



**BURNS CITY COUNCIL MEETING**

**Wednesday, January 14, 2026, at 6:00 p.m.**

**Burns City Hall  
242 S. Broadway  
Burns, Oregon 97720**

Mayor Brad Erbe  
Council President Jennifer Hoke  
Councilor Susan Lowe    Councilor Heather Smith  
Councilor Chase Patterson    Councilor Andrew Roy  
Councilor Tod Gahley

**COUNCILORS AND CITIZENS ARE WELCOME AND ENCOURAGED TO JOIN THE REGULAR  
COUNCIL VIA ZOOM.**

**Members of the public and media wishing to address the council during any public comment period will be able to join the webinar as an “attendee.” Attendees will be able to view the Webinar on a desktop, laptop or mobile device such as a smartphone or iPad by using the following link:**

**<https://uso2web.zoom.us/j/9020143459> Meeting ID: 902 014 3459**

- I. Call to Order
- II. Pledge of Allegiance
- III. Establish Quorum (*Roll Call*)
- IV. Public Comments

Members of the public desiring to address the Mayor and Council shall first be recognized by the Presiding Officer and then state their name and address for the record. Unless otherwise designated by the presiding officer, each person shall have up to three minutes to present their comments. City Councilors normally should not directly respond to a public comment during the public comment period. Councilor comments should be held until the Councilor comment period.

- V. Agenda Approval and Added Agenda Items (*Discussion/Action*)

Any matters added to the agenda at this time will be discussed during the “New Business” portion of this Agenda or such other time selected by the council.

- VI. Consent Agenda (*Discussion/Action*)

Information concerning matters listed on the Consent Agenda has been distributed to each member of the council for reading and studying, is routine, and will be enacted or approved by one motion of the council without separate discussion. If a separate discussion is desired concerning a particular matter listed in the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda at the request of any council member.

Regular City Council Meeting December 10, 2025 –



VII. New Business –

1. Business Oregon Loan Application for Industrial and Economic Zone (I/E Zone) Public Improvements Project- Nick Green
2. Harney County Chamber Update – Jessica Hedges
3. Donation Request - Burns Hilander Booster Club

VIII. Old Business

1. John Clemens – Murals and Ordinances

IX. Resolution/Ordinances (Discussion/Action)

1. Ordinance No. 26-908 – An Ordinance of the City of Burns amending Chapter 13 of the Burns Municipal Code concerning sewer and water service rates and charges

X. City Manager Report (*Discussion/Action*)

XI. Committee Reports (*Discussion*)

1. Cemetery Committee – Councilor Gahley
2. Safety Committee – Councilor Gahley
3. Airport Committee – Councilor Smith
4. R3 – Councilor Smith
5. URA – Mayor Erbe
6. Waterways Committee – Councilor Hoke

XII. Councilor Comments (*Discussion/Action*)

XIII. Adjourn

The Burns City Council meetings are available via Zoom and in accordance with ORS 192.610 to 192.690, these meetings conform to guidelines set forth in public meeting law. In accordance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Recorder Tiffany Leffler (541) 573-5255 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance. If a request is made, the city will make a reasonable attempt to honor the request.

Updated Agenda Posted: January 9, 2026, at Burns City Hall, Burns Post Office, Harney County Courthouse, City of Burns Website, and City of Burns Facebook Page.

**BURNS CITY COUNCIL  
December 10, 2025**

The Burns City Council met in regular session on December 10, 2025, at 6:00 p.m. Members present were as follows:

Mayor: Brad Erbe  
Councilor President: Jen Hoke  
Councilors: Susan Lowe  
Heather Smith  
Chase Patterson  
Andrew Roy  
Tod Gahley

Also, in attendance were City Manager Brenda Engebretson, Public Works Director Ty Richardson, Fire Chief Scott Williamson, Police Chief Robby Tiller, and City Clerk Tiffany Leffler.

**PUBLIC COMMENT**

Rob Paramore, 337 North Roanoke in Hines, is a business owner and property owner in Burns and raised questions about the effectiveness of the dike and levee improvements in preventing future flooding, especially concerning water flowing from the Paiute Reservation. He also inquired about whether the city had any plans to clean out the Silvies area to improve water flow. The council acknowledged the concerns and agreed to look into the specific issues raised, particularly regarding the flooding from Foley Drive and the Silvies area. They reassured him that they have been working on preventing this from happening again and will continue to do so.

