

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM, 14 February 2011**

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

ATTENDEES:

**Mayor, Les Paustian
City Manager, David De Mayo
Cody High
Cindi Doherty
Judy Buschke
Keith Lewis
John Bowles
Phillip Spicerkuhn, City Attorney
Ken Matlack, Morrow County Sheriff (arrived at 7:55 PM)**

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

Davis Sykes, Heppner Gazette

Absent: JoAnn Burleson

Member of the Public: Eric Patton, MCSD

1. GENERAL BUSINESS.

A. Call to Order. The February 14, 2011 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 Council members and attendees in the Pledge of Allegiance to the Flag.

C. Announcements – Agenda additions and deletions. Mr. De Mayo announced that the Executive Session listed on the agenda will not be held since, according to the City Attorney this Executive Session is not authorized by Oregon Statutes.

D. Correspondence – None.

E. Public Comment – None.

F. Requests – None.

2. COMMUNICATIONS FROM THE PUBLIC. None.

3. CONSENT AGENDA.

- A. Minutes of the City Council Meeting, January 10, 2011
- B. Monthly Financial Statement.

Discussion: Mr. Paustian inquired whether the Ferguson Engineering expense would be reimbursed. According to Mr. De Mayo, it will be. The City is paying them and then the City will be reimbursed by ODOT.

ACTION:

Motion by Mrs. Buschke to approve the Consent Agenda, to included the January 10, 2011 minutes and the Monthly Financial Statement. Seconded by Mr. Lewis. Motion Carried.

4. REPORTS

- A. Fire Chief.

Chief Estes reported the following for the month of January 2011:

- 2 MVAs
- 1 Secure the landing zone for helicopter
- 1 House Fire
- 19 Chief Calls

Chief Estes reported that the joint meeting of the Heppner City Volunteer Fire Department and the Heppner Rural Fire Protection District met on February 2, 2011. The new contract has been restructured and is more realistic. Seventy Percent (70%) of the annual gross property tax income will be paid to City Fire Department. The income will change as the amount changes. The contract will be re-negotiated every five years.

They are still in the middle of the tender grant and pumper purchase. This is moving along steadily and they are meeting with their last vendor tomorrow night and will discuss this further with Mr. De Mayo. Steve Rhea is investigating a grant for the new rescue RAMs. This will aid in rescue efforts. The cost is approximately \$9,000 and they are investigating a grant from WildHorse.

Saturday, the trailer on the corner of Green and Hill Street was burned by the fire department and the effort went very well. However, there were some spruce trees that needed to be removed and there were a few problems with this portion of the exercise.

B. Morrow County Sheriff's Department.

Mr. Bowles reviewed the activities listed in the written report included in the packets. One juvenile was arrested for burglarly. The person that used the credit card was located and has been arrested. There has been an increase in petty thefts. Mr. Bowles suspects that there is a certain group that have been involved in this.

The van at the Mountain Glen apartments was a transient from Klamath Falls and was arrested.

Mrs. Doherty wondered why the information in this report couldn't be published in the paper so that citizens can be aware of what is taking place. Mr. Sykes stated that he includes this information in his article about the Council Meetings. Council members agreed with this. Mrs. Buschke stated that some of the citizens have voiced concerns whether some of these incidents would be handled if Heppner was not under contract with the Sheriff's department. According to Mr. Bowles, 911 calls would be handled, but if there were no longer deputies in the area, it would take time for someone to come to Heppner from the North County.

According to Mr. Bowles, currently there is always someone available in Heppner for emergencies.

C. Heppner Housing Authority.

Mrs. Buschke reported that as of today, there are four vacancies. One will be filled on Thursday and another tenant is waiting for approval of her application. There are other individuals that would like to move into the apartments, but due to the income restrictions, they cannot. Having vacant apartments does not allow for building up a reserve account for repairs.

D. Public Works.

Mr. Harmon reported that the new telemetry system is up and running. There are some minor problems that should be worked out this week.

Two leaks have been located between Wells 1 and 2 and have been repaired. There was a previous 50% loss as a result of the leaks. One leak was an exposed

main line and the other was a relief valve that was possibly broken by a cow and another was an installation problem that may have been leaking since it was installed. Mr. Harmon was relieved that the work has been done.

Public Works is continuing to work on repairing pot holes as time allows.

Mr. Harmon stated that the Shobe Creek Corral looks like it is pink, although it looks very good.

E. City Manager's Report.

Mr. De Mayo reported the following items.

The Supplemental Budget included for action, allows funds to be moved so that a picnic pavilion and playground equipment for Hager Park can be purchased. He has located a company that will store the equipment after it is purchased, until it can be installed in 2012.

