

**MINUTES OF THE CITY OF HEPPNER CITY COUNCIL MEETING
HEPPNER CITY HALL, 111 N. MAIN STREET, HEPPNER, OREGON
7:00 PM September 11, 2017**

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

ATTENDEES:

**Cody High
Edie Ball
Joann Burleson
Corey Sweeney
Dale Bates
Adam Doherty
John Bowles
Chad Doherty
Rusty Estes
Bill Kuhn, City Attorney**

Absent: Teresa Hughes

Members of the Public: Calvin Sherman, Deanna Koerner, Dave Sykes, Jerry Healy, Rich Foster, Julie Baker, Sheryll Bates, Bernice Lott, Doris Jones, Gary Jones, Larry Runyon, Karen Runyon, Ray Grace, John Murray, Kathie McGowan, Janet Taylor, Jay Keithley, Tayllor Brannon, Ashli Gould, Melissa Lindsay, James Healy, Rob Dobler, Roberta Lutcher, Sharon Inskeep, Phil Hamm, Molly Rhea, Clint Carlson, Joe Miller, Jerry Olson, Lisa Larson, and Tareena Healy.

1. GENERAL BUSINESS

- A. Call to Order. The September 11, 2017 meeting of the City of Heppner City Council was called to order by Cody High at 7:03 PM.
- B. Pledge of Allegiance. Cody High led attendees in the Pledge of Allegiance to the Flag.
- C. Announcements – Mayor Cody High requested a moment of silence in remembrance of the 9/11 attack.
- D. Correspondence
 - 1. A letter from John Edmundson was submitted regarding Ordinance 580-17, this will be read during the public hearing.

E. Requests - None

F. Presentations – None

2. COMMUNICATIONS FROM THE PUBLIC - None

3. CONSENT AGENDA

- A. August 14, 2017 City Council meeting minutes.
- B. Monthly Financial Statement
- C. Approval of Monthly Bills

Cody requested a correction of the minutes on page two under presentations where is said “The City would lose approximately \$15,000.00”, he asked for “would’ to be changed to “could”.

Motion to approve the consent agenda with a correction by: Joann Burleson.
Seconded by: Dale Bates. Motion carried.

4. REPORTS

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

- 3 Motor Vehicle Accidents
- 1 Motorcycle Wreck
- 1 Secure Landing Zone
- 1 Haystack Fire
- 5 Wildland Fires, 3 were caused by lightning
- 1 Lift Assist
- 21 Chief Calls

- B. Morrow County Sheriff's Department – John Bowles read the hours report.

There were 534 hours reported for the month of August. It was a busy month with all of the preparation for Fair & Rodeo and the Eclipse. The events went well and there were no big issues. Adam asked about the kids that called to inform the Sheriff's office that they were going to be dressed in black and playing “Fugitives” from 9:30 to midnight, in the park. The City Parks close at 9:00 PM unless they make arrangements with the City. The City and the Sheriff's office encourage people to call if they see any suspicious activities and this could appear to be suspicious. The game starts on one end of town and ends at the other, they inform the Sheriff's office as they will most likely be running through the City Parks.

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

Water Dept. – Attended Sensus training on how to install the new radio reads for the water meters. Replaced water service lines at 61228 & 61209 Hwy 207. Installed 20 new radio reads. Installed and/or replaced 20 new water meters. Flushed the dead end lines on Baltimore and Center Streets.

Sewer Dept. – Did 11 Septic dumps. Cleaned the contact basins twice. Fixed the sludge pump at the sewer plant. Unclogged the main line near 330 Main Street.

Streets Dept. – Picked up a dead deer and hauled it to the ODOT yard. Swept Main Street and around town twice. Trimmed back trees on Willow and Main Streets. Pulled weeds out of the swale on Sperry Street. Painted the crosswalk at the Elementary School. Set up and took down the rope barricades for the Rodeo Parade. Put up and took down the Rodeo Banners. Spread rock on Linden Way Alley. Repaired broken striping on Main Street.

Parks Dept. – Fertilized the hanging baskets twice. Fertilized the Plaza and City Parks. Performed maintenance on the walker mower.

Other – Prepped asphalt for patch behind City Hall.

