

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM, November 9, 2009**

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

ATTENDEES:

Mayor, Les Paustian
City Manager, David De Mayo
Judy Buschke
Cindi Doherty
Keith Lewis
Joann Burleson (Arrived at 7:07 PM)
John Bowles
Samarra Van Doorn

Sgt Randy Rayburn, MCSD
Fire Chief, Rusty Estes
Anne Spicer, City Attorney
Brian Harmon, Public Works

Members of the Public: David Sykes, Heppner Gazette
Maureen Anderson, US Census Bureau
Ryan Miller, Miller & Sons Disposal
Sharon Miller
Joe Miller

1. GENERAL BUSINESS.

A. Call to Order. The November 9, 2009 meeting of the City of Heppner City Council was called to order at 7:00 PM by Mayor Les 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 announced that the contract with Anderson & Perry has not been reviewed and discussion/action will take place at the December 2009 Council meeting.

D. Correspondence.

1) Letter, Morrow County Court, October 29, 2009, subject: Needs & Issues Awards 2009-2010. Mr. De Mayo reported that the County Court met and approved the funds at their October 28, 2009 meeting.

E. Public Comment. None.

2. COMMUNICATIONS FROM THE PUBLIC.

A. Presentation – Miller & Sons Disposal Service, Cardboard Recycling for Heppner.

Ryan Miller, Miller & Sons Disposal Service, announced that Miller & Sons had started the cardboard recycling as suggested by DEQ. County-wide, Miller & Sons, Hermiston Sanitation, and Morrow County are required to report how many pounds/tons of material are recycled. Morrow County has a goal which increases every year. The County had requested that Miller's help with the recycling in order to increase their numbers. If Miller's drops the recycling, it will not hurt the numbers as far as the state is concerned. Mr. Miller met with DEQ and they asked "why are you doing it this long?" Mr. Miller stated that he cannot continue to absorb the loss. The franchise agreement does not require recycling, and he has been doing this as a courtesy to the citizens. Trips to either Portland or Hermiston have not been profitable. The biggest problem is that Miller's baler makes 4-foot bales and 5-foot bales are required. There is not enough volume to make this productive.

Mr. Miller stated that he would still perform this service for Family Foods since they have their own baler. When Miller's discontinues the recycling, the cardboard from citizens will convert back to garbage which will be an added expense for some customers, i.e., Murray's Drug, and the mini-mart. Mr. Miller stated that Hermiston and Pendleton have cardboard recycling.

Mayor Paustian asked if there is going to be a period of time to let the public know that cardboard recycling is being discontinued so that there will not be an accumulation of cardboard at the recycling area. Mr. Miller plans to send a letter to the public to advise people that the service will be discontinued. Mr. Paustian asked if a burner could be used and Mr. Miller stated that this is not allowed by DEQ. The City has installed a sign at the recycle point to request people flatten their cardboard which made a difference.

Mr. Paustian asked if there have been any other complaints on the garbage service. According to Mr. Miller, people have been cooperative about bringing their garbage containers to the curb.

B. US Census Bureau Presentation – Census Jobs, Maureen Anderson.

Ms. Anderson is a Field Operations Supervisor and Recruiter for the 2010 Census. Over the course of the past year, they have been doing work in the community. She is striving to recruit individuals in South Morrow County to assist with the census. An accurate census is important in order to receive funding allocations and is also related to redistricting which is a huge issue at this time. There is a possibility that the census bureau will not be counting illegals which will significantly affect Eastern Oregon.

The census bureau prefers hiring local people to work in the area since they are familiar with the rural areas. These are part time jobs. She is looking to recruit 12-18 people in South Morrow County. Census forms can no longer be distributed by PO Box. Personal distribution of the forms allows the worker to get acquainted with individuals. There is now a standardized form which only requires 3-4 answers. Legally, everyone is required to participate in the census. The population count is the crucial thing. Ms. Anderson covers every area on the East side of the Cascade Mountains.