The Supplemental Budget also allows funds to be processed for HB 2001 projects.

At the next Council meeting, Anderson-Perry will be in attendance to present the WasteWater Treatment Facility Plan to the Council.

The HUD house that is available for purchase by the City is located at 160 S. Court Street.

5. PUBLIC HEARINGS

Public Hearing Opened at 7:26 PM

A. Supplemental Budget. Mr. De Mayo explained that funds are being taken from the Community Development Fund and from three different accounts, including the General Fund Contingency.

Mr. High asked if anything has been heard from the Little League. According to Mr. De Mayo, he has talked to them on a regular basis to discuss this with Dr. Nichols, but has not been able to set up a meeting to date.

Mr. De Mayo would like to be able to go ahead and purchase the picnic/playground equipment upon passage of the Supplemental Budget.

He has also talked to Lisanne Currin at Morrow County Grain Growers and she has been given permission to use the north end of Hager Park for a soccer field.

Public Hearing Closed at 7:30 PM.

Action: Motion by Mrs. Doherty to approve Resolution 783-11, A Resolution Authorizing the Expenditure of the "Downtown Loan Interest Account" Funds and the Closure of this Account. Seconded by Mr. Bowles. Motion Carried.

6. COUNCIL ACTION.

A. OLD BUSINESS. None.

B. NEW BUSINESS.

1) Resolution No. 783-11, A Resolution Authorizing the Expenditure of the "Downtown Loan Interest Account" Funds and the Closure of this Account.

Action taken upon closure of the Public Hearing.

2) Draft Ordinance, An Ordinance Authorizing the Declaration of a Water Shortage Emergency and the Implementation Guidelines for the Emergency.

Discussion: Mr. De Mayo, this is a draft ordinance for Council review. According to Mr. De Mayo, the Water Conservation Plan requires an ordinance that addresses this issue. This will be discussed at the next Council meeting.

3) Engagement Letter – Barnett & Moro, P.C.

Discussion: This Engagement Letter is to continue the contract with Barnett & Moro for the annual audit and is an annual requirement. The contract expires in 2012 and is for \$9,800 with a \$200 discount if the auditor's attendance is not required at Council meetings. Mr. De Mayo stated that the danger of familiarity is always there. However, Barnett & Moro are a good firm and they are always available for consultation. Mr. High recommends signing the engagement letter.

Action: Motion by Mr. High to approve signature of the updated Engagement Letter for an additional year. Seconded by Mrs. Doherty. Motion Carried.

4) City Council Goals for 2011. Resolution No. 784-11, A Resolution Adopting the City Council's Goals for the Fiscal Year 2011/12.

Discussion: Mrs. Doherty and Mr. Lewis noted that they were unable to attend the Goal Setting Session.

Action: Motion by Mrs. Buschke to approve Resolution No 784-11, A Resolution Adopting the City Council's Goals for the Fiscal Year 2011/12. Seconded by Mr. High. Motion Carried.

5) Memorandum, Kuhn & Spicer, Heppner, City of/General 2011/Planning Commission Approval of Subdivision Plats.

Discussion: Mr. Spicerkuhn stated that he had discussed this issue with County Surveyor, Judd Coppock, regarding his proposal to have the Planning Commission approve subdivision and partition plats as opposed to having the Council approve them. This would require a re-write of the approval process ordinance. Council members felt that the current process is adequate since there are very few incidents which need actions. An appeal provision would be a requirement of the ordinance revision.

Action: Motion by Mr. Lewis to leave the process as-is. Seconded by Mrs. Buschke. Motion Carried.

6) Renewal of Contract for Rural Fire Protection.

Action: Motion by Mrs. Doherty to approve the Contract for Rural Fire Protection between the City of Heppner and the Heppner Rural Fire Protection District. Seconded by Mr. Lewis. Motion Carried.

7. MINUTES OF COMMISSION MEETINGS. (for information)

8. REPORT FROM THE CITY ATTORNEY. No.

9. REPORT FROM MAYOR/CITY COUNCILORS. None.

Meeting recessed at 7:48 PM.

Meeting reconvened at 7:56 PM.

10. DISCUSSION OF RENEWAL OF THE LAW ENFORCEMENT CONTRACT WITH THE MORROW COUNTY SHERIFF'S OFFICE.

A. Discussion: Sheriff Matlack asked Council members to outline their concerns.

1) Mrs. Buschke asked for clarification of the policy for 911 calls. Is the Sheriff's Department required to respond to these whether there is a contract with the City or not? According to Sheriff Matlack, there is nothing constitutionally that

requires police to respond to save people. Most sheriff's offices and some police departments in Oregon also have contracts. When they no longer have a contract and no longer do code and no longer respond to anything other than 911 calls, some departments will respond when an officer is cleared from other calls, similar to lone or Lexington. Without a contract of any type and no policing in Heppner, you wouldn't have response to other than 911 calls. There would be two people less in the department without the Heppner contract. Currently there are only two people living in Heppner. They just hired another deputy who intends to live in Heppner. Without a contract, Heppner would not have coverage for code calls.

