marksmen in designated parks in Wards 1 and 2 between Jan. 2 and March 1, 2016. The following parks and nature areas have been identified as sites and will be closed for all purposes Monday through Friday evenings from 4 p.m. to 7 a.m. the



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following morning until March 1, 2016. All parks will remain open during regular hours on Saturdays and Sundays, which means parks are open all day Saturday and all day Sunday. Designated parks do not close until Monday at 4 p.m.

1. Barton Nature Area
2. Bird Hills Nature Area
3. Black Pond Woods Nature Area
4. Bluffs Nature Area
5. Cedar Bend Nature Area
6. Furstenberg Nature Area
7. Huron Parkway Nature Area
8. Kuebler Langford Nature Area
9. Leslie Park Golf Course
10. Leslie Woods Nature Area
11. Olson Park [The dog park will remain open during regular hours.]
12. Ruthven Nature Area
13. South Pond Nature Area
14. Stapp Nature Area

USDA and city staff worked together to identify cull sites based upon specific criteria including:

- Public safety
- Size and shape of the city-owned property
- Terrain
- Surrounding land-use and housing density
- Proximity to neighbors
- Ease of access
- Attractiveness of the location for deer

### **7. When are the designated parks closed?**

Due to these deer cull activities and to ensure safety, 14 City of Ann Arbor parks and nature areas are closed for all purposes Monday through Friday evenings from 4 p.m. to 7 a.m. the following morning until March 1, 2016. All parks will remain open during regular hours on Saturdays and Sundays, which means parks are open all day Saturday and all day Sunday. Designated parks do not close until Monday at 4 p.m.

### **8. What is a cull?**

Culling refers to the act of killing wildlife by firearm or bow. Per the MDNR permit, deer culls will be conducted in Ann Arbor in designated parks and nature areas using firearms.

### **9. How were citizens notified of cull locations?**

It's important to note that safety is our top priority. The deer will be culled by highly experienced USDA-APHIS marksmen who are specially trained to conduct culls in urban settings with precision, accuracy



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and safety as their top priorities. The city has informed residents of potential cull locations in parks and nature areas via a variety of communication channels including:

- Signage, including Spanish and Chinese, at the identified park and nature area entrances
- Postcards to residents located near the identified parks and nature areas
- Media Releases
- Ads in print media
- Resident newsletter articles
- Email notifications (subscribe at [www.a2gov.org/deermanagement](http://www.a2gov.org/deermanagement), “email notifications” section)
- Social Media
- City of Ann Arbor website and deer management project webpage updates
- Community Television Network
- Direct email to all registered neighborhood associations
- AAPS and UM notifications

### 10. Why will the cull be conducted in Wards 1 and 2 only?

The City of Ann Arbor completed two aerial surveys of the deer population on February 10, 2015, and March 6, 2015. The first survey counted 116 deer and the second survey counted 168 deer. Deer aerial surveys should not be considered a census or indicator of heard density, but simply a count that occurs at one moment in time and the estimate of how many deer were not seen is unknown. The aerial survey findings were consistent between the two surveys, which indicated the majority of deer in Ann Arbor are largely located in Wards 1 and 2. The population concentration of deer in Wards 1 and 2 also was corroborated by A2 Open City Hall survey results, resident public comments during two public meetings and numerous resident emails and photos submitted to city staff noting an increase in deer sightings and garden and property damage in those wards.

### 11. How will safety be ensured during City of Ann Arbor culls?

Safety is the top priority. The deer cull will be performed by highly experienced USDA-APHIS marksmen who are specially trained to conduct a cull in an urban setting with precision, accuracy and safety as top priorities.

USDA-APHIS personnel:

- Practice a principle of “SHE” – safe, humane, effective
- Are experienced in a wide variety of wildlife damage and disease issues, including deer removal in urban and other sensitive areas
- Must pass stringent firearms safety and proficiency qualifications before using firearms, and re-qualify regularly
- Are trained and equipped with the latest tools and techniques to reduce disturbance and allow for efficient and safe deer removal
- Can commit full time and attention to accomplishing established goals
- Are trained on proper single shot selection to effectively and humanely take deer



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- Are trained Wildlife Biologists and Wildlife Specialists, most with educational backgrounds in Wildlife or Natural Resources management
- Must complete comprehensive background checks and drug testing prior to employment

### 12. What happens to the venison?

Per the MDNR special permit, the deer must be processed and the venison donated to a local food bank. The 1,817 pounds of venison donated to Food Gatherers is equivalent to 1,514 meals.

### 13. How was public input sought before the approval of Ann Arbor's deer management program?

From November 2014 to August 2015, numerous deer management outreach methods were utilized by City staff, including an A2 Open City Hall online survey, three public meetings, numerous stakeholder interviews, Community Television Network cablecasts, media releases, social media posts, email notifications and public hearings. These outreach methods helped city staff to learn more about the deer population and residents' experiences to develop a recommended deer management plan for City Council consideration in August 2015. The plan aimed to answer the following questions:

- What should be the goal of the deer management program?
- What would be the deer management area?
- What is the preferred deer management method(s)?

The Ann Arbor Deer Management Plan recommends decreasing the deer population in Wards 1 and 2 to reduce deer-human negative interactions and support biological diversity in natural areas. The recommended methods included in the deer management recommendation report were among options allowed by the Michigan Department of Natural Resources, the public agency responsible for managing Michigan's deer.

### 14. When will nonlethal deer management options be implemented?

The approved deer management program utilizes both lethal and nonlethal deer management methods. Per Council direction, city staff will continue to explore a deer fertility control program via the Humane Society of the United States. The exploration of such a program will begin in 2016. Per Council resolution, "the City will work with local stakeholders, MDNR, willing institutions of higher education, and/or the Humane Society of the United States to design and, if practical and cost-effective, implement a doe sterilization and/or contraceptive program in areas where a deer cull is impermissible, unsafe, or ineffective, beginning in winter FY2017." Any nonlethal deer management plan would need MDNR approval prior to implementation.

### 15. What happens if someone disregards a park's closure?

Violations of park rules are evaluated on a case by case basis. In the case of deer management activities, safety is the city's No. 1 priority and Ann Arbor Police will respond accordingly to individuals who violate park closures. Designated parks and nature areas are closed for all purposes Monday through Friday evenings from 4 p.m. to 7 a.m. the following morning Jan. 2 - March 1, 2016. All parks will remain open during regular hours on Saturdays and Sundays, which means parks are open all day Saturday and all day Sunday. Designated parks do not close until Monday at 4 p.m.



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### 16. Who authorized the park closures?

Chapter 39 of the Ann Arbor City Code, Section 3:3 authorizes park closures by the Community Services Area Administrator, Public Services Area Administrator or designee. The Community Services Area Administrator authorized designated parks to be closed for all purposes during specific times from Jan. 2 to March 1, 2016 to ensure safety during deer management activities.

### 17. Will walking and biking trails be closed in designated parks?

Safety is the city's No. 1 priority during deer management activities. All walking and biking trails will be closed within designated parks however, per Council resolution all parks through which the border-to-border trail is constructed will remain open, which includes Argo and Bandemer Parks.

### 18. Will the border-to-border trail remain open?

Yes, per Council resolution "all parks through which the boarder-to-border trail is constructed will remain open, and a deer cull will not be conducted in those parks. That certain parks shall not be used for a cull because of their value to the community for unduplicatable transit and recreation (Olson dog park, Argo park and Argo cascades and Bandemer Park."

### 19. Did the MDNR approve the city's permit application?

Yes, the MDNR issued the city a permit on Dec. 23, 2015. The permit is available on the [City's Deer Management website](#). The permit was issued for Jan. 2 – March 1, 2016 and includes the restriction that shooting may not occur within 150 yards (450 feet) of an occupied dwelling unless written consent is obtained.

### 20. Was a lawsuit filed against the city related to deer cull activities?

Yes, two lawsuits have been filed. One lawsuit was filed in federal court against federal, state and local officials. On January 11, 2016, a U.S. District Court Judge denied a request for an injunction, which would have temporarily halted the City of Ann Arbor's planned cull during litigation proceedings. While the Judge did not dismiss the lawsuit, he did order the plaintiffs to amend their complaint within a week and articulate the basis for federal jurisdiction. Thereafter, the City Attorney's Office and the attorneys for the state and federal officials will have 21 days to respond to the amended complaint. After the city, state and federal officials respond, likely with requests to dismiss the lawsuit, the plaintiffs will have 14 days to respond. During this process, Ann Arbor can legally proceed with cull operations as planned.

On Monday, January 25, 2016, a second lawsuit was filed against the City in Washtenaw County Circuit Court- *Daniels –v- City of Ann Arbor*. As part of this lawsuit, the plaintiff sought a preliminary injunction against the City to stop the deer cull, and the Court ordered the parties to appear for a hearing on that request on Thursday, January 28, 2016. The City filed a response to the court in writing opposing the preliminary injunction, and thereafter plaintiff withdrew her request late on Wednesday, January 27, 2016. In February, the lawsuit was dismissed.



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### **21. Will the USDA be shooting near homes?**

The MDNR permit, which was issued for Jan. 2 – March 1, 2016, includes the restriction that shooting may not occur within 150 yards (450 feet) of an occupied dwelling unless written consent is obtained. The city will abide by all MDNR permit guidelines.

### **22. Is signage posted at designated parks to notify visitors of reduced hours?**

Yes, signage has been printed in English, Spanish and Chinese and is posted at all entrances to designated parks and nature areas. To ensure safety, it is important that signs are not tampered with or removed. Pursuant to City Code 9:62(20) it is a misdemeanor punishable by up to \$500 and/or 90 days in jail for any person to knowingly destroy, damage, deface or remove any public property or other property not his or her own. Violators will be prosecuted.

