

PUBLIC NOTICE
A MEETING OF THE HINES COMMON COUNCIL
February 11, 2020 AGENDA

- I. Meeting begins at 6:30pm ✓
- II. Flag Salute
- III. Approval of February 11, 2020 Agenda VOTE
- IV. Approval of previous meeting minutes from January 28, 2020 VOTE
- V. Approval of Accounts Payable for January 30, 2020 VOTE
Approval of Accounts Payable for February 11, 2020 VOTE
- VI. Department Reports
 - a) Police Chief, Ryan DeLange
 - b) Fire Chief, Bob Spence
 - c) Acting Superintendent, Jerry Lewellen
 - d) City Administrator, Kirby Letham
- VII. Public Comment – Non-Agenda Items ONLY (Speaking time limits may apply)
- VIII. Old Business
 - a) Re-Visiting Ordinance 315 (Chapter 9.07) – Kratom and Substances Considered Harmful VOTE
 - b) Re-Visiting Ordinance 302 (Chapter 6.08) – Domestic Livestock VOTE
 - c) Motorcycle Rally by Boomer's VOTE
 - d) Water Improvement Project – Water Line Easements Report
- IX. New Business
 - a) Harney County TLT – Judge Pete Runnels
 - b) Acceptance of Resignation by Councilor Allison; Review of Procedures
- X. Public Comment Period (Speaking time limitations may apply.)
- XI. Mayor and Council Comments
- XIII. Adjournment VOTE

This meeting is open to the public. It is anticipated to last approximately one hour and a half.

In accordance with ORS 192.630, City of Hines will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice.

DATED this 11th day of February 2020



Kirby Letham, City Administrator

REGULAR MEETING OF HINES COMMON COUNCIL

February 11, 2020

AUDIENCE SIGN-IN SHEET

IF YOU WISH TO ADDRESS THE COUNCIL, PLEASE INDICATE
YOUR SUBJECT TO THE RIGHT OF YOUR NAME

PLEASE **PRINT** YOUR NAME

SUBJECT, IF YOU WISH TO SPEAK

Boomer Insdman

Hines Helmet Head Rally

Jeff Campbell

Helmet Head Rally

PETE RUNNERS

County TLT

Lola Johnson

Harney Chamber

Jordan Bennett

Harney Fair / TRT

City Council 2/11/20

Ron, Beers, Mayor, Gary, Hatch, Ray

I. ✓

II. ✓

III. Beers, Ron, Ages.

IV. Beers, Ron, Ages.

V. Beers, Ron, Ages

VI. Dept. Reports

a) ~~Chief~~ Chief DeLange

- case lost for YTD

- Vaping (minors) still a major problem; why? - Ron? nothing can you do? discussion; Beers - outlawing? - DR did not outlaw
- * Education is solution; Ron? scare; he will likely use pictures & video to educate; "Hard to prosecute" no law; Mayor: teen court have any ideas? P.C. - not really. Want to talk at LPSSC.

Ron? P.C. - need help from community; bully online.

b) Bob Spence - FC

- > 4 calls; a wreck, sprinkler, stove fire, rite aid sprinkler issue

- > We have smoke detectors; only 25 so will go fast. Ron? purchase?

No, not really. People can handle it. If you change your clocks & batteries

c) Jerry:

- > 4 plugged sewers; sidewalks cleaned, ODOT offered their sweeper; ^{no} This time ODOT swept after us; ODOT helpful

- > Lagoons 160-190 ^{normal} gals pumped/day; today pumped fruit so we had to fix; pumps just won't start;

- > 190 gal/day fresh water pumped

- > screen took a month; lagoons full till tomorrow

- > Hanley Potatoes;

- > ~~the~~ visit; Jerry reviewed Draft plans; Mayor? ~~Sagehen~~ water lines? - J = they'll be eliminated
- > Hatch? = when the ponds thaw does that help evaporation? J = every spring we have to ^{be} pumped;

d) > City Administrator
 • ?? West Ridge!!

VII Public - None

- a) > Ron? - Chief DeLange = No! No controls, labels, etc.
- > Kratom is highly addictive; we don't know what it is.
 - > Mayor: Feb 2018 CDC reported Salmonella; Not controlled
 - > Lola S.: What is a Kratom? Chief: powder, a stimulant
 - > Ron: Are we out of bounds outlawing? Chief: we want to be ahead of the game;
 - > Hatch: How taken? smoked, injected, etc.
 - > Ron: It's ok to be ahead of the g
 - > CA: read quotes from articles.
 - > Hatch: Shared an article from Mayo Clinic.
 - > Mayor: DEA says contemplating making this a sch. I
 - > Hatch - Ray "AS-13" Ages.
 - > Chief - if OR decrim drugs, we will run through our courts.
 - >

b) Livestock

- > CA described situation
- > Mayor explained
- > Ron: Have we made exceptions?
- > Ron, Hatch, Hyes

d) Boomer - motorcycle Rally

> 3 options for City donation available. 1) poster, 2) shirts 3) sub

> Mayor clarified

> Hutch?

> Gary?

> Ron - How much to be a vendor ~~or~~ \$75 or \$125 (power)

> Hutch -

> Boomer/Jeff.

> Ron:

> Discussion on how to do donation of spots.

> Ron

* Quick: do a raffle;

> Ron

> Ron \$1500, Hutch, yes. Check on 2/25

d) Water

>

e) Judge Runnels

> County implementing a TLT tax.

> 2nd reading next wed. on Ballot in May

> 6% on top of Hines 8%

> 50% to Fair, 100% to S&R, 10%

> estimate \$200k / yr

> Ron: Any of this help Hospice? Pete: want to save Hospice

> Pete: some feedback; People are finding us.

> Hutch: work in County? Pete: yes.

> Jordan Bennett: Feasibility Report at Fairgrounds. - discussion

>

19
20
500
1250 - 30
1800 - 40

b) Councilor Allison - resignation

> Hutch

> Ron motion, Ray, Ages.

> Mayor: apply, express the interest in writing

> March. 10. Applicants.

x. Public Comments

> Lola Johnson invite to State of The County

• ~~AK~~ EO?? - Fairgrounds \$4000

• Recycling & ~~R~~W. Cook, art show, fundraiser 22nd

• March is filling up.

>

XI • Ray - Thanks to City

Hutch - Thanks, more Hilda

XIII Ron, Beers, Ages @ 8:13 pm.

**MINUTES FROM
A MEETING OF THE HINES COMMON COUNCIL
January 28, 2020**

Present:

Mayor:

Nikki Morgan

Council:

Councilors Duane Hutchins, Gary Miller, Hilda Allison, Robert Beers, and Ron Williams were all present. Councilor Raymond Breshears was excused as absent.

City Staff:

City Administrator, Kirby Letham.

Public Audience:

Boomer Inselman, Jeff Campbell, Ann Sampson, Ryan Dupuy, Lydia Dupuy, Leauna Dupuy, Arik Swindlehurst, and AJ Kamahwee.

***Mayor Nikki Morgan called the meeting to order at 6:30 pm and led the flag salute.**

Approval of January 28, 2020 Agenda:

The agenda for January 28, 2020 was reviewed by the Council. Councilor Beers made a motion to approve the agenda as read. Councilor Allison seconded the motion. All ayes, the motion carried.

Approval of Minutes for January 14, 2020:

The minutes for January 14, 2020 were reviewed by the Council. Councilor Beers made the motion to approve the minutes as presented. Councilor Allison seconded the motion. All ayes, the motion carried.