2) Mr. Lewis stated that he has concerns as to whether people in Heppner are getting what they are paying for. The concerns have never materialized. Also we do not have a schedule to determine where the deputies are at and when. According to Sheriff Matlack, Mr. De Mayo does receive a schedule. Mr. Lewis stated that if the City gets their own police department in Heppner, they would need the consensus of the business people.

Mr. Paustian has noticed that communications are an issue. The concerns have not been acted on. The Undersheriff has been working to rectify this. The public does not feel they are getting the service they are expecting for the cost of the contract. He feels that a lot of this is communications.

Sheriff Matlack stated that Mr. De Mayo has felt it would be beneficial for officers to be visible in town. There have been logs kept in the past. Sheriff Matlack wants the deputy to be known in town. There are a lot of code calls. Mr. Lewis had felt that the City didn't have the authority to give direction to the deputy. This is the Sheriff's job. These are documented in the North end.

According to Mr. Paustian, City Hall keeps track of the deputy visits to City Hall.

Mr. De Mayo handles things between the City and the deputies; consistency is needed. Sheriff Matlack does not believe in citing on the first occasion.

3) Mr. High has concerns about the contract regarding the police vehicle. Irrigon does not get a vehicle, but pays for the use of a car. Heppner is working with the Sheriff's department to get a different vehicle which will be a pickup when rotation is scheduled.

4) Mrs. Doherty has concerns about code enforcement. She would like the process clarified. In the past there were pictures furnished to show progress. Mr. Bowles stated that they still take pictures which are on file in the sheriff's office. Mrs. Doherty would like more communication to the Council members. Sheriff Matlack would like to see the Council or Police Commissioner to call the Sheriff's

department to report complaints. Mr. Paustian feels that everything should go through Mr. De Mayo. He feels that there could be a problem with too many people getting involved. Sheriff Matlack would like the code process streamlined and that Mr. De Mayo should be the main point of contact for code actions. The case files could be available to Mr. De Mayo. There are a lot of animal complaints in Morrow County; taking animals to Pet Rescue is time consuming, as well as costly. In Heppner, dog complaints are prevalent.

Mrs. Doherty would like people to be aware that the deputies are doing their job. She would like the citizens to be aware that the low crime rate in Heppner is due to Sheriff's Department presence in the City.

Mr. Bowles commented that dispatchers are aware that when they receive a call in Heppner, they ensure that a deputy is contacted, and if one is not available in Heppner, the deputy is dispatched from other areas. Some calls, such as barking dogs, are occasionally held until the next Heppner shift.

According to Mrs. Doherty there are a lot of incidents in the spring, such as youth riding bikes without helmets. With regard to the issue of J-turns, there is a difference of opinion on this. OSP does not believe that this is an illegal U-turn; however, the Justice of the Peace in Heppner believes in enforcing this. Sheriff Matlack has discussed this with ODOT with no results. The installation of a double line on Main Street is a solution that could solve the problem; however, ODOT does not feel this is justified. Sheriff Matlack feels that police presence is important, and that having the Sheriff's department available is a deterrent to crime in the area.

According to Mr. Paustian, traffic and safety is an issue, plus code enforcement is important in Heppner and a constant problem. The Police Commission and Mr. De Mayo need to outline a consistent program for handling these.

Mr. De Mayo stated that he thinks that if certain things happen routinely, a record should be kept, and the deputy could brief the City at the end of his shift on the status of actions taken. He thinks the deputies should be walking up and down Main Street during their shift and driving the town and fit this into their shifts. He would like to develop a process to organize this.

Sheriff Matlack feels that covering the town is not a problem, however, he would like the deputies to be aware of problem areas that need to be concentrated on during their shifts. Most of the deputies are aware of the layout of Heppner.

Mr. High stated that one of the citizen concerns is that the deputies are parking near the Park for extended periods of time. According to Sheriff Matlack, in

many cases, the deputies are in the park working on their reports which cannot be done while they are driving.

Mr. Paustian commented that many of the people who are mentioning this are not the majority.

Mr. Bowles commented that one of the code issues that he and Mr. De Mayo worked on for some time was the property on Hill Street. This issue was finally resolved by having the fire department burn the structure. The process of contacting the owner, etc. took time to finalize the problem.

