

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING  
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON  
7:00 PM April 14, 2014**

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

**ATTENDEES:**

**Mayor, Joe Perry  
City Manager, Kim Cutsforth  
Corey Sweeney  
Dale Bates  
Judy Buschke  
John Bowles  
Rusty Estes  
Chad Doherty  
Skip Matthews  
Phillip Spicer Kuhn, City Attorney**

**Absent: Joann Burlison**

**Members of the Public: Dave Sykes, Sheryll Bates, Jay Keithley, and Alissa Hill.**

**1. GENERAL BUSINESS.**

A. Call to Order. The April 14, 2014 meeting of the City of Heppner City Council was called to order by Mayor Joe Perry at 7:04 PM.

B. Pledge of Allegiance. Mayor Joe Perry led attendees in the Pledge of Allegiance to the Flag.

C. Announcements - None

D. Correspondence – None

E. Requests –

1. Hager Park Basketball Court

Robert Kilkenny is proposing a small sports court at Hager Park. He would like to build a 30 X 40' concrete slab with a hoop and striping for court sports ex: 4-square, hop scotch, hoop shooting. The court would be to the northeast of the existing covered pavilion. Mr. Kilkenny would be in

charge of construction and all costs. Our legal counsel advises that the City Council has the ability to approve its use and allow Mr. Kilkenny to construct a court in a City Park. The condition would be the design plan has to be approved by the City prior to any construction.

Motion to approve the construction of a sports court at Hager Park by Skip Matthews. Seconded by Judy Buschke. Motion Carried.

## 2. Vehicle Storage Permit-Eugene and Luvilla Sonstegard

Eugene and Luvilla Sonstegard submitted a Vehicle Storage Permit for a travel trailer stored on their property. The trailer has not been used on the road for years, it is occasionally used as a bedroom for company. Jay Keithley asked if RV's can be hooked up to water and sewer services in the City. Kim Cutsforth said that is not allowed.

Motion to approve a Vehicle Storage Permit for Eugene and Luvilla Sonstegard by Judy Buschke. Seconded by Corey Sweeney. Motion Carried.

## F. Presentations –

### 1. Morrow County Health District Tax Levy

Pioneer Memorial Hospital Administrator Dan Grigg gave a presentation of the Morrow County Health District's Tax Levy that will be on the ballot in May. He said the Levy will be at no additional cost to the Taxpayers. The Levy will be at \$0.39 per \$1000.00 of property value for 5 years. In the past, Levy funds have been used for expanding the Irrigon Clinic, as well as adding a Physician. Upgrading equipment, a new ambulance for Irrigon and an updated heating and cooling system for Pioneer Memorial Hospital. They hope to use future Levy funds for maintaining and improving access to care, and purchasing new ambulances for Boardman and Heppner. Also they want to implement electronic health records and upgrade the cardiac monitoring system at Pioneer Memorial Hospital and Emergency room. He expressed how important and convenient having health care in the community is, as most of the Morrow County population is 20 minutes or less from health care.

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

## **3. CONSENT AGENDA.**

- A. March 10, 2014 City Council meeting minutes.
- B. Monthly Financial Statement
- C. Approval of Monthly Bills

Action: Motion by Judy Buschke to accept the consent agenda. Seconded by Skip Matthews. Motion Carried.

#### **4. REPORTS.**

- A. Fire Chief Rusty Estes reported the following for March:

- 1 Ambulance Assists
- 3 Secure Landing Zone
- 1 Wildland fire
- 28 Chief Calls

- B. Morrow County Sheriff's Department – John Bowles read the reports, there were 395 Deputy Hours for the month of March and reviewed the incident report.

- C. Housing Authority. Judy Buschke reported the following: There are still 2 Vacancies, and there are 2 pending applications. They also just received notice of a resident that is going to move out. They met with the Management Company at the last Housing Authority Meeting.

- D. Public Works. Chad Doherty reported the following:

- Water Dept. – Chad received his Cross Connection Specialist Certification. Weeds were sprayed at all the reservoirs and wells.

- Sewer Dept. – The effluent tank at the golf Course was cleaned, and the irrigation got up and running. Also the effluent pump was rebuilt for preventative maintenance. The lift pump at the Sewer plant was replaced and some sewer lines on Sperry street were cleaned.

- Street Dept. – The streets were swept several times. The Shamrock was painted. Set up and removal of the information booth for St Patricks' Day. Set up and removed parade barriers. Installed a new quiet zone sign near the Hospital. Replaced 6 street name signs in town.

- Parks Dept. – Sprayed for weeds, fertilized and turned on water in the City Parks. The mowing season has started and the crews have mowed several times already.