Accounts Payable

The Accounts Payable from January 23, 2020 in the amount of \$8,293.00 and Accounts Payable from January 28, 2020 in the amount of \$3,824.90 were considered. Councilor Beers asked about an \$80.00 payment for Obsidian Days. Administrator Letham explained this was refund for two participants in the Obsidian Days events had to cancel their attendance Chief Bob Spence approved a refund to them for hardship. *(After this meeting, it was discovered that two spots for Obsidian Days were purchased electronically, so the City wrote a check for \$80.00 to the Hines Volunteer Fire Department. These were not refunds.)*

Councilor Allison made a motion to approve the January 23, 2020 Accounts Payable for \$8,293.00 and the Accounts Payable for January 28, 2020 in the amount of \$3,824.90. Councilor Beers seconded the motion. All ayes, the motion carried.

Department Heads Report

City Administrator, Kirby Letham

Administrator Letham acknowledged the passing of former Council Member Diane Rappaport, and publicly thanked her posthumously for her service.

The '92 Ford truck did sell, and the buyer showed with cash, \$1,253.00. The sale was finalized on January 17th.

Administrator Letham met with Larry Holzgang, a Biz Oregon representative earlier today. Larry came to introduce himself to clients in the area. He is temporarily covering for Scott Fairley who passed away suddenly earlier in the month of January. Larry Holzgang has been with Biz Oregon for many years and should also be of a great service to the City.

Administrator Letham attended the SEACT meeting yesterday, January 27th. SEACT is the Southeast Area Commission on Transportation. It brings many local private and public leaders with ODOT, as well as other State leaders to discuss the many issues surrounding transportation in southeastern Oregon. The meeting is always very interesting and worthwhile. Administrator Letham shared several highlights from

yesterday's meeting which was held in John Day at the Grant County airport. The next meeting will be held on March 10th again in John Day.

Administrator Letham updated the Council on the work the Housing Committee, a sub-committee of CRT, has been doing to create a plan to spur housing growth. The Committee met with Adam Brown, Ontario City Manager to learn what Ontario has done. Ontario implemented a program that has spurred 8 new housing starts in 2019, and more than 10 planned for 2020. The CRT Housing Committee will seek to implement a similar program in the County and both Cities to spur building. The next step will be to meet with contractors.

The City's new snowplow finally arrived. Jerry Lewellen had Jorden Roozeboom travel to Bend with the City truck on January 24th to have the plow attached to the truck. It looks great. Hopefully there will be one more snowstorm this year to be able to use it.

Administrator Letham updated the Council on the Water Improvement Project. He shared a spreadsheet that showed the billing status of the job from Anderson Perry. The next phase of the project will be to inform property owners who will be affected by the various water line issues. The City will need some property owners to create an easement on their property in order for the City to repair and improve water lines on their property. Others will need to be notified to move fences, sheds or vegetation from existing City easements. City staff will be working with Anderson Perry to communicate with all affected property owners to make the process go as smoothly as possible. Anderson Perry will be meeting with City staff next week some time.

The League of Oregon Cities sent a letter to cities to inform them that there is proposed legislation that would restrict cities on what type of piping they could use for water system projects. LOC is against this bill and is cautioning cities not to support it.

LS Networks has a current project in Hines. The project will expand their fiber to Rory and Ryan Hotel, and Tumbleweed. February 5th – DLCD meeting/Floodplain tour and training; February 15th – DEADLINE FOR SEI FILING!; February 20 – appeal to DEQ meeting for BioDynamics; March 10th – JointACT meeting in John Day (very good info!); LOC Spring Conference – Hermiston, April 24th

Mayor Morgan asked if DEQ is considering the current air quality with the BioDynamics situation. She wondered if that was a factor too. Administrator Letham said that DEQ is aware of the current air quality. It is a factor, but they are more concerned about the specific particulates that would be released from the plant. The rule that is holding the permitting process up for BioDynamics is a very strict rule which was originally intended to regulate a glass manufacturer in Portland. BioDynamics has been working very closely with the Governor's Regional Solutions representative, Courtney Werner-Crowell, Greg Smith of Harney County Economic Development, Administrator Letham, Pete Runnels Harney County Judge, DEQ, and others. The group has made great progress to help BioDynamics keep moving forward.

Councilor Beers made comment that if the community wants to build houses, we need to increase jobs first.

Administrator Letham explained that a Housing Study was done for the area and the study found that there are many times when professionals want to move here but can't find adequate housing. Another inhibitor the study found was that the area needs high-speed internet.

Mayor Morgan made comment about a company that had planned to bring high speed internet down from John Day. Administrator Letham didn't know if that company succeeded, but there are others that are in process now to expand high-speed internet to the community here.

Public Comment – Non-Agenda Items

AJ Kamahwee, Hines Bare Bones Smoke Shop

AJ Kamahwee was given the floor for comment. Mr. Kamahwee is the owner of Hines Bare Bones Smoke Shop. Mr. Kamahwee made an appeal to the City Council to reconsider the City's ordinance banning the substance called Kratom. Mr. Kamahwee stated he is seeing a lot of demand and fielding many requests for the substance. Mr. Kamahwee stated that the product is still legal in many parts of the State and wished that he could tap into that market. He said he knew of many local people driving to John

Day or Bend to purchase the product. Mr. Kamahwee compared the product to Hemp CBD's. Mr. Kamahwee asked the Council to help keep the money here in Hines.

Mayor Morgan thanked Mr. Kamahwee for coming to the meeting and expressing his opinion. She stated that this Council will need to research Kratom, so there would be no decisions in tonight's meeting. Mayor Morgan explained that from previous research it was discovered that the substance had no medicinal value, it was highly addictive, and when mixed with other drugs it can be lethal. These things were taken into account when the previous Council voted to ban Kratom. This new Council will take Mr. Kamahwee's suggestions to research and review at the next Council meeting.

Councilor Miller asked if Kratom was approved by the FDA. Mayor Morgan answered that it was not. She also explained that in 2017 Thailand, the origin of Kratom, banned the substance but because Kratom trees grew naturally all over the country, they could not control it at all. In 2018 Thailand gave up and lifted the ban. She further explained that now there is no control on the substance, and nobody knows what is being sold as "Kratom." Mayor Morgan suggested this is very dangerous.

Councilor Miller asked if other towns have age restrictions on who can buy Kratom. Mr. Kamahwee said that other towns require buyers to be 21. Mr. Kamahwee said that there are many that buy the product for pain. Kratom would compete with CBD. Many customers are driving out of town to buy Kratom, and when they do, they purchase large amounts. He said its very common product.

Councilor Hutchins asked if this ban was only in Hines. Mayor Morgan affirmed that only Hines has banned the product so far.

Mayor Morgan asked Administrator Letham to put the topic of Kratom on the next City Council meeting agenda.

Ann Sampson

Ann Sampson was given the floor for comment. Ms. Sampson has sold her property and desires to purchase a property here in Hines to be near family. She must be out of her home by March 1st. Ms. Sampson wants to keep her horse with her and the property she wants is located within city limits. The property is 135 S. Peter French Ave.

Administrator Letham explained that the property is within city limits and would not be able to house a horse on the property as City Code restricts livestock to 9 months.

Counselor Allison clarified Ms. Sampson's statements by asking if Ms. Sampson was asking the Council whether she could get approval for her horse so she could then feel comfortable buying the land in question.

