

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM February 10, 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
Joann Burleson
Rusty Estes
John Bowles
Chad Doherty
Skip Matthews
Phillip Spicer Kuhn, City Attorney**

Absent: None

Members of the Public: Dave Sykes, Judy Healy, Sheryll Bates, Rick Carter, Jay Keithley, Deanna Koerner.

1. GENERAL BUSINESS.

A. Call to Order. The February 10, 2014 meeting of the City of Heppner City Council was called to order by Mayor Joe Perry at 7:00 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. Public Comment – There had been quite a few complaints from citizens about plowing in the City. There was a question from Jay Keithley about whether or not the City used gravel and the plowing schedule. Chad Doherty said they did try to use gravel, but the snow was so light and fluffy that it sank into the snow and wasn't effective. The City plowed on Saturday from 4 am until after 10 pm. Sunday they plowed for 8 hours. They were also out Monday

clearing the slush. The City received many complaints about either having their car or driveway plowed in or people saying their street didn't get plowed at all. The plan of action is that the hills for the Emergency route to the Hospital, the High School and Chase Street are done first. Then Water St, Willow St and other hills will be plowed. Once the hills and high traffic areas are done, they move on to side streets. They also made sure to plow Chase St on Saturday as there was a funeral. Chad Doherty asked the Council if they thought that the City should not use the plow as so many people complained about having to remove the snow deposited by the plow. This storm is considered an "event", most of the State was in the same situation, there was a lot of snow in a very short time, and it is hard to keep up with, as the City only has 1 plow. There were also many complaints about the roads that the State maintains and this is out of the City's control. The Council agreed that the City crew did as much as they could to get the snow cleared and that the current plan works fine.

F. Requests - None

G. Presentations - None

2. COMMUNICATIONS FROM THE PUBLIC. None

3. CONSENT AGENDA.

A. January 13, 2014 City Council meeting minutes.

B. Monthly Financial Statement

Action: Motion by Joann Burleson to accept the consent agenda. Seconded by Judy Buschke. Motion Carried.

4. REPORTS.

A. Fire Chief Rusty Estes reported the following for January:

- 3 Vehicle Accidents
- 2 Secure Landing Zones
- 2 Lift Assist
- 1 Flue Fire
- 21 Chief Calls

B. Morrow County Sheriff's Department – John Bowles reported 322 Deputy Hours for the month of January and reviewed the incident report.

C. Housing Authority. Judy Buschke reported the following: There are 2 Vacancies, and there are currently 3 pending applications. The furnace is still not working and they are still running on emergency heat. Two new toilets have been installed.

D. Public Works. Chad Doherty reported the following:

Water Dept. – The City crew replaced 2 meters and added 17 Radio reads to existing meters. They repaired two broken meter boxes behind the Post Office. A new check valve was installed at Well 5. There was an after-hours emergency water meter repair on Barratt Blvd. A broken water line was fixed on Heppner Spray Highway.

Sewer Dept. – The City Crew worked with Dice Construction to replace 220 ft. of 8inch sewer main line. They also put in a new sewer manhole. The crew cut and removed asphalt for the Chase sewer project. Cleaned and inspected the sewer line on Chase St. and also a trouble spot on South Court St. A water main line was installed for irrigation at the Waste Treatment plant.

Street Dept. – There was one ice event in December. The City crews de-iced the streets on several occasions. The winter banners and wreaths were removed. There was wind storm which resulted in the crews having to repair some globes on light poles. A dead deer was removed from a homeowners property.

Parks Dept. – New automatic faucets and heaters were installed in the City Park bathrooms. Replaced and painted the wood on a picnic table. Topsoil was hauled to Hager Park. The Dogipot station at City Park was replaced as the old one was broken and faded.

The two newer City trucks had decals put on them. Some scrap metal was hauled to Hermiston. The City has hired Charlie Ferguson from Lexington as the new Utility Worker.

D. City Manager. Kim Cutsforth reported the following:

- 1) Kim worked with Terry Harper and Rick Carter of the Morrow County Sheriff's office on nuisance abatement. They toured Heppner and sent out over 27 letters to property owners regarding abandoned vehicles and property clean-ups. This action led to an examination of our current abandoned automobile ordinance.

- 2) Kim attended the League of Oregon Cities Small City's meeting in Boardman at the Sage Center. The topic for discussion was Economic Development.
- 3) Kim met with Tawni Bean from the Infrastructure Finance Authority to discuss the Waste Water Facilities Plan. The City has been given an extension to allow time to work through data issues with DEQ.
- 4) The City met with Morrow County and their design committee to discuss the conditions of their conditional use permit and additional details about repairs on Gilmore and adjoining streets.
- 5) Chad and Kim met with Dice construction and Ferguson Engineering to establish details for the sewer repair and Manhole addition on Chase Street.
- 6) The City and Councilors had a goal setting session which also included a meeting with Carla McClane from the County to discuss the Pre Mitigation Disaster Plan, both meetings were a success.

5. PUBLIC HEARINGS. None

6. COUNCIL ACTION.

A. OLD BUSINESS.

- 1) Lien Ordinance public hearing and final Council approval.

Discussion: The final draft of the Lien Ordinance needs to come before the public for discussion. Deanna Koerner asked about what happens if there is a hardship case. Kim Cutsforth explained that the lien process would be one of the last courses of action that the City would take. The City works with customers on payment plans to try to help them keep the service on. If someone were to have a lien put on the property, it would be after the City had tried to work on a payment plan and by this time the water service would have been off for quite a while. Deanna Koerner wanted to know why that the foreclosure part has to be included in the Ordinance. The City Attorney explained that the foreclosure process is needed in the Ordinance, and is a standard practice. With a lien the City would receive payment only when the property is sold. Property can change ownership in many ways that do not have bank involvement or money changing hands. A lien could be on a property for many years

before it could be collected. The foreclosure part of the Ordinance would protect the City from never receiving payment on delinquent bills.