Roy Schwenke, 580 East Adams, raised concerns about the towing of a trailer that had been sitting in the road for several months, questioning the criteria for determining it as a hazard. He also inquired about the ordinance that allows the city to collect impound fees. Mayor Erbe said he believed it was the city's fee schedule but let him know the council would look into his concerns.

**SUMMARY**

The City Council meeting addressed various community concerns, including flooding issues in Burns and property access disputes, while also reviewing chamber updates and infrastructure projects. The council discussed ongoing development plans, including the Miller Springs project and airport improvements, while also addressing traffic safety concerns and street naming processes. The conversation ended with discussions about waterway management and the need to strengthen regulations regarding vehicle storage in rights-of-way.

**AGENDA APPROVAL AND ADDED ITEMS**

Mayor Erbe Removed #2, Harney County Chamber Board Member Election Approval from New Business to the City Manager Report and Miller Springs Amendment to #2 in New Business.

Councilor Gahley made a motion to approve the agenda with the removed and added items. Councilor Hoke seconded the motion. All Ayes. (7/0)

**CONSENT AGENDA**

**Regular City Council Meeting Minutes – November 12, 2025 –**

Councilor Hoke informed City Clerk Tiffany Leffler of corrections that needed to be made to the November 12, 2025, minutes. One mentioning Mayor Erbe at the adjournment and he was not present and that other was that County Commissioner Patty Dorroh's last name was spelled incorrectly under the additional information section.

Councilor Gahley made a motion to approve the consent agenda. Councilor Roy seconded the motion. All Ayes. (7/0)

### **NEW BUSINESS**

1. **Harney County Chamber Update** – Jessica Hedges, Harney County Chamber Director, presented their 2025 update, highlighting growth in membership and new initiatives like Kids Bike Repair Day. She outlined plans for 2026, including revamping the visitor center, expanding bike-related events, and seeking alignment with the city on transient lodging tax funds. The council expressed appreciation for Jessica's work and discussed the Burns Pond project, which aims to improve accessibility and wildlife habitat on ODF&W-owned land.

Councilor Gahley discussed the Chamber's budget challenges, noting a \$60,000 decrease over the past 3-4 years despite unchanged expectations. It was proposed to have a work session to establish clear expectations and funding arrangements with the city. The council agreed to schedule it for a third Wednesday of the month but would let Tiffany and Jessica work the details out. The need was emphasized for a written agreement to ensure consistency regardless of leadership changes and highlighted the Chamber's efforts to generate revenue through new initiatives like merchandise and the Harney brand.

2. **Miller Springs Amendment** – City Manager Brenda Engebretson informed the council that this amendment was an extension for the Miller Springs water, sewer, and stormwater site improvements project, which would extend the completion date to June 30, 2027.

Councilor Smith made a motion to approve the Miller Springs extension and to have the mayor sign the amendment. Councilor Hoke seconded the motion. All Ayes (7/0)

3. **Property Entrance Discrepancy - Nick Planinz** – He had come to discuss a property access issue where he felt a drainage ditch installed by the High Desert Veterans Village had significantly reduced the width of the entrance to his property. He informed council that that the city had required flood water to be contained on his property, similar to how Dollar General had to contain water on their property, and by them not doing this, it had reduced the entrance to his property from 40 feet to 20 feet. He expressed frustration that his concerns had not been addressed despite his attempts to obtain city records and that he was being required to pay for the records in question.

It was determined the drainage ditch was on city right-of-way property, and that the area in question was not officially designated as a road but rather as plated land. The city has the right to use the 60-foot right-of-way for storm infrastructure, as it is conveying water through the area. The council informed Mr. Planinz that if he decided to develop his property in the future they would reassess any changes that may need to be made then. The discussion also touched on the cost and responsibility of making future improvements, such as installing a culvert for access and not being sure who would then be responsible for those costs at that time.

## **OLD BUSINESS**

There was no Old Business.

## **RESOLUTIONS/ORDINANCES**

There were no Ordinances or Resolutions.

## **ADDITIONAL INFORMATION**

A member of the public had some concerns about the Miller Springs Development's Infrastructure. There were concerns about its impact on the local water and sewer system, particularly in light of recent flooding. Councilor Smith emphasized that the development is privately owned but receives public funding and grant support for infrastructure. She clarified that the project is phased, with a goal of 120 homes in the first phase and a total of 300 homes over 20 years, which is intended to accommodate hospital employees and residents who have outgrown their current homes. There were also concerns about job availability for potential residents, with Councilor Hoke noting that the hospital has jobs that could support the income levels required for the new homes.