Pay starts at \$12.00 per hour and \$.55 per mile for mileage. The next phase of operations starts in January. A basic skills test is required and will be given on November 19 and December 7. Two tests will be given on each day, one at 9:00 AM and one at 1:00 PM, at the OSU Extension Office. The test covers basic math and clerical skills. A background test is also required. Each operation lasts between 5 and 10 weeks. They would like to hire 12 people from this area. Rural areas tend to take longer. Workers are paid weekly and start in January, and go through September. There are some break periods during this time. Most people bring home around \$600-700 per week. For additional information, Ms. Anderson can be reached at 1-866-861-2010. Mr. Paustian recommended that Mr. Sykes publish an article in the Gazette Times regarding this.

3. CONSENT AGENDA.

- A. Minutes of City Council Meeting, October 12, 2009.
- B. Resolution No. 761-09, A Resolution Approving Accounts Payable for Payment
- C. Monthly Financial Statement

Discussion: Mrs. Buschke identified one change, Page 3, under the Housing Authority Report, para 3, to read "Mrs. Buschke received the payment from Cascade Management and delivered it to the Bank of Eastern Oregon."

ACTION:

Motion by Mrs. Burleson to approve the Consent Agenda, to include the October 12, 2009 minutes as corrected, Resolution No. 761-09, A Resolution Approving Accounts Payable for Payment, and the Monthly Financial Statement. Seconded by Mr. Bowles. Motion Carried.

4. REPORTS.

- A. Fire Chief.

Chief Estes reported the following actions for October:

- 3 MVAs
- 1 Secure Landing Zone
- 1 Large Wildland Fire w/mutual aid from Ione and Lexington, and ODF
- 43 Chief Calls

B. Morrow County Sheriff's Department

Sgt Rayburn discussed the fact that the report included in this month's packet was not the normal monthly report and this will be corrected for future reports.

Crime has been reduced at the Mt. View Apartments due to extra patrols.

Deputy Wilson has been successful in trapping 12 feral cats.

Mrs. Burleson reported that she has noticed that during the last two weeks, there has been a lot of evening traffic at the Little League Park near Hager Street. She suspects drug traffic which occurs mainly on Fridays, Wednesdays, and weekends. Sgt Rayburn encouraged Mrs. Burleson to keep track of dates and times and possibly identify the vehicles. Mrs. Burleson volunteered to monitor this closely and call Deputy Bowles to report. Deputy Bowles stated that he has been patrolling this area frequently when he is on duty in Heppner.

C. Housing Authority.

Mrs. Buschke reported the following:

The remodel project has not been closed out to date.

New blinds have been installed. These were purchased with tippage fees.

There are two vacancies. Two people have applied for the vacancies and should be moving in as soon as paperwork is complete.

D. Public Works

Mr. Harmon reported that work in October has been primarily finalizing construction work for the season.

The Court Street Project should be completed by the end of the month. There are two driveways that need to be redone to meet ADA requirements. ODOT will take care of this since it was a design flaw. Mr. Harmon reported that everything has gone smoothly to get the project completed. ODOT has been impressed with the cooperation from the City and Knife River on the project.

Mr. Harmon has also worked with the ODOT engineer to discuss the Barratt Blvd. project

Public Works will be working on the City yard to get it cleaned up. Mr. Bowles asked about disposal of leaves. According to Mr. Harmon, the City has been taking leaves to the old community garden area. According to Mr. De Mayo, the master gardeners would like to work on the community garden area to get rid of the morning glories. Mr. Harmon stated that people can bring their leaves to the site until it becomes a problem. They can also burn the leaves or take them to the dump site.

Mr. Harmon reported that work is being done on removing trees at the City Park and a 4-foot fence will be installed in the future. Additionally, plans are to plant willow trees in the area.

