

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM, April 12, 2010**

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

ATTENDEES:

**Mayor, Les Paustian
City Manager, David De Mayo
Keith Lewis
Joann Burleson
Cindi Doherty
John Bowles
Judy Buschke
Cody High**

**Brian Harmon, Public Works Director
Fire Chief, Rusty Estes
Anne Spicer, City Attorney**

**Members of the Public: David Sykes, Heppner Gazette
Tom Cutsforth, Candidate for District Attorney**

1. GENERAL BUSINESS.

A. Call to Order. The April 12, 2010 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 other attendees in the Pledge of Allegiance to the Flag.

Mayor Paustian administered the Oath of Office to Mr. Cody High, new Council member, Position #3, to replace Ms. Van Doorn who has resigned.

C. Announcements. None.

D. Correspondence.

1) Letter, March 5, 2010, Duane Nagel, Request to keep two dwarf goats at residence, 775 NW Shobe Street.

Discussion: Mr. De Mayo reported that he has talked to the neighboring property owners and one owner had concerns that goats eat everything in sight and there may be an odor issue. Council members discussed this, Fire Chief Estes stated that his neighbors have goats and he has

not noted a problem. Mr. Paustian remarked that if there were any issues in the future, the permit could be cancelled.

Action: Motion by Mr. Lewis to approve the goats; if there is a problem in the future, the permit will be resolved or cancelled. Seconded by Mrs. Burleson. Motion Carried.

Mrs. Doherty suggested publishing an item in the newsletter or newspaper since there are some permits that need to be renewed. Permits on file will be reviewed.

2) E-mail, March 29, 2010, Oregon Government Ethics Commission, conflict of interest iLearn training module.

Discussion: Mr. De Mayo reported that this item is for information only.

3) Alita Nelson, Requests for 4-H Animal Permits.

Discussion: These are requests for permits for 4-H animals to be exhibited at the fair.

Action: Motion by Mrs. Doherty to approve the requests from Fowler, Gray, and Murray, subject to no receipt of complaints. 4-H Leader, Alita Nelson. Seconded by Mr. Bowles. Motion Carried.

4) E-Mail, April 2, 2010, Small Cities Region 7, Subject: Survey Results—Services offered by Cities with a Population Under 5,000.

Mr. De Mayo explained that this information compares data received regarding services offered by small cities. It is furnished for information. Mrs. Doherty commented that Heppner has a higher permanent tax rate than most other cities on the survey.

2. COMMUNICATIONS FROM THE PUBLIC. None.

3. CONSENT AGENDA.

A. Minutes of City Council Meeting, March 8, 2010.

B. Monthly Financial Statement.

ACTION:

Motion by Mrs. Buschke to approve the consent agenda. Seconded by Mrs. Burleson. Motion Carried.

4. REPORTS.

A. Fire Chief.

Chief Estes reported that he will be back on duty full time as of April 19, 2010.

The following were reported for March:

No Chief Calls

1 Rescue

1 Secure Landing Zone

1 MVA

B. Morrow County Sheriff's Department.

Mr. Paustian explained that Mr. (Deputy) Bowles has been directed to give the Sheriff's Department report as well as attend the Council meetings as a councilor.

Mr. Bowles reported that hours were at an increased level in March due to St. Patrick's. There were seven traffic citations and 16 verbal warnings issued in March, three DUIs, one hit and run with property damage; along with this case, a person issued a false report and was arrested. There were several criminal mischief incidents; some flags were taken from a resident's yard, some notes were taped to a door, concrete damage, and one house was egged. The code enforcement issues have been followed up on with progress being made. One issue by the creek has been taken care of. Mrs. Doherty commented that Sgt Pratt had reported a property condition on Water Street (Futter property). Mr. Bowles will investigate.

There were nine animal complaints during the month; nine dogs were taken to Pet Rescue. Two citations were issued.

There was one call for loud music which was corrected.

There have been reports of thefts over the last month regarding fraudulent use of a credit card. This case was investigated by Deputy Bowles; this case went back to India and no action can be taken since it is out of the country. This is a reoccurring problem county-wide.

A rifle was stolen from a pickup—this is being investigated.

One person was arrested for unlawful possession of a fire arm.

Eleven MIP citations were issued.

A possible burglary of a residence was investigated—this was unfounded.

Property was found at the Post Office and returned.

A possible child abuse was investigated and determined to be unfounded.

Mr. Paustian commented that this was a very informative report.

C. Heppner Housing Authority.

Mrs. Buschke reported the following:

A fire drill was successfully conducted by the fire department on the evening of April 9, 2010.

There are three, possibly four vacancies. Mrs. Collins is in a rehab facility in The Dalles, but is maintaining her residence for the time being. Two people have applied for residency and these are being worked on. There is no waiting list.

