

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING  
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON  
7:00 PM November 9, 2015**

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

**ATTENDEES:**

**Mayor, Skip Matthews  
City Manager, Kim Cutsforth  
Adam Doherty  
Dale Bates  
John Bowles  
Teresa Bedortha  
Joann Burleson  
Chad Doherty  
Rusty Estes  
Bill Kuhn, City Attorney**

**Absent: Corey Sweeney**

**Members of the Public: Ryan Miller, Joe Miller, Cody High, Deanna Koerner, Joe Perry, Sheryll Bates, and Dave Sykes.**

**1. GENERAL BUSINESS.**

- A. Call to Order. The November 9, 2015 meeting of the City of Heppner City Council was called to order by Mayor Skip Matthews at 7:03 PM.
- B. Pledge of Allegiance. Mayor Skip Matthews led attendees in the Pledge of Allegiance to the Flag.
- C. Announcements – There is an addition to the Agenda. Resolution 882-15, A Resolution Ratifying Appointments to City Committees, Boards, Commissions, and Positions.
- D. Correspondence-None
- E. Requests – None
- F. Presentations – None

**2. COMMUNICATIONS FROM THE PUBLIC.** – Ryan Miller: Ryan Miller provided the Council with a letter requesting Council approval to accept franchise changes. Ryan said that they have

had to purchase two new garbage trucks due to breakdowns. The new trucks cannot handle the old brown dumpsters that are currently being used. He is asking for approval to stop using the old dumpsters and start using large 300 gallon plastic totes. These changes will allow them to continue to operate without raising rates.

Motion to accept a change from dumpsters to totes for the Miller and Sons franchise by Dale Bates. Seconded by Teresa Bedortha. Motion Carried.

### **3. CONSENT AGENDA.**

- A. October 12, 2015, City Council meeting minutes.
- B. Monthly Financial Statement
- C. Approval of Monthly Bills

Action: Motion to approve the consent agenda by: Joann Burleson. Seconded by: John Bowles. Motion carried.

### **4. REPORTS.**

- A. Fire Chief Report – Rusty Estes read the Fire Chief report.

- 1 Ambulance Assist
- 1 Search and Rescue
- 1 Landing Zone
- 1 Wildfire assist in Lexington
- 18 Chief calls

Rusty thanked everyone for voting to support the new Fire Hall.

- B. Morrow County Sheriff's Department – John Bowles read the hours report and asked if there were any questions. There were none.

- C. Public Works. Chad Doherty read the Public Works report.

Water Dept. – Repaired a broken 8 inch water line on Cannon Street. Replaced the water line and fire hydrant at Mountain Glen Apartments. The City crew burned weeds in the Reservoir One overflow ditch. Sent in the broken flow meter from reservoir 1 to be repaired. The City crew insulated all of the city's water meters.

Sewer Dept. – Cleaned the contact basins twice. Cleaned and TV'd the sewer line in Willow St Alley. Put a new starter in the Jet truck. Cleaned the sewer line on South Court and Matlock Street. Repaired a broken water line at the sewer plant. Chad has been working closely with DEQ on the completion of the discharge permit.

Streets Dept. – Removed a dead deer. Swept Main Street and picked up leaves in town. Put down new striping at the corner of Hager and Gilmore Streets. Painted the crosswalk at the grade school. Put up a no overnight parking sign at Shobe Corral.

Parks Dept. – Repaired three broken sprinklers. Filled in a sink hole at Hager Park. Picked up leaves twice at the City Park. Shut down and winterized the parks.

All of the City's air conditioners have been removed for the season. Charlie Ferguson has left the City to take a job with Morrow County.

D. City Manager. Kim Cutsforth reported the following:

1. The Fire Hall Bond measures passed.
2. We received the Special City allotment from ODOT. These funds will be used next summer to improve surfacing on South Chase, Skyline and Bruce Kelly Way.
3. Prepared for a planning meeting to discuss improvements on a lot on South Chase Street.
4. Prepared for the access requests for ODOT and Morrow County Road Dept. These new accesses are for the Fire Hall project and are a condition of the planning variance.
5. Reviewed the City's Natural Hazard Mitigation Plan with the other communities and the County. We were required to make a few amendments and resubmit. Final review from FEMA is expected to be in February.
6. Kim has been working with Brett Cook, Ryan Miller and Werner Arntz to complete the wall on Gilmore Street to code. We have approval to finish the portion at 160 Gilmore and we are still waiting for plans for 180 N Gilmore. We are expecting to have this project completed by December.
7. Kim and Skip Matthews attended the LOC small cities meeting in Enterprise. FEMA and Flood Maps were discussed. It was a beneficial meeting.
8. A public works employee has resigned and the City is advertising for a Utility One position.
9. The Community Rating System report for the National Flood Insurance Program is being evaluated. Kim is working on the additional information request.
10. We received another WCVED grant, which was matched by a contribution from Bob Kilkenny. These funds will be used at Hager Park to purchase soccer goals, repair the play structure and improve surfacing.
11. Kim will be gone during the City Council meeting December 14, 2015.
12. Nuisance abatement continues, two people were cited last month.

## 5. PUBLIC HEARINGS

1. Ordinance 577-15: An Ordinance of the City of Heppner Declaring a Ban on Medical Marijuana Processing sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and/or Recreational Marijuana Retailers.

Public Hearing opened at 7:34 PM

Jerry Olson contacted Kim Cutsforth and requested some verbiage changes in the definitions of Medical Marijuana Ordinance. Kim asked the City Attorney about this and he said that the verbiage does not need to be changed as it is already basically defined as Jerry requested.