The meeting also covered several key updates and discussions. City Manager Brenda Engebretson reported on the Division 512 rulemaking process, emphasizing that cities are exempt and highlighting collaborative efforts with the County, Tribe, Hines, and Burns. She also provided updates on the water project, scheduled to go out to bid on December 18th, and the CCTV sewer system construction starting in late January. The committee reports included Chief Williamson's update on the Safety Committee's preparations for winter and the Christmas parade route, and City Clerk Tiffany Leffler's report on the Cemetery Committee's discussion of new trees, a bid awarded to Harney Lawn and Irrigation for cemetery sprinklers, and potential memorial trees for beautification.

Fire Chief Scott Williamson discussed several key updates for the airport, including the need to replace aging runway lights and a failing septic system. He reported that the airport's fuel sales have been profitable, with over \$40,000 in net profit since June, with Councilor Smith noting that lower fuel prices have attracted more air traffic. The Council was also informed that a new snowplow was being finalized and that a new fee schedule and rules for the airport will be presented to council members in January for approval.

Councilor Smith discussed R3's projects progress, including the installation of roads, plumbing, and fire hydrants, with her highlighting her excitement of seeing vertical structures and development signs. She mentioned that over 500 homes are in development across the state, contributing to the governor's housing goals, though funding remains uncertain due to legislative dynamics. There were also questions raised about street naming processes, prompting a discussion on how street names are approved.

Councilor Roy shared concerns about public safety at a busy intersection, suggesting the need for stop signs and better visibility. The council also discussed several traffic and safety concerns, including confusion about right-of-way rules at intersections and the need to address faded or non-reflective traffic signs. There was some question about the status of crosswalks on Main Street, learning that while all intersections are considered crosswalks, drivers should exercise caution when crossing at unmarked locations. The council also addressed the issue of storing wrecked vehicles in right-of-way, with Police Chief Robby Tiller noting that him and City Manager Brenda Engebretson would look into existing ordinances and consult attorneys to strengthen regulations.

### **NEXT STEPS**

1. City Clerk Tiffany Leffler and Chamber Director Jessica Hedges: Schedule and coordinate a work session (targeting January) to discuss the Chamber of Commerce transient lodging tax (TLT) agreement/expectations and clarify funding/roles; notify council of date.
2. Public Works Director Ty Richardson/City Staff: Continue coordination with Tribe and County regarding flood mitigation efforts; report updates at next Waterways Committee meeting (Dec 15, 2025, at 10:00 am).
3. City Staff: Research and clarify city ordinances/statutes regarding wrecked vehicles in rights-of-way or driveways, including restrictions and enforcement; report back to council.
4. City Staff: Review and potentially update/replace faded or non-reflective street signs; assess liability and budget/grant options for replacement.
5. City Staff: Review legal guidelines and process for approval of new street names in developments; clarify if city approval is required and report back to council.
6. Chief Williamson: Provide new airport fee schedule and rules/regulations to Tiffany for distribution to council; schedule vote for January 28th meeting.
7. City Staff: Continue to monitor and address the airport septic system issue, including exploring options for new tank or connection to BLM system, and seek funding as needed.
8. City Clerk Tiffany Leffler: Schedule and hold URA meeting on January 28 at 5:15pm to review new application.
9. City Staff: Continue to monitor and report on CCTV inspection of sewer mains (starting end of January) and prepare for subsequent discussion of needed repairs and rate study (expected in 2-3 months).
11. City Staff: Proceed with putting the water project out to bid by December 18th.
12. City Staff: Continue collaborative meetings with County, Hines, and Tribe on Division 512 rulemaking and water issues; report updates to council.

### **ADJOURN**

Mayor Erbe adjourned the meeting at 8:00 p.m.

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Tiffany Leffler, City Clerk

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Brad Erbe, Mayor



**TO:** City of Burns City Council

**FROM:** Catalyst Public Policy Advisors, LLC

**DATE:** January 8, 2026

**RE:** Business Oregon Loan Application for Industrial and Economic Zone (I/E Zone) Public Improvements Project – Cost Overage Financing

## **1 EXECUTIVE SUMMARY**

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The City Manager and Project Manager recommend the City of Burns apply for a low-interest loan from Business Oregon to cover unfunded cost overruns on the I/E Zone public improvements project. The project, administered by Burns through an Intergovernmental Agreement (IGA) with Harney County, is substantially complete. The original \$2.25 million grant award from Business Oregon (appropriated by the State Legislature) has been exceeded due to two primary factors: (1) unexpected excavation requirements necessitating rock drilling mobilization, and (2) higher-than-anticipated electrical service line extension costs from Oregon Trail Electric Cooperative (OTEC). This memo summarizes the funding status, project completion, and the proposed financing solution.