### **23. When will residents be notified the cull has begun?**

Public safety is the city's top priority and in order to make this action as safe as possible, information specific to reduction activities will not be provided. However, USDA and local law enforcement are in coordination and are working with state and local officials to ensure public safety. Information will be provided when cull activities are completed.

### **24. What happens if I hear gunshots during cull operations?**

USDA personnel will be conducting cull operations using sound-suppression equipment on their firearms. However, any citizen who hears gunfire and is concerned should call 9-1-1 directly to report it. AAPD and USDA personnel are working closely to coordinate communications throughout all cull operations.

### **25. How many deer have been culled?**

As of March 1, 2016, 63 deer were removed from designated City of Ann Arbor parks and nature areas.

### **26. Who do I contact to answer deer management questions?**

The most frequently asked questions are answered in the FAQs document online, which is frequently updated. For questions that aren't answered in the FAQs, please email [deermanagement@a2gov.org](mailto:deermanagement@a2gov.org) or call the deer hotline at (734) 794-6295.

### **27. What were the results of the cull?**

As of March 1, 2016, all cull activities were completed and the 14 designated parks and nature areas were re-opened to normal operating hours. Sixty-three deer were removed by United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services (USDA-APHIS) marksmen. More than 1,000 pounds of venison was donated to a local food bank. All cull activities were completed with zero safety incidences. A Deer Management Update Report will be sent to City Council in May, 2016.

# Lawsuit over Ann Arbor's deer cull program dismissed

Associated Press 9:22 a.m. EDT July 19, 2016



(Photo: AP)

A judge has dismissed a federal lawsuit over Ann Arbor's program to kill deer in city parks and nature areas.

The Ann Arbor News reports (<http://bit.ly/2a8sa7z>) U.S. District Court Judge Arthur Tarnow granted motions Monday by the city, state and federal governments to throw out the case.

The lawsuit was filed in January by Ann Arbor Residents for Public Safety ([/story/news/local/michigan/2016/01/08/lawsuit-deer-cull-turns-ann-arbor-into-killing-fields/78527006/](http://story/news/local/michigan/2016/01/08/lawsuit-deer-cull-turns-ann-arbor-into-killing-fields/78527006/)) in objection to the deer cull. The hunt last winter resulted in sharpshooters killing 63 deer ([/story/news/local/michigan/2016/03/02/ann-arbor-deer-cull-ends/81201506/](http://story/news/local/michigan/2016/03/02/ann-arbor-deer-cull-ends/81201506/)). Efforts to reduce the deer

population are expected to continue in future years.

- **Related:** [Deer captured after wandering into Detroit Zoo \(/story/news/local/michigan/wayne/2016/05/19/deer-detroit-zoo/84598254/\)](http://story/news/local/michigan/wayne/2016/05/19/deer-detroit-zoo/84598254/)
- **Related:** [To fight chronic wasting disease among deer, we must act now \(/story/sports/outdoors/2016/04/03/deer-chronic-wasting-disease/82577732/\)](http://story/sports/outdoors/2016/04/03/deer-chronic-wasting-disease/82577732/)

City Attorney Stephen Postema says in a statement the case "had no factual or legal basis."

Officials said the cull was needed because the deer population is getting out of control. Opponents argued it's dangerous to the public and unnecessary.

Read or Share this story: <http://on.freep.com/2a7Cn7A>

**\$103.99**





RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

December 21, 2015

David Borneman, Deputy Manager of Volunteerism and Natural Area Preservation  
City of Ann Arbor, Parks and Recreation Services  
301 E. Huron Drive  
P.O. Box 8647, Ann Arbor, MI 48107

**RE: Recognition of a Request for a permit to cull Whitetail Deer**

The Michigan Department of Natural Resources (DNR) Wildlife Division received the City of Ann Arbor request to harvest up to one hundred (100) white-tailed deer on December 14, 2015. The request is for a permit to conduct an out-of-season cull of urban white-tailed deer within Wards 1 and 2 in the City of Ann Arbor on various city parks and nature areas in an effort to reduce human-deer conflicts and negative impacts of deer activity on biological diversity in natural areas.

Based on information provided by the City of Ann Arbor, the DNR Wildlife Division and Law Enforcement Division have concluded that a permit for an out-of-season, mid-winter cull for white-tailed deer is justified.

A permit will be issued to the City of Ann Arbor to complete control activities in 2016. The permit will contain conditions, guidelines, and protocol for methods of culling, data collection, and reporting. Permit conditions are set on a case-by-case basis based on the specific issues identified and may differ from those requested.

Kristin M. Bissell, Wildlife Biologist  
Michigan Department of Natural Resources  
Waterloo Wildlife Office  
13578 Seymour Road  
Grass Lake, MI 49240  
(517) 522-4097  
Fax: (517) 522-3315



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

*Attachment 1*

**Addendum to City of Ann Arbor Wildlife Damage Control Permit**

- Permittee is **David Borneman, Deputy Manager of Volunteerism and Natural Area Preservation**, representing **the City of Ann Arbor**.
- This sanction is valid only if a resolution is obtained to waive any local ordinances on firearm use within permit area.
- Authorized shooters:  
**As the City of Ann Arbor has indicated that they have contracted with the United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services (USDA-APHIS), authorized shooters must be employed by USDA-APHIS and meet all sharpshooter qualifications and safety requirements imposed by that federal agency.**
- All shooters and staff on site during cull activities must have personal picture identification and a copy of the damage control permit on their persons at all times.
- Shooting may not be conducted within 150 yards of an occupied building, dwelling, house, residence, or cabin, without obtaining the written permission of the owner, renter, or occupant of the property.
- All vehicles used by authorized shooters and personnel on site during cull activities must be marked (visible identification on side of vehicle).
- Permittee is authorized to take up to **one hundred (100)** deer. The focus of this effort is to reduce the population by taking primarily antlerless deer. Antlered deer may be taken.
- Shooters must use centerfire rifles or shotguns with slugs.
- The use of sound suppression is allowed in accordance with a federally issued permit; evidence of that permit must be carried on the sharpshooters' persons at all times and must be provided upon request by DNR and law enforcement personnel.
- Shooting from a platform and/or a blind is allowed.
- Shooting from a vehicle is allowed.
- Shooting is allowed between the hours of **4:00 PM (1600 hours) to 7:00 AM (0700 hours)**; use of artificial lights and night vision optics is allowed during night hours (½ hour after sunset to ½ hour before sunrise).
- Local law enforcement (**Washtenaw County Central Dispatch**) and DNR Law Enforcement (via the Report All Poaching Hotline at 800-292-7800) must be notified of cull activity times and dates.
- The use of bait at designated shooting locations is permitted (bait material may be of any food type; the volume of bait at any shooting site cannot exceed two [2] gallons, bait must be spread across a 10' x 10' area). All bait must be removed when culling activities cease and bait shall not be present on site outside the permit period.
- All deer taken must be tagged using the provided DNR Deer Damage Permit Tags. Once the tag is attached to the deer, the postcard portion must be mailed to DNR Wildlife Biologist Kristin Bissell, Waterloo Wildlife Office, 13578 Seymour Road, Grass Lake, MI 49240. These postcard portions may be combined and mailed together in an envelope on a weekly basis, for convenience. See *Attachment 2* for instructions regarding these tags.
- **One hundred (100)** Deer Damage Permit Tags will be issued. Kill tag numbers issued are: **163900 - 163999**.

- Heads of all deer killed must be submitted to the DNR for Chronic Wasting Disease (CWD) testing. All deer heads must be tagged with a CWD tag. Instructions for tagging and making arrangements to drop off deer heads are specified in *Attachment 2*.
- All deer must be donated to a charitable organization and used for human consumption (consult with Kristin Bissell if there is question as to whether a whole deer carcass should be submitted for disease testing).
- Permittee will provide a weekly report of shooting activities to DNR Wildlife Biologist, Kristin Bissell, via fax, (517) 522-3315, or e-mail, [bissellk@michigan.gov](mailto:bissellk@michigan.gov).
- Permittee will submit the Damage and Nuisance Animal Control Permit Final Report to DNR Wildlife Biologist, Kristin Bissell, within seven (7) business days of completion of shooting activities.
- Permittee will provide, within ten (10) business days of completion of shooting activities, all postcard portions of used Deer Damage Permit Tags and all leftover unused Deer Damage Permit Tags to DNR Wildlife Biologist, Kristin Bissell.

**I have read this permit addendum and agree to the terms and conditions as stated.**

  
\_\_\_\_\_  
Permittee Signature

  
\_\_\_\_\_  
Date



### DAMAGE AND NUISANCE ANIMAL CONTROL PERMIT

Issued under the authority of Act 451, P.A. 1994, as amended.  
Failure to comply with the provisions of this permit may result in criminal prosecution.

**DNR USE ONLY**  
Permit for:

- Damage Concerns
- Safety Concerns

#### PERMITTEE INFORMATION

Name of Permittee City of Ann Arbor - David Borneman	LED District 9	WLD Region SELP	Date 12/23/2015
Address 301 E. Huron, P.O. Box 8647	County Washtenaw	Section-Town-Range	
City, State, ZIP Code Ann Arbor, MI 48107	Telephone Number 734-994-4834	E-mail Address	
Type and Extent of Damage or Safety Issue Damage to horticulture, biological diversity in natural areas, resident concerns about deer/vehicle collisions	Estimated Number and Wildlife Species Causing Damage This permit provides for actions outlined in the 2015 Ann Arbor Deer Management Plan. Unknown number of deer		

#### CONTROL PERMIT

Under authority of Section 324.40114(4), Act 451, PA. 1994, and orders established thereunder, permission is hereby granted for following conditions:

Method Permitted:  Trapping  Shooting  Other: See Attachment 1

Species:  Beaver  Muskrat  Deer  Birds (Verify USFWS Permit)  Other: \_\_\_\_\_

Location:  Above Location  Specific Location: City of Ann Arbor Wards 1 and 2

Kill Tag #'s (deer only): 163900 - 163999

Disposal Instructions: Attachment 2

#### Duration of Permit

From: January 2, 2016

To: March 1, 2016

Signature (DNR Wildlife Division Supervisor Issuing Permit)

Date

Signature (DNR Law Enforcement Division Supervisor Issuing Permit)

Date

#### NOTICE TO PERMITTEE

The State of Michigan is not liable for damage caused by wildlife. The State of Michigan does not have the legal authority to enforce protection to landowners from damage caused by wildlife. Permits shall expire on or before December 31 of the year issued. Permits may not be in effect on lands or waters open to hunting and/or trapping for game animals during their respective seasons. Under the conditions set forth in this permit, the permittee is authorized to engage individuals and nuisance animal control companies to effectively control damage caused by wildlife. The cost of all control measures undertaken shall be the responsibility of the permittee.

