

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM September 12, 2016**

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

ATTENDEES:

**Skip Matthews
Joann Burleson
Corey Sweeney
Adam Doherty
Dale Bates
Kim Cutsforth
Chad Doherty
Bill Kuhn, City Attorney**

Absent: Teresa Bedortha, John Bowles and Rusty Estes

Members of the Public: Judy Healy, Sheryll Bates, Deanna Koerner, Jay Keithley, Sharon Inskeep, Cody High, and Dave Sykes.

1. GENERAL BUSINESS.

A. Call to Order. The September 12, 2016 meeting of the City of Heppner City Council was called to order by Skip Matthews at 7:00 PM.

B. Pledge of Allegiance. Skip Matthews led attendees in the Pledge of Allegiance to the Flag.

C. Announcements – None

D. Correspondence – Letter from Columbia Basin. Columbia Basin Electric sent a thank you letter to the City Council for all of work that the City did on the new Electric Car Charging station. Skip added that he has already seen a couple of cars using it.

E. Requests

1. Animal Permit, John and Kathy Marick for 20 chickens

Discussion: The Maricks received 4 chickens from the Antonucci's on Gale Street. They are planning to get 16 more, for a total of 20 chickens. The Council decided that it would be best if the Marick's would get written approval from the adjacent neighbors to show to the Council at the October 10, 2016 meeting. If the neighbors

agree to allow the 20 chickens, the Council may approve the permit as long as there are no complaints.

2. Liquor License Application, Kirby Company, for Heppner Market Fresh

Discussion: Kirby Company who has purchased Heppner Family Foods is requesting a Liquor License for the store. This is just a housekeeping measure to change the permit from Heppner Family Foods, to the new owners.

Motion to approve Liquor License Application for Kirby Company/Heppner Market Fresh by: Dale Bates. Seconded by: Corey Sweeney. Motion Carried

F. Presentations – None

2. COMMUNICATIONS FROM THE PUBLIC

- A. Cody High said that he heard another person fell on the sidewalk today in front of the Heppner Daycare Infant Center on Main Street. He said that he knew that someone had come out to look at the sidewalks last week and was wondering what the status was on this. Kim said that the bid came in, but she has not had time to review it. She said that the responsibility of the sidewalks fall on to the property owner, but the City is trying to come up with a plan to get this taken care of, as the City has a few trouble spots on its property. The property owners can get the repairs done whenever they want, they don't have to wait to collaborate with the City to get the work done. The concern with the repairs is that the main cause of the lifting is most likely from tree roots. If the sidewalk is lifted and the roots cut out, the tree may die. The only to really know what is going on is to try to lift a section and see what is causing the problem. The City will probably consult with an Arborist about being able to do the work without killing the trees.
- B. Sharon Inskeep who lives on Summit Drive said that the street is in very bad condition. Only one side is passible, the other side is degraded and full of pot holes large enough to bottom out. People who come to the neighborhood to visit will park on the good side of the street which blocks off much of the narrow street and the residents are forced to drive around through the bad side. She added that people will come up there probably not knowing it is a dead end street and then turn around. Chad said he will try to get up there and add some gravel to the holes, but it is only a temporary fix. He will also try to get a "Not a Thru Street" or "Dead End" sign put up. She said that Willow Street where the Gazette office is really bad and that Water Street has no center line and the High School kids are always crossing into the other lane. Kim said that most of this is a money problem. Skip said that the City has been working on its Transportation Systems Plan. In order to get grant money for street repairs, the City has to have a priority list prepared prior to applying. There will be discussion regarding updating the priority list at future meetings.
- C. Sheryll Bates said that there will be a Candidates Forum at the October 20th Chamber of Commerce lunch.

3. CONSENT AGENDA.

- A. August 8, 2016 City Council meeting minutes.
- B. Monthly Financial Statement
- C. Approval of Monthly Bills

Action: Motion to approve the consent agenda by: Joanne Burleson. Seconded by: Corey Sweeney. Motion carried.

4. REPORTS.

- A. Fire Chief Report – Rusty Estes was absent so there was no Report.
- B. Morrow County Sheriff's Department – John Bowles was absent. Skip said that we have not been getting the calls report the last few months. The one that was submitted this month is different and he didn't like it as well.
- C. Public Works. Chad Doherty read the Public Works report.