## **2 PROJECT OVERVIEW AND FUNDING STRUCTURE**

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### **2.1 ORIGINAL GRANT AWARD**

The City of Burns signed an Intergovernmental Agreement with Harney County to administer the Industrial and Economic Zone public improvements project. The project scope includes West B Street extension and associated water, sewer, broadband, and electrical utility service lines.

**Business Oregon Grant Amount:** \$2,250,000

**Funding Source:** Oregon Legislature (HB 3416 – appropriation of funds)

**Project Completion Deadline:** June 30, 2025 (subsequently extended)

## **3 CONTRACT AWARD AND PROJECT SCOPE**

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The City issued a Notice of Invitation to Bid on November 12, 2024, for the combined Miller Springs (Schedule A) and I/E Zone (Schedule B) public improvement project. Warrington Construction Corporation of Oregon was selected as the lowest responsive bidder.

**Notice of Award Date:** December 12, 2024

**Contractor:** Warrington Construction Corporation of Oregon

**Combined Project Contract Price:** \$6,734,886.00

The contract document and its attachments establish separate scopes for:

- **Schedule A:** Miller Springs Subdivision Phase 1
- **Schedule B:** Burns I/E Zone Public Improvements

The Miller Springs portion of the project was funded through grants to the City of Burns and by R3 Strategies, which absorbed any project overages; therefore, the City's overage obligation applies only to Schedule B (I/E Zone) work.

## **4 COST OVERRUNS AND CHANGE ORDERS**

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Two change orders were approved by the prior City Manager due to unanticipated project conditions and expenses:

### **4.1 CHANGE ORDER #1: \$802,958.50**

**Cause:** Unexpected excavation conditions requiring rock drilling mobilization

**Description:** During construction, contractors encountered unexpected subsurface conditions that necessitated specialized rock drilling equipment and services to properly excavate materials for the project scope.

**Status:** Approved; costs incurred

### **4.2 CHANGE ORDER #2: \$553,759.08**

**Cause:** Additional minor construction expenses

**Description:** Various unanticipated construction-related costs throughout the project.

**Status:** Approved; costs incurred

**Total Change Orders:** \$1,356,717.58

**Revised Total Contract Price:** \$8,091,603.58

## **5 ELECTRICAL SERVICE LINE EXTENSION COSTS**

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In addition to the construction contract overages, the project required higher-than-anticipated costs for electrical service line extensions from Oregon Trail Electric Cooperative (OTEC). The City executed two separate agreements with OTEC:

## **5.1 AGREEMENT 1: AUGUST 18, 2025**

**Purpose:** Initial electrical service line extension costs

**Amount:** \$675,144.39

**Status:** Executed; pending potential refund/credit for future application

## **5.2 AGREEMENT 2: NOVEMBER 13, 2025**

**Purpose:** Additional electrical infrastructure requirements

**Amount:** \$7,953.87

**Status:** Executed; costs incurred

**Note:** A portion of the OTEC charges under Agreement No. 1 may be refunded or credited to the City during the current fiscal year. Any such refund will reduce the net loan funds needed from Business Oregon.

# **6 PROJECT STATUS AND COMPLETION**

**Current Status:** Substantially complete

The I/E Zone public improvements project is substantially complete with construction work finished and contractor invoices processed through Pay Application #10 (December 2025).

**Remaining Activities:**

1. **Final Payment to Warrington Construction:** The final retainage payment to Warrington Construction Corporation is pending, representing the final 5% retention held per contract terms.
2. **Street Light Installation:** Electrical service connections and street light installation are scheduled for completion.

**Project Completion Details:**

- All major construction activities have been completed
- Water, sewer, broadband, and electrical infrastructure installed
- Street surfaces completed
- All pay applications processed and approved (through Pay App No. 10)
- Retainage Pay App (Pay App No. 11) Pending for final retainage
  - Warrington will issue a Consent of Surety to Reduction In or Partial Release of Retainage for the current retainage total of \$416,819.56. This consent of surety

document states the bonding company approves the release of retainage and it does not relieve the surety of any of its obligations as set forth in the Payment & Performance (P&P) bonds. The P&P bonds remain in place and when the change order work is completed (e.g. light pole installation). Warrington's insurance company will issue a Consent of Surety to Final Payment for the release of any remaining retainage and final payment.