D. City Manager Report

Attended the South County Wastewater Solutions meeting with Mayor Cody High, Council Member John Bowles, Utilities commission member Jay Keithley, and Public Works Director Chad Doherty. Discussion included having a feasibility study done and doing a Memorandum of Understanding. We, the City of Heppner, want to move forward with the MOU, but concerned not being able to access funds for the feasibility study. Lexington and Ione would be able to get the funds. Lexington is interested, but concerned over the financing. Ione was not in attendance.

Contacted Carl Nadler, DEQ, to discuss the NPDES permit and the compliance date schedule for the Wastewater Plan Update that is due December 1st. He advised to request a date change, March 31st, and add an Alternative #3 to the plan which would be a shared lagoon system. All other dates will stay the same.

Volunteered for the Chamber at the Wine Tasting event at the Fairgrounds.

Volunteered for the Chamber at the Parade passing out flyers to visitors at the gas station.

Volunteered for the Chamber at the Rodeo Gates.

Witnessed the Solar Eclipse

Attended a WCVED meeting

Attended the South County Wastewater Solutions meeting at the Port of Morrow. The Memorandum of Understanding for Heppner, Lexington and Ione to sign. Lexington and Ione meet on Tuesday to review it. Also, one of the other cities will need to apply for funding on the feasibility study.

Attended the Morrow County Economic Development Task Force meeting at the Boardman Rec Center. Discussed OSU Extension forming a Service District; updating the marijuana ordinance regarding the new state laws; toured the rec center.

Spoke with Michael Barry, ODOT, about the Kirk Street Bridge. The bridge application due date is October 15th, if council wants to proceed.

Participated in a TSP Conference Call to provide introduction to the project, review the scope of work, discuss the schedule, and set a time/date for upcoming meetings.

E. Heppner Housing Authority

Teresa was not present to give the report.

5. PUBLIC HEARINGS

A. Declaring 475 and 495 Water Street to be a public nuisance

Deputy Oscar Madrigal gave a report on the condition of the properties. DHS is involved as there were children living at 475 Water Street and there is a lot of household garbage there that has begun to smell very bad. DHS is trying to get a garbage bin delivered to help get rid of it. The 495 address is vacant but also has a lot of garbage and hazards around it. Cody read the Resolution that describes the issues that the City has with these properties.

1. Open Public Hearing at 7:30

Several of the neighbors were present to voice their issues with the properties, and they showed a few photos to the council. The tall dry grass and trash are a fire hazard that is scaring them. A neighbor below the property is worried about damage that could be caused to the easement that would be used to remove the numerous abandoned vehicles, which have increased in number since the notice went out. One neighbor is considering selling her house and is worried that it either will not sell or that she will have to take a much lower price for it as no one wants to live next to a junkyard. It is hard to promote our community as long as there are properties like this in the City. People are getting tired of driving by this every day and seeing how bad it is. Tareena Healy spoke about her health issues that have not allowed her to get the

properties cleaned up. She recently has been picking up garbage and has knocked down some of the tall weeds. The scrap metal will be sold and removed soon. Many of the abandoned cars belong to the people that lived in the rental house at 480 Water Street that recently burned down. The renters at 475 Water Street have been evicted and only have some large furniture left to pick up. She has some friends that have access to heavy equipment to aid her in cleaning up. The renter at 475 Water Street and the previous renters of 480 Water Street have been arguing and were breaking the windows and slashing the tires of the vehicles on the properties which has made a mess and will make it harder to remove them.

2. Close Public Hearing at 7:49

3. Council Comments and Discussion

The Council agreed that the properties really need to be cleaned up.

4. Council Action: Motion to approve Resolution 927-17, A Resolution Declaring 475 and 495 Water Street to be a Public Nuisance and Ordering Actions that Alleviate the Condition by: Corey Sweeney. Seconded by: Joann Burleson. Motion Carried

Cody said that he knows that Tareena has had some bad luck with her renters and health issues but he really hopes that she gets things cleaned up. Bill Kuhn reminded her that if she does not work closely with Deputy Madrigal and get the properties cleaned up to the City's satisfaction the City will clean up, lien them, and could eventually foreclose.

