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

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

ATTENDEES:

**Mayor, Les Paustian
City Manager, David De Mayo
Cindi Doherty
Cody High
Judy Buschke
Keith Lewis
John Bowles
Joanne Burleson
Rusty Estes, Fire Chief
Phillip Spicerkuhn, City Attorney
Brian Harmon, Public Works Director
David Sykes, Heppner Gazette**

**Member of the Public: Ryan Miller, Sharon Miller, Joe Miller, Chad Doherty,
Adam Doherty, Sheryll Bates, Gayle Gutierrez,**

1. GENERAL BUSINESS.

A. Call to Order. The November 14, 2011 Meeting of the City of Heppner City Council was called to order at 7:00 PM by Mayor Les Paustian.

B. Mayor Paustian led Council members and attendees in the Pledge of Allegiance to the Flag.

C. Announcements – Agenda additions and deletions. None.

D. Correspondence – None.

E. Public Comment – None.

F. Requests – None.

G. Presentations – None.

2. COMMUNICATIONS FROM THE PUBLIC. None.

3. CONSENT AGENDA.

A. Minutes of City Council Meeting, October 10, 2011.

B. Monthly Financial Statement.

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Action: Motion by Mrs. Burluson to Approve the Consent Agenda, Seconded by Mr. Bowles. Motion Carried.

4. REPORTS.

A. Fire Chief. Chief Estes reported the following for October 2011:

- 6 MVAs
- 3 Secure Landing Zone
- 1 Wildfire in town
- 1 Ambulance lift assist
- 1 Mutual aid to lone
- 1 Large Wildland fire over 4,000 acres, which required mutual aid from lone, Irrigon, Boardman, Station 7, Hermiston, Stanfield, Pilot Rock, Umatilla
- 1 Airplane crash
- 39 Chief Calls

Mr. Estes reported that with regard to the new tender. FEMA Region 10 called and reported that International is not receiving chassis to any builder until Mid-December. December 21 is the deadline for the FEMA grant. Mr. Estes called the FEMA Region 10 and he has requested an extension on the grant, but has received an answer to date. There should be no problem since it is not Heppner's nor the builder's fault. It will be closer to the end of February before delivery is received.

B. Morrow County Sheriff's Department

Mr. Bowles reported that 369.5 hours were reported. Deputies Junt and Adams rotated out and Deputies Percy and Wilson rotated in.

Mr. Bowles reported the items listed in the October 2011 report. The property owners who had chickens and turkeys on their property. They have not obtained a permit so far.

Mr. Bowles reported that he has talked to Sgt Rayburn on coverage in Heppner during the weekends during hunting season. There was a problem on Friday of the beginning of hunting season since some of the pumps were not working at the service. Council recommended that a deputy be on duty on Fridays in hunting season in the future to control traffic.

C. Heppner Housing Authority.

Mrs. Buschke reported that one tenant moved in on November 1; another tenant will be moving in on December 1. There are two people on the waiting

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list. The rental rate has been adjusted by the Oregon Housing and Community Services so that the income limit is not restricted; and the apartments have been designated from fixed to floating. This should allow all of the apartments to be occupied.

Fire Chief Estes reported that an unannounced full evacuation fire drill was held this evening. It did not go properly. There needs to be a contract for fire equipment in place and there also needs to be a contract for the alarm system. All the smoke detectors worked, but the alarm did not work. General Fire will be contacted to correct this.

C. Public Works

Mr. Harmon distributed the Public Works Report for October and reported the following:

The Well #3 project has started. They are in the process of installing gravel and concrete should be installed tomorrow.

Water meters need to be insulated for the winter. If there are elderly citizens that need assistance with this, the City crew will help them. A notice will be put in the newspaper.

Mr. Joe Miller reported that when their meter was read, the insulation was not put back in the meter box. Mr. Harmon requested that people call the City if this happens in the future.

With regard to the pressure problem on October 14, Mr. Harmon explained that there was a problem with the pressure relief valve. This was corrected by manually opening the valve.

Mr. Harmon requested that Mr. Sykes publish an article in the newspaper concerning the dog waste in the City Parks. Waste bag stations are available in the various parks. Mrs. Burleson commented that she has noticed more dogs running loose.