## **7 FUNDING GAP ANALYSIS**

### **7.1 TOTAL PROJECT COSTS (SCHEDULE B)**

|                                   | <b>Original Award</b> | <b>C01</b>   | <b>C02</b>   | <b>Total Award</b> |
|-----------------------------------|-----------------------|--------------|--------------|--------------------|
| <b>I/E Zone +<br/>W. B Street</b> | \$2,621,941           | \$540,063.00 | \$328,967.79 | \$3,490,971.79     |

### **7.2 FUNDING AVAILABLE**

The County contribution (HB5006) was \$2,250,000 toward the project. R3 contributed an additional \$504,289.76 toward the W. B Street project, resulting in total grant funding of **\$2,754,289.76**.

### **7.3 FUNDING SHORTFALL**

**Estimated Loan Required: \$736,682**

This amount could potentially be reduced prior to award based on credits from OTEC but we will not know until their power installation is completed.

## **8 PROPOSED FINANCING SOLUTION**

### **8.1 BUSINESS OREGON LOAN PROGRAM**

The City of Burns has been invited to apply for a low-interest loan from Business Oregon to cover the project funding shortfall.

#### **Proposed Loan Terms:**

- **Loan Amount:** \$736,682
- **Est. Interest Rate:** 4.0% per annum
- **Amortization Period:** 20 years
- **Payment Schedule:** Annual equal payments of approx. **\$54,700**

### **Repayment Fund Distribution:**

To ensure equitable allocation of project costs across the benefiting utilities, annual loan payments may be split equally among three city funds:

- Water Fund: 33.33% (approx. \$18,233)
- Sewer Fund: 33.33% (approx. \$18,233)
- Street Fund: 33.34% (approx. \$18,233)

This allocation reflects the multi-utility nature of the project and ensures that costs are distributed proportionally among the three primary service lines extended (water, sanitary sewer, and storm drainage/street improvements).

Burns has additional options for repaying this loan, including **annexing the I/E Zone and West B Street improvements into the Urban Renewal Area (URA)**. The Burns URA could then capture the tax gains of new improvements to the property and use those tax increments as a source of repayment, lowering the amount of funding needed from the City's budget.

## **9 INTERGOVERNMENTAL AGREEMENT PROVISIONS**

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The IGA between the City of Burns and Harney County explicitly provides that:

- Burns acts as project administrator for Harney County
- The City of Burns is the responsible entity for any cost overruns beyond the Business Oregon grant amount
- The grant funds are provided on an expense reimbursement basis
- All project costs must be eligible and reasonable per Business Oregon's criteria

## **10 RECOMMENDATION**

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The staff recommend that the City Council:

1. **Authorize** the application for a Business Oregon loan in an amount sufficient to cover project overruns (pending final accounting of OTEC costs)
2. **Authorize** the City Manager to execute necessary loan documents and agreements with Business Oregon
3. **Approve** payment of the final retainage to Warrington Construction upon receipt of the loan funds, pending provision by Warrington of the Consent of Surety to Reduction In or Partial Release of Retainage for the current retainage total of \$416,819.56.

4. **Establish** a debt service account and budget mechanism in the FY26-27 budget process this spring to ensure annual loan payments are made from the Water, Sewer, and Street Funds as proposed beginning next fiscal year.
5. **Incorporate** the West B Street and I/E Zone improvements into the Burns URA.

## **11 CONCLUSION**

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The I/E Zone public improvements project substantially addresses critical infrastructure needs for the City of Burns. While unanticipated subsurface conditions and elevated utility costs have created a funding shortfall beyond the original \$2.25 million Business Oregon grant, the proposed low-interest financing allows the City to complete this essential project while spreading costs equitably across the benefiting utility systems over a reasonable 20-year repayment period.



## Burns Hilander Booster Club

The Burns Hilander Booster Club is looking for donations from businesses and individuals to help with our Crab Feed silent auction that is happening on January 30th at the Burns Elk Lodge. Doors open at 5:30, and dinner is served at 6:00. This fundraiser will be used to support all student-athlete programs within the Harney County School District. We appreciate any help your organization may be able to provide. We have attached all the information necessary for tax purposes. If you have questions, please contact us using the numbers below.

The Burns Hilander Booster Club thanks you for your support!