Mr. Paustian commented that the main issue being discussed at this time is does the City want to renew the contract, and what would be done if it isn't settled. He feels that if this issue isn't settled at this meeting, there should be a public meeting so that the citizens could give input. Sheriff Matlack would like the issue settled expeditiously, also. If the contract is not renewed, and there is only a code officer in Heppner, there would be no access to dispatch and there would have to be a contract for the use of the dispatch service. A LEDS permit and certification would also be required. These would be additional charges, plus restrictions on the use of a vehicle.

Mr. Paustian also feels that the Sheriff or Undersheriff should be present at Police Commission or Council meetings to answer questions at the time. Sheriff Matlack stated that he has tried to give the sergeants authority to make their own decisions on answering questions and taking necessary actions. Mr. Paustian feels that at times things have basically been ignored. Mr. Bowles stated that the complaints he has heard that at some times issues have been brought and members of the council feel like it is "left in the building" or been ignored.

According to Mr. Paustian, communications should start at the top and go down, because somewhere along the line it gets lost.

Mr. Lewis, stated that going back to the City's own police department, is not feasible. One of the reasons is that once someone was hired and obtained all their certifications, the possibility of them seeking employment in other departments would exist (the "revolving door" issue).

B. Sheriff Matlack – Outline of changes to new contract.

In answer to Mr. Bowles question as to whether he could vote on approval of the contract, Sheriff Matlack stated that he could if there were no personal monetary benefit issues.

Sheriff Matlack explained the price increase from the previous draft contract presented by Undersheriff Myren.

- Historical. In 2005 there were three deputies assigned to Heppner. This was changed to two deputies. The problem was that there was not enough crime in Heppner to give adequate training in dealing with major crimes. Sheriff Matlack changed this to a rotation system so that all deputies would get experience in dealing with problems such as those in the North county.
- As far as pay, Sheriff Matlack, used an entry level salary figure (\$40,032) to develop the contract costs. There would also be a 1.6% COLA increase for this year. Including benefits, the salary figure would be \$68,091.24 per deputy, or \$136, 182.48. Including overtime would add an additional \$6,946. Materials and Services would include the 1.6% COLA increase.
- The total Personnel and Materials/Services would equate to \$154, 772.63 which is a net increase of \$12,564.58.
- The cost for a new patrol car (F-150 P/U) would be \$26,500, per year to be included in the budget for vehicle replacement every third year. According to Mr. Paustian, the City is saving money every year in order to get a vehicle every two years.
- Heppner Assigned Work Area. In the new contract, Sheriff Matlack stated that the defined area was defined to be "in an area that encompasses a 3 mile radius from the intersection of State Highways 207/206/74." When Heppner deputies leave this patrol area, the Sheriff's office will provide the coverage which will not be counted against the total contract hours.
- With regard to vacations, when a Heppner deputy is on vacation, the town will be covered, and in many cases, the Sheriff or Undersheriff covers the area, these hours are reflected in the extra hours. Calls will still be answered. Heppner always gets their 320 hours in most cases.

Mr. Paustian asked if the hours that are not covered by a deputy while he is on vacation will be charged. According to the Sheriff, the answer is yes, although Heppner will be covered.

- Sheriff Matlack stated that March 1 is the deadline for notifying whether the contract will be renewed and what the changes would be. This is necessary so that if there are changes the hiring process can be acted on.

Additional Comments:

Mr. Harmon stated that his personal concern is the children, i.e., no helmets, and not paying attention when crossing streets. He would also like to see deputies on duty before school starts and possibly walking through the schools. He has also received complaints about students speeding on Gale Street. According to Sheriff Matlack, the deputies keep helmets in their vehicles to give out.

Mr. High had questions about the vehicle. He stated that leasing a vehicle which could be a savings. Mr. Lewis stated that the rent would go up when leasing a vehicle for a police car. Additionally, there would be no vehicle available after the term of the lease.

ACTION:

**MOTION BY MR. BOWLES TO APPROVE THE CORRECT CONTRACT AS-IS.
SECONDED BY MRS DOHERTY.**

**IN FAVOR: BOWLES, DOHERTY
OPPOSED: HIGH, BUSCHKE, LEWIS**

MOTION FAILED.

Meeting Recessed at 9:50 PM; Reconvened at 9:52 PM

Additional Comments:

In answer to questions from Council members, Sheriff Matlack stated that the contract can be amended. Mr. Spicerkuhn stated that if the contract was amended, both parties would have to agree to the amendments.

Mr. Paustian stated that he has no problems with the contract as presented.

**ACTION: MOTION BY MR. LEWIS TO APPROVE THE CONTRACT AS PRESENTED.
SECONDED BY MRS. DOHERTY. MOTION CARRIED.**

10 ADJOURNMENT. Meeting adjourned at 9:55 PM.