

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING  
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON  
7:00 PM, October 11, 2010**

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

**ATTENDEES:**

**Mayor, Les Paustian  
City Manager, David De Mayo  
Keith Lewis  
Cody High  
John Bowles  
Cindi Doherty  
Ann Spicer, City Attorney**

**Brian Harmon, Public Works Director  
Fire Chief, Rusty Estes**

**Absent: Judy Buschke, Jo Ann Burleson, Randy Rayburn, MCSO**

**Members of the Public: David Sykes, Heppner Gazette  
Don Stroeber  
Nancy Gochnauer  
Beverly Howe  
Richard Jones  
Sharon Jones  
Sibbea Browning  
Liz Pettibone  
Hannah Jones  
Robert Hieldbrandt  
Jerry Gentry  
Floyd White  
Larry Mills**

**1. GENERAL BUSINESS.**

A. Call to Order.

The October 11, 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 attendees in the Pledge of Allegiance to the Flag.

C. Announcements – Agenda additions and deletions

D. Correspondence

Letter, September 27, 2010, Jerry Hollomon. Subject: 120 N. Chase Street Apartments.

E-Mail, October 7, 2010, John Edmundson, Subject: Horse Manure.  
Discussion: Mr. De Mayo read the E-mail from Mr. Edmundson concerning horse manure. Mr. Edmundson has requested that this correspondence (attached) be included in the official Council minutes.

In response to Mr. Paustian's request for comments regarding this issue, the following is provided:

1. Liz Pettibone: Mrs. Pettibone, commented that horse manure is natural material and dissolves in a short period of time. She commented the horse manure is much less unsightly than some of the residential properties in Heppner. Mrs. Pettibone stated that riding horses in Heppner provides activities for young people in Heppner who ride their horses to the rodeo arena. She agrees that riding horses on Main Street is not necessary as well as unsafe. She stated that riding horses is a wholesome activity for the youth of the community.

Mrs. Browning commented that the youth in her family do not ride their horses near Mr. Edmundson's residence and do not ride their horses on sidewalks or run through town, and this is a positive activity for the youth of Heppner. She is quite upset over the negative comments and has received positive comments on her Facebook page.

Mrs. Doherty stated that Mr. Edmundson's comments do not reflect the opinion of the whole community. No one has made the statement that horses cannot be ridden in Heppner.

Mr. Gentry stated that he is in attendance to support Heppner's rural way of life and feels that it is "neat" to come to town and see kids riding their horses.

Mrs. Gochnauer asked if this issue is about horse manure, would cat and sheep manure also come up in the future?

Mrs. Browning furnished comments from her Facebook account on the issue under discussion.

Mr. High stated that he had discussed this with Mr. Edmundson. Mr. Edmundson did not want to make an issue of the problem, but did feel that it detracts from the appearance of the town when visitors come through.

Mr. Paustian asked Mrs. Pettibone if she had read her animal permit, because it states that the permit can be revoked because of horse manure. Mr. Edmundson is not the only person who had complained. Most people transport their horses to the fair grounds instead of riding them. Mrs. Pettibone stated that this is not an option for her children. Mrs. Browning asked how the permit ties into the manure down town because there are other people who ride in town. Mr. Paustian stated that Mrs. Pettibone's children were the ones observed. Mr. Paustian also stated that the issue came to a head because her children were in front of Les Schwab and blocking traffic. Mr. Paustian asked Mr. De Mayo to read the permit. The permit is for 10 horses on Mrs. Pettibone's property. She also has three horses that belong to other people that are being trained.

Mr. High recommended that a permit be issued for the additional horses.

Mr. Paustian stated that the City does receive complaints on this, as well as dog issues.

Mrs. Doherty asked what route the youth take when traveling to the fairgrounds. According to Mrs. Pettibone, they travel down South Main Street to Cannon Street, and across to Court Street and then out to the fair grounds. Mrs. Doherty recommended the possibility of the owners police up the manure after the horses have been ridden. Mrs. Pettibone agreed with this, and Mayor Paustian recommended a thirty day trial period of cleaning up after the horses are returned home. Mrs. Pettibone agreed to this. If this solution is satisfactory, it can be continued and no further action will be necessary.

