

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM, May 10, 2010**

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

ATTENDEES:

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

**Brian Harmon, Public Works Director (left at 7:14 PM)
Fire Chief, Rusty Estes (Left at 7:14 PM)
Anne Spicer, City Attorney**

Absent: Keith Lewis

**Members of the Public: David Sykes, Heppner Gazette
Donald Mc Callister
Sheryll Bates, C of C**

1. GENERAL BUSINESS.

A. Call to Order. The May 10, 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.

C. Announcements. None.

D. Correspondence.

1) Bi-County Communications Special District – Information. This information is furnished for information only.

2) E-Mail, May 4, 2010, Amy Blauer, Subject: Request to hold church activity at the Heppner City Park, Evening, May 27, 2010. Will be addressed later in the meeting.

E. Public Comment. Mr. Mc Callister will discuss this later.

2. COMMUNICATIONS FROM THE PUBLIC.

A. Don Mc Callister, Property Issues.

Discussion: Mr. Mc Callister informed the Council that his wife's medical condition is now critical to terminal. A caretaker is needed on his property since he is no longer able to care for her. He is requesting a permit to locate a temporary lodging, either an RV or small trailer on the property for the caretaker(s). He has two promising candidates for a caretaker. CAPECO will be meeting with him to discuss this. The lodging would be on a temporary basis.

Mr. Mc Callister's property is located off of Riverside between the City yard and the Sewer Plant (Tax Lot 700, 2S2627DB, 690 Jenkins St.).

According to Mrs. Spicer, the zoning ordinance allows a temporary RV or camp trailer to be located on the property up to one year. Mr. De Mayo read the temporary use permit regulations from the City Code, Para 11-12-4, Temporary Use Permits, which states that the Planning Commission may issue a temporary use permit to allow the short term use of a site by a mobile or temporary structure or activity. Such structures may not ordinarily be allowed in the particular zone but are necessary for some useful purpose and because of the temporary nature will not adversely impact the neighborhood or city. The Planning Commission may require that certain measures be taken to protect the neighboring uses or the City as a whole. Application will be made on forms provided by the City. Temporary use permits may be granted for any period of time up to one year, subject to renewal if necessary.

According to Mr. De Mayo and Mrs. Spicer, this issue will need to go to the Planning Commission prior to presentation to the Council. According to Mrs. Spicer, as soon as an application is received, a Planning Commission meeting can be scheduled. The property is zoned, industrial/light manufacturing. According to Mr. De Mayo Residential zoning is grandfathered in because the house has been on the property for a very long period of time. Mrs. Spicer stated that the uses associated with a residence will still be applicable to the property. The Planning Commission would need to make a recommendation on the size of the unit and time limit. Sewer and water hookups are available. Electricity is in place for a motor home.

Mr. Mc Callister would like this in place as soon as they can make care-taking arrangements. CAPECO will be meeting with the Mc Callisters on Wednesday, May 12, 2010.

Mrs. Spicer recommended convening a special Planning Commission meeting due to the urgent nature of the request. Mr. Mc Callister has had two individuals who have agreed to provide a vehicle for the lodging (the camper would be 32 feet long). Mr. High asked if permission could be granted contingent on approval. Mr. De Mayo will contact the Planning Commission members tomorrow to set up a meeting so that Council action might be taken in conjunction with the Budget Committee meeting on May 24, 2010..

3. CONSENT AGENDA.

- A. Minutes of City Council Meeting, April 12, 2010, Special Council Meeting, April 29, 2010.
- B. Monthly Financial Statement.

Discussion: Mr. Paustian questioned the CBEC bill. According to Mr. De Mayo, this is a combined bill for street lights, wells, and according to Mr. Harmon, is somewhat less than last month's bill.

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

4. REPORTS.

- A. Fire Chief.

Chief Estes reported the following for April 2010 (Mr. Estes returned to duty on April 19, 2010):

- 14 Chief calls
- 1 Structure Fire (controlled burn)
- 3 False Alarms

Chief Estes furnished brochures on the Umatilla Morrow Radio & Data District, Measure 30-83/30-84 which will be voted on in the upcoming primary election.

Chief Estes has inspected the Kirk Street alley area which has been discussed previously. The property adjacent to the alley has been sold and plans are to build a residence. If the alley is cut off, the safety for access would be cut off. Mr. Paustian asked if this requires a Planning Commission action. According to Mrs. Spicer, permission would not be required for a residence. Mr. Bowles questioned cutting off the alley at the corner of August Street. According to Chief Estes, this solution would not allow access for a fire truck. The reason this came up, is because a recent land survey identified a small parcel in the center of the alley (approximately 30 sq. ft.) and the owner has discussed working with the City to resolve the issue. Mr. De Mayo will need to approach the owner and discuss this further, since Mr. Estes' recommendation is not to allow blocking the alley.

Chief Estes reported that tonight the thermal imaging camera is here. All the Rapid Thermal Image (RTI) team is here. Mr. Paustian commented that he would like more details reported from the fire department in the future.

- B. Morrow County Sheriff's Department.

Deputy Bowles discussed the breakdown of the hours and the monthly Sheriff's Department Activity report. Council had no questions.

- C. Housing Authority.

Mrs. Buschke reported that there are currently two vacancies in the apartments. They are working on getting another vacancy filled. This would require lowering the age limit for this potential tenant. According to the agreement, 20% of the residents can be below age 55 or disabled. Currently, there are two tenants under age 55; both are disabled. In June, there will be one more vacancy.