There have been some rule changes which may make it easier to rent the apartments. The income restrictions have been lessened and there are three different levels of income. They were hoping to get the two tenants that were previously disapproved due to their income level, but they are still not eligible.

During the recent windstorm, the dumpster blew across the parking lot and ran into Mrs. Collins' vehicle. The insurance will not cover this—they determined it was an act of God. Miller's has secured the dumpster with cement barriers to prevent future accidents of this type.

D. Public Works.

Mr. Harmon reported that the meeting with Anderson/Perry went well. They have made some recommendations on how to move water from the trickling filter. The plant is working well and they are nowhere near capacity. Everything that was done prior to the facilities plan helped. This facilities plan should go smoothly. The pump in the wet well area is lower than they would like; raising it would change the cycle times. Mr. Paustian wondered if it would be feasible to install a rheostat drive on this. According to Mr. Harmon, it is feasible, but may not be cost effective.

Mr. Harmon furnished a chart showing the breakdown of time spent by employees. Other departments include office work, building maintenance, and shop work. Mr. Harmon commented that Mr. Doyle spends quite a few hours in the shop which saves City funds since Mr. Doyle is very capable of doing some of the work, except electrical, that was previously contracted out. Mr. Doherty's hours include meetings and training.

E. City Manager's Report. Mr. De Mayo reported the following in addition to those listed in his report.

- Animal Permits. Mr. De Mayo clarified the Animal Permit requirements as stated in the City Code. The Council can set the time limit on the permits. Mrs. Spicer suggested preparing a resolution clarifying this, stating that from hereon out, all permits would expire in one year, unless specifically otherwise stated by the Council. A list of permits on file will be compiled for the Council.
- Kirk Street Alley. Mr. De Mayo explained that a survey was done by Mr. Coppock, and lot line errors were discovered which cut off the alley way access. The landowner has stated that he is willing to work with the City to solve this problem, possibly selling the

subject area to the City. Mr. De Mayo is requesting Council permission to pursue a solution to correct this. Mr. Lewis asked if closing off the alley would affect fire vehicles. Mr. Estes agreed to check on this.

- Assistant PW Supervisor/Director. Chad Doherty has been appointed to the position on a probationary status for one year.
- Utility Billing Clerk. Six people were interviewed on April 8. One individual was selected and will be brought on board after satisfactory physical and law enforcement requirements have been met.
- The Indian display should arrive on Tuesday, April 13. It will be available for viewing in City Hall. The theme is "Oregon is Indian Country." Mr. De Mayo has informed the schools of the display, but has had little success in getting a response. The display will be available for one month. This is being held by the Oregon Historical Society.
- Mr. De Mayo would like the Council's permission to contact local contractors regarding renovating the upstairs of City Hall. He suggested having the contractors renovate the area for either office or residential space at their expense and collect rents for a period of time to recoup the costs. The space is vacant and office space is needed in Heppner.

Action: Motion by Mrs. Buschke to authorize Mr. De Mayo to write a letter to the local contractors to see about the development of the upstairs of City Hall. Seconded by Mrs. Doherty. Motion Carried.

- Mr. De Mayo also proposed advertising in the Oregonian with regard to the advantages of Heppner. Mr. Paustian stated that Willow Creek Valley Economic Development has been working on this, but he feels Heppner needs to be published throughout the state. He stated that there are lots of homes for sale in Heppner, but very few rentals. According to Mr. Sykes, lower priced homes are selling, but there is very little demand for houses \$90,000 and above.
- Mr. De Mayo discussed the abandoned water line to Reservoir #4. The land owners in the area would like to vacate the easement. Mr. De Mayo would like the Public Works Director to make a recommendation to the Council. The line has been cut on Rock Street. According to Mr. Harmon, some of the pipe is original. Mr. Paustian has concerns about the old pipe blowing and property damage. Mr. Harmon will make a recommendation at the next Council meeting.

5. PUBLIC HEARINGS. None.

6. COUNCIL ACTION.

A. OLD BUSINESS.

- 1) Lease for property adjacent to Well #5, Roger Chastain.

Discussion.

Mr. De Mayo reported that the property is comprised of five acres. Mr. Paustian had concerns about dust in the area. According to Mr. Harmon, there were no problems with dust at the previous location where Mr. Chastain had his animals. Mrs. Spicer stated that a dust control clause should be included in the lease. According to Mr. De Mayo, Mr. Chastain would like to make a deal on the water in the future. Liability insurance needs to be checked; \$300,000 is the standard for homeowners insurance. The Chastains were involved in an accident last month and have medical problems as a result. Action on the lease is tabled until the next Council meeting in May.