Mayor Morgan explained to Ms. Sampson that, in the past, some exceptions to livestock permits have been given, even though she could not verify the outcome of this instance.

Mayor Morgan then told Ms. Sampson that if she wanted to fill out a Livestock Permit form, gather signatures and then bring that back to the Planning Commission she could do that process. Mayor Morgan explained that process including gathering neighboring signatures, filling out the form, and the rules of structures housing the animals. Ms. Sampson asked if she would scare people if she went to neighborhood doors. Mayor Morgan told her no, it would not scare people.

Administrator Letham explained that there have been many people asking if they could have horses in town. The City ordinance prohibits livestock within city limits and essentially only allows for animals to be kept for a short period of time. Ms. Sampson would need to apply for a variance as well to seek the City's approval to keep the horse longer than "9 months of age." The intent of the City ordinance was to align the City with Oregon's planning goals, which is to keep farming and agriculture out of the city. Ms. Sampson expressed her inability to find a property outside of the City that she could afford and fit into County regulations of "agriculture." Mayor Morgan asked how old the horse is. Ms. Sampson stated the horse is 18. Mayor Morgan suggested Ms. Sampson state that in her permit request.

Old Business:

Police Car – Loan Review and Approval

This is a continuation of the discussion the Council had about purchasing a new police car for the Police Department. This discussion originated when a current police car, one of the Charger's, needed repairs that exceeded the value of the car itself. This led to the discussion on purchasing a new car rather than fixing the Charger. Chief DeLange

received a quote from Burns Ford for a 2020 Ford Explorer Police Interceptor, with another quote from LEHR to add police equipment to the vehicle. The total cost would be \$46,106.28.

The City has received 4 different loan options, two from Old West Federal Credit Union, and two from US Bank. The following chart gives a synopsis of the loan quotes:

Lender	Rate	Loan Amt.	Paid Int.	Down	Total Paid
US Bank	3%	\$ 46,106.28	\$ 2,793.63	\$ 0.00	\$ 48,899.91
OWFCU	2.49%	\$ 41,497.45	\$ 2,066.57	\$ 4,610.83	\$ 48,174.85
OWFCU	1.99%	\$ 41,497.45	\$ 1,907.23	\$ 4,610.83	\$ 48,015.51
US Bank	2.61%	\$ 41,495.66	\$ 2,181.32	\$ 4,610.62	\$ 48,287.60

Administrator Letham presented these loan options to the Council and the quote on the car from Burns Ford, with equipment additions. The car would be delivered from the Ford factory directly to LEHR-Salem, who will then install necessary police equipment to the car. Mayor Morgan stated that she usually likes to see the least expensive option chosen, but in this case, all of the loan options are very good deals. Several of the Council members agreed. A discussion ensued amongst the Council about which loan would be most beneficial to the City. Mayor Morgan went around the table and asked the opinion of each Councilor. Councilor Hutchins said he leaned toward the Old West loan at 1.99%. Councilor Beers asked if there were any fees at Old West. Administrator Letham said OWFCU stated there would not be fees. Mayor Morgan spoke of potentially making a new account at OWFCU could be a place for Capital Project Funds to be kept. Councilor Miller said he could go either way. Councilor Beers and Councilor Allison both suggested they were interested in the OWFCU 1.99% loan.

Councilor Williams voiced that he saw it differently. He suggested that even at the 3% interest, the US Bank loan might be much more efficient, keeping the City's accounts all under one roof. Having different accounts in different institutions takes extra time and work on the accounting side to manage and keep straight. He expressed that it might be best to keep the City's funds all together in US Bank.

Mayor Morgan also recalled that several years ago, US Bank refinanced a loan for the City, saving the City thousands of dollars in interest. It could be an advantage to stick with US Bank because they have provided trusted service in the past.

Councilor Hutchins then suggested that if the City went with the 2.6% loan through US Bank, the City could still save some money too.

Councilor Allison asked Administrator Letham what he thought of the options he presented. He responded that he really liked what Councilor Williams had to say. Staying with US Bank would save a lot time and effort on the accounting side of the loan – there would not be all the effort to set up a new account with a new bank, all of the signers are in place, just a lot easier to manage.

Councilor Hutchins asked whether the City has ever had any negative dealings with US Bank. Administrator Letham stated that we have not. Administrator Letham also explained that the City does already have two banking institutions where money is kept. The bulk of the City's money is kept in the LGIP account, and the daily checking account is handled with US Bank. Councilor Allison suggested she preferred the City go with the US Bank, 2.6% loan with the down payment.

With no further Councilor Williams made the motion to purchase 2020 Ford Explorer with the US Bank 2.6% loan. Councilor Hutchins seconded the motion. All ayes, the motion carried.

Resolution 2276 – Unanticipated Revenues

A resolution accepting funds from Biz Oregon for the Water Improvement Project in the amount of \$123,640.00.

Councilor Allison made the motion to approve Resolution 2276 as read. Councilor Beers seconded the motion. All ayes, the motion carried.

Resolution 2277 – Unanticipated Revenues

A resolution accepting funds from Biz Oregon for the Water Improvement Project in the amount of \$62,767.00.

Councilor Beers made the motion to approve Resolution 2277 as read. Councilor Allison seconded the motion. All ayes, the motion carried.

New Business

Donation Request – Harney County Rattlers Girls Fastpitch Softball Team

Ryan Dupuy, with his daughters Lydia and Leana, asked the Council for a donation to support the Rattlers Softball team, a traveling softball team. The team has eleven members. Mr. Dupuy explained that the team travels to Bend and as far as Portland for games. They are looking to raise \$2,200.00 to cover fees and traveling. Mayor Morgan asked Mr. Dupuy how long the Harney Rattlers have been here, and Mr. Dupuy said this is their second year. He also said that the team is composed of some of the best young ladies in Harney County. Councilor Hutchins asked Mr. Dupuy what age group the team covers. Mr. Dupuy said the team consists of girls 13-14 years old. Councilor Beers asked if the team takes players from the local little league teams. Mr. Dupuy explained that a girl on the Rattlers team could also play on a little league team too. There was some discussion about whether other teams could be enticed to have a game here.

Councilor Williams made the motion for the City to donate \$200.00 toward the Harney County Rattlers fastpitch softball team. Councilor Hutchins seconded the motion. All ayes, the motion carried.

AJ Kamahwee told Mr. Dupuy that he would like to personally donate \$200.00 to the Harney Rattlers as well. Mr. Dupuy graciously accepted his pledge.

Donation Request – Rocky Mountain Elk Foundation (Arik Swindlehurst)

Mr. Arik Swindlehurst presented a donation request on behalf of the Rocky Mountain Elk Foundation. With some discussion amongst the Council and Administrator Letham,

the Council estimated that the City had donated \$100 to \$150 to RMEF in the past (after the meeting, administrator Letham found that the City had donated \$100 in 2017).

Councilor Allison made the motion for the City to donate \$150.00 toward the Rocky Mountain Elk Foundation fundraising event. Councilor Beers seconded the motion. All ayes, the motion carried.

TLT Funds Request – Boomer’s ‘Helmet Head Rally 2020’

Boomer Inselman, owner of Boomer’s Restaurant presented a request to the Council for Transient Lodging Funds from the City to support a motorcycle rally he and his business partner, Jeff Campbell, are planning to organize. Mr. Inselman stated the rally was once a highly anticipated event here in Harney County. The event has faded away, but Inselman and Campbell would like to bring it back. Mr. Inselman stated the event is planned for July 31 through August 2, 2020. The event will include vendors and games in the park. Tyler Colley, owner of Grocery Outlet will be also be helping with the event and there will be activities held in the Grocery Outlet parking lot as well. There will be a poker run for the motorcyclists as well. The poker run will have the riders traveling about the area from Hines to Buchanan and on to Crane, Frenchglen and the Refuge, encouraging tourism throughout the County.