There is a new contact with the management firm and he is very efficient. The maintenance man (Paul Denlinger) employed by Cascade Management is doing an excellent job.

There are financial issues that need to be resolved on the loan and this is being worked on.

D. Public Works Report.

In addition to the items included in Mr. Harmon's report, Mr. Harmon reported that there was a sewer overflow on Bruce Kelley Way. They will be sending letters to the Assisted Living Facility and the Secure Residential Treatment Facility concerning grease and laundry detergent which appears to be the cause of the problem. The lines will be inspected regularly by the City as required by DEQ.

Mrs. Doherty reported a pot hole on Water Street at the bottom of the hill. Mrs. Burleson reported a pot hole on Gilmore Street where it meets Hager Street.

They are still working on locating the leak at Well 1. Well 1 is still turned off. One possible way to locate the leak is to turn Well 1 back on. However, this could waste a lot of water. Earlier in the month, tests were run and Mr. Whalen walked the lines from Well 1 to the Wilkinson ranch house and has not been able to locate anything, although there are some old steel lines that have not been replaced.

The "Lovers Lane" bridge has been closed until it can be repaired.

E. City Managers Report. Mr. De Mayo reported on the PERS shortfall which may be an issue in the future (estimated 2011). According to Mr. Paustian, this has already affected the County.

5. PUBLIC HEARINGS. None.

6. COUNCIL ACTION.

Request by Amy Blauer to hold a church activity at the Heppner City Park, the evening of May 27, 2010.

Action: Motion by Mrs. Burleson to allow a church activity to be held in the Heppner City Park on the evening of May 27, 2010, subject to verification of insurance. Seconded by Mrs. Buschke. Motion Carried.

A. OLD BUSINESS.

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

Discussion: Mr. De Mayo reported that Mr. Chastain would like to work on an agreement with the City on payment for the water which will be metered. Mr. De Mayo requested Council permission to sign the lease which has been reviewed by City Attorney Spicer.

Action: Motion by Mrs. Bureson to approve the lease with Roger Chastain and authorize the City Manager to sign the lease document. Seconded by Mr. Bowles. Motion Carried.

2) ODOT Contracts—Riverside Avenue and Barratt Blvd.

Discussion: Mr. De Mayo discussed the sidewalk improvements on Riverside Avenue, Willow Street, Hager Street, and Cowins Street, and the Barratt Blvd. Improvements. He was under the understanding that there would be a modified contract for these. This cannot be done. The way the contracts are written they can modify procedure but not the contract. The way the contract is written is that if the City spends the money and does not have it to spend, they pay the bill. ODOT would like the City to sign the contracts and implement if the initiative does not get on the ballot and if the money is available. The money has to be raised through selling bonds by the state. This will provide money for these projects.

Mr. De Mayo has talked at length with Doug Wright, ODOT in La Grande, and he advised not to spend money unless you have the money and ensure that this goes through all the hoops that you have to go through, i.e., not getting on the ballot and not passing. Also you have to ensure that the bonds are sold so that the money is there to draw on. Mr. Wright advised not starting any projects until the funds are there. There needs to be a fast response time on the part of the City because the way this will be handled is that the City will not have the money, ODOT will retain the money. The City will send the bills to ODOT; the Council will have to approve the bills, but the sooner they can be gotten to ODOT, the sooner they can process them and get the money and pay the bill. This will be a time-sensitive matter.

Mr. Paustian stated that originally they wanted the City to pay the bills and be reimbursed by the State. However, the City cannot agree to this. According to Mr. De Mayo, ODOT has to work around this by procedure, but this cannot be done legally.

The election has bearing on this, i.e., the ability to raise taxes for road improvements. Signatures are required to get this on the ballot. July 1 is the date to get on the ballot. Nothing can be done at this time until all these issues are resolved. Mr. De Mayo has informed ODOT that this will not be approved at this Council meeting.

Mr. Paustian stated that if this goes through, it will bring needed improvements to the City.

B. NEW BUSINESS.

1) Approve appointment of Cheri Clark to fill vacant position #2, Planning Commission (Position vacated by JoyceKay Hollomon).

Action: Motion by Mrs. Doherty to appoint Cheri Clark to fill vacant position #2, Planning Commission. Seconded by Mrs. Buschke. Motion Carried.

2) Letter of Engagement, Barnett & Moro, P.C., Standard Audit Contract.

Discussion: Mr. De Mayo reported that this is a standard contract each year, except that the price is adjusted to the cost of living. Mr. Stoddard has informed Mr. De Mayo that if the Council was satisfied with the audit and does not require him to come to Heppner to give a presentation to the Council, there will be an associated reduction in fees.

Mr. Paustian asked Mr. De Mayo if he was satisfied with Barnett & Moro. The Secretary of State had written a letter to the City questioning certain practices. Mr. De Mayo replied that the City didn't have the capacity to respond to these, i.e., to correct audits. The auditor has written a letter to the City acknowledging how to correct these issues.

Action: Motion by Mrs. Buschke to approve the Standard Audit Contract with Barnett and Moro. Seconded by Mrs. Burleson. Motion Carried.

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

8. REPORT FROM THE CITY ATTORNEY. None.

9. REPORT FROM MAYOR/CITY COUNCILORS.

Mrs. Buschke asked if there were enough projects for Mustang Mop-Up on May 13, 2010. According to Mr. Paustian there are plenty of projects.

10. ADJOURNMENT. Meeting adjourned at 8:00 PM.