B. Ordinance 580-17, An Ordinance Repealing Ordinance 576-17, an Ordinance Allowing Medical Marijuana Dispensaries and Grow Facilities; Amending Ordinance 577-17 to Include Additional Prohibition of Additional Marijuana Dispensing, Processing and Distribution Facilities.

Cody read Ordinance 580-17.

1. Open Public Hearing at 7:59

Many people were in attendance to voice their opinions for and against the Ordinance. Ordinance 576-15 allowed Medical Marijuana facilities with restrictions, Ordinance 577-15 was passed when Oregon law allowed Cities that voted mostly against Measure 91 to opt out of allowing any facilities that dispense, process or distribute Marijuana. These two Ordinances are in conflict. Ordinance 580-17 will ban these types of facilities completely and include sections that are added due to recent changes by Oregon legislature. People that spoke against allowing sales of Marijuana said that it is not good for the community. It is a gateway drug and they have seen the effects of this. Medical Marijuana is more controlled and does have benefits to some people but they do not want to see recreational sales in town. If it

were allowed, Heppner would be endorsing a problem. The majority of Heppner residents voted against Measure 91 and it should not be allowed here. If someone wants it they can go out of town to get it. People speaking for allowing Marijuana facilities in Heppner said that everyone knows where to obtain it illegally in town. Cannabis has a bad reputation in this town because of all of the other types of drugs around. If it were available to purchase legally it would be more controlled, would help eliminate illegal sales and get rid of low life dealers. If you buy it on the street you don't really know what you are getting. The medical benefits have helped many people. Allowing the sales of marijuana could bring businesses that make money, employ people and generate tax income. People that use it for pain relief are not seeking to get high and you have to be careful about what decisions you make for other people and how they choose to take care of themselves. Many people that were against this previously have changed their minds about it once they were educated about it. Marijuana is not a gateway drug; alcohol is and it is one of the worst drugs around.

2. Close Public Hearing at 8:27

3. Council Comments and Discussion

Cody thanked everyone that shared their opinions and read some facts. Recreational Marijuana rules have changed slightly recently with House Bill 347. Previously you were only allowed tax revenue if you had a licensed facility in your city. Now any city that allows Marijuana to be sold would receive tax money whether or not you have a facility. 74 Cities currently have a ban and 16 Counties. Tax revenues are expected to be \$62.42 Million dollars in the next two years. The very first month that it was sold in Oregon there was \$3.48 Million dollars of tax income. 2% of all traffic fatalities are associated with cannabis, males 16-28 are highest risk for cannabis impaired driving. Legalization has not affected illicit cultivation on public lands. Oregon is producing 2 million pounds of marijuana every year and consuming 372 thousand pounds, leaving an excess of between 265 thousand and 1.8 million pounds with an estimated value of \$4.7 to \$9.4 billion dollars. It yields more than any agricultural commodity in the state. The percent of Oregonians who have tried cannabis did not change significantly between 2014 and 2015 since the passing of legal recreational use. Council discussion was as follows; Marijuana and alcohol are both impairment substances and are legal in the state whether you like it or not but by banning it the City does pass on possible tax revenue and by passing it does not mean that a shop is going to instantly spring up. In our area more voters were against it, although there are some medical benefits it should not be sold for recreational use in Heppner. If the ban is not passed we could be endorsing a problem. Heppner is a very small area to have a recreational dispensary. On the business side of things to ban it would be passing on tax revenue and some jobs. There is such small area where the zoning would allow a dispensary and it is not worth allowing it, the City has more important issues to deal with. Measure 91 was to vote on whether recreational Marijuana should be legal in Oregon, not what to do with it if it were to become legal.

Council Action: Motion to approve Ordinance 580-17, An Ordinance Repealing Ordinance 576-15, an Ordinance Allowing Medical Marijuana Dispensaries and Grow Facilities; Amending Ordinance 577-17 to Include Additional Prohibition of Additional Marijuana Dispensing, Processing and Distribution Facilities by: Corey Sweeney. Seconded by: Dale Bates. Adam Doherty and Cody High voted against as there was no information on the exact amount of the grant. Motion Carried 4 to 2.