Mrs. Browning feels that the Pettibone children are being targeted. However, the incident that precipitated the complaint was personally observed. Mr. Paustian stated that if anyone else is observed, they will be targeted.

Mr. Paustian stated that Mrs. Pettibone has been given an alternative to take care of this. Council members agreed to allow a thirty day period to determine if this is satisfactory. This will be monitored. Mrs. Pettibone agreed to this.

Mr. High asked if another permit will be necessary for the additional horses. According to Mr. De Mayo, another permit can be issued.

E. Public Comment. None.

F. Requests. Mr. De Mayo announced that he has had a request from the County Clerk to install a ballot box in City Hall. Council members agreed to allow this.

**2. COMMUNICATIONS FROM THE PUBLIC . None.**

**3. CONSENT AGENDA**

- A. Minutes of City Council Meeting, September 13, 2010
- B. Monthly Financial Statement.

**ACTION:** Motion by Mr. Lewis to approve the consent agenda. Seconded by Mr. High. Motion Carried.

**4. REPORTS.**

A. Fire Chief. Chief Estes reported the following:

- 2 Structure Fires
- 3 Car Wrecks
- 1 Ambulance Assist
- 1 Smoke Alarm
- 6 Landing Zone Secures
- 3 Illegal Burns
- 32 Chief Calls.

The problem with the fire truck break down was because the vehicle was low on fuel and the main line to the injector pump was loose and sucked air into the engine which is diesel. The Grain Growers repaired the system.

B. Morrow County Sheriff's Department.

Deputy Bowles reported that 320.1 hours were reported. The hourly breakdown was accurate. According to Mr. Harmon, the fence problem at the City Park is under control.

The monthly report included in the packet was reviewed by Council members. According to Deputy Bowles, animal complaints continue, and any animals picked up are taken to Pet Rescue. The cat problem continues, especially on Water Street. The report for this month contains a lot of information.

C. Heppner Housing Authority. No report this month.

D. Public Works.

Mr. Harmon reported that the little league restroom project should be able to continue. There appeared to be some slope issues with the sewer and the location is being moved slightly. They will stay clear of the neighbor's driveway. The restrooms will not be open all year long since there is no heat. There is still a question of maintenance, whether it will be the City or Little League.

Mr. High asked about the status of the "Lovers Lane" bridge. According to Mr. De Mayo, there are some funding issues that need to be solved. Mr. Paustian stated that "it will happen."

Mr. Harmon mentioned that he would like to be able to change out more hydrants every year. Hydrants are expensive—approximately \$3,000 each. Every time a hydrant is replaced, it costs approximately \$3,500. All hydrants in town are functional.

#### E. City Manager's Report.

Mr. De Mayo reported the following:

- Carrigg Replat. Mr. De Mayo explained that he had made an error in the report on the easement. The easement cannot be vacated. This should not affect the replat. Mr. Harmon asked whether the easement goes from Gilmore Street to Bisbee Street and back to Thompson Street? According to Mrs. Spicer this needs to be corrected on the map. This should be a City easement. The easement between Struthers and Mc Dowell's is a County easement and according to Mrs. Spicer, the County should assign this to the City.

All other items in the report are self-explanatory.

Mr. High questioned the status of the Little League restroom for Hager Park. According to Mr. De Mayo, he is waiting for a letter of consent because the Corps of Engineers has not received a report from the State Historical Preservation Office. Since cold weather is approaching, the restroom will not be functional in the spring. The utilities will be installed now in preparation for spring installation of the restroom.

Mr. Lewis asked what Mr. De Mayo learned at the Flood Plain Management Course that he recently attended. According to Mr. De Mayo he learned that a lot of people are afraid to build in a flood plain, but it can be done if done correctly. There are FEMA specifications on building in the flood plain. Flood insurance will still be required if the property is financed.

**5. PUBLIC HEARINGS** None.

**6. COUNCIL ACTION**

**A. OLD BUSINESS.**

1) Continued Discussion: Purchase of Chase Street Apartments.