Mr. Campbell added that their goal is to re-create a “lynchpin” event for Hines. This led to some discussion about the planned event. Inselman and Campbell also suggested that the City could possibly sponsor a local business from Hines to be a part of the event, similar to a scholarship, if they needed help. Mayor Morgan said she hoped they would want to make the event bigger and better than ever and would include all the businesses in Hines in advertising. Mr. Campbell said that becoming a sponsor provides some perks, like securing a space in the park to sell goods. Mr. Campbell also explained that there might be some businesses on the fence, and if the City of Hines offered a “subsidy,” it would encourage those businesses to participate. Mayor Morgan restated her concern, saying that the TLT funds are for tourism and that if valid business wanted to participate, she hoped they would be allowed to participate.

Campbell, Inselman and the Council discussed how this could be a great opportunity for the event to attract many visitors from out of town. Mr. Inselman stated that this event would be held at the same time the Burns Paiute Tribe will be having their Pow-Wow at the fairgrounds, and a week before the nationally known motorcycle event at Sturgis, SD.

Mr. Inselman asked if it was possible to get a permit to have activities after 10 pm in the park. Mayor Morgan said that kind of permit is possible, and they can request that permit when they are ready.

Councilors Allison and Hutchins volunteered to help with the event.

After discussing the options, the Council asked Inselman and Campbell to come back to the next Council meeting with a detailed list of how they would use the funds for the event. Mr. Inselman asked to be included on the February 20th DEQ meeting email so he could participate.

City Auditor: Request For Pricing

The City's auditor, Oster Professional Group, has informed the City that they will no longer be providing auditing services. Administrator Letham presented a Request For Proposal For Municipal Auditing Services which will be published in the paper, on the City's website, and mailed to potential vendors. The submittal deadline is April 6, 2020. All submittals will be screened by the City Administrator, the Mayor, and the Treasurer. A recommendation will be made to the Council at their next regular meeting on April 14, 2020.

Councilor Allison made the motion to publish the Request For Proposals as presented to secure a new accounting firm for auditing. Councilor Beers seconded the motion. All ayes, the motion carried.

Public Comment

None.

Council Comments:

Councilor Allison thanked City staff for providing a packet to her when she missed a meeting.

Councilor Williams also thanked staff for the packets when he missed meetings. He also asked if Anderson Perry has a list of potential contractors that will be receiving bid requests for the new water tank. He knows of some contractors that have expressed they would like to be included in the bidding process for the project. Administrator Letham asked Councilor Williams to have those contractors contact him and he would make sure they can be included.

Adjournment:

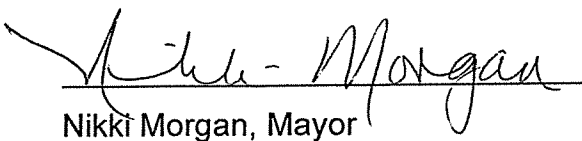
There being no further business, Councilor Beers made a motion to adjourn the meeting and Councilor Allison seconded the motion. All ayes, the motion carried, and the meeting adjourned at 8:12 pm.

Respectfully Submitted:

Kirby Letham

City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON FEBRUARY 11, 2020



Nikki Morgan, Mayor

February 11, 2020									
VENDOR	COMMENTS	City Hall	Police	Fire	Parks	Water	Sewer	Streets	TOTAL
A PARTS STORE	GLASS WIPES, WIPER FLUID, WIPERS, I MIN		73.55						73.55
ALAN'S REPAIR	LAGOON SCREEN						171.55		171.55
BOX R WATER	COLIFORM/ECOLI & BOD/TSS					172.00			172.00
BRADY INDUSTRIES	CITY HALL TOILET PAPER	74.58							74.58
BURNS BIG R	LIGHTS BULB, BOOTS, ICE M	33.45				79.28	69.58	33.98	216.29
BURNS FORD	HEADLIGHT 2013 FORD	48.35							48.35
CHAVES CONSTULTING	W2 & 1099 PREP & PRINTING	112.80							112.80
CITY OF BURNS	FEBRUARY JUDICIAL SERVICE	300.00							300.00
CRIMESTAR	RMS ANNUAL SUPPORT FEE		300.00						300.00
EBAR OIL	POLICE FUEL / UTILITY FUEL		374.69					30.19	404.88
ED STAUB & SONS	DYED KEROSENE/CARDLOCK			289.75	19.62	164.50	164.48	19.61	657.96
HC CHAMBER	JANUARY TRT FUNDS	3069.00							3,069.00
HC CLERK	RESOLUTION RECORDINGS	162.00							162.00
HC TREASURER	JANUARY FINES 3 @ 16	48.00							48.00
HC VET CLINIC	DOG IMPOUNDS		130.00						130.00
JERRY LEWELLEN	TESTING MILEAGE & MEALS					167.20			167.20
LINDSAY DAVIES-HARNEY RATTLE	DONATION	200.00							200.00
NW SOLAR & CONSTRUCTION	REPLACE OVER HEAD DOOR					2095.00			2,095.00
OFFICE DEPOT	HANGING FOLDERS, PAPER	276.99							276.99
OLSON, LLC	BACKFLOW TESTING					1922.00			1,922.00
ORE DEPT OF CONSUMER & BUS	BCD BOILER PERMITS			44.80		44.80			89.60
ORE DEPT OF REVENUE	JANUARY FINES 3 @ 45	135.00							135.00
OTEC	POWER BILL	209.11		85.14	351.72	2113.28	399.46	1192.86	4,351.57
PAULA VOLLMER	JANUARY MILEAGE	37.26							37.26
QUILL	DAVID SNEDDON'S NAME PL	24.78							24.78
RMEF	DONATION	150.00							150.00
SAFEGUARD	US BANK ACCT GENERAL CH	226.45							226.45
SAM'S SERVICE	LUBE OIL FILTER		36.95						36.95
THE HINES MARKET	BACKHOE & SKIDSTEER DIESEL							110.56	110.56
TIAA COMMERCIAL FINANCE	LATE CHARGE	20.00							20.00
TRACE ANALYTICS	COMPRESSED AIR SAMPLE	89.00							89.00
C10									
Totals		5,216.77	915.19	419.69	371.34	6,758.06	805.07	1,387.20	15,873.32
Grand Total		15,873.32							15,873.32

[Handwritten signature] 2/11/20

City Admin Report 2/11/20

- > Meet w/ DCD - Flood plain managers - 4 hrs
- > met w/ Anderson Perry - Jerry
- > SEACT
- > Contractors - Feb 20th 5:30pm
- >

To Do Notes

- ~~□ check Council see if Gary is on email list~~
- ~~□ Have Lori put teen vaping on agenda!~~
- ~~□ Call Angie L. or Heidi Sands - rent!?~~
- ~~□ Share Fair Report w/ Council~~

DLCA represent. met for 4 hrs. Building permits in flood plain. 2015 was the last ordi. Language updates needed. Pointed out couple places that Kirby will need to talk to owners about their property. in flood plains. Going to be more strict on building permits in flood plains. Revise permit & checklist to make sure all is covered. Minimum liability

SEARC meeting March 10, in John Amy. Would like the Council to attend. May 18 will be here in Burns.