Control of damage caused by protected migratory birds requires acquisition of a federal permit, issued by the US Fish and Wildlife Service. If issued, the federal US Fish and Wildlife Service permit will become your state authorization. A copy will be provided to the State by the US Fish and Wildlife Service. Actions taken outside of the authority granted by this permit, or violations of the terms and conditions of this permit may result in criminal prosecution.

Permittee hereby releases, waives, discharges, and covenants not to sue the State of Michigan, its departments, officers, employees, and agents, from any and all liability to Permittee, its officers, employees, and agents, for all losses, injury, death or damage, and any claims or demands thereto, on account of injury to person or property, or resulting in death of Permittee, its officers, employees or agents, in reference to the activities authorized by this permit. Permittee hereby covenants and agrees to indemnify and save harmless, the State of Michigan, its departments, officers, employees and agents, from any and all claims and demands, for all loss, injury, death or damage, that any person or entity may have or make, in any manner, arising out of any occurrence related to (1) issuance of this permit; (2) the activities authorized by this permit; and (3) the use or occupancy of the premises which are the subject of this permit by the permittee, its employees, contractors, or its authorized representatives. I understand that I am required by law to complete the FINAL REPORT portion of this permit upon completion of all control activities or expiration of this permit, whichever occurs first, and submit to the address specified on the Final Report (page 2).

**By signing, I agree to the instructions and terms and conditions as stated.**

David Borneman  
Permittee Signature

12-23-15  
Date



## CITY OF ANN ARBOR, MICHIGAN

301 E. Huron St., P.O. Box 8647 • Ann Arbor, Michigan 48107-8647

[www.a2gov.org](http://www.a2gov.org)

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### PRESS RELEASE

#### For Immediate Release

**CONTACT:** Communications Director, Lisa Wondrash, [lwondrash@a2gov.org](mailto:lwondrash@a2gov.org) / 734.794.6152

### City of Ann Arbor Deer Cull Activities Completed Safely

ANN ARBOR, Mich., March 1, 2016 — As of today, all City of Ann Arbor cull activities have been completed and all 14 designated parks and nature areas are re-opened to normal operating hours. As of March 1, 63 deer were removed by United States Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Services (USDA-APHIS) marksmen. More than 1,000 pounds of venison has been donated to a local food bank. All cull activities were completed with zero safety incidences. In April, the city will launch an A2 Open City Hall survey to gather feedback from citizens about deer management efforts. An assessment of cull activities will be developed and included in a Deer Management Update Report to City Council in May.

On February 18, the city completed an aerial survey of the deer population, which resulted in 202 deer counted. The last survey conducted in March 2015, counted 168 deer. View the aerial deer survey map online at [www.a2gov.org/deermanagement](http://www.a2gov.org/deermanagement).

Similar to last year, the aerial survey was conducted by a three-person crew of city staff who visually counted deer via helicopter. The survey was conducted throughout the city.

Flyover deer-count results are not absolute or intended to be a comprehensive census of the entire deer population, but rather give insight into the minimum deer population in certain areas of the city at one point in time. Deer count numbers are useful as data points that can track trends over time.

Please continue to submit deer management feedback via email to [deermanagement@a2gov.org](mailto:deermanagement@a2gov.org).

#####

Ann Arbor has 114,000 residents, spans 28.82 square miles and is frequently recognized as a foremost place to live, learn, work, thrive and visit. To keep up with [City of Ann Arbor](http://www.cityofannarbor.org) information, [subscribe](#) for email updates, follow us on [Twitter](#) or become a city fan on [Facebook](#). The city's mission is to deliver exceptional services that sustain and enhance a vibrant, safe and diverse community.

AGENDA BILL: G1

AGENDA TITLE: Professional Services for SCADA System  
Upgrades

DATE: September 6, 2016

**ACTION REQUIRED:**

ORDINANCE \_\_\_\_\_ COUNCIL INFORMATION \_\_\_\_\_ X \_\_\_\_\_

RESOLUTION \_\_\_\_\_ OTHER \_\_\_\_\_

MOTION \_\_\_\_\_ X \_\_\_\_\_

---

**EXPLANATION:** See Karl's memo attached explaining the SCADA system upgrades. The two upgrades needed for the SCADA system include software updates and the addition of public works personnel for call out alarms. The public works committee recommends approval of this capital outlay request

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:**

**MOTION: I MOVE TO APPROVE THE CAPITAL OUTLAY REQUEST FOR SCADA SYSTEM UPGRADES WITH INFINIUM ENGINEERING AND CONSULTING INC IN THE AMOUNT OF \$9,100.**

# Memo

To: Mayor and Council  
From: Karl Enyeart, PE, Public Works Director  
CC: Larry Bellamy, City Administrator  
Date: 9/6/16  
Re: Supervisory Control and Data Acquisition (SCADA) upgrade

---

The SCADA system needs upgrades completed. There are two upgrades this contract covers. 1. Software update and 2. Addition of public works personnel for callouts on alarms.

See attached memorandum on scope of work.

I recommend approval of this proposal with Infinium Engineering and Consulting, Inc. for \$9,100.

## MEMORANDUM

---

August 22<sup>nd</sup>, 2016

To: Karl Enyeart, PE  
City of Goldendale Public Works

From: David Severson, PE

Re: SCADA System Software Upgrade Cost Projections  
CG 2012.01 – General Services

Per your request we have prepared the following cost projection to upgrade the existing Ignition HMI software, implement the new Ignition SMS notification module, and separate alarm notifications between Water/Wastewater and collections personnel. City of Goldendale's renewal of the Automotive Induction's Upgrade Support contract includes upgrades to the City's existing Ignition software. The new Ignition SMS alarm notification module and compatible dialer hardware will need to be purchased. Infinium Engineering and Consulting, Inc. (Infinium) will provide HMI software modifications and start-up services.

### **HMI Notifications Module Software and Cellular Modem**

Ignition 7.8 supports a new SMS module for alarm notifications. The new module will allow the city to manage separate alarm notifications for water/wastewater treatment from collections system alarms. The SMS module is a new add-on component that will require purchase. We will supply a quote for the City to purchase the new SMS module for Ignition.

The Ignition SMS Notification module sends text messages through a cellular modem, which must be configured with a SIM card belonging to an active cellular account. Infinium will provide information to the City for purchasing of a compatible cellular modem. The City will need to set up a dedicated cellular service account with a wireless service provider (AT&T is recommended based on signal reliability at the SCADA computer).

## **Alternative Option to Ignition Alarm Notifications Module**

Following our conversation with you on June 23, 2016, we considered alternative options to the new Ignition SMS Alarm Notification software and cellular modem/service. The existing Alarm Notification module used with the City of Goldendale's SCADA system was developed by Infinium Engineering and has the benefit of using email notifications over existing Internet connection instead of the SMS cellular network. However, it does not support the ability to separate operator notification groups (as is desired for separating collections and wastewater treatment/water distribution alarms), and requires additional programming modifications to maintain compatibility with Ignition Software updates. We anticipate the ongoing maintenance of the custom alarm notifications system would cost more than implementing and maintaining the new notification software module from Inductive Automation.

## **Software Development and Start-up Services**

Infinium will provide software development services to upgrade the HMI to Ignition 7.8 including:

- Upgrade server gateway to ignition 7.8
- Implementation of the new SMS module and configuration with cellular modem.
- Separation of collections system alarms from water system and wastewater treatment alarms.
- Development of Collections screens for viewing lift station, related alarm and trending screens.
- Coordination with City's IT consultant to implement access to the SCADA system at the collections office.
- Training on the new SMS alarming features.

We anticipate our services will require about 70 engineering hours; this includes procurement assistance, software modifications and three days on-site for start-up of the HMI upgrades.

## **Project Cost Projections**

Ignition SMS Module	\$ 700 + tax
AirLink Cellular Modem	\$ 479 + tax
Software Development and Start-up	\$ 9,100

If you have any questions or comments, please feel free to contact us.

AGENDA BILL: G2

AGENDA TITLE: West Columbus Project Change Order #1

DATE: September 6, 2016

**ACTION REQUIRED:**

ORDINANCE \_\_\_\_\_ COUNCIL INFORMATION  X

RESOLUTION \_\_\_\_\_ OTHER \_\_\_\_\_

MOTION  X

---

**EXPLANATION:** See Karl's memo attached explaining change order #1 to the West Columbus Neighborhood Improvement Project. The change order request has been reviewed by the Public Works Committee and the Public Works Committee recommends approval

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:**

**MOTION: I MOVE TO AUTHORIZE THE MAYOR TO EXECUTE CHANGE ORDER #1 TO THE WEST COLUMBUS NEIGHBORHOOD IMPROVEMENT PROJECT IN THE AMOUNT OF \$129,673.13**

# Memo

To: Mayor and Council  
From: Karl Enyeart, PE, Public Works Director  
CC: Larry Bellamy, City Administrator  
Date: 9/6/16  
Re: WCNIP Change Order #1

---

There have been some changes to the original design to the West Columbus Neighborhood Improvement Project.