Mrs. Bates asked about the condition of the road in front of her house on Cannon Street. According to Mr. Harmon, cold mix will be applied where needed.

Mr. Bowles asked about the status of the Sperry Street bridge project. According to Mr. De Mayo, the City is awaiting a decision from ODOT. According to Mr. Harmon, once a decision is made on the design, public meetings will be scheduled. According to Mr. De Mayo, ODOT may have to use

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funds on another project, depending on where the funding is coming from, i.e., Federal or State. According to Mr. Harmon, the bridge will have to be out of service before winter sets in.

E. City Manager's Report

1. HUD House Issues. Mr. De Mayo reported on an E-mail defining "local housing community development initiative." Basically, the definition of local housing/community development initiatives is very flexible. Almost that anything that contributes to the betterment of the community in a positive direction fits the bill. There is not a lot of restriction. Chad and Adam Doherty will be making a presentation on using some of the HUD funds for the Colt football team.
2. Mr. De Mayo has authorized the restrooms at Hager Park to remain open during the winter.
3. The Police Commission resolution has been revised IAW the City Attorney's recommendations.
4. A copy of the Audit for 2010-2011 is included for approval. There are no outstanding issues that need to be addressed.
5. With regard to NIMS, Councilors Doherty and High have completed several of their courses.
6. The Small City Allotment grant request for funds to rebuild Quaid Street has been denied. All parties involved have been informed.
7. The minutes of the Christian Life Center approving the leasing of property to the City of Heppner for an alternative route for the Sperry Street bridge replacement project are included in the packets for discussion later in the meeting.
8. With regard to the Artifx (AMI) proposal, Mr. De Mayo stated that on Tuesday night, the Irrigon City Council will meet to discuss this. Boardman has all ready agreed to participate.
9. Mr. De Mayo has a publication from the Oregon Association of Counties entitled County Home Rule in Oregon which is available for interested Council members.
10. Miller and Sons will discuss a proposed rate increase later in the meeting.
11. Ferguson Engineering is not in attendance.

5. PUBLIC HEARINGS

A. An Ordinance Amending the Heppner City Code Title IV “Health and Safety” Chapter Two “Open Burning” Section 4-2-3 “Permit Requirements.

Public Hearing Opened at 7:29 PM.

Testimony: None.

Public Hearing Closed at 7:30 PM.

6. COUNCIL ACTION.

A. OLD BUSINESS.

- 1) AFM Media Marketing Plan.

Discussion: Mr. High asked about the statement at the last meeting regarding the possibility of the County Parks contributing funds to this effort. Mr. De Mayo's understanding is that the County Parks has not made a decision on this. The amount from the County was proposed to be \$3,000. Lone and Lexington have offered some funding to help in a limited manner, i.e., postage, administrative costs, etc. Mrs. Bates, Heppner Chamber, feels this is a good deal at the total price quote of \$15,000. She feels this exposure will bring people into the community and will affect the whole county. Mr. Paustian noted that last year, Zeachem was given a tour of Heppner and as a result, two employees purchased homes in Heppner. Mrs. Bates stated that once the campaign is approved, it will be for 12 months and once the contract is signed, the 12 months will begin. Planning would take 6 months and then in 6 months it would be in force. Mr. High asked Mr. Paustian about the advertising priorities for Heppner. According to Mr. Paustian, each city would have different priorities, and according to Mr. De Mayo each city would have an individual theme. Tentatively, they have agreed for each of the three Cities to provide \$5,000. A problem in Heppner is “eateries.” Mr. Paustian recommends discussing this issue further. Mrs. Doherty asked if the funds were budgeted. Were they coming from the HUD funds or the contingency. The Mayors will be meeting this week.

Mr. High asked if the Chamber has had any business support for this. Mrs. Bates is not sure if this has ever been discussed. Mr. High feels if this actually pays off, it would be beneficial. Mrs. Bates feels this would be beneficial to the community. Mrs. Doherty suggested using the HUD funds for this; Mrs. Burlison agrees. According to Mr. High, the businesses need to cooperate. According to Mrs.

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Bates, she is working with businesses to participate with customer service and researching training programs.

ACTION: Motion by Mr. Bowles to use \$5,000 from the HUD sale proceeds for the AMI plan with the condition that Boardman and Irrigon also contribute \$5,000 each. Seconded by Mr. Lewis.