D. City Manager. Kim Cutsforth reported the following:

- 1) In March the City prepared for the annual St Patrick's Day Celebration. It was a very successful weekend.
- 2) Kim attended a County and City Natural Hazard Mitigation Plan meeting. She has been working on the finalized plan for the City and is awaiting approval on the submitted report.
- 3) Has been meeting with the Army Corp of Engineer, NCRS, Oregon Water Resources, DEQ and the recently formed Local Irrigator's District to discuss the impact of the irrigation district's point of diversion change on The City's outflow permit. This is an ongoing issue.
- 4) Submitted a grant proposal to The Wild Horse Foundation for funding for the basketball court. The grants are awarded in July.
- 5) Dice Construction began leveling the soccer field at Hager Park. The topsoil will be screened for rocks and then the City Crew can begin installing irrigation and seeding.
- 6) Meeting with Ferguson Engineering to begin finding solutions to the punch list on the Slopes and Drainage project on Water St. The City would like to close this project, but there are a few repairs required prior to closing. This includes fixing the sidewalk at Carolyn McDaniel's house.
- 7) Prepared for a planning meeting to allow for the replat and setback variance for the Morrow County public use building.
- 8) Attended the annual joint fire meeting, to participate in the annual agreement between the City Fire Department and the Rural Fire District.
- 9) Working with ODOT, the Corps of Engineers, ODFW and OWR to coordinate the bridge removal on the Sperry Street Project. Dice Construction would like to have this project completed by the end of May.

**5. PUBLIC HEARINGS.** Ordinance 574-14: An Ordinance of the City of Heppner Declaring a Moratorium on Medical Marijuana Facilities and Declaring an Emergency.

Kim Cutsforth read the Ordinance:

**AN ORDINANCE OF THE CITY OF HEPPNER  
DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES,  
AND DECLARING AN EMERGENCY**

*WHEREAS*, the Oregon Legislature enacted House Bill 3460 (2013) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;

*WHEREAS*, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution;

*WHEREAS*, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction;

*WHEREAS*, the Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and

*WHEREAS*, the City Council believes it is in the best interests of the health, safety and welfare of the citizens of Heppner to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Heppner;

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF HEPPNER  
ORDAINS AS FOLLOWS:**

**MORATORIUM DECLARED.** The City of Heppner hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Heppner. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

**DURATION OF MORATORIUM.** The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.<sup>1</sup>

**ENFORCEMENT.** The Morrow County Sheriff's Department is charged with enforcement of the moratorium.

**REMEDIES NOT EXCLUSIVE.** The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the City of Heppner to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

**SEVERABILITY.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end

the provisions of this Ordinance are severable.

EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.<sup>2</sup>

<sup>1</sup> The Oregon Health Authority has indicated it might not acknowledge a moratorium ordinance unless it includes an end date of May 1, 2015.

<sup>2</sup> Although SB 1531 requires a governing body desiring to impose a moratorium to enact the ordinance by May 1, 2014, this ordinance includes an emergency clause to make the ordinance effective upon adoption.

Passed by the Common Council and approved by the Mayor April 14<sup>th</sup> 2014.

APPROVED BY:

\_\_\_\_\_  
Joe Perry, Mayor

ATTESTED TO:

\_\_\_\_\_  
A. Kim Cutsforth, City Recorder

Public Hearing opened at 7:35 PM

Discussion: Sheryl Bates said she was support of the Moratorium. Alissa Hill agreed as there could be a lot of problems if we did not impose a Moratorium. No one else from the audience wished to comment.

Public Hearing Closed at 7:37 PM.

Discussion: Kim Cutsforth explained that the Moratorium is for one year from May 1, 2014 to May 1, 2015. The State of Oregon has allowed for Medical Marijuana Dispensaries. It is not currently known what the legal ramifications of these facilities are. They do not currently have set regulations yet. This gives the Cities in Oregon time to figure out how do deal with the regulations for the dispensaries. The County and the Cities are working together to get a plan in motion.

Council Action: Motion by Judy Buschke moved to accept the Ordinance of the City of Heppner Declaring a Moratorium on Medical Marijuana Facilities and Declaring an Emergency. Seconded by Dale Bates. None of the Council Members were opposed. Motion Carried.

## **6. COUNCIL ACTION.**

**A. OLD BUSINESS.** None

**B. NEW BUSINESS.**

1) April 7<sup>th</sup> 2014 Planning Meeting Report

Discussion: Kim Cutsforth reported that the Planning Commission approved a Partition/Subdivision and Variance for the Morrow County project.

2) Resolution 846-14: A Resolution to accept the Morrow County Sheriff's Contract for 2014.

Discussion: This was brought to the Council at the last meeting where the City Attorney suggested that a Resolution was needed for this.

Motion by Corey Sweeney to accept the Morrow County Sheriff's Contract for 2014. Seconded by Dale Bates. Motion Carried.

## **7. MINUTES OF COMMISSION MEETINGS.** For information only

**8. REPORT FROM CITY ATTORNEY.**

The City Attorney reported the following: Did some research on the Vehicle Permit Ordinance and the sports court at Hager Park.

**9. REPORT FROM MAYOR, CITY COUNCILORS.** - None

**10. ADJOURNMENT.** Meeting adjourned at 7:46 PM.