CHT. Hary Ec. Dev. subcommittee, housing com. meeting w/ local contractors. To talk with & view point on building homes. 5:30pm Feb. 18th and stations.

Ron asked about contractors that aren't super busy. West Ridge - D. Hutchins. All four buildings are rented out. Three 1st and 2nd buildings ^{empty} have people in them. Asked if they were keeping them deal w/ the low income rules. discussion ensued about rent and rental amount. Council asked Kirby to speak w/ Trine Lamborn about this & if what the county city agreed to.

Ryan DeLange

From: 911 <911@co.harney.or.us>
Sent: Tuesday, February 11, 2020 6:18 PM
To: Ryan DeLange
Subject: Case numbers to year

Here they are all... Do you want them broken down by each officer?

Tim/Dispatch

CHECK	CASE NUMBER	DATE	OFFICER	CRIME
X	2001001	1/1/2020	MITCHELL	FELON IN POSSESSION OF WEAPON, PCS METH
X	2001002	1/1/2020	MITCHELL	RAPE I
X	2001003	1/2/2020	MITCHELL	WARRANT ARREST
X	2001004	1/3/2020	MITCHELL	ASLT IV DV/INTIATING A FALSE 911 REPORT
X	2001005	1/6/2020	HETHERWICK	SUICIDE ATTEMPT/OVERDOSE
X	2001006	1/9/2020	MITCHELL	ASLT IV DV
X	2001007	1/10/2020	DELANGE	THEFT II
X	2001008	1/11/2020	MITCHELL	TELEPHONIC HARASSMENT
X	2001009	1/11/2020	MITCHELL	ASLT IV DV
X	2001010	1/12/2020	MITCHELL	DISORDERLY CONDUCT
X	2001011	1/12/2020	HETHERWICK	DV ASSAULT IV
X	2001012	1/15/2020	DELANGE	MIP & SELLING VAPE TO MINOR
X	2001013	1/17/2020	HETHERWICK	FRAUD/ EMBEZZELMENT
X	2001014	1/22/2020	HETHERWICK	WARRANT ARREST
X	2001015	1/23/2020	HETHERWICK	DWS MISDEMEANOR
X	2001016	1/25/2020	MITCHELL	WARRANT/PCS METH
X	2001017	1/24/2020	MITCHELL	AAA COUNTY
X	2001018	1/27/2020	MITCHELL	AAA BURNS CRIMINAL MISCHIEF II
X	2001019	1/27/2020	MITCHELL	AAA WARRANT ARREST BURNS
X	2001020	1/29/2020	HETHERWICK	THEFT I
X	2002021	2/3/2020	HETHERWICK	MIP TOBACCO
X	2002022	2/5/2020	DELANGE	CRIMINAL TRESPASS, RELEASE AGREEMENT VIOLATION
X	2002023	2/5/2020	HETHERWICK	TELEPHONIC HARASSMENT
X	2002024	2/5/2020	HETHERWICK	RELEASE AGREEMENT VIOLATION
X	2002025	2/6/2020	HETHERWICK	WARRANT ARREST
	2002026	2/7/2020	HETHERWICK	THEFT III
	2002027	2/11/2020	MITCHELL	UNATTENDED DEATH

TO: Hines City Council
FROM: Kirby Letham, City Administrator
DATE: February 11, 2020
SUBJECT: Discussion – Review of Ordinance 315 (Chapter 9.07)

Attachment(s)

- Chapter 9.07 Municipal Code
- FDA and Kratom
- The New York Times, *Opioid Users Call Kratom a Godsend. The F.D.A. Says It's a Menace.*, April 17, 2019.

DISCUSSION:

A request was made to the City Council to review the ban of the substance called Kratom within the City of Hines. The ban was created by City Ordinance 315.

The Council agreed to revisit the ban. Tonight's discussion will be about whether the Council wants to uphold the ordinance and continue to ban Kratom, or vote to overturn Ordinance 315 by instructing the City Administrator to create an ordinance which would repeal and overturn Ordinance 315.

Statement submitted by AJ Kamahwee, owner of Bare Bones Smoke Shop:

"Kratom would be a very good replacement product for vaping. Vaping has been banned by the Federal Government. I estimate Kratom would generate \$100 to \$150 per day, or over \$3,000.00 per month. Lifting the ban on Kratom would allow me to keep the money locally instead of forcing residents to travel to John Day."

POSSIBLE MOTIONS:

"I make a motion to uphold ordinance 315 which bans Kratom and other harmful substances."

OR

"I make a motion that the City take measures to ban Kratom by instructing City staff to present a new ordinance which would overturn Ordinance 315."

9.07.010 - Purpose.

The purpose of this chapter is to regulate the availability and use of products which mimic the effects of controlled substances on users, because these products are a danger to the public health, safety and welfare.

(Ord. No. 315, § 1, 7-11-2017)

9.07.020 - Prohibition of unlawful intoxicating compounds and psychoactive substances.

A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, dispense, ingest, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt to sell, give, trade or barter, any of the following chemical compounds and/or substances, including their salts, isomers, homologues and salts of their isomers and homologues:

1. *Salvia Divinorum* or *Salvinorum A*; all parts of the plant presently classified botanically as *Salvia Divinorum*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
2. Kratom; all parts of the plant presently classified botanically as *Mitragyna speciosa* Korth, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
3. 1-Pentyl-3-(1-naphthoyl) indole (also known as JWH-018);
4. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (also known as CP-47/497), and the dimethylhexyl, dimethyloctyl and dimethylnonyl homologues of CP-47/497;
5. 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-073);
6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);
7. 1-Pentyl-3-(2-methoxyphenylacetyl) indole (also known as JWH-250);
8. 1-Hexyl-3-(1-naphthoyl) indole (also known as JWH-019);
9. 1-Pentyl-3-(4-chloro-1-naphthoyl) indole (also known as JWH-398);
10. 1-(3-trifluoromethylphenyl) piperazine (also known as TFMPP);
11. Any similar structural analogs of the above chemical compounds;

12. Any other synthetic cannabinoids; and
 13. Any commercial products sold as aromatics or incense under the brand names Spice, Black Mamba, K2, Puff, Smoke, Skunk, Pandora Potpourri and Sugar Sticks or other brand names, that have been determined by chemical testing laboratories, law enforcement or other governmental agencies to contain any of the foregoing compounds.
- B. The Hines City Council may by resolution add to or amend the list of unlawful intoxicating compounds and psychoactive substances identified in subsection (A).
 - C. It is not a violation of subsection (A) of this section if the person was acting at the direction of an authorized agent of the City of Hines to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating compounds or psychoactive substances.
 - D. If any of the intoxicating compounds or psychoactive substances prohibited herein are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.
 - E. This section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Oregon law.
 - F. A violation of subsection (A) is a violation under City Code Chapter 9.44.
 - G. The City of Hines shall have the authority to seek an injunction against any person or business violating subsection (A). In any action seeking an injunction the City of Hines shall be entitled to collect its enforcement expenses, including reasonable attorney fees incurred at trial and on appeal.


(Ord. No. 315, § 1, 7-11-2017)

FDA and Kratom


The U.S. Food and Drug Administration is warning consumers not to use *Mitragyna speciosa*, commonly known as kratom, a plant which grows naturally in Thailand, Malaysia, Indonesia, and Papua New Guinea. FDA is concerned that kratom, which affects the same opioid brain receptors as morphine, appears to have properties that expose users to the risks of addiction, abuse, and dependence.