Cody High said that he believes that Heppner does not need a ban. He thinks that as the State of Oregon voted to allow it, it should be allowed. OLCC controls this and there are a set of rules and restrictions in place for this. If someone wants to open a Marijuana facility in Heppner, let them do so and pay the taxes accordingly. Dale Bates said that it was voted down in Heppner. Cody said that we are Oregonians and the majority of Oregonians voted to legalize it. It is legal whether or not you voted against it. Cody said that that it is no different than alcohol to him. They are both substances that affect the way you think and act. They should both be used carefully and with the knowledge that they affect the way you think and act. They will both be regulated by the same agency. He says that as long as alcohol is allowed that marijuana should also be allowed.

Public Hearing closed at 7:41 PM

Council Comments and Discussion:

John Bowles said that he understands Cody's point, but he cannot ignore that Heppner voted 60% against it. He feels that they need to represent the Vote of the City of Heppner. Adam said that when he voted on the State Measure that he didn't realize that his vote would be used at City Council to pass this Ordinance based on those votes. He said that no matter how he feels about it, he has to vote on this Ordinance based on the beliefs of the Heppner citizens. He believes that Heppner will be missing out on the tax revenue. He said that the first week of recreational sales in Oregon was 11 million dollars. The state of Colorado and Washington combined was 5 million. He said that Oregon number one cash crop is not blackberries, wheat, or roses, it is marijuana. He works next to the highway and he sees the amount of traffic that comes through town. Those people from out of town were the ones who voted to support this and we would be turning away that revenue. There are a lot of unknowns at this point as to how much tax revenue we would be turning away. Bill Kuhn said the City has the option of changing this Ordinance at a later date if they choose to do so. This Ordinance is the only chance that the City has to ban or regulate marijuana.

Council Action: Motion to approve Ordinance 577-15: An Ordinance of the City of Heppner Declaring a Ban on Medical Marijuana Processing sites, Medical Marijuana Dispensaries, Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers, and/or Recreational Marijuana Retailers by Dale Bates. Seconded by Joann Burleson. Adam Doherty opposed. Motion carried with four votes for and one against.

2. Supplemental Budget Hearing: Resolution 881-15, A Resolution approving the Adoption of a Supplemental Budget of the 2015-2016 Budget.

The City of Heppner has received \$9,753.00 in grant money for playground improvements; this amount is large enough that a supplemental budget must be approved by the Council.

Public hearing opened at 7:49 PM – No public comment

Public hearing closed at 7:50 PM

Council Comments and Discussion:

Motion to approve Resolution 881-15, A Resolution approving the Adoption of a Supplemental Budget of the 2015-2016 Budget by Joann Burleson. Seconded by Teresa Bedortha. Motion carried

## **6. BUSINESS**

### **A. OLD BUSINESS**

1. Joe Perry

Discussion: the City Attorney has written a memo to the Council stating that the way that the City charges for multiple units on a single meter is not illegal or discriminatory as Joe Perry claims. It is recommended that the City Council take no further action regarding this. Joe Perry asked to address the Council and said he still believes that the council is discouraging development in Heppner, by charging differently for apartments than other communities do. He is upset that he still gets charged a basic rate for an apartment unit that is unoccupied. He said it's not fair that he is charged for each apartment when the RV parks are not. Dale Bates said that Joe Perry is comparing apples to oranges and saying that they are the same. An RV park is different from an apartment building as those are not permanent residences. Skip Matthews said if there were no further comments that the Council will consider this matter closed.

**B. NEW BUSINESS**

1. Resolution 882-15, A Resolution Ratifying Appointments to City Committees, Boards, Commissions, and Positions.

Discussion: John Anderson has moved from the area, a Resolution is needed to ratify Cody High as his replacement on the Planning Commission.

Motion to approve Resolution 882-15, A Resolution Ratifying Appointments to City Committees, Boards, Commissions, and Positions by John Bowles. Seconded by Adam Doherty. Motion Carried.

2. City Hall and Public Works closed on December 24, 2015 as a non-paid holiday.

The Council voted to allow City Hall and Public Works to be closed on December 24, 2015 as a non-paid holiday.

3. Nuisance Property Ordinance

Discussion: This subject has been on the City Councils goals list for the last two years. It was suggested to the Council by Undersheriff Steve Myren in 2013. This would allow for the City to cite a property owner for maintaining a chronic nuisance property. This is only addressing properties that have more than 3 calls for ongoing illegal activities during a ninety day period. Many other Cities have this Ordinance in place. John Bowles said that this may be a good way to get Landlords to pay more attention to what goes on at their properties. Dale Bates agreed and said it was an interesting idea. Kim said that nothing will happen at this point, this is to get Council permission to pursue this and present it to the City Attorney for review.

Motion to move forward with the Nuisance Property Ordinance by Joann Burleson. Seconded by Teresa. Motion Carried.

4. Surplus City Property and Vehicle.

Discussion: Council approval is needed to approve the sale of the property next to the existing Fire Hall and the City vehicle that are no longer needed.

Motion to approve the surplus of the City Property tax lots 8900 and 9000 by John Bowles. Seconded by Joanne Burleson. Motion Carried.

Motion to approve the surplus of the City vehicle by Adam Doherty. Seconded by John Bowles. Motion Carried.

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

**8. REPORT FROM CITY ATTORNEY.** – Not too much to report, just the letter to the Council addressing the Joe Perry issue.

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

**10. ADJOURNMENT.** Meeting adjourned at 8:12 PM.