The attached spreadsheet and change order list the items and justification for the changes.

The water main replacement was due to inadequate depth and inferior fittings found when excavation occurred. This line is only about 30 years old and should have not required replacement.

The roadway sections have changed from the plans due to finding subgrade material (heavy saturated clay) that did not show up in the random test pits that were done to assist in the design. Quarry spalls (3" to 8" rock) is being used to bridge over wet clay conditions to avoid very deep excavation that would be needed if base course were only used for backfill.

Stump grinding was needed to avoid damaging buildings and utilities close to tree stumps.

I recommend approval of Change Order #1 in the estimated amount of \$129,673.13.

## CHANGE ORDER NO. 1

**OWNER:** City of Goldendale  
**PROJECT:** 2016 West Columbus Neighborhood Improvement Project

**CONTRACTOR:** POW Contracting Inc., Washington Contractor's License No  
POWCO\*\*037R4

**JUSTIFICATION:**

The following changes are hereby made to the Contract Documents:

The stumps from the trees need to be ground due to the presence of fiber optic cable. Subgrade for the roadway as found to be extremely soft and additional excavation was need with quarry spalls used to provide an adequate foundation. The existing storm on the 100 block of Collins was under trees. In order to save the trees the storm will be slip lined. The 100 block of Collins water line was found to only have 18-24" of cover. The waterline need to be replaced at the correct depth. Additional sewer services were found on the 400 block of Golden. In order to connect these to a manhole the hole needed to be core drilled.

Total Change Order 1	\$ 129,673.13
Original Contract	<u>\$ 2,135,899.38</u>
New Contract Total	\$ 2,265,572.51

See attached brake down cost.

**CHANGE TO CONTRACT TIME:** 0 days

**NEW DATE OF COMPLETION** 8-29-16

**APPROVALS:**

_____ Pioneer Surveying and Engineering, Inc	_____ Date
_____ POW Contracting, Inc.	_____ Date
_____ City of Goldendale	_____ Date
_____ Transportation Improvement Board	_____ Date

Item No.	Description	Units	Quantity	Unit Price	Total Price	Quantities			Payment				
						Previous	Current	Total	Previous	Current	Total	%Complete	
1	STUMP GRINDING	EA	1	\$1,450.00	\$ 1,450.00	0.00	1.00	1.00	100.00%	\$ -	\$ 1,450.00	\$ 1,450.00	100.00%
2	QUARRY SPALLS	TN	1600	\$22.50	\$ 36,000.00	0.00	761.68	761.68	47.61%	\$ -	\$ 17,137.80	\$ 17,137.80	47.61%
3	EXCAVATION	CY	2200	\$12.00	\$ 26,400.00	0.00	0.00	0.00	0.00%	\$ -	\$ -	\$ -	0.00%
4	10" SLIP LINE EXISTING STORM	LF	475	\$30.00	\$ 14,250.00	0.00	0.00	0.00	0.00%	\$ -	\$ -	\$ -	0.00%
<b>TOTAL CONSTRUCTION COST</b>					<b>\$ 78,100.00</b>					<b>\$ -</b>	<b>\$ 18,587.80</b>	<b>\$ 18,587.80</b>	<b>23.80%</b>

**Change Order #1 Water and Sewer**

Item No.	Description	Units	Quantity	Unit Price	Total Price	Quantities			Payment				
						Previous	Current	Total	Previous	Current	Total	%Complete	
5	INSTALL 8" PVC WATER PIPE	LF	575	\$51.00	\$ 29,325.00	0.00	525.00	525.00	91.30%	\$ -	\$ 26,775.00	\$ 26,775.00	91.30%
6	1" SERVICE CONNECTIONS	EA	7	\$400.00	\$ 2,800.00	0.00	0.00	0.00	0.00%	\$ -	\$ -	\$ -	0.00%
7	8" LIVE TAP	EA	1	\$3,325.00	\$ 3,325.00	0.00	1.00	1.00	100.00%	\$ -	\$ 3,325.00	\$ 3,325.00	100.00%
8	8" GATE VALVE	EA	2	\$2,250.00	\$ 4,500.00	0.00	0.00	0.00	0.00%	\$ -	\$ -	\$ -	0.00%
9	CONNECTION TO EXISTING MANHOLE	EA	1	\$1,500.00	\$ 1,500.00	0.00	1.00	1.00	100.00%	\$ -	\$ 1,500.00	\$ 1,500.00	100.00%
10	TRENCH BEDDING AND BACKFILL (COMMON PROPOSAL)	TN	725	\$9.00	\$ 6,525.00	0.00	0.00	0.00	0.00%	\$ -	\$ -	\$ -	0.00%
<b>SUBTOTAL</b>					<b>\$ 47,975.00</b>					<b>\$ -</b>	<b>\$ 31,600.00</b>	<b>\$ 31,600.00</b>	<b>65.87%</b>
<b>SALES TAX @ 7.5%</b>					<b>\$ 3,598.13</b>					<b>0.00</b>	<b>2,370.00</b>	<b>2,370.00</b>	<b>65.87%</b>
<b>TOTAL CONSTRUCTION COST</b>					<b>\$ 51,573.13</b>					<b>0.00</b>	<b>\$ 33,970.00</b>	<b>\$ 33,970.00</b>	<b>65.87%</b>

AGENDA BILL: H1

AGENDA TITLE: US Department of Agriculture Rural  
Development Loan Resolution

DATE: September 6, 2016

**ACTION REQUIRED:**

ORDINANCE \_\_\_\_\_ COUNCIL INFORMATION \_\_\_\_\_  
RESOLUTION  X  OTHER \_\_\_\_\_  
MOTION  X

---

**EXPLANATION:** Our attorney's Foster Pepper, are working with the City and US Department of Agriculture Rural Development (USRD). USRD has reviewed the documents prepared by our attorney and have indicated the need to approve a loan resolution authorizing the incurrence of a loan in the amount of \$304,000 for the sewer system upgrades.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:**

**MOTION: I MOVE TO AUTHORIZE THE MAYOR TO EXECUTE A LOAN RESOLUTION No. 661 PROVIDING FOR THE INCURRENCE OF A LOAN WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT IN THE AMOUNT OF \$304,000**

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE \_\_\_\_\_  
OF THE GOLDENDALE, CITY OF  
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A  
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS  
Municipal  
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the GOLDENDALE, CITY OF  
*(Public Body)*  
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of  
Three Hundred Four Thousand & 00/100

pursuant to the provisions of \_\_\_\_\_; and

**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture,  
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921  
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event  
that no other acceptable purchaser for such bonds is found by the Association:

**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*



**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as \_\_\_\_\_ of the GOLDENDALE, CITY OF

hereby certify that the \_\_\_\_\_ of such Association is composed of

\_\_\_\_\_ members, of whom , \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and

held on the \_\_\_\_\_ day of \_\_\_\_\_ ; and that the foregoing resolution was adopted at such meeting

by the vote shown above, I further certify that as of \_\_\_\_\_ ,  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Title \_\_\_\_\_

AGENDA BILL: 11

AGENDA TITLE: 1<sup>st</sup> Reading for Sewer Revenue Bond

DATE: September 6, 2016

**ACTION REQUIRED:**

ORDINANCE  COUNCIL INFORMATION \_\_\_\_\_  
RESOLUTION \_\_\_\_\_ OTHER \_\_\_\_\_  
MOTION

---

**EXPLANATION:** Our attorney's Foster Pepper, are working with the City and US Department of Agriculture Rural Development (USRD). USRD has reviewed the documents prepared by our attorney and have indicated the need to approve an ordinance authorizing the incurrence of a loan in the amount of \$304,000 for the sewer system upgrades.

**FISCAL IMPACT:**

**ALTERNATIVES:**

**STAFF RECOMMENDATION:**

**MOTION: I MOVE TO APPROVE THE 1<sup>ST</sup> READING OF AN ORDINANCE PROVIDING FOR THE INCURRENCE OF A LOAN WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT IN THE AMOUNT OF \$304,000**

CITY OF GOLDENDALE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE of the City of Goldendale, Washington, relating to the waterworks utility of the City; providing for the issuance of a taxable water and sewer revenue bond of the City in the maximum principal amount of \$304,000 for the purpose of providing funds to pay part of the cost of the acquisition, construction and installation of improvements to the City's waterworks utility; fixing the date, form, maturity, interest rate, terms and covenants of the bond; providing for the registration and authentication of the bond; creating and adopting certain funds and accounts; providing for the issuance of additional bonds; approving the sale and providing for the delivery of the bond to the United States of America, acting through the Department of Agriculture; and providing for other matters properly relating thereto.

PASSED: SEPTEMBER 19, 2016

*Prepared by:  
Foster Pepper PLLC  
618 West Riverside Avenue, Suite 300  
Spokane, Washington  
(509) 777-1600*

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CITY OF GOLDENDALE, WASHINGTON

ORDINANCE NO. \_\_\_\_

AN ORDINANCE of the City of Goldendale, Washington, relating to the waterworks utility of the City; providing for the issuance of a taxable water and sewer revenue bond of the City in the maximum principal amount of \$304,000 for the purpose of providing funds to pay part of the cost of the acquisition, construction and installation of improvements to the City's waterworks utility; fixing the date, form, maturity, interest rate, terms and covenants of the bond; providing for the registration and authentication of the bond; creating and adopting certain funds and accounts; providing for the issuance of additional bonds; approving the sale and providing for the delivery of the bond to the United States of America, acting through the Department of Agriculture; and providing for other matters properly relating thereto.

THE CITY COUNCIL OF THE CITY OF GOLDENDALE, WASHINGTON, DO ORDAIN as follows:

Section 1. Definitions. The words and phrases set forth in this ordinance with initial capitalization shall have the respective meanings ascribed to such words and phrases in this section unless the context clearly requires otherwise.