There are no FDA-approved uses for kratom, and the agency has received concerning reports about the safety of kratom. FDA is actively evaluating all available scientific information on this issue and continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds, mitragynine and 7-hydroxymitragynine. FDA encourages more research to better understand kratom's safety profile, including the use of kratom combined with other drugs.

Since identifying kratom on an import alert (https://www.accessdata.fda.gov/cms_ia/importalert_190.html) for unapproved drugs in 2012 and on a second import alert (https://www.accessdata.fda.gov/cms_ia/importalert_1137.html) in February 2014 regarding kratom-containing dietary supplements and bulk dietary ingredients, FDA has taken a number of additional actions, including:

- In September 2014, U.S. Marshals, at the FDA's request, seized (<https://wayback.archive-it.org/7993/20170111064932/http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm416318.htm>)  (<http://www.fda.gov/about-fda/website-policies/website-disclaimer>) more than 25,000 pounds of raw kratom material worth more than \$5 million from Rosefield Management, Inc. in Van Nuys, California.
- In January 2016, U.S. Marshals, at the FDA's request, seized (</news-events/press-announcements/us-marshals-seize-dietary-supplements-containing-kratom>) nearly 90,000 bottles of dietary supplements labeled as containing kratom and worth more than \$400,000. The product, manufactured for and held by Dordoniz Natural Products LLC, located in South Beloit, Illinois, is marketed under the brand name RelaKzpro.
- In August 2016, U.S. Marshals, at the FDA's request, seized (</news-events/press-announcements/kratom-seized-california-us-marshals-service>) more than 100 cases of products labeled as containing kratom and worth more than \$150,000. The products are distributed by Nature Therapeutics LLC, which does business as Kratom Therapy and is located in Grover Beach, California. The seized products are marketed under the brand name Kratom Therapy.

While FDA evaluates the available safety information about the effects of kratom, the agency encourages health care professionals and consumers to report any adverse reactions to the FDA's MedWatch (</medwatch-fda-safety-information-and-adverse-event-reporting-program>) program:

- Complete and submit the report online: MedWatch Voluntary Reporting Form (<https://www.accessdata.fda.gov/scripts/medwatch/index.cfm?action=reporting.home>)
- Download and complete the form (</download-forms>), then submit it via fax at 1-800-FDA-0178, 

Related Information

- FDA issues warnings to companies selling illegal, unapproved kratom drug products marketed for opioid cessation, pain treatment and other medical uses (</news-events/press-announcements/fda-issues-warnings-companies-selling-illegal-unapproved-kratom-drug-products-marketed-opioid>)

- FDA releases test results identifying dangerous levels of heavy metals in certain kratom products (</news-events/public-health-focus/laboratory-analysis-kratom-products-heavy-metals>)
- Statement from FDA Commissioner Scott Gottlieb, M.D., on new warning letters FDA is issuing to companies marketing kratom with unproven medical claims; and the agency's ongoing concerns about kratom (</news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-new-warning-letters-fda-issuing-companies-marketing>)
- Statement from FDA Commissioner Scott Gottlieb, M.D. and FDA Deputy Commissioner for Foods and Veterinary Medicine Stephen Ostroff, M.D., on the ongoing risk of salmonella in kratom products (</news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-and-fda-deputy-commissioner-foods-and-veterinary>)
- FDA warns companies selling illegal, unapproved kratom products marketed for opioid cessation, pain treatment and other medical uses (</news-events/press-announcements/fda-warns-companies-selling-illegal-unapproved-kratom-products-marketed-opioid-cessation-pain>)
- FDA orders mandatory recall for kratom products due to risk of salmonella (</news-events/press-announcements/fda-orders-mandatory-recall-kratom-products-due-risk-salmonella>)
- FDA objects to kratom compound intended for use as an alternative to prescription opioids and promoted with unproven claims to treat addiction (</news-events/fda-brief/fda-brief-fda-objects-kratom-compound-intended-use-alternative-prescription-opioids-and-promoted>)
- FDA Letter to Industrial Chemicals LLC and INI Botanicals Regarding Mitrasafe (mitragynine extract) (</media/111232/download>)
- FDA oversees destruction and recall of kratom products; and reiterates its concerns on risks associated with this opioid (</news-events/press-announcements/fda-oversees-destruction-and-recall-kratom-products-and-reiterates-its-concerns-risks-associated>)
- FDA Investigates Multistate Outbreak of Salmonella Infections Linked to Products Reported to Contain Kratom (</food/outbreaks/fda-investigated-multistate-outbreak-salmonella-infections-linked-products-reported-contain-kratom>)
- Statement from FDA Commissioner Scott Gottlieb, M.D., on the agency's scientific evidence on the presence of opioid compounds in kratom, underscoring its potential for abuse (</news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-agencys-scientific-evidence-presence-opioid-compounds>)
- Statement from FDA Commissioner Scott Gottlieb, M.D. on FDA advisory about deadly risks associated with kratom (</news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-fda-advisory-about-deadly-risks-associated-kratom>)
- Remarks by Dr. Gottlieb at FDA's Office of Criminal Investigations Meeting (</news-events/speeches-fda-officials/remarks-fda-commissioner-scott-gottlieb-md-prepared-delivery-fda-oci-meeting-november-14-2017>)
- CFSAN Adverse Event Reporting System: Kratom Deaths (December 1, 2017) (</media/109959/download>) (PDF - 1.9MB)
- FDA Adverse Event Reporting System: Kratom Deaths (February 6, 2018) (</media/111148/download>) (PDF - 37MB)

Opioid Users Call Kratom a Godsend. The F.D.A. Says It's a Menace.

By Richard A. Oppel Jr. and Serge F. Kovalski

April 17, 2019

The steep rise in the number of people suffering opioid addiction has helped spawn the widespread use of another substance: kratom, a green powdered herbal supplement that is widely available and virtually unregulated.

Derived from the leaves of a tree native to Southeast Asia and sold in the United States online and in bodegas and head shops, kratom has long been used as a mood booster, energy supplement and pain reliever.

It is also increasingly being used by those who swear by it as a curb for opioid addiction. Some veterans also say it helps control symptoms of post-traumatic stress. Several million Americans are now believed to use kratom.

One is Andrew Turner, whose PTSD, herniated discs and movement problems affecting his face and neck were so severe after multiple deployments with the Navy that he took as many as 20 prescription medications, including opioids, daily. “I was on the path to suicide, and losing hope,” Mr. Turner said.

After he began drinking kratom tea, the pain and dread diminished, he said. “It was a night-and-day difference.”

But the authorities warn that kratom can be dangerous. Reported side effects include seizures, hallucinations and symptoms of psychosis, and there have been calls from inside the Trump administration to curb its use. A new government review links kratom to nearly 100 overdose deaths.

[Sixty people across seven states, including 31 doctors, were accused of illegally distributing opioids, sometimes in exchange for sex and money.]

“There is no evidence to indicate that kratom is safe or effective for any medical use,” Scott Gottlieb, until recently the commissioner of the Food and Drug Administration, said last year.

The F.D.A. has warned people to avoid using kratom, saying it “appears to have properties that expose users to the risks of addiction, abuse and dependence.” It has also raised concerns about false marketing and impurities in the supply.