Water Dept. – Replaced a water meter at 475 S Chase St. Installed a new water meter for the Bartholomew Building irrigation. Oregon Backflow came and tested all of the backflow devices. Cut out the water valve covers on Chase Street and prepped them for paving.

Sewer Dept. – Cleaned contact basins twice. Did 22 septic dumps. There has been a little trouble with Silver Creek not scheduling their septicage dumps. Chad is going to try to get this resolved. Cleaned the sewer lines on S Court and Alfalfa Street.

Streets Dept. – Fertilized the hanging flower baskets. Finished work on the new electric car charging station. Swept the streets twice. Put up the Rodeo banners. Prepped Chase St and Skyline Drive for paving. Also prepped holes on Cannon and Riverside Ave for paving. Cleaned up around town and set up and took down the barricades for the Rodeo parade. Painted the Shamrock. Painted the crosswalk at the Heppner Elementary School.

Parks Dept. – Put up the hunters water sign and got extra garbage cans for the hunters garbage. Fixed the volleyball posts at Hager Park. Fixed the broken Dogi pot station at Hager Park. One employee has been steadily working in parks.

Other – Caleb has received his CDL. Hauled off spoils from the yard. The pump for Well 3 is out, the pump for Well 5 is out, and work for getting Well 4 offline is being done. The divers are coming on Thursday September 22nd to clean and inspect the reservoirs.

Joanne asked why the backflow devices need to be inspected every year. Chad said it is a State requirement that they be checked yearly as they can get worn out and go bad. Everyone who has an automatic underground sprinkler system or a business that is deemed a high risk needs to have one and get it inspected yearly.

Skip asked if there was going to be a clean-up dumpster in the City yard again this fall. Chad said that he will work on getting that set up for some time in October.

Chad said that there has been some trouble again this year with people putting garbage in and taking it out of the Hunters garbage at the City Park.

D. City Manager. Kim Cutsforth read the City Managers report:

1. The walk through with Apollo was completed and they have corrected all of the items on our lists. Granite paved the parking lot on August 24th and it has been striped. We are waiting on the fire crew to decide on an open house date. The occupancy permit was not approved because the building did not have the address posted on the side, and the propane tank has not been set.
2. The paving on Chase Street was completed on August 25th. This project included Bruce Kelly Drive and Skyline Drive. The ODOT representative visited and reviewed the project. It was approved for payment and that file will be closed. The paving was funded through a cooperative effort of the Cemetery District, Morrow County, ODOT Special City Allotment Grant, and a foundation grant.
3. Skip and Kim sat in on the Morrow County Economic Development Task Force meeting where issues in the Communities were discussed. The completion of the Natural Hazard Mitigation Plan and the Intergovernmental agreement between the City and County regarding the urban growth boundary were also discussed.
4. Kim and Chad met with Terra Firma Foundations. This is a company that lifts and levels sidewalks and foundations. They walked the length of Main Street, Terra Firma will be sending an evaluation of the sidewalk problems and a bid for a solution. This is for consideration and options only. No plans have been made to begin this project.
5. Received official notice from DEQ that the City was selected for a low interest loan to update our Waste Water Facility Plan. These funds will be used for a feasibility study for waste water storage solutions. Kim is meeting with a DEQ representative next week to prepare a proposal request to solicit engineers.
6. The City received notification that it was selected by the Transportation and Growth Management Program to receive a grant from ODOT/LCDC. These funds will be used to update our Transportation Systems Plan. Kim is meeting with an ODOT representative to begin this process later this month. When Kim started there were 23 items on the list, there are currently only 5 left on the list that have not been completed.
7. Kim continues to work on nuisance abatement issues.

5. PUBLIC HEARINGS

- A. Ordinance 578-16, An Ordinance Amending Portions of the City Utility Code to Provide for Rate Relief when Multi-Family Dwellings are Unrentable Due to Repair or Remodeling and Holding Landlord Responsible for Unpaid Tenant Utility Charges and Declaring an Emergency.