(a) "2010 Bond" means the "City of Goldendale Water and Sewer Improvement and Refunding Revenue Bond, 2010" authorized pursuant to the 2010 Ordinance.

(b) "2010 Ordinance" means Ordinance No. 1397, passed by the Council and approved by the Mayor on October 4, 2010, authorizing the issuance of the 2010 Bond.

(c) "Administrator" means the City Administrator.

(d) "Annual Debt Service" means, with respect to Parity Bonds for any calendar year, all the interest due on the Parity Bonds in such year, plus all principal of the Parity Bonds (including any such principal scheduled to be paid by means of mandatory redemption and sinking fund payment requirements) which will mature or become due in such year, less all capitalized interest payable in such year from the proceeds of any such bonds.

(e) "Authorized Officers" means the Administrator and the Treasurer.

(f) "Average Annual Debt Service" means for the Parity Bonds, the sum of the Annual Debt Service for the remaining years to the last scheduled maturity of such bonds divided by the number of those years.

(g) "Bond" means the taxable, amortized water and sewer revenue bond of the City authorized to be issued pursuant to Section 4 of this Ordinance.

(h) “Bond Fund” means the Water-Sewer Bond Redemption Fund for the payment of the principal of and interest on the Parity Bonds.

(i) “Bond Register” means the registration books maintained by the Bond Registrar pursuant to Section 5 of this Ordinance.

(j) “Bond Registrar” means (i) the Treasurer, or (ii) upon a determination by the Treasurer that maintenance of the duties of the Bond Registrar is no longer convenient, a bank or trust company organized under the laws of the State, or a national banking association, and having a capital and surplus aggregating at least \$20,000,000, if there be such a bank, trust company or national banking association willing and able to accept the duties of Bond Registrar on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by this Ordinance.

(k) “City” means the City of Goldendale, Washington.

(l) “Clerk” means the *de facto* or *de jure* Clerk of the City, or other officer of the City who is the custodian of the seal of the City and of the records of the proceedings of the Council, and her successors in functions, if any.

(m) “Code” means the Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

(n) “Commencement Date” means the date that is 12 months after the Dated Date; *provided*, if the Dated Date is the 29<sup>th</sup>, 30<sup>th</sup> or 31<sup>st</sup> day of the month, the Commencement Date will be the 12<sup>th</sup> day of the twelfth month thereafter.

(o) “Construction Account” means the project account within the Water-Sewer Fund referred to in Section 12 of this Ordinance.

(p) “Council” means the City Council of the City.

(q) “Dated Date” means the date the Bond is issued and delivered to the Purchaser.

(r) “Draw” means each incremental draw upon the Bond.

(s) “Future Parity Bonds” means any and all revenue bonds of the City hereafter issued, the payment of which, both principal and interest, constitutes a lien and charge upon the Gross Revenue and ULID Assessments equal in rank with the lien and charge upon such Gross Revenue and ULID Assessments for the payments required to pay and secure the payment of the then-Outstanding Parity Bonds.

(t) “Gross Revenue” means all of the earnings and revenue received by the City from any source whatsoever relating to the operation of the Waterworks Utility, except: general ad valorem taxes; charges in lieu of taxes; ULID Assessments; proceeds from the sale of City property; grants received by the City; principal proceeds of bonds and other obligations; earnings or proceeds from any investments in a trust, defeasance or escrow fund created to defease or

refund Waterworks Utility obligations; and earnings on money held in a special account for the purpose of paying a rebate to the United States Government under the Code.

(u) "Installment Payment Date" means the date that is twelve months after the Dated Date and that day of every twelfth month thereafter to and including the final maturity of the Bond; *provided*, if the Dated Date is the 29<sup>th</sup>, 30<sup>th</sup> or 31<sup>st</sup> day of the month, the Installment Payment Date will be the 28<sup>th</sup> day of the twelfth month after the Dated Date and on the 28<sup>th</sup> day of every twelfth month thereafter to and including the final maturity of the Bond.

(v) "Interest Rate" means the *per annum* interest rate specified by the Purchaser for the Bond pursuant to the Purchaser's Water and Environmental Program. Such rate is expected to be the lower of (i) the applicable interest rate as of the date the Purchaser mails a signed copy of Form 1940-1 with regard to the Bond to the City or (ii) the applicable interest rate on the Dated Date.

(w) "Junior Lien Obligation" means the Public Works Trust Fund Emergency Loan Agreement No. PW-02-691-ELP-302, between the City and the State Department of Community, Trade and Economic Development, dated as of July 1, 2002.

(x) "Letter of Conditions" shall have the meaning specified in Section 2(d) hereof.

(y) "Loan Resolution" means the Loan Resolution adopted by the Council pursuant to the loan conditions established by the Purchaser.

(z) "Maximum Annual Debt Service" means the maximum amount of Annual Debt Service which will become due in any future year on the Parity Bonds.

(aa) "Mayor" means the *de facto* or *de jure* Mayor of the City (including the Mayor pro tempore in the Mayor's absence), or any presiding officer or titular head of the City and his successors in functions, if any.

(bb) "Net Revenue" means the Gross Revenue less Operating and Maintenance Expenses.

(cc) "Operating and Maintenance Expenses" means all reasonable expenses incurred by the City in causing the Waterworks Utility to be operated and maintained in good repair, working order and condition, including general maintenance and administrative costs of the City allocated to the Waterworks Utility, but shall not include depreciation, taxes levied or imposed by the City, payments to the City in lieu of taxes and costs of capital additions (and capital replacements) to the Waterworks Utility.

(dd) "Ordinance" means this Ordinance No. \_\_\_\_.

(ee) "Outstanding," when used with reference to a Parity Bond, as of any particular date, shall mean all such bonds that have been issued, executed, authenticated and delivered under the 2010 Ordinance, this Ordinance or under any ordinance authorizing the issuance of Future Parity Bonds, except (i) Parity Bonds canceled because of payment or redemption prior to

their stated dates of maturity, and (ii) any Parity Bond (or portion thereof) deemed to have been paid pursuant to the ordinance under which it was issued.

(ff) “Parity Bonds” means the 2010 Bond, the Bond and any Future Parity Bonds.

(gg) “Parity Certificate” shall have the meaning specified in Section 14 hereof.

(hh) “Project” shall mean the plan of additions to and betterments and extensions of the Waterworks Utility as more particularly described in Section 3 hereof.

(ii) “Purchaser” means the United States of America, acting through the Department of Agriculture.

(jj) “RCW” means the Revised Code of Washington.

(kk) “Registered Owner” means the entity or person named as the registered owner of the Bond on the Bond Register, initially the Purchaser.

(ll) “Reserve Fund” means the Water-Sewer Bond Reserve Fund for the purpose of securing the payment of principal of and interest on the Future Parity Bonds.

(mm) “Reserve Requirement” shall mean: (i) with respect to the 2010 Bond, the amount set forth in the 2010 Ordinance; (ii) with respect to the Bond, an amount equal to the Annual Debt Service for the Bond, accumulated annually for ten years beginning with the Commencement Date; and (iii) for each issue of Future Parity Bonds, an amount equal to the lesser of: (1) the Maximum Annual Debt Service of such Future Parity Bonds, (2) 125% of the Average Annual Debt Service of such Future Parity Bonds, or (3) 10% of the proceeds (as defined under the Code) of such Future Parity Bonds.

(nn) “State” means the State of Washington.

(oo) “Treasurer” means the *de facto* or *de jure* Treasurer of the City, and his or her successors in functions, if any.

(pp) “ULID” means any utility local improvement district of the City created for purposes of making improvements, extensions or additions to the Waterworks Utility that are financed by the issuance of any Future Parity Bonds, the assessments in which are pledged to be paid into the Bond Fund.

(qq) “ULID Assessments” means the assessments levied in any ULID and shall include installments thereof and interest and any penalties thereon.

(rr) “Water-Sewer Fund” shall mean the City’s existing Water-Sewer Revenue Fund, which is an enterprise fund of the City in which Gross Revenue is deposited.

(ss) “Waterworks Utility” means the combined water system and the sanitary sewage disposal system of the City, as further defined in Section 2(a) hereof, together with all additions thereto and betterments and extensions thereof at any time made or constructed.

Section 2.      Recitals. The Council takes note of the following facts and hereby makes the following findings and determinations:

(a)      The City is a municipal corporation duly organized and existing under the laws of the State. Pursuant to the provisions of chapters 35.67, 35.92 and 35A.80 RCW, the City is authorized to acquire, construct, install and operate water and sewer systems. By Ordinance No. 447, passed by the Council and approved by the Mayor on September 6, 1955, the City combined its water system and its sanitary sewage disposal system into a combined water-sewer system and those combined systems are maintained and are operated jointly as the waterworks utility of the City (the “Waterworks Utility”) pursuant to 35.67.331. The City is authorized to conduct proceedings and to issue revenue bonds pursuant to chapters 35.41, 35.67, 35.92 and 39.46 RCW.

(b)      The 2010 Bond is currently Outstanding. There is no deficiency in the Bond Fund or the Reserve Fund. At the time the Bond is issued, the City will have satisfied the requirements of the 2010 Ordinance pertaining to the issuance of the Bond as a “Future Parity Bond” on a parity of lien with the 2010 Bond.

(c)      Other than the 2010 Bond and the Junior Lien Obligation, the City has no other outstanding obligations payable from Net Revenue. The Bond will be a superior lien bond as permitted by Section 4.09 of the Junior Lien Obligation.