**Burns Hilander Booster Club**  
**PO Box 13**  
**Hines OR 97720**

  
\_\_\_\_\_  
Melinda Christensen  
Authorized Booster Club Official

\_\_\_\_\_  
12/1/2025  
Date

Sincerely,

Melinda Christensen  
President  
Burns Hilander Booster Club

**CONTACT - Diane Ross - Fundraising Chair**  
**(541) 280-1363**  
**dmr1363@gmail.com**

**DRAFT  
CITY OF BURNS  
ORDINANCE NO. 26-908**

**AN ORDINANCE OF CITY OF BURNS AMENDING CHAPTER 13 OF THE BURNS MUNICIPAL CODE CONCERNING SEWER AND WATER SERVICE RATES AND CHARGES.**

WHEREAS, the city of Burns ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, Burns Municipal Code (the "Code") Section 13.15.050 describes the process through which an applicant for water service must submit an application to the water department; and

WHEREAS, the Burns City Council (the "Council") finds it necessary and appropriate to amend Code Section 13.15.050 to, among other things, require the owner of a non-owner-occupied premises to be jointly and severally liable for all fees, charges, expenses, damages, and/or fines incurred by the applicant (tenant) for water service.

NOW, THEREFORE, the City of Burns ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. This Ordinance No. 26-908 (this "Ordinance") amends the Code to authorize City to (a) require the owner of a non-owner-occupied premises to submit (jointly) an application for water service along with the owner's tenant, and (b) provide that the owner of the non-owner-occupied premises will be jointly and severally liable for any fees, charges, expenses, losses, damages, and/or fines incurred by the tenant-applicant for water service.
3. Amendment No. 1. Code Section 13.15.050(1) is amended and restated to read in its entirety as follows:

"(1) Application. Each applicant for water service will complete and sign an application form provided by the city which will include the date of application, location of premises, whether the applicant has been served before, the date on which service is to begin, the purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address, the class and size of water service, and such other information as the city may require. In signing the application, an applicant agrees to abide by the rules and regulations of the city for use of its water system. An application constitutes a written request for service and does not bind the city to provide water services. When application is made for water service at a non-owner occupied premises, the owner of the non-owner occupied premises will sign the application and agree that the owner will, in the event of nonpayment or delinquency of any fee(s), charge(s), expenses, losses, damages, and/or fines incurred by the applicant for water service, be jointly and severally liable to the city for the full payment thereof, including any late and/or penalty fees. The owner's signature on the application will be deemed to constitute the owner's consent, including, without limitation, for purposes of ORS 91.255, to the city's transfer of a claim against the applicant to the owner in accordance with Code Section 13.15.110(8). The council may establish by resolution at any time and from time to time a process for collecting outstanding water charges, expenses, losses, damages, and/or fines from the responsible parties."
4. Amendment No. 2. A new Code Section 13.15.050(4) is added to Code Section 13.15.050 to read in its entirety as follows:

"(4) Refusal of Service. If an applicant, owner, and/or occupant has previously failed to pay duly imposed charges for city water or other services, the city may refuse water service to the subject premises until such time as the city is provided adequate financial security (in a form approved by the city manager) by the applicant, owner, and/or occupant that the delinquencies will be paid."
5. Amendment No. 3. A new Code Section 13.15.110(7)(g) is added to Code Section 13.15.110(7) to read in its entirety as follows:

"(g) Tenant Accounts. The owner of any non-owner occupied premises will immediately notify the city if the non-owner occupied premises (or any unit thereof) becomes vacant. Until the owner provides the vacancy notice required under the immediately preceding sentence, the owner will be required to pay for the water service made available and/or provided to the vacant non-owner occupied premises (or unit thereof). Prior to transferring a claim against an occupant/applicant to the owner of the premises, the city will provide notice of the delinquent status to the occupant/applicant and mail a copy of the notice of delinquency by first class mail to the last address of the owner or owner's agent that is on file with the city, within 30 days from the time the payment is due on the account. The transferred claim will be a lien against the premises served from the date the notice of delinquent status is mailed to the owner or owner's agent of the premises. The transfer does not relieve the tenant of the obligation to pay the claim."

6. Miscellaneous. This Ordinance is hereby made part of the Code. The provisions of the Code that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

APPROVED AND ADOPTED by the City Council of the City of Burns and signed by the mayor this \_\_\_\_ day of \_\_\_\_\_, 2026.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
Brad Erbe, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Leffler, City Clerk