

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM, May 11, 2009**

NOTE: Where stated “Motion Carried” is considered unanimous, unless otherwise stated.

ATTENDEES:

**Mayor, Les Paustian
Samarra Van Doorn
Judy Buschke
JoAnn Burluson
John Bowles
Cindi Doherty
Keith Lewis**

**Dave De Mayo, City Manager
Brian Harmon, Public Works Director
Sgt Randy Rayburn, Morrow County Sheriff’s Department
Judy Eckman, City Treasurer
Anne Spicer, City Attorney
Rusty Estes, Fire Chief
Chad Doherty, Public Works**

Members of the Public in Attendance

**David Sykes, Heppner Gazette
Susan Mecham
Becky Harmon
Nancy Gochnauer
Lennie Hanna**

1. GENERAL BUSINESS.

A. Call to Order. The May 11, 2009 meeting of the City of Heppner City Council was called to order at 7:00 PM by Mayor Paustian.

B. Pledge of Allegiance. Mayor Paustian led the Council members and attendees in the Pledge of Allegiance to the Flag.

C. Announcements – Agenda additions and deletions.

Mr. De Mayo identified the following additions to the agenda:

- 1) Celita Strouse – Request to use City Park on June 5, 2009, for a Graduation Party.

2) Approval of two members for the Planning Commission: Vi Wilger, replacing Larry Mills; Don Stroeber, replacing Kandy Boyd.

2. COMMUNICATINS FROM THE PUBLIC.

- A. Request for Animal Permit – Judy Peck, 585 Hager Street, two 4-H Sheep.
- B. Ken Collins, 233 Linden Way, 1 horse, 2 Emu, 20 Chickens, 6 Guinea hens.
- C. Heather Parni, 120 N. Chase, Apt 6, chickens and rooster.
- D. Sue Mecham, Law Enforcement Issues.

Discussion:

Animal Permits:

Mr. De Mayo pointed out that Ms. Parni was unable to attend the meeting and no action will be taken on her request until June.

Sgt Rayburn commented that he has no issues with Mr. Collins' request, except for the guinea hens. Sgt Rayburn lives in the area where they are located and stated that the guinea hens are a nuisance since they are noisy and are not confined. Mr. Collins has stated that he will be keeping them in a chicken coop. Council members agreed that they would be allowed as long as they are confined and do not cause a problem.

Action: Motion by Mrs. Buschke to approve the requests from Ms. Peck and Mr. Collins for animals with the stipulation that Mr. Collins keep the guinea hens confined. Seconded by Mrs. Burleson. Motion Carried.

3. CONSENT AGENDA.

- A. Minutes of City Council Meeting, April 13, 2009.
- B. Resolution No. 741-09, A Resolution Approving Accounts Payable for Payment.
- C. Monthly Financial Statement.

Discussion: Mr. De Mayo pointed out that the bill for \$2049. from Engineered Control Products, Inc. was for the sulphur dioxide and chlorine flow system at the sewer plant. The bill from Ferguson Surveying for \$7,278 will be reimbursed by ODOT per agreement. The bill from Morrow County Public Works in the amount of \$7,864 is for the labor on the Elder Street Bridge.

Action: Motion by Mrs. Burleson to accept the Consent Agenda, to include Resolution No. 731-09, A Resolution Approving Accounts Payable for Payment. Seconded by Mrs. Buschke. Motion Carried.

4. REPORTS.

- A. Fire Chief

Chief Estes reported the following for the month of April 2009

- 1 gas smell at the senior center
- 1 smoke alarm response to Assisted Living
- 1 haystack fire
- 1 rollover MVA – no injuries
- 1 secure landing zone for helicopter
- 17 Chief calls
- Annual CSEPP exercise on April 21, 2009, not one bad mark was reported

B. Morrow County Sheriff's Department

Sgt Rayburn reported the following:

They will be working extra hours to enforce the ODOT grant for traffic control in the construction zone. These will be reported as extra hours. Citations will only be issued in the construction zone. There have been no issues.

The seat belt blitz will be held 18-31 May. This will be reported as extra hours.