E. City Managers Report.

Mr. De Mayo reported the following:

1) Erika Lasiter, Umatilla ESD has contacted Mr. De Mayo and quoted a price for setting up a City Web Site. The site will be tied to the Chamber's site and Willow Creek Valley Economic Development Group. The price for initial set-up includes installation, configuration, template design and administrative training, removing the existing content, and a yearly web hosting fee and a \$10.00 donation fee. This year would cost \$1370 and thereafter there would be \$370 each year. If there is not time to update the web site once it is activated, ESD will do it for us.

2) With regard to deferred compensation, this will be discussed later in the meeting.

3) The auditors will be here in December.

4) With regard to the City Code, solid waste management in Chapter 4, refers to the garbage franchise which has been replaced by ordinance 563-08. Mr. De Mayo stated that he found it interesting in the police regulation that it is illegal to discharge bean shooters and sling shots in the City limits.

Mr. De Mayo also noted that the dangerous animal licenses portion states that a snake over 6 feet long is considered dangerous even if it is non-poisonous.

5) A copy of Pendleton's cat ordinance is included in the packet.

6) The restroom and tipage fees will be addressed later in the meeting. The City received \$18,500 from the County Court for the restroom. Mr. De Mayo has discussed this with the Bank of Eastern Oregon and they have agreed to honor their previous \$5,000 commitment. This will leave about \$2,500 which Mr. De Mayo believes can be covered by the City. He has talked with CXT, the contractor for the restroom, and a representative will be here in December to discuss details, i.e., the layout for utilities and other items that need to be in place before the restroom can be delivered, which is planned for early spring. Mr. De Mayo has also discussed this with Mr. Lemmon, Little League. This is a joint partnership between the City and Little League.

Mrs. Burleson asked if there were funds coming from other organizations. According to Mr. De Mayo, there were some commitments in the past. Mr. De Mayo will investigate to determine if these are still valid.

Mr. De Mayo and Mr. Paustian had attended a League of Oregon Cities meeting in Pilot Rock recently. There were National Guard representatives in attendance and they indicated that they are looking for projects. Mr. De Mayo thought that the picnic shelter would be a good future project for them. The City would furnish the materials.

7) Mr. De Mayo has furnished a draft City Manager's Evaluation form for Council review. Mr. De Mayo has organized the evaluation to reflect his responsibilities. Mr. De Mayo's evaluation is due in December. Mr. Paustian stated that every position should have an evaluation form that reflects their specific duties.

The Personnel Committee minutes are included which reflects discussions and items that will be presented to the Council when they are finalized.

5. PUBLIC HEARINGS

A. Resolution Authorizing the Transfer of Funds to Enable the City to Make a Payment on 12/01/09 to the Oregon Business Development Department (OBDD) for the Water Improvement Project (S03008) Supplemental Budget.

Public Hearing Opened at 7:57 PM.

Discussion: Mr. De Mayo stated that the resolution was revised to correct several errors. No other comments.

Public Hearing Closed at 7:59 PM.

6. COUNCIL ACTION

A. OLD BUSINESS.

(1) Employee 457 Plan. Mr. De Mayo explained that a 457 plan is the equivalent of a 401K Plan for public employees. It is an investment program, except that it is a pre-tax program. Two companies have approached the City: Nationwide Investors and First Investors. Mr. De Mayo has talked with both agents to compare the two programs. In both cases, a contract is required. First Investors would have an initial fee for a set up and periodically would have to be updated; Nationwide does not charge this fee. The other difference is that First Investors looks at the whole picture right away; they look at things like an emergency fund, and also works to match a financial plan to fit the individual. Nationwide does not do this initially until a person has participated in the program and has saved an amount to show discipline for savings. Mr. De Mayo personally feels that the First Investors plan fits the employees' needs. Both plans have been reviewed with the employees. Mr. Paustian feels that the employees should make the decision. Ms. Van Doorn inquired as to who sets the threshold and according to Mr. De Mayo, this is set by company policy. According to Mr. De Mayo, the Council needs to be involved in the decision due to the initial funding which would be paid by the City.