(d)      The Purchaser provided the City with a Letter of Conditions dated July 29, 2014 (the “Letter of Conditions”), establishing the conditions under which the Purchaser would loan money to the City to finance the acquisition, construction and installation of improvements to the Waterworks Utility. The Council adopted the Loan Resolution. RCW 39.69.020 authorizes the City to enter into a loan agreement with the United States government and to evidence the City’s obligation to repay the loan under the terms and conditions of such loan agreement. RCW 36.69.020 further authorizes such loan agreement to provide that the City repay the loan solely from revenues set aside in a special fund for the repayment of the loan. Chapter 39.48 RCW authorizes the City to sell the Bond to the Purchaser by private sale at a price of not less than par plus accrued interest. The Purchaser has offered to purchase the Bond according to the terms set forth herein and in the Letter of Conditions.

(e)      It is advisable for the City to acquire, construct and install the improvements to the Waterworks Utility as described in Section 3 of this Ordinance. In determining the costs of the Project pursuant to RCW 35.41.090, the Council has estimated that the total cost of the Project will be \$304,385. It is advisable for the City to provide funds for defraying a portion of the cost of the Project from the proceeds of the Bond. The various improvements comprising the Project represent additions to or betterment of the City’s existing domestic water facilities. Because the Project will not produce electricity for sale and the Bond will not be a general obligation of the City, neither the Project nor the issuance of the Bond are required to be approved by the City’s voters under RCW 35.41.030 or RCW 35.92.070.

(f)      The Gross Revenue and benefits to be derived from the operation and maintenance of the Waterworks Utility, at the rates to be charged for service from the Waterworks Utility, will be more than sufficient to meet all Operating and Maintenance

Expenses and to permit the setting aside into the Bond Fund of the amounts of Net Revenue that, together with ULID Assessments, will be sufficient to pay the principal of and interest on the 2010 Bond and the Bond when due. In fixing the amounts to be paid therein out of the Gross Revenue, the Council has had due regard to Operating and Maintenance Expenses and the payments required to be made for the Bond and other obligations payable from Gross Revenue. The Council has not obligated the City to set aside into the Bond Fund a greater amount of Gross Revenue than, in the Council's judgment, will be available over and above Operating and Maintenance Expenses and the amount of Gross Revenue previously pledged for the payment of outstanding obligations.

(g) Based on the foregoing, it is in the City's best interest to authorize the issuance of the Bond to evidence the City's obligation to repay the loan from the Purchaser, and the delivery of the Bond to the Purchaser upon the terms set forth in this Ordinance.

Section 3. The Project. The City hereby specifies, adopts and authorizes a plan for making certain additions to and betterments and extensions of the Waterworks Utility, including the installation of sewer line, water distribution lines and manholes within the project commonly known as the West Columbus Comprehensive Neighborhood Improvement Project. The Project is more particularly described in the maps, plans and specifications prepared by Pioneer Surveying and Engineering, consulting engineers to the City, and now on file in the office of the Clerk. The total cost of the Project is estimated to be \$304,385. The Council may make such changes prior to or during the actual construction of the Project where, in its judgment, it appears advisable; *provided*, such changes do not substantially modify the Project.

Section 4. Authorization and Description of the Bond; Designation of Officer to Make Draws.

(a) For the purpose of paying costs of the Project, including the costs of issuing the Bond, the City shall cause to be issued a single, amortized, taxable water and sewer revenue bond as set forth in this Ordinance. The Bond shall be a special obligation of the City payable from Net Revenue of the Waterworks Utility and ULID Assessments. The Bond shall not be a general obligation of the City. The City's full faith, credit and resources are not pledged for the payment of the Bond.

(b) The Bond shall be dated its Dated Date; shall be designated as the "Water and Sewer Revenue Bond, 20\_\_ (Taxable)" of the City (with such blank being filled to reflect the year the Bond is delivered); shall be in the principal amount of not to exceed \$304,000; shall mature on the Installment Payment Date that occurs on (or nearest to) the 40<sup>th</sup> anniversary of its Dated Date (or such earlier date that the principal of and interest on the Bond is fully paid); shall bear interest from the date of the initial Draw at the Interest Rate on its outstanding principal balance (computed on the basis of a 365-day year for actual number of days elapsed); shall be numbered R-1, with any additional designation as the Bond Registrar deems necessary for purposes of identification; and shall be issued only in registered form as to both principal and interest on the Bond Register. The City may make monthly Draws upon the Bond at any time on or before the Commencement Date in an amount equal to the total amount of the costs to be paid from such Draw, and the proceeds of each Draw shall be used as soon as practicable to pay those

costs. The City shall request Draws by submitting a Form RD 440-11 to the Purchaser (or such other documentation as the Purchaser may accept from time to time). The Authorized Officers are hereby severally authorized to determine the date and amount of each Draw, and to do all things necessary to make each Draw. Draws shall be recorded on the Draw Record attached to the Bond, or in such other form as the City and the Purchaser may agree; *provided*, no Draw Record shall be required if the first Draw on the Bond is equal to the maximum principal amount of the Bond. The aggregate amount of all Draws on the Bond shall be limited to the lesser of (i) \$304,000 or (ii) the principal sum of all Draws made on and before the Commencement Date. Principal of and interest on the Bond shall be payable in approximately equal annual amortized installments on each Installment Payment Date, beginning with the Commencement Date, except that the last such payment shall be in an amount equal to the remaining principal and interest due on the Bond.

Section 5. Appointment of Bond Registrar; Registration and Transfer of the Bond.

(a) Pursuant to RCW 39.46.030(4), the Treasurer is appointed as the initial Bond Registrar for the Bond. The Bond Registrar shall keep, or cause to be kept, at its office, sufficient books for purposes of registering the name, mailing address and taxpayer identification number of the Registered Owner of the Bond, and for registering any transfer of Bond ownership. The books and records maintained by the Bond Registrar for such purpose shall be considered the Bond Register for purposes of this Ordinance. The Bond Register shall at all times be open to inspection by the City. In addition to maintaining the Bond Register, the Bond Registrar is authorized and directed to perform the following duties with respect to the Bond: (i) to authenticate the Bond upon the initial issuance thereof by executing the Certificate of Authentication contained thereon; (ii) to authenticate and deliver any Bond that is transferred in accordance with the provisions thereof and this Ordinance; (iii) to serve as the City's paying agent for the Bond; (iv) to imprint on each Bond transferred or exchanged pursuant to this Ordinance the name of the Registered Owner, the principal amount of the Bond, the interest rate borne by the Bond, and the maturity date of the Bond; (v) to cancel the Bond returned to the Bond Registrar upon the payment in full thereof by punching holes through the signatures on the Bond and by writing clearly across the face of such Bond the word "cancelled;" and (vi) to carry out all of the Bond Registrar's duties otherwise described in this Ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bond.

(b) The Bond may be transferred only in whole and only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any transfer shall be without cost to the Registered Owner or transferee and shall be noted in the Bond Register. The Bond Registrar shall not be obligated to transfer the Bond during the 15 days preceding any Installment Payment Date.

Section 6. Payment of the Bond. The amortized installments of principal and interest on the Bond shall be payable in lawful money of the United States of America and shall be paid by check, draft or preauthorized debit of the Bond Registrar and sent to the Registered Owner so that the Registered Owner receives said payments when due at the address appearing on the Bond Register; *provided*, if the Registered Owner of the Bond is other than the Purchaser, then the last amortized installment of principal and interest on the Bond shall be payable only upon

presentation and surrender of the Bond by the Registered Owner at the office of the Bond Registrar. Notwithstanding the foregoing, the City may engage in any payment program established by the Purchaser from time to time, so long as the City can engage in such program under State law. The Bond Registrar shall destroy the Bond when surrendered for final payment and furnish the City a certificate of destruction within 30 days following the surrender and payment in full of the Bond.

Section 7. Failure to Pay Installments. If any installment of principal of and interest on the Bond is not paid when due, the City shall be obligated to pay interest on that installment at the same rate provided in the Bond from and after its payment date until that installment, both principal and interest, is paid in full.

Section 8. Extra Payments. To the extent the City's scheduled principal and interest payment obligations on the Bond are current (or will be made current upon such payment), the City may make payments to the Registered Owner, on any Installment Payment Date, that are in addition to the regularly scheduled payments of principal and interest on the Bond. The amount of such extra payment shall be applied first to interest on the Bond accrued to the date of receipt of such extra payment, and shall be applied second to the outstanding principal of the Bond. After such extra payment is received by the Registered Owner, the amount of the annual amortized installments of principal and interest on the Bond shall remain unchanged but shall be recalculated to reflect the reduction in the outstanding principal balance of the Bond and the resulting increase in the portion of each future amortized installment payment credited to the principal of the Bond. The final Installment Payment Date of the Bond, and the amount payable on such date, shall be adjusted to reflect such extra payment and the increased amount of future amortized installment payments that is applied to principal. Notice of any such extra payment shall be given at least 10 days prior to the Installment Payment Date by mailing to the Registered Owner a notice specifying the amount of such extra payment.

Section 9. Execution, Issuance and Delivery of the Bond and Related Documents.

(a) The City will issue and deliver the Bond to the Purchaser on such date as the Authorized Officers determine, which date shall not be earlier than one month before the date of the initial Draw nor later than the date of the initial Draw. The Bond shall be prepared in a form consistent with the provisions of this Ordinance and State law, shall be signed by the Mayor and Clerk, either or both of whose signatures may be manual or in facsimile, and shall have the seal of the City (or a facsimile reproduction thereof) impressed or printed thereon.

(b) No Bond shall be valid or obligatory for any purpose, or entitled to the benefits of this Ordinance, unless such bond bears a certificate of authentication manually signed by the Bond Registrar stating: "This Bond is the fully registered City of Goldendale, Washington, Water and Sewer Revenue Bond, 20\_\_ (Taxable), described in the Bond Ordinance." A minor deviation in the language of such certificate shall not void a certificate of authentication that otherwise is substantially in the form of the foregoing. The authorized signing of a certificate of authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this Ordinance.