Mrs. Buschke – Approved

Mrs. Doherty – Approved

Mr. Lewis – Approved

Mrs. Burleson – Approved

Mr. Bowles – Approved

Mr. High – Disapproved

Motion Carried.

2) Disposition of funds from sale of 160 S. Court St. (HUD property). (Chad and Adam Doherty)

Discussion: Chad and Adam Doherty addressed the Council to request a contribution of funds from the proceeds of the HUD property sale (160 S. Court). The Dohertys would like the donation to assist the Colt football program which is funded by donations. The entry fee is \$25.00 for each student participant which covers the insurance and the donations would allow children who are financially unable to be in the program. Equipment is an additional \$200.00 for equipment, i.e., helmets, etc. A total amount for a request has not been determined; however any amount would be appreciated. Mr. Bowles is in favor of this.

According to Mr. De Mayo, a decision on the amount to be donated cannot be determined until the cost of the Senior Center heating repair is determined. Mr. High would like to see the students in the program do some type of community project to obtain the donation. He suggested that the Dohertys come up with a figure for a donation. Mr. Bowles is in favor of supporting the Colt football. Mr. Paustian asked for a written proposal from the Dohertys on behalf of the Colt football.

Mr. Bowles' opinion is that the process of disposing of the HUD money is becoming way too complicated.

After lengthy discussions, disposition of the HUD funds remaining after the \$5,000 approved for the AMI project is tabled until the Senior Center heating repair cost is finalized.

3) Burn Permit Ordinance Revision/Resolution

Discussion: Mr. Estes commented that after this is approved, the Ordinance/Resolution will comply with State fire regulations. Mr. Spicerkuhn stated that the ordinance amends the previous ordinance that permits will be issued for one year. The ordinance has met the publication requirements.

Action: Motion by Mrs. Doherty to approve Ordinance 568-11, An Ordinance Amending the Heppner City Code Title IV "Health and Safety" Chapter Two "Open Burning" Section 4-2-3 "Permit Requirements" Seconded by Mrs. Burleson. Motion Carried.

Motion by Mr. High to approve Resolution 799-11. A Resolution Setting the Fee for Burn Permits as Required by Paragraph 4-2-3 A of the Heppner City Code. Seconded by Mrs. Burleson. Motion Carried.

The Resolution will be effective December 1, 2011.

4) Resolution No. 800-11, A Resolution Establishing the Purpose, Power, and Duties of the Police Commission

Discussion: Mr. Harmon asked if the Fire Department should be included in the Police Commission. Mr. Estes is not in favor of this. Mr. Spicerkuhn has reviewed the resolution and recommended the following changes: Paragraph 8, the committee shall consist of three members. Terms will be for three years.

Action: Motion by Mrs. Burleson to approve amending the Resolution to state that the committee shall consist of three members. Seconded by Mr. High. Motion Carried.

Discussion: Mr. High suggested that the committee should meet earlier in the year to discuss issues that affect the budget for the coming year.

Action: Motion by Mr. High to amend the resolution to allow four year terms. The initial terms will be shortened and staggered at one, two, and three years. Thereafter all terms will be four years. Seconded by Mrs. Burleson. Motion Carried.

Action: Motion by Mr. High to accept Resolution No. 800-11, A Resolution Establishing the Purpose, Power, and Duties of the Police Commission as amended. Seconded by Mrs. Doherty. Motion Carried.

B. NEW BUSINESS.

1) Audit Review and Acceptance of FY 2010/2011 Audit.

Discussion: Mr. High identified several errors that need to be corrected. These are typographical errors—Pages 8 and 11; change 2009 to 2010.

On Page 14, under Expenses, Cultural and recreation, Mr. High asked for a definition of this. Council members were unable to define. Approval of the audit is tabled until this is defined. Mr. De Mayo will research this.

5) Miller & Sons Franchise (Note this item is moved on the agenda due to time constraints).

Discussion: Mr. Ryan Miller addressed the Council regarding the raise in fees for garbage collection; this in turn would raise the amount of their franchise fee which is due quarterly. This would be the first rate increase in seven years. The reason for raising the fees is due to the increased fuel costs and equipment update. The proposed monthly rate is \$20.00 per month for 65 gallon receptacles. Mr. Miller has researched the rates for several communities.