Council members felt that the Council should act on this after the employees make a decision. Mr. De Mayo will poll the employees and report at the next Council meeting.

(2) Anderson & Perry Contract. No action—will be discussed in December.

B. NEW BUSINESS.

(1) Approve Resolution No. 762-09, A Resolution Authorizing the Transfer of Funds to Enable the City to Make a Payment on 12/01/09 to the Oregon Business Development Department (OBDD) for the Water Improvement Project (S03008) Supplemental Budget.

Discussion: Mr. De Mayo explained that before the fiscal year began, it was decided that the beginning fund balance would be used to pay off the sewer loan. Part of the package was that the City would also transfer funds from several lines in the budget and use these funds to pay the first payment on the water project loan that is due on December 1, 2009. This transfers those funds from different funding lines in order to make the commitment to pay OBDD. Mr. De Mayo admitted that he had made some errors in the Supplemental Budget which the City Treasurer discovered and these have been corrected. There is a transfer under expenditures on the sewer loan of \$53,310 which is not a new expenditure, but shifts funds from the beginning fund balance into that line item to cover funds already spent to pay off the loan. This is not a new expenditure but was planned for in the budgeting process. Mrs. Buschke asked if the figures are different than what was advertised can this be approved? According to Mr. De Mayo, he has spoken to the auditor and it can be approved since it was a clerical error.

Action: Motion by Mrs. Burleson to accept Resolution No. 762-09, A Resolution Authorizing the Transfer of Funds to Enable the City to Make a Payment on 12/01/09 to the Oregon Business Development Department (OBDD) for the Water Improvement Project (S03008) Supplemental Budget. Seconded by Mrs. Buschke. Motion Carried.

(2) Web Page Discussion (City of Heppner Web page support)

Discussion: Mr. Paustian stated that the City of Heppner has never had a web page. Council members agreed that one is needed. Mr. De Mayo reported that this would cost \$1,370 for this year and then \$370.00 per year thereafter. Mr. Paustian stated that the Chamber also uses this. Mr. De Mayo volunteered to have a presentation given to the Council if they would like one.

Action: Motion by Mrs. Burleson to allow the City Manager to pursue the web page for the City of Heppner as soon as possible. Seconded by Mr. Lewis. Motion Carried.

(3) Application for Water/Sewer Service.

Discussion: Mr. De Mayo explained that this is a policy issue. Identification of the customer is needed as well as the landlord if the service is for a rental property so that the landlord can be notified if a tenant falls behind on his utility bill. This will allow the City to notify the landlord as soon as a tenant falls behind on payments. Mr. De Mayo would require the landlord to acknowledge that they are or are not responsible for the utility payments. Council members agreed to allow this form to be used. Mrs. Spicer commented that if utility payments are delinquent, the landlord would ultimately be responsible for payment. Mr. Lewis stated that he feels that the deposit should be used to pay the past due amount. Mr. Paustian commented that the billing clerk will be able to follow up on this monthly.

Mr. Harmon commented that the reason the landlord issue came up, is that the landlord died recently, and the tenant was not paying the water bill. This will clarify the process. Mr. Lewis was in favor of shutting the water off and use the deposit, and that the bills should not be allowed to accumulate over the amount of the deposit. Mrs. Spicer recommended that the landlord sign the application form.

8. REPORT FROM CITY ATTORNEY.

Mrs. Spicer reported that the drain pipe easement for Community Bank has been received and can be recorded.

9. REPORT FROM MAYOR/CITY COUNCILORS.

Mrs. Burleson asked about the property at 160 Court Street. She asked what was being pumped out of the house. This property is in foreclosure. The water in question is being pumped by the property owner next door from his own service to take care of his mules and is not from 160 Court Street.

10. ADJOURNMENT Meeting adjourned at 8:25 PM.