Sue Mecham is in attendance to discuss two law enforcement issues which concern entry without warrant and removal of a juvenile. According to City Attorney Spicer, it is her understanding that there was no arrest made of the juvenile. Ms. Mecham explained that the child was on probation in Multnomah County. Ms. Mecham alleges that Deputy Bowles entered her home without permission. According to Mrs. Spicer, the child was placed there by the State of Washington on an interstate contract. Paperwork was provided to the sheriff's office that authorized the pickup. No arrest was made and the sheriff's office personnel were there on a standby. This information was verified by the District Attorney and sheriff's office. Mrs. Spicer advised that any complaint should go to the Department of Justice or an appropriate authority. This does not involve the City. Mrs. Spicer advised that this complaint needs to be taken to the Oregon Department of Justice and the incident happened in June 2005.

Mrs. Buschke commented that Ms. Mecham had contacted her about the issue. Mrs. Buschke directed Ms. Mecham to the Police Commission where no action was taken. Mrs. Buschke would like proof of accountability. Mrs. Spicer has checked with the DA and sheriff's office. The DA did an investigation at the time and reported back to Ms. Mecham that there was no wrong doing. Mrs. Buschke had wanted to meet with the sheriff to get his side of the story. According to Ms. Mecham, she has massive amounts of evidence to back up her statement.

According to Mrs. Spicer, the City Council has no authority over the sheriff's department operations. The proper place for the complaint is to the Oregon Department of Justice. Mrs. Buschke asked Sgt Rayburn if a deputy can come to her house and enter her home without a warrant or arrest for probable cause. According to Sgt Rayburn and Mrs. Spicer, it depends on the circumstances. A foster care agency has the right to pick up a child and the sheriff's department has the right to enter the residence as a civil standby. Information is provided by the

foster care agency. The sheriff's department then ensures that they are within bounds. A pickup order is not an arrest. According to Ms. Mecham, the child was not a foster child but was on probation from Multnomah County. Details of removal from Multnomah County were provided to Ms. Mecham.

According to Mr. Paustian, this issue should be discussed further with the Department of Justice since the City Council has no authority over this. According to Deputy Bowles, proper procedures were followed in the removal of the child. Rather than argue over this issue, Mr. Paustian advised Ms. Mecham to contact the proper authorities to obtain any documentation that would be available on the incident.

Mrs. Buschke stated that she feels that the Council members should be able to get answers from the sheriff if requested. No further action by the Council is required.

C. Heppner Housing Authority.

Discussion: Mrs. Buschke reported that most of the work on the project is completed with the exception of cleanup work which was requested by Mrs. Andrews, architect. She has contacted W.C. Construction. An Open House will be held on Tuesday, May 26, 2009. Apartments can be viewed from 3:00 – 6:00 PM, with a complimentary spaghetti meal served at 6:00 PM. This is furnished by the Heppner Senior Center through a donation. John and Nancy Gochnauer will prepare the meal. This is free of charge. Following the dinner the Senior Center is sponsoring a bingo; the prize will be a two night/three day trip to Las Vegas.

W. C. has been advised of the dent on the awning and there is some touch-up painting required. There are no vacancies and six people on the waiting list. There is a maintenance person on site. The air conditioners have not been installed and Mr. Harmon stated that Public Works will assist with this if necessary.

D. Public Works.

Mr. Harmon reported that the Court Street Project is progressing very well. The contractor is easy to work with and doing a very good job. This is Mr. Harmon's first Public Works project as director. The contractor manpower will be reduced shortly since the utility installation should be completed by the end of next week. The new sewer main will be tv'd.

The telemetry system is still not working properly. The trouble-shooting has been expensive. Mr. Harmon and Mr. De Mayo are investigating ways to replace the Scada system. Mr. Harmon is looking into solutions for the hot weather demand.

Cleanup of the Public Works yard has begun.

E. City Managers Report.

Mr. De Mayo reported the following:

1) The Budget Committee is meeting on May 12. A Special Council Meeting will be required for approval of the budget.

2) A copy of a social gaming ordinance provided by Mrs. Doherty for Council review.

3) The Planning ordinance is being prepared for Council action. According to Mrs. Spicer, it should be ready for action at the June Council meeting.

4) Councilor's handbooks from the League of Oregon Cities have been provided to Council members.

5) A City County Insurance Trust Membership Participation Agreement included in the packets for signature. This pertains to insurance for the city and authorizes access to the City County Insurance official documents contained in their web site.