Mr. Miller stated that at this time, they are four months behind on their franchise fee payments which are due every quarter. Mr. Miller provided samples of colors for the new receptacles and Council members unanimously approved the light green color. The 65 gallon receptacles will be provided by Miller & Sons. The rate increase will be effective with the January 2012 billing.

Action: Motion by Mr. High to approve the increase the monthly rate per 65 gallon container to \$20.00 per month effective January 1, 2011 which will be reflected in the January billing cycle. Seconded by Mrs. Buschke. Motion carried.

2) Renewal of Social Gaming License – Bucknum's Bar & Grill.

Action: Motion by Mrs. Buschke to renew Bucknum's Social Gaming License for an additional year. Seconded by Mrs. Doherty. Motion Carried. Mr. High abstained since he is employed by Bucknum's.

3) Sperry Street Bridge alternative proposal.

Discussion: Mr. De Mayo reported that the proposal for the alternative access road for the Sperry Street area has been discussed with the Christian Life Center board, either purchasing the land for a right of way, or leasing it for three years with option to purchase. The church had no concerns except dust control. The alternative would include another right of way for the temporary bridge. The

church has asked for \$7,000 for their property for a three year lease. The \$7,000 would be applied to the purchase price if the decision is made to purchase the property. Mrs. Jan Coe, the other property owner involved did not want any rent for her property. In any event, a temporary right of way would be needed for the bridge. A purchase price has not been discussed. If this is the final decision, the appraisal process would need to be enacted to determine a sale price.

Mr. Harmon advised that the present Sperry Street Bridge would be put out of service before winter. Mr. Bowles stated that ODOT will need to install a temporary road.

Action: Motion by Mr. High to approve the alternative if ODOT obtains approval. Seconded by Mr. Bowles. Motion Carried.

4) Ferguson Engineering - Willow Street Foot Bridge (Lovers Lane).

Discussion: Ferguson representatives were not in attendance. According to Mr. De Mayo, Ferguson Engineering has quoted a price of \$115,000 which would include the bridge already purchased. If the City put the job out to bid, the cost would be \$97,000. The City has asked Ferguson to give a bid if the City does the work; it would be \$67,000. According to Mr. De Mayo, there would be \$52,000 in the budget. This would leave \$43,000. The main point is that the City cannot afford to put in the bridge. Mr. De Mayo could set the priorities for spending: 1) Willow Street Bridge; 2) Riverside, etc.

The engineer's estimate dated November 7, 2011 was reviewed. There are no funds available to do the project. According to Mr. De Mayo, if Public Works does the work, it would tie them up for at least 1.5 months. According to Mr. Harmon, the present bridge will be removed this spring.

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

8. REPORT FROM CITY ATTORNEY.

Mr. Spicerkuhn reported that he has been working on the Police Commission Establishment revision. He has also researched placing liens on properties for unpaid sewer and water fill. Heppner does not have a process for this. Mr. Paustian stated that the Utility Billing Clerk has collected quite a few unpaid bills.

9. REPORT FROM MAYOR, CITY COUNCILORS.

1) Mr. High asked about the visit from a Condon builder. According to Mr. Sykes, this is a contractor who has renovated four rentals in Condon. The builder

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had some good ideas for this and looked at several houses in Heppner that would meet this criteria. The builder is also an entrepreneur and wondered what kind of business in Heppner would be profitable. Mr. De Mayo had a suggestion of micro-chips, or anything associated with agriculture and recreation. Mr. Paustian has been researching a company that produces chop sticks.

2) Mr. De Mayo reported that he has visited the Mc Bride property on Kirk Street and it has been cleaned up. Their present agreement expires in January 2012.

3) Mr. High asked about the status of the Kinzua Mill site. This is under the control of the Port of Morrow.

4) Mr. High asked about the comments made at the last Council meeting concerning the County Court and wonders if the City should communicate to the County that some of the comments were individual opinions only. Mrs. Buschke stated that what was written in the newspaper was exactly what was discussed.

5) Mayor Paustian brought up the seating arrangements for the Council meetings. He personally changed the seating to allow better communications.

10. COUNCIL ACTION. Nothing further.

11. ADJOURNMENT. Meeting adjourned at 9:45 PM.