(c) The Mayor, the Clerk-Treasurer and the Administrator, or their designees, are severally authorized and directed to: (i) do everything necessary for the execution, issuance and delivery of the Bond; and (ii) execute and deliver any documents, agreements, certificates, receipts and instruments that are necessary or appropriate in their discretion to give effect to this Ordinance and to consummate the borrowing of money authorized herein.

(d) The City directs Foster Pepper PLLC, as the City's bond counsel, to prepare the Bond and such other documents, agreements, certificates, receipts and instruments as may be necessary and appropriate to properly document the issuance and delivery of the Bond to the Purchaser, the receipt of money by the City from the Purchaser. Such law firm shall coordinate the execution and delivery of such documents on behalf of the City, and shall compile and distribute to the City and the Purchaser a transcript containing such documents (or copies thereof) as it deems necessary to support its legal opinions rendered in connection with the issuance of the Bond.

Section 10. Pledge of Revenue and Lien Position. Net Revenue and all ULID Assessments are hereby pledged irrevocably by the City. This pledge shall constitute a lien and charge upon the Net Revenue and ULID Assessments prior and superior to any other liens and charges whatsoever, except such liens and charges as have been or may be created in favor of the 2010 Bond or any Future Parity Bonds on a parity with this pledge in favor of the Bond. The Bond is not a general obligation of the City.

Section 11. Flow of Funds. All ULID Assessments shall be paid into the Bond Fund and, if permitted by the ordinance confirming the assessment roll for such ULID Assessments, into the Reserve Fund, as provided by this Ordinance. The Gross Revenue shall be allocated to the Water-Sewer Fund, shall be used for the following purposes only, and shall be applied in the following order of priority:

- (a) to pay the Operating and Maintenance Expenses;
- (b) to make all deposits as required to be made into the Bond Fund pursuant to the 2010 Ordinance, this Ordinance and any ordinance authorizing the issuance of Future Parity Bonds;
- (c) to make all deposits required to be made into the Reserve Fund pursuant to the 2010 Ordinance, this Ordinance and any ordinance authorizing the issuance of Future Parity Bonds;
- (d) to make all deposits required to be made into the City's Short-Lived Asset Reserve Account pursuant to the 2010 Ordinance and any ordinance authorizing the issuance of Future Parity Bonds, if applicable; and
- (e) to make any other payments, transfers or deposits as may be lawful for such Gross Revenue.

Section 12. Funds and Accounts.

(a) *Creation and/or Continuance of Funds and Accounts.* The following funds and accounts shall be created (or if previously created, shall be continued) and maintained in the office of the Treasurer to comply with the provisions of this Ordinance: (i) the Water-Sewer Fund, which is a special fund of the City; (ii) a debt service fund (the "Bond Fund"); (iii) a debt service reserve fund (the "Reserve Fund"); and (iv) a project account within the Water-Sewer Fund (the "Construction Account"). Each fund and account shall be maintained by the Treasurer as a separate and distinct fund or account to be held, managed, invested, disbursed and administered as provided in this Ordinance. All money deposited in the funds or accounts created hereunder shall be used solely for the purposes set forth in this Ordinance. The Treasurer shall keep and maintain adequate records pertaining to each fund and account, and all disbursements therefrom, in accordance with general practices and procedures in effect from time to time. The Treasurer may establish such additional accounts or subaccounts as is deemed necessary or useful, or for the purpose of complying with the requirements of the Code relating to arbitrage, but the establishment of any such account or subaccount shall not alter or modify any of the requirements of this Ordinance with respect to a deposit or use of money in the funds or accounts.

(b) *Bond Fund.* The Bond Fund is to be drawn upon for the sole purpose of paying the principal of and interest on the Parity Bonds. So long as any principal of the Bond is outstanding against the Bond Fund, the City shall pay into the Bond Fund all ULID Assessments on their collection and, from the Net Revenue, pay into the Bond Fund prior to each Installment Payment Date an amount that is sufficient (together with other money on deposit in the Bond Fund) to pay the installment of principal and interest falling due on such Installment Payment Date. The City may (but shall not be required to) transfer any money from any funds or accounts of the City legally available therefor to meet the required payments to be made into the Bond Fund.

(c) *Reserve Fund.* The Reserve Fund shall be maintained for the purpose of securing the payment of the principal of and interest on the Parity Bonds, and shall be used solely for the purpose of making up any deficiency existing in the Bond Fund to meet maturing installments of either principal or interest, as the case may be, on any outstanding bonds payable out of the Bond Fund. So long as any principal of the Bond is outstanding, the City shall deposit into the Reserve Fund the Reserve Requirement for the Bond (at the times and in the amounts described in the definition of "Reserve Requirement" in Section 1 hereof). When the Reserve Fund is funded at the Reserve Requirement for the Bond, the City will all times maintain at least such amount therein (except to the extent withdrawals are made from the Reserve Fund as authorized by this Ordinance). Any deficiency created in the Reserve Fund by reason of a withdrawal therefrom shall then be made up from money derived from Net Revenue first available after making necessary provisions for the required payments into the Bond Fund. The City may use any excess money in the Reserve Fund to make extra payments on the Bond in the manner authorized by Section 8 of this Ordinance. The money and investments in the Reserve Fund otherwise shall be held intact and may be applied against the last outstanding bonds payable out of the Bond Fund. For so long as the Purchaser is the Registered Owner of the Bond, the City shall not disburse money from the Reserve Fund without receiving the prior written consent of the Purchaser.

(d) *Construction Account.* Draws upon the Bond shall be deposited into the Construction Account. The costs of carrying out the Project, including the costs of issuing the Bond, shall be paid from the Construction Account.

(e) *Investment of Funds.* The money in the Construction Account may be kept in cash or deposited in institutions permitted by law in an amount in each institution not greater than the amount insured by a state or the Federal Government, or may be invested in readily marketable securities backed by the full faith and credit of the United States of America maturing (or subject to sale by the City) not later than the time such money must be expended from such account. The money in the Bond Fund and the Reserve Fund may be invested in any investment permitted by law for City funds. The interest and investment earnings on such funds and accounts shall be used as follows: (i) interest and investment earnings on amounts in the Bond Fund shall be retained in the Bond Fund and used to pay debt service on the Parity Bonds; (ii) interest and investment earnings on amounts in the Reserve Fund shall be retained in the Reserve Fund until the total Reserve Requirement has been accumulated therein, after which time such earnings shall be deposited in the Bond Fund; and (iii) interest and investment earnings on amounts in the Construction Account may be retained in such fund or, at the City's discretion, may be deposited into the Bond Fund. Notwithstanding the provisions for the deposit of earnings, any earnings which are subject to a federal tax or rebate requirement may be withdrawn from any such fund or account for deposit in a separate fund or account for that purpose.

Section 13. Covenants. The City hereby covenants and agrees with the Registered Owner of the Bond as follows:

(a) All ULID Assessments shall be paid into the Bond Fund and/or the Reserve Fund and may be used to pay the principal of and interest on the Parity Bonds without those ULID Assessments being particularly allocated to the payment of the principal of and interest on any particular issue of bonds. Nothing in this Ordinance shall be construed to prohibit the City from issuing revenue bonds junior in lien to the Bond and pledging as security for their payment assessments levied in any ULIDs which may have been specifically created to pay part of the cost of improvements to the Waterworks Utility for which those junior lien obligations were specifically issued.

(b) It will establish, maintain and collect such rates and charges for commodities and services furnished by the Waterworks Utility as will produce sufficient Gross Revenue to meet the Operating and Maintenance Expenses, the debt service requirements of the then-Outstanding Parity Bonds as they come due, to establish and maintain the Reserve Fund and the City's Short-Lived Asset Reserve Account, and to maintain the Waterworks Utility in sound financial condition.

(c) It will at all times maintain and keep the Waterworks Utility in good repair, working order and condition, and also will at all times operate the Waterworks Utility and the business in connection therewith in an efficient manner and at a reasonable cost.

(d) It will, while the Bond remains outstanding, keep proper and separate accounts and records relating to the operation and financial condition of the Waterworks Utility and will

grant the Purchaser the right at all reasonable times to inspect the Waterworks Utility and all records, accounts and data of the City relating thereto.

(e) For so long as the Purchaser is the Registered Owner of the Bond, the City will: submit to the Purchaser an annual operating budget relating to the Waterworks Utility; submit to the Purchaser audits (or management reports in lieu of audits) relating to the Waterworks Utility, as determined by the Purchaser on an annual basis; and provide such additional information and reports as may be reasonably requested by the Purchaser from time to time.

(f) It will at all times: (i) provide fidelity bonds (or similar insurance coverage) in an amount not less than the total of the Annual Debt Service and the annual Reserve Fund payment on the Bond for all persons who will have access to Gross Revenue and the funds created hereunder; (ii) maintain fire and extended coverage insurance in an amount at least equal to the depreciated replacement value for all equipment, machinery and above-ground structures of the Waterworks Utility; (iii) maintain reasonable and customary general liability insurance for the Waterworks Utility including vehicular coverage; and (iv) maintain worker's compensation insurance.

(g) The City will not furnish or supply or permit the furnishing or supplying of any service or facility furnished by or in connection with the operation of the Waterworks Utility to any customer whatsoever free of charge, and it shall take such legal action as may be feasible to enforce collection of all collectible delinquent accounts.

(h) For so long as the Purchaser is the Registered Owner of the Bond, the City will not mortgage, sell, lease or in any manner encumber or dispose of all the property of the Waterworks Utility without receiving the prior written consent of the Purchaser.

(i) It will not borrow money and secure its repayment obligations for such borrowing with a lien and charge on the Net Revenue that is prior to the lien thereon in favor of the Bond. It will not borrow money and secure its repayment obligations for such borrowing with a lien and charge on the Net Revenue that is equal to the lien thereon in favor of the Bond other than pursuant to Section 14 of this Ordinance.