Open Public Hearing at 7:41

Discussion: Cody High said that the Rate Relief is not practical and does almost no good whatsoever. If someone is remodeling a unit they will most likely be using water to clean up and test plumbing. He said that he thinks it is a waste of time as all it does is make a few people feel good. Holding the Landlord responsible for unpaid utility bills for their tenants is not right. It can add undue burden on the landlord as a person who is not paying their bills is probably also behind on the rent. He thinks that there may be other ways for the City to collect on past due accounts. He suggested that maybe the deposit could be raised instead. Sheryll Bates said that a lot of other cities do this. She had a rental in Portland and when the tenant moved out with an unpaid utility bill, she was held responsible for it. Cody said that just because it is done in other cities does not mean that it will work for Heppner. He said it is just another way for people to get away from personal responsibility. Dale Bates said that someone who has a rental property takes a certain amount of risk and responsibility in doing that. Currently the process is when someone moves out, the water will be turned on for the next tenant regardless if the previous one owes a bill. Cody said that if someone signs up for water and sewer that it is an agreement between them and the City. He feels that making the landlord responsible is passing the buck so that the City will not have as many losses. Kim said that the City averages about \$1,000.00 in losses a year due to renters moving and not paying the bill. 2014 the losses were \$2,349.00, in 2015 it was \$1,149.00, and this year to date is \$397.00, that have been turned into collections. Sharon Inskeep asked if there was a way to flag people that are a higher risk and require them to pay a higher deposit. Kim said that if they have a delinquent account, the City can refuse service to them until the bill is paid in full. Cody asked if this can be sent back to Utilities and discussed further before it is passed. He said that this will not affect the habitual late payers. The landlords are already probably dealing with trying to get the rent from the tenant and then will also be held responsible for the utility bills.

Close Public Hearing at 7:52

Council Comments and Discussion: Dale asked Bill Kuhn to define the landlord responsibility part of the Ordinance. Bill said that the owner of a rental property is responsible for the delinquent utility charges, this will require the city to get more information when someone is applying for utilities. The landlord will be informed and provide a signature to agree to being held responsible for the unpaid bill. Dale said that basically the way it works is if the landlord wants to continue renting their property,

they must pay the delinquent amount. Corey said that he agrees with the Ordinance. This will make the landlord take some ownership and responsibility for who they decide to rent to. Adam Doherty said that if he had a property that he was renting out he must do his due diligence and try not to rent to people that are habitual non-payers. He said that this Ordinance will not stop the people from not paying their bill. The landlord can require a higher deposit and try to hold some of the rent income in order to be prepared for that situation.

Skip spoke on the Utility Relief part of the Ordinance. This was done for someone many years ago, when they were remodeling an entire apartment building, word of this got out and that is how this whole thing got going. This was recently brought to the Utilities Commission and then to Council. Adam said that this is not a way for people to not pay their bill, it is to get relief for when the unit is unrentable due to renovations. Skip said that this will be a permit process and as with all other permits with the city, if it is abused it will be revoked. The permit is not for relief to a landlord that has an empty unrented unit, it is for an individual unit that is unrentable due to construction or renovations for a period of more than 30 days. This has been discussed time and time again. You can't just put a paintbrush in a bucket and get relief from the bill. This only applies to units that are unrentable because the bathroom and or kitchen are not in working order due to renovations or repairs. Kim said that when this was done previously it was done outside of the boundaries of the current Ordinance. Maybe what they did was right as it helped someone get their building remodeled, which opened up 3 rental units in town, but the way they went about it was incorrect.

Council Action: Motion to approve Ordinance 578-16, An Ordinance Amending Portions of the City Utility Code to Provide for Rate Relief when Multi-Family Dwellings are Unrentable Due to Repair or Remodeling and Holding Landlord Responsible for Unpaid Tenant Utility Charges and Declaring an Emergency by Dale Bates. Seconded by Corey Sweeney. Motion Carried.

6. OLD BUSINESS - None

7. NEW BUSINESS - None

8. MINUTES OF COMMISSION MEETINGS. For information only

9. REPORT FROM CITY ATTORNEY. – Bill has been working on the Ordinance and on changing the penalties for City Code violations to match the State penalties.

10. REPORT FROM MAYOR, CITY COUNCILORS. – None

11. ADJOURNMENT. Meeting adjourned at 8:04 PM.