Last week, the federal Centers for Disease Control and Prevention weighed in, reporting that kratom had been found to be a cause of death by medical examiners or coroners in 91 out of 27,000 overdose deaths examined by the agency over an 18-month period ending in December 2017.

The new report is the highest tally yet of deaths in the United States where kratom is said to have been a factor. But the numbers pale compared to the death toll from opioids: almost 48,000 in 2017, according to federal data.

And like other reports that have linked kratom (pronounced either kray-tum or rhymed with atom) to fatal overdoses, there was a significant caveat in the C.D.C. numbers: the majority of deaths involved additional factors.

In almost all of the 91 fatalities, toxicology tests determined that other drugs were present. Fentanyl, the powerful opioid, was listed as a cause of death in just over half of them. Other prescription opioids, heroin and benzodiazepines like Valium were each listed as a cause of death in about a quarter of those 91 fatalities.

In seven deaths, kratom was the only substance found, though the C.D.C. said that it could not rule out the presence of other substances in those cases.

“Kratom was present primarily in deaths that occurred as a result of overdoses related to substance misuse,” the C.D.C. reported. The report does not specify whether the kratom was being used to fight drug dependence or for other reasons.

The new C.D.C. report is sure to fuel debate inside the government about whether to put kratom on the Drug Enforcement Administration’s permanent Schedule I list of controlled substances, which includes heroin and L.S.D.

Some scientists — and leading politicians, including Mick Mulvaney, now President Trump's acting chief of staff — have also expressed concerns that putting kratom on Schedule I would stymie research into alternatives for opioids and for treating opioid withdrawal.

Kratom has been widely used in Southeast Asia for years without reported overdose deaths, though there have been reports of users becoming more dependent and tolerant of it with increasing doses, said Oliver Grundmann, a professor of medicinal chemistry at the University of Florida who has been studying the supplement.

While Dr. Grundmann said he fully endorsed the F.D.A.'s concerns about keeping unsafe products from consumers, he said it is not clear what actually caused many of the deaths attributed to kratom.

"If somebody had a pre-existing condition or had been taking prescription drugs or illicit drugs, it is exponentially difficult to pull apart all of the substances and compounds they had been exposed to and determine what is actually responsible for that person's death," he said.

Dr. Grundmann was one of a dozen researchers who in November warned the Department of Health and Human Services and the D.E.A. that putting kratom out of the reach of consumers could cause bigger problems, leading them to seek it on the black market or relapse to using opioids, posing what their letter said was "a serious risk of death."

Advocates of kratom blame some deaths on adulterated products that contained other drugs or dangerous substances. (Last year, the F.D.A. also found salmonella in kratom shipments. Fifty hospitalizations were reported, but no deaths.) The advocates have been pushing for tighter manufacturing and labeling requirements.

Critics who warn of kratom's hazards point to examples like Caleb Sturgis, 25, whose family sued a kratom distributor after Mr. Sturgis died last summer when his car hit a curb and flipped over.

The coroner determined that the cause of death was "acute mitragynine intoxication," a reference to the principal psychoactive element of kratom. Outside of high levels of mitragynine, the only other substance noted in the lab report was caffeine.

“The only thing they found in his system was a high level of kratom, and caffeine consistent with a cup of coffee,” said Robert Mongeluzzi, a lawyer for the family. “It simply isn’t safe.”

* Kratom has been banned in a half-dozen states and in a handful of local jurisdictions.

The prospect of a federal ban produced a furious backlash in 2016, when the D.E.A. announced plans to temporarily place kratom on the Schedule I list, citing a “high potential for abuse” and no accepted medical use.

Users flooded the D.E.A. with letters denouncing the proposal. Mr. Mulvaney, then a Republican congressman from South Carolina, and 50 other House members sent a letter to the agency urging a delay.

The D.E.A.’s move would “put a halt on federally funded research and innovation surrounding the treatment of individuals suffering from opioid and other addictions — a significant public health threat,” they wrote.

Nine senators, including Bernie Sanders of Vermont, who is vying for the Democratic presidential nomination, also pressed the D.E.A. not to restrict the supplement without going through its normal deliberative process, citing “the long reported history of kratom use, coupled with the public’s sentiment that it is a safe alternative to prescription opioids.”

Under pressure, the D.E.A. walked back its plans. But inside the administration, officials have continued to push to curb kratom’s availability. In November, STAT News disclosed a memo in which the Department of Health and Human Services and the F.D.A. recommended that the active alkaloids in kratom be put on the permanent Schedule I list.

The department now says that the memo was “pre-decisional.” But an H.H.S. spokesman, Bill Hall, said the department “remains concerned about the use of kratom, as there is no reliable scientific evidence to support the use of kratom for any therapeutic effects, and significant safety issues exist. Fraudulent health claims can pose serious health risks.”

The recommendation won't be the only factor in the ultimate decision, which a spokeswoman for the D.E.A. said could take months or years. The D.E.A. will also rely on medical examiners' reports, overdose statistics, and public comments, among other things, said the spokeswoman, Katherine Pfaff.

TO: Hines City Council

FROM: Kirby Letham, City Administrator

DATE: February 11, 2020

SUBJECT: Discussion – Review of Ordinance 302 (Chapter 6.08)

Attachment(s)

- Chapter 6.08 Municipal Code

DISCUSSION:

City staff have received many questions about whether it is legal to house livestock within City Limits. Many of these questions have been specifically about horses and keeping horses permanently.

Currently, the City code does not allow for permanent keeping of large livestock. The code reads that “the number of livestock or domestic animals all is limited to two, under the age of nine months.” The intent of this line is to allow for youth to keep 4-H animals, which are usually sold to market by fair season, and not kept longer than the animal reaching the age of 9 months old.

There have been times in the past when the Council has issued permits to keep large livestock within City limits for longer periods, but it is known to the keeper and the Council that the permit does not create a permanent situation.

The discussion tonight will be for the Council to decide whether they want to uphold the current City code, or take measures to overturn it.

POSSIBLE MOTIONS:

“I make a motion to uphold ordinance 302 which limits the keeping of livestock to the age of 9 months.”

OR

“I make a motion that the City take measures to overturn Ordinance 302 and permit keeping of livestock within City limits.”

Chapter 6.08 - DOMESTIC LIVESTOCK

Sections:

Footnotes:

--- (1) ---

Editor's note— Ord. No. 302, adopted May 28, 2013, amended Ch. 6.08 in its entirety to read as herein set out. Former Ch. 6.08, §§ 6.08.010—6.08.090, pertained to similar subject matter and derived from Ord. No. 51, §§ 1—3, 1945; Ord. No. 61, §§ 1—7, 1951; Ord. No. 190, 1990.

6.08.010 - Definitions.

"Animal" means any one of the lower animals, distinguished from humans and including mammals and fowl.

"At large" means off or outside the premises belonging to the owner, keeper or person having control, custody or possession of the animal or fowl, and not in the company of or under the control of its keeper, by means of an adequate leash, rope, pen, cage, coop, vehicle or other means of confinement and immediate supervision.

"Coop" means a small enclosure for housing poultry or fowl, properly ventilated and easily accessed for cleaning and maintenance.

"Current owner" means any person who, at the time of the passage of this ordinance, owns or maintains any animal, fowl or bees within the city.

"Domestic animal" means any animal or fowl conditioned so as to live and breed in a tame environment and normally amenable to human habitats.

"Exempt properties" means property historically and currently used for the maintenance of livestock, domestic animals, poultry, fowl or bees.