Action: Motion to approve the Lien Ordinance authorizing the imposition of Liens on Real Property for unpaid City assessments, costs and charges by Corey Sweeney. Seconded by Skip Matthews. Motion Carried.

B. NEW BUSINESS.

1) Letter from Dan McBride.

A letter was received from Dan McBride who owns the property at 150 Kirk Street Alley, and was read at the meeting. He was upset about receiving a letter regarding an abandoned vehicle. He also stated in the letter that his water was shut off illegally by the City of Heppner.

Discussion: At the Planning Commission Meeting on January 3, 2011, Dan McBride was granted a Temporary Use Permit to park an RV on the property for 1 year, during construction of a house on the same property. On January 3, 2012 he was granted one year extension of the Permit. After several warnings, The City, with Police assistance, shut off the water service to the property on November 19, 2013 as the McBride's were in violation of Water abuse. Dan McBride also stated in the letter that he will be attending the next Council meeting. He said that the City Manager was targeting him and he wanted the service turned back on to water his trees and plants. The City had turned the water on for him before and shortly after that he was living in his RV on the property again. The service was turned off due to Water abuse, and cannot be turned back on. He is no longer living on the property. The City Manager, Mayor and the Council agreed that it is a difficult situation and they wished that it had not gotten to this point, but as he was repeatedly in violation, they had no other choice.

Action: Dan McBride did not show up for the meeting, and as the City had a legal right to discontinue the services, no action was required.

1) Abandoned Vehicle Ordinance. Discuss the permit process and if it should be evaluated on a case by case basis.

Discussion: The Morrow County Sheriff's office with the City Manager had gone around town and noticed many properties that are in violation of the Abandoned Vehicle Ordinance. At least 27 letters were sent out to the property owners. Kim Cutsforth told the Council that the point of the Ordinance is to help clean up trouble areas in town. She expressed that she thought that the current process is probably too strict. Currently you

are allowed one vehicle for one year for a cost of \$25.00 and it is non-renewable. She would like to change it to allow people a non-expiring permit at no cost, for one vehicle per property. This would work a lot like the animal permits. It would be allowed as long as it was not abused and did not become a nuisance to their neighbors. This would allow people who do not have an indoor storage area to have the vehicle parked on private property to work on it. The Council gave permission to pursue the new process for Vehicle Storage permits.

Action: Motion to give permission *to start the process to change the wording of the abandoned vehicle ordinance* process of the Vehicle Storage Permits by Joan Burleson. Seconded by Judy Buschke. Motion Carried.

2) Increase fees for new Water service.

Discussion: Currently the City charges \$300.00 each for new Sewer and Water service installation. The charge for new Water service does not even cover the cost of materials. The City does not wish to make money on the installations but would like to be able to cover its costs. The request would be to change the charge to \$800.00 for a regular meter and \$1,000.00 for a 2" meter, any larger meter would be charged accordingly. New Sewer service will stay the same at \$300.00.

Action: The Council agreed that the fees should be raised. The Resolution will be brought before the Council for approval at the next meeting.

3) Fees for frozen Water Meters.

Discussion: Currently the City does not have a set fee for meters that are frozen due to not being insulated. The City will advertise in September with the hopes that people will insulate their meters sooner and educate citizens on the proper way to install insulation. This year many people had not insulated their meters until it was too late and the meter boxes were frozen shut. The City would charge \$75.00 plus materials (if needed) to repair a frozen meter that was not insulated.

Action: The Council agreed that this is a good plan of action. The Resolution will be brought to the Council for approval at the next meeting.

4) Resolution 843-14. A Resolution adopting The City Council goals for the Fiscal year of 2014-2015.

Discussion: The Council met in January and set the goals for the Fiscal year of 2014-2015 and the goals need to be officially adopted.

Action: Motion to accept the City Councils goals for the Fiscal year of 2014-2015 by Joann Burleson. Seconded by Dale Bates. Motion Carried.

- 5) Resolution 844-14. A Resolution authorizing an application for a Parks Grant.

Discussion: The State of Oregon Parks and Recreation Department has a Grant available and in order to apply for it, the City Manager needs approval from the Council. The Grant would be to apply for funding for a Basketball Court and resurfacing of the existing Tennis Courts.

Action: Motion to approve Resolution 844-14 to authorize the City Manager to apply for a Parks Grant by Skip Matthews. Seconded by Skip Matthews. Motion Carried.

- 6) Request by Zabrena Masterson for an animal permit for 2 sheep.

Discussion: Zabrena Masterson has applied for an Animal Permit to allow her to keep 2 fair sheep at 275 W Church St.

Action: Motion to approve the animal permit for Zabrena Masterson to keep 2 sheep by Skip Matthews. Seconded by Dale Bates.

7. MINUTES OF COMMISSION MEETINGS. For information only

8. REPORT FROM CITY ATTORNEY.

The City Attorney reported the following: Bill Kuhn discussed the Vehicle Permits with the City Manager. The Attorneys received information about a class action case involving municipalities; the City would only receive a settlement if the lawsuit applies to Heppner.

9. REPORT FROM MAYOR, CITY COUNCILORS. None

10. ADJOURNMENT. Meeting adjourned at 8:20 PM.