(j) It will abide by the conditions of the Loan Resolution relating to the Bond for so long as the Purchaser is the Registered Owner of the Bond.

Section 14. Authority to Issue Future Parity Bonds. The City reserves the right to issue Future Parity Bonds that, when issued, shall constitute a lien and charge upon the Net Revenue and ULID Assessments on a parity with the Bond for the purposes of: (i) acquiring, constructing and installing additions and betterments to, improvements and extensions of, and repairs or capital improvements to, the Waterworks Utility; and/or (ii) refunding and retiring at or prior to their maturity any part or all of the outstanding water and sewer revenue bonds of the City, if the following conditions are met and complied with at the time of issuance of those Future Parity Bonds:

(a) There must be no deficiency in the Bond Fund or the Reserve Fund.

(b) The ordinance providing for the issuance of such Future Parity Bonds must provide that all assessments and interest thereon that may be levied in any ULID created for the purpose of paying, in whole or in part, the principal of and interest on those Future Parity Bonds, must be paid directly into the Bond Fund, except for any prepaid assessments permitted by law to be paid into a construction fund or account.

(c) The ordinance providing for the issuance of such Future Parity Bonds must provide for the payment of the principal thereof and interest thereon out of the Bond Fund.

(d) If the Future Parity Bonds will be secured by the Reserve Fund, then the ordinance providing for the issuance of such Future Parity Bonds must provide for the deposit into the Reserve Fund of (i) an amount equal to the Reserve Requirement for those Future Parity Bonds from the Future Parity Bond proceeds or other money legally available or (ii) to the extent that the Reserve Requirement is not funded from Future Parity Bond proceeds or other legally available money at the time of issuance of those Future Parity Bonds, within ten years from the first principal payment on the Future Parity Bonds from ULID Assessments, if any, levied and first collected for the payment of the principal of and interest on those Future Parity Bonds and, to the extent that ULID Assessments are insufficient, then from the Net Revenue in ten approximately equal annual payments, except in the case of refunding bonds, the ordinance authorizing the issuance of such refunding Future Parity Bonds may provide that the money in the Reserve Fund for the bonds to be refunded shall be retained in the Reserve Fund as a reserve for the refunding bonds, or that the money in any other reserve fund or account for the bonds being refunded may be transferred to the Reserve Fund, but if such amount does not equal the Reserve Requirement, the Reserve Requirement for the refunding bonds shall be accumulated in the manner and within the same time as set forth herein for other Future Parity Bonds.

(e) There shall be on file with the Clerk a certificate (a "Parity Certificate") from: (i) a City official; (ii) a licensed professional engineer experienced in the design, construction and operation of municipal utilities or (iii) an independent certified public accountant, which certificate may not be dated more than one month before the date such Future Parity Bonds are issued, stating that the Net Revenue for any 12 consecutive calendar months out of the immediately preceding 24 calendar months shall be equal to 120% of the Average Annual Debt Service on all outstanding bonds payable from the Bond Fund. The certificate of a City official shall be based on actual historical Net Revenue and no adjustments to that revenue shall be allowed. The engineer's or accountant's certificate, in estimating the Net Revenue available for debt service, may adjust Net Revenue to reflect:

(i) any changes in rates in effect and being charged or expressly committed by ordinance to be made in the future;

(ii) income derived from customers of the Waterworks Utility who have become customers during the 12 consecutive month period or thereafter adjusted to reflect one year's net revenue from those customers;

(iii) income from any customers to be connected to the Waterworks Utility who have paid the required connection charges;

(iv) the engineer's or accountant's estimate of the Net Revenue of the Waterworks Utility to be derived from customers anticipated to connect for whom new building permits have been issued;

(v) income received or to be received which is derived from any person, firm, corporation or municipal corporation under any executed contract for any utility service, which revenue was not included in the historical Net Revenue;

(vi) the engineer's or accountant's estimate of the Net Revenue to be derived from customers with existing homes or buildings which will be required to connect to any additions to and improvements and extensions of the Waterworks Utility constructed and to be paid for out of the proceeds of the sale of the additional Future Parity Bonds or other additions to and improvements and extensions of the Waterworks Utility then under construction and not fully connected to the facilities of the Waterworks Utility when such additions, improvements and extensions are complete; and

(vii) any increases or decreases in Net Revenue as a result of any actual or reasonably anticipated changes in Operating and Maintenance Expenses subsequent to the 12-month period.

(f) If Future Parity Bonds proposed to be so issued are for the sole purpose of refunding outstanding bonds payable from the Bond Fund, such certification of coverage shall not be required if the amount required for the payment of the principal and interest in each year for the refunding bonds is not increased over the amount for that same year required for the bonds or the portion of the bond issue to be refunded thereby and if the maturities of such refunding bonds are not extended beyond the maturities of the bonds to be refunded thereby. The previous sentence shall not apply for so long as the Purchaser is the Registered Owner of the Bond. Further, for so long as the Purchaser is the Registered Owner of the then-Outstanding Parity Bonds, the provisions of this paragraph shall not apply if the Purchaser will be the Registered Owner of the Future Parity Bonds to be issued.

(g) Nothing contained herein shall prevent the City from issuing revenue bonds or incurring other obligations for borrowed money that are a charge upon the Gross Revenue subordinate to the payments required to be made therefrom into the Bond Fund for the payment of the Parity Bonds or from pledging the payment of utility local improvement district assessments into a bond redemption fund created for the payment of the principal of and interest on those junior lien bonds as long as such utility local improvement district assessments are levied for improvements constructed from the proceeds of those junior lien bonds.

(h) For so long as the Purchaser is the Registered Owner of the Bond, the City will not issue Future Parity Bonds or subordinate lien bonds payable from Net Revenue without receiving the prior written consent of the Purchaser.

Section 15. Refunding or Defeasance of the Bond. The City may issue refunding bonds pursuant to State law or use money available from any other lawful source to carry out a

refunding or defeasance plan, which may include (a) paying when due the principal of and interest on the Bond (the “defeased Bond”); (b) redeeming the defeased Bond prior to its maturity; and (c) paying the costs of the refunding or defeasance. If the City sets aside in a special trust fund or escrow account irrevocably pledged to that redemption or defeasance (the “trust account”), money and/or noncallable “government obligations” (as defined by chapter 39.53 RCW) maturing at a time or times and bearing interest in amounts sufficient to redeem, refund or defease the defeased Bond in accordance with its terms, then all right and interest of the owner of the defeased Bond in the covenants of this Ordinance and in the funds and accounts obligated to the payment of the defeased Bond shall cease and become void. Thereafter, the owner of the defeased Bond shall have the right to receive payment of the principal of and interest on the defeased Bond solely from the trust account and the defeased Bond shall be deemed no longer outstanding. In that event, the City may apply money remaining in any fund or account (other than the trust account) established for the payment or redemption of the defeased Bond to any lawful purpose. NOTWITHSTANDING THE ABOVE, FOR AS LONG AS THE PURCHASER IS THE REGISTERED OWNER OF THE BOND, THE CITY AGREES NOT TO DEFEASE THE BOND.

Section 16. Amendments to Ordinance.

(a) The Council may adopt an ordinance supplemental hereto, which ordinance thereafter shall become a part of this Ordinance, for any one or more of all of the following purposes: (i) to add to or delete from the covenants and agreements of the City in this Ordinance, provided such additions or deletions shall not adversely affect, in any material respect, the interests of any Registered Owner of the Parity Bonds; or (ii) to cure, correct or supplement any ambiguous or defective provision contained in this Ordinance, provided such supplemental ordinance shall not adversely affect, in any material respect, the interests of any Registered Owner of the Parity Bonds. Any such supplemental ordinance may be adopted without the consent of any Registered Owner of the then-Outstanding Parity Bonds, notwithstanding any of the provisions the following paragraph.

(b) With the consent of the Registered Owner of the outstanding Bond, the Council may adopt an ordinance supplemental hereto for the purpose of adding any provisions to, or changing in any manner, or eliminating any of the provisions of this Ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall extend the fixed maturity of the Bond, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, without the consent of the Registered Owner of the Bond. It shall not be necessary for the consent of the Registered Owner under this paragraph to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

(c) Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations of the City under this Ordinance and the Registered Owner of the outstanding Bond hereunder shall thereafter be determined, exercised and enforced thereunder, subject in all respects to such modification and amendments,

and all terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this Ordinance for any and all purposes.

(d) Any Bond executed and delivered after the execution of any supplemental ordinance adopted pursuant to the provisions of this section may have a notation as to any matter provided for in such supplemental ordinance, and if such supplemental ordinance shall so provide, any new Bond so modified as to conform in the opinion of the Council to any modification of this Ordinance contained in any such supplemental ordinance, may be prepared and delivered without cost to the Registered Owner of the affected Bond then outstanding, upon surrender for cancellation of such Bond in an equal aggregate principal amount.

Section 17. Severability; Ratification. If any provision of this Ordinance shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance or of the Bond. All actions heretofore taken by the City consistent with the provisions of this Ordinance are ratified, confirmed and approved.

Section 18. Effective Date of Ordinance. This Ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law.

PASSED by the City Council at a regular open public meeting thereof and APPROVED by the Mayor this 19<sup>th</sup> day of September, 2016.

CITY OF GOLDENDALE, WASHINGTON

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

( S E A L )

CERTIFICATE

I, the undersigned, the City Clerk of the City of Goldendale, Washington (the "City"), hereby certify as follows:

1. The foregoing Ordinance No. \_\_\_\_ (the "Ordinance") is a full, true and correct copy of the Ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on September 19, 2016, as that Ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after the publication of its summary in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 19<sup>th</sup> day of September, 2016.

CITY OF GOLDENDALE, WASHINGTON

\_\_\_\_\_  
City Clerk

(SEAL)