Mr. Mills stated that he is in favor of purchasing the property and the parking lot would be a long term benefit to the businesses on Main Street. The proposed parking lot would give people coming through town a place to park and visit down town, instead of driving on through Heppner. Mr. Mills' opinion is that additional parking is also needed for the Court House.

Mrs. Howe stated that she agrees since there is limited parking for her business (Howe's Pizza) and the courthouse parking occasionally blocks her parking area. Parking is also a problem near D&L's building. Mrs. Howe stated that she would be willing to expand her business if more parking was available.

According to Mr. Paustian, there is a problem with asbestos in the apartment building and Mr. Estes is working with an inspector to determine if there is asbestos. This would affect the cost of removing the building. Mr. Hollomon has provided a letter in support of the parking lot. Mr. High stated that he has heard comments from citizens who wonder why the City is contemplating the project instead of the County since the parking would be for the Court House. He stated that people have commented that there is parking next to the Post Office that can accommodate large vehicles. According to Mr. De Mayo part of the parking lot is leased to the dentist office. According to Brian he has seen people park trailers in the area, but this is not practical, plus it limits access to the City shop.

Mr. Paustian stated that he and Mr. De Mayo have discussed this with the County Court, but no agreement has been formalized. Asbestos is the primary issue. Mr. De Mayo reported that taxes on the property are \$392.15 annually. The property is also in the flood plain. With regard to the individual who expressed an interest in rehabbing the apartments, this cannot be done unless the building is done to flood plain standards. If the City owns the property, it would lose the income from the taxes. Mrs. Doherty has heard comments from citizens to make this an RV park. Mr. Harmon stated that he has questions on handicapped parking restrictions. Mr. Paustian reported that the first step would be whether the City is going to purchase the property; however the asbestos issue needs to be resolved before any further action is taken. In answer to Mrs. Doherty as to whether a property can be condemned, Mrs. Spicer stated that the City can condemn a building but there are procedures that need to be followed.

## **B. NEW BUSINESS**

1) Approve Planning Commission Action for Subdivision/Replat of Lots No. 7 and No. 8, Block 6, Heppner Heights Addition to the City of Heppner, Map 2S 26 35BA, Tax Lots 1404 and 1401 and creating a new subdivision named Carrigg Heights.

Mrs. Gochnauer, on behalf of the Planning Commission reported that the Planning Commission has determined that a subdivision is not actually being planned. The surveyor stated that due to State requirements and Oregon State Law regarding replatting, etc., they chose to call it that. Basically, they want to redraw the boundaries because of the utility easement that comes down from the old reservoir and went to the courthouse. At the time of the Planning Commission meeting, they were not aware that the easement could not be abandoned. The Planning Commission gave a qualified approval on the basis that the easement could be abandoned. The easement cannot be abandoned. The understanding of the Planning Commission is that the easement runs 10 feet at the northern edge of lot 1401. The abandoned street at the edge of lot 1404 will be included. The intent was to form two parcels. The owner of the property would have to give permission for the City employees to enter the property to work on the lines in the easement. The easement is 10 feet wide.

According to Mr. De Mayo, the owner has requested that the property be replatted. Mrs. Spicer does not see a problem as long as the owner understands that the easement is there. The surveyor, Mr. Coppock will replat the property. The owner has been made aware of this.

Action: Motion to approve the Action for Subdivision/Replat of Lots No. 7 and No. 8, Block 6, Heppner Heights Addition to the City of Heppner, Map 2S 26 35BA, Tax Lots 1404 and 1401 and creating a new subdivision named Carrigg Heights. Seconded by Mrs. Doherty. Motion Carried.

2) Animal Complaint – Ordinance Violation, Elizabeth Pettibone. Handled earlier in the meeting.

**7. MINUTES OF COMMISISON MEETINGS.** (furnished for information only.)

**8. REPORT FROM THE CITY ATTORNEY.** None.

**9. REPORT FROM MAYOR/CITY COUNCILORS.**

Mayor Paustian presented a plaque to Mr. De Mayo from the St. Patrick's Housing Authority commending him for his support and hard work on the Senior Center project.

**10. ADJOURNMENT.** Meeting adjourned at 8:05 PM.