Action: Motion by Mrs. Burleson to authorize the City Manager to sign this agreement and authorizes the City Manager access to the web site. Seconded by Mrs. Doherty. Motion Carried.

6) A resolution is included in the packet which approves the pay limits for FY 2009/2010. Mr. De Mayo stated that the figures contained in the resolution may not be current. This resolution is a document that was initiated in the past and according to Mr. De Mayo is a formality. According to Ms. Eckman, this regulates the maximum for the base salary. However, the resolution is incorrect. The merit potential sets the maximum and there are still issues that need to be resolved. Mrs. Eckman stated that the salaries have to be approved and will be voted on by the budget committee. This will be discussed further before the budget committee. Action tabled indefinitely.

According to Mrs. Spicer, the budget committee sets a maximum figure for the salaries. Mr. Harmon asked if the budget includes a COLA and merit increases, if their evaluations include a merit increase. According to Mr. Paustian, this needs to be discussed with the budget committee.

Action: Motion by Mrs. Buschke to table pay range policies. Seconded by Ms. Van Doorn. Motion carried.

Mr. Paustian recommended that Ms. Eckman and Mr. De Mayo discuss the pay issues in depth before the budget meeting on May 12, 2009, at 7:00 PM. Mr. De Mayo added that when preparing the budget, he has estimated a higher amount to cover this.

5. PUBLIC HEARINGS.

A. Request from Celita Strouse to use the City Park on June 5, 2009, for a family BBQ. There will be two DJ's and live music. The park will be used from 2:00 – 7:00 PM. The noise is the main concern, but Council members did not feel this was a problem.

Action: Motion by Mrs. Doherty to allow the use of the City Park by Celita Strouse on June 5, 2009 from 2:00 – 7:00 PM for a family BBQ. Seconded by Mrs. Buschke. Motion Carried.

6. COUNCIL ACTION.

A. OLD BUSINESS.

1) Social Gambling Ordinance.

Discussion: Mrs. Doherty has provided a sample ordinance from the City of Umatilla. Mrs. Spicer stated that the State Police are making an issue of this and if the ordinance is not complete, there will be visits from the State Police. Mrs. Spicer's ordinance is drafted to comply with the state laws. Mrs. Doherty does not believe that background checks are necessary. The lottery already does these. According to Mrs. Gochnauer, the owner of the business is the person in authority and a background check has been done for the lottery in her establishment. A license is posted in her business.

According to Mrs. Spicer, dealing 21 or BlackJack is a violation of state law. Mrs. Spicer stated that her ordinance recommendations are in compliance with state laws. Without ordinances, there cannot be any social gaming other than in a private home. Statutory requirements are covered. There is a social game law that governs this. Any ordinances will be strictly enforced by the state police.

With reference to the Elks Club, the board has ruling over this. According to Mr. Paustian, the establishment would have to make these decisions.

Changes recommended in the previous Council meeting were repeated to Mrs. Spicer. Mrs. Spicer will re-write her ordinance with the recommended changes, including a non-refundable fee set by the City Council.

Mrs. Gochnauer asked if people already have been fingerprinted and background checks done by the lottery, would this be adequate? According to Mrs. Spicer, only new people would be required to do this. Council recommended that the statement "all fees can be determined by the Council." This ordinance could be acted on at the Special Council Meeting for the budget approval.

B. NEW BUSINESS.

3) Resolution No. 742-09, A Resolution Authorizing an Interfund Transfer to Address Unforeseen Expenditures to the Elder Street Bridge.

Discussion: Mr. De Mayo stated that this transfers funds to the Streets and Bridges Reserve Account to pay Morrow County for the labor on the Elder Street Bridge.

Action: Motion by Mrs. Van Doorn to approve Resolution No. 742-09, A Resolution Authorizing an Interfund Transfer to Address Unforeseen Expenditures to the Elder Street Bridge. Seconded by Mrs. Doherty. Motion Carried.

7. MINUTES OF COMMISSION MEETINGS (furnished for information only).

8. REPORT FROM THE CITY ATTORNEY.

9. REPORT FROM MAYOR/CITY COUNCILORS.

Mr. Paustian reported that work is started on the Secure Residential Treatment Facility. According to Mr. Harmon, temporary services will be installed in the next four weeks. Permanent service will be in place in six months.

10. ADJOURNMENT. Meeting adjourned at 8:40 PM.