2) Tom Cutsforth, Candidate for District Attorney.

Mr. Cutsforth informed the Council that he was raised near Lexington and has owned a farm since 1971. He is a graduate of Heppner High School. His history is detailed in his biography included in the Council packets. His experience includes military duty in both Viet Nam and the first Gulf War, and he has served in the Marines and Navy. He spent ten years on active duty plus reserve time. His law school education was acquired at Willamette University and the University of Oregon.

Mr. Cutsforth's legal experience of 18 years includes serving as a prosecutor in Lane, Union, Hood River, Morrow, Gilliam, Baker, Grant, and Wasco Counties.

Council Questions:

Mr. Paustian asked Mr. Cutsforth about his stand on prosecuting sex and drug offenders. He is against violence. According to Mr. Cutsforth, you have to handle these cases with compassion, ensuring the victims are safe and also understand that in some cases, the victims may recant. It is the job of the government to protect the citizens. With regard to drugs, he is not soft on drugs, to include marijuana. The previous DA focused on rehabbing users. Mr. Cutsforth himself cannot change the permissive use of drugs in society. Dealing with drug users is very hard to enforce. He can prosecute the traffickers, but until you get rid of the users, there will always be traffic. This is a nationwide problem.

Mr. Bowles asked Mr. Cutsforth for his opinion on the State of Oregon domestic violence and drug abuse program that was in force—can this be reinstated? According to Mr. Cutsforth, he will work on this.

B. NEW BUSINESS.

1) Appointment of Councilor to fill vacant position #3, Oath of Office. Covered earlier in the meeting.

2) Resolution No. 769-10, A Resolution Establishing the Pay Range Policy for Employee Compensation for FY 2010-2011 (Certification Pay is not included.)

Discussion:

Mr. De Mayo explained that this does not represent what a person is actually paid, but what they could potentially be paid. A compensation plan is required by the City Charter. According to Mrs. Spicer, Mrs. Doherty, Chad Doherty's mother, does not need to abstain from acting on this since it is a general not specific resolution. According to Mr. De Mayo, the current plan was developed by a previous City Manager and rewriting it would require an intensive amount of work. Mr. Harmon stated that his employees in Public Works have not looked at this for this year.

Mrs. Buschke commented that the resolution is very confusing. This was discussed last year, also. According to Mr. De Mayo this needs to be changed, but Section 29 of the Charter requires a compensation plan. It has to take into account a Cost of Living, if any, plus merit potential. Mr. Lewis wondered what it would take to overhaul the plan. Mr. De Mayo has been working on this, but to re-do the whole system would take a whole year's worth of work. Mrs. Doherty does not think the system is complicated and she understands it

According to Mr. Paustian, the base salary is the starting salary and can be a variable from the base to the top figure at the discretion between the supervisor and the City Manager. According to Mr. De Mayo this is the way it was set up by a previous City Manager. He doesn't particularly like the set up because it is subjective rather than objective. Mr. Bowles asked if this formula does not work, can it be changed?

Mr. Lewis would like it spelled out as to when a pay raise is due and what a person is eligible for. According to Mr. De Mayo, at this time it is not a tiered system; none of this is spelled out in the personnel manual. Mr. De Mayo has been doing his best on this. Mrs. Spicer suggested a special committee to work on this. Mr. Paustian suggested acquiring guidelines from other towns on their systems for future.

According to Mr. De Mayo, the employees have lost ground due to changes in time off, merit raises, and percentages. Mrs. Doherty thinks that employees are over-paid compared to other cities. Every year this happens, but we don't want to keep going backwards.

Mr. Paustian stated that we need to get an honest comparison as to where we are and where we need to go. In the meantime, we need to tell employees that it is being considered.

According to Mr. De Mayo, if the Council intends to maintain the status quo, this would continue for the next year. According to Mrs. Spicer, they would continue the same as last year. This year there is no Cost of Living increase.

ACTION: Motion by Mr. Bowles to approve Resolution No. 769-10, A Resolution Establishing the Pay Range Policy for Employee Compensation for FY 2010-2011 (Certification Pay is not Included.) Seconded by Mr. High. Motion Carried.

Additional Comment. Mr. Paustian feels this should be resolved among the City Manager, the Employees, and the Personnel Committee. Mrs. Spicer recommends including this issue in the July 2010 Council agenda.

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

8. REPORT FROM THE CITY ATTORNEY. None.

9. REPORT FROM MAYOR/CITY COUNCILORS.

Mrs. Doherty questioned the census—what will happen if the census is not completed for Heppner. According to Mrs. Buschke, forms are available at the Senior Center.

10. ADJOURNMENT. Meeting adjourned at