6. BUSINESS

A. New Business

1. If I were Mayor Contest

Last month the City received a letter from the Oregon Mayors Association asking if Heppner would be a participant in the "If I were Mayor" contest. Cody thinks that it is a good idea but probably for next year as we would have to budget for prizes. The contest is for Kindergarten through 12th grade and local winners would go to a State contest.

2. Fire Chief Response Vehicle

Rusty's response vehicle recently had a malfunction. There were 3 bids for a new vehicle. Cody asked if the Fire Department has funds for a new vehicle. Corey said that he has been working with Kim from the Bryant Foundation and she has found a grant for up to \$35,000.00 to replace the vehicle. With the age of the vehicle and the problems with it, it is time to replace it. Cody asked if the grant was from outside or from the Bryant Foundation. Corey said yes it is from the outside but he is not sure which grant they got. The City would have to pay for decals and lights which should come in under \$2,000.00. The Fire Department does have enough to pay for that.

Corey Sweeney made a motion to accept the bids for the vehicle. Adam said that we cannot accept all of the bids we have to pick one. Cody suggested we reject the motion and make a new one with a limit to how much the city is willing to invest since we did not have the grant information in front of us.

Motion to accept a Grant to purchase a new Fire Chief Response Vehicle by: Corey Sweeney. Seconded by: Joann Burleson. Cody and Adam voted against. Motion Carried 4 to 2

The council decided to accept the bid from Wright Chevrolet for \$32,383.00.

3. Kirk Street Bridge

The City received a preliminary notice request from the Department of Transportation. If the City wants to replace the bridge they would have to respond by October 13th. It could be replaced in 2020 at a cost of approximately 1.2 million dollars. The City could receive federal funding but would have to come up with approximately \$230,000.00 of matching funds. In 2007 the rail was built and the decking was redone, since then a few boards have been replaced. The bridge has passed all of its inspections. 40 years ago it was used for Hager's Dairy and it did serve a city function, currently it is only used to access two privately owned lots. There are definitely cheaper options than replacing the whole bridge. The Council decided to take no action in this matter.

B. Old Business

1. Shared Heppner/Lexington/lone lagoon system – Memorandum of Understanding

This has been discussed at several meetings and the Cities have decided to enter in to an agreement of understanding in written form. Council approval is needed for the City Manager to sign the form. Heppner does not qualify for feasibility study money as we have already used it. Lexington and lone can qualify for money to pay for feasibility study. It is non-contractual or intended as a binding contract with enforceable legal obligations, instead it reflects the nature and scope of the matter that the Parties envision may ultimately be the subject of a contract. The Council agreed to have the City Manager proceed and sign the memorandum of Understanding.

2. Resolution Approving Morrow County Order to Initiate Formation of Morrow County Extension Service District discussion.

There are an estimated 15 kids within City limits that currently participate in 4-H. At the last meeting it was stated that if the city does not pass the Resolution it may affect the 4-H participation rate. If the city were to opt out and if it were to pass in the rest of the County, kids may have to pay more to participate, they are not sure how much that would be yet. Umatilla opted out, but there have been further conversations with the council and this may change. No other Cities in Morrow County have opted out so far. If this passes County taxes will probably decrease, because they won't be part of the extension anymore. The City is capped at \$10 per thousand, the City and all special districts would lose tax money if it passes. This is a one-time only and there will be no future increases. The Cities have to be asked if they want to be included in this. The Resolution that Irrigon will pass says that they do not support the service district, but they believe that the citizens have the right to decide. Boardman's Resolution was similar. This is a tough decision as the City of Heppner as well as other special districts would be at a loss, but the

Extension office is a benefit to the community and the county. The Assessor has no way to estimate how much money the City and the special districts would lose every year, there was a rough estimate of between 12 to 15 thousand for the City alone.

Motion to accept Resolution 928-17 opting into Morrow County Extension Service District with verbiage similar to Irrigon by Adam Doherty. Seconded by Joann Burleson. Motion Carried

7. MINUTES OF COMMISSION MEETINGS - For information only

8. REPORT FROM CITY ATTORNEY

Everything Bill has been working on has been discussed previously in the meeting.

9. REPORT FROM MAYOR, CITY COUNCILORS – None

10. ADJOURNMENT – Meeting adjourned at 9:48 PM