"Fowl" means game fowl, land fowl or waterfowl conditioned so as to live and breed in a tame environment or human habitat, typically ducks and geese.

"Bees" means bees maintained for pollenization or honey production.

"Livestock" means cattle, sheep, goats, swine, horses, mules or donkeys kept and maintained within pens, corrals, sheds or wire enclosures.

"Occupant" means a person in possession or control of an affected dwelling. It shall not be necessary to obtain the written consent of more than one such person in each such habited dwelling. If the dwelling is habitable but vacant, written consent must be obtained from a property owner.

"Poultry" means domesticated birds kept for egg production, meat harvesting or feather collection; e.g., chickens, quail or turkeys, pigeons, doves or pheasants.

"Rooster" means a male member of poultry or fowl genus, over four months old.

"Run" means an outdoor enclosed or fenced area, where poultry or fowl may feed, rest or exercise.

"Wild" means an animal or fowl that normally lives in a state of nature and is not ordinarily tame or domesticated, and usually not amenable to human habitats.

(Ord. No. 302, 5-28-2013)

6.08.020 - Keeping livestock, domestic animals, poultry, fowl or bees within city limits.

It shall be unlawful for any person to have or keep any livestock, domestic animal (dogs, cats and pet rabbits excepted), poultry, fowl or bees within three hundred feet of any habitable dwelling within the city, unless that person is the occupant of the only habitable dwelling within such distance, or has obtained a city permit.

Exempt Property. Property historically and presently used for the maintenance of animals, fowl or bees shall be exempt from the requirement of a permit, provided the keepers of the creatures do not violate Hines Municipal Code governing threat to public safety, noise, animal care and obnoxious odors or smells. Current owners or keepers of animals, fowl or bees under this provision shall be exempt from the permit application provision, barring any violations of this Code, and provided that such parties notify the city of such status within thirty days of the effective date of the ordinance from which this chapter was derived.

Any keeper of livestock, domestic animals, poultry or fowl who has previously obtained permission from the city shall renew such permission by providing the city with the type and number of animal, fowl or bees, and a sketch of the location of their housing and/or enclosures (showing setbacks from property boundaries). Such persons shall also comply with the public safety, maintenance, health and care requirements of this Code.

Any person pursuing an exception to the prohibition of this section may petition the council for a permit by first acquiring written consent from occupants of dwellings within three hundred feet of the proposed habitat, then filing the application, together with the applicable neighbors' signatures, with the city. If the applicant is a tenant or lessee of the affected property, written permission from a legal owner of the affected property must be included with the application.

The keeping of permitted livestock, domestic animals (dogs, cats and pet rabbits excepted), poultry, fowl or bees must be for non-commercial purposes. Livestock, domestic animals, poultry, fowl or rabbits may not be slaughtered or killed on the permittee's residential property, except as permitted by state law.

A permit will only be issued for a single-family dwelling or duplex. The number of poultry allowed is limited to six female adults and their offspring under the age of four months. No roosters are allowed. Once male chicks are identifiable, they must be removed from the premises. Two of any other kind of poultry or fowl are allowed, in addition to, or instead of, chickens. The number of livestock or domestic animals allowed is limited to two, under the age of nine months. The number of bees allowed shall be limited to the industry-recommended number for one hive, for the purpose of producing honey, or for pollenization.

Current owners or keepers may maintain the number of animals, fowl or bees existing at the time this chapter is passed, provided the keeper has had that number not less than sixty days prior to this chapter, and has informed the city of that number. If the number of creatures currently exceeds the amount allowed, replacements may not be made, so that attrition will eventually bring the quantity into compliance with this chapter.

Livestock, domestic animals (dogs, cats and pet rabbits excepted), poultry and fowl must be kept in an enclosure at all times, as appropriate for their containment: corral, barn, fenced enclosure for larger animals; coop and run for poultry and fowl. All buildings, enclosures and food storage under this chapter must be located to the rear of the residence, no less than ten feet from the property line of abutting neighbors, and no less than fifteen feet from any abutting street (for corner lots). New construction must follow all land use provisions.

Housing for permitted animals, poultry or fowl shall not be taller than six feet, or larger than eighty square feet. It must be designed to minimize harmful exposure to weather and predators. Poultry and fowl must have at least two square feet of room per adult in their housing, which shall be no larger than eighty square feet, and less than six feet tall; an enclosed shelter and open run or pen is also required.

Any shed, coop or run built or maintained for animal-keeping under this provision shall be kept in good repair, maintained in a clean and sanitary condition, and free of vermin and obnoxious smells that can carry beyond the property lines. Animal or poultry waste shall be removed regularly, to avoid such intrusion.

(Ord. No. 302, 5-28-2013)

6.08.030 - Permit.

Any person desiring to keep or maintain, within the city limits, any livestock, domestic animal (dogs, cats and pet rabbits excepted), poultry, fowl or bees shall apply to the city for a permit to do so. The applicant is responsible for collecting the signatures of the affected neighbors, as above, filing the application and site drawing, and appearing before the council to request the permit. If the applicant is not the property owner, the owner's written permission is required.

The validity of any permit may be reviewed by the city council at least once every three years, and may be reviewed at any time, in response to a complaint.

Any issued permit may be revoked at any time it is determined by the city that the maintenance of such livestock, domestic animals (dogs, cats and pet rabbits excepted), fowl, poultry or bees has interfered, or may interfere, with the rights of others in the enjoyment of their property, peace, health or safety.

A permit may be denied or revoked for any of the following reasons:

1. Provision of inaccurate, misleading or incomplete information on the application for, or in connection with, the permit.
2. Failure to comply with any of the permit requirements.
3. Permittee's actions present a reasonable doubt as to the permittee's ability to comply with permit conditions, or to keep animals (dogs, cats and pet rabbits excepted), fowl or bees, without endangering or intruding upon the public health, safety or welfare.

(Ord. No. 302, 5-28-2013)

6.08.040 - Animals at large.

It shall be unlawful for any person owning or controlling or having custody of any livestock, wild or domestic animals (cats and pet rabbits excepted), poultry or fowl, to permit or allow the same to run at large within the city limits. Bees, by their very nature, do exist at large. Dogs are not allowed at large (Chapter 6 of this Code).

(Ord. No. 302, 5-28-2013)

6.08.050 - Nuisance.

If any person fails to obtain a permit as herein provided, or after having obtained such a permit, shall keep or maintain any of said animals, fowl or bees in violation of this ordinance, or in a manner that interferes with the rights of others in the enjoyment of their property, peace, health or safety, such omission(s), act(s) and condition(s) shall be deemed to create a nuisance within the purview of this Code, and may be abated, regulated or punished as provided therein.

(Ord. No. 302, 5-28-2013)

6.08.060 - Abatement of nuisance.

Whenever any nuisance as herein defined shall exist contrary to the provisions of this chapter, the city shall notify the owner or occupant of the involved property and pursue abatement as provided for in this Code. The cost of the removal or abatement shall be reduced to a money judgment and filed in the circuit court lien docket, and become a lien against and upon the real property where such nuisance exists, and may be collected as such, or according to this Code.

(Ord. No. 302, 5-28-2013)

6.08.070 - Danger to public health or safety.

No owner or person in charge of livestock, domestic animals (dogs, cats and pet rabbits excepted), poultry, fowl or bees which may become dangerous to the public health or safety shall permit the exposure of such animal or fowl to the public (normal range of bees excepted). If the animal or fowl is exposed to the public, it may be taken into custody at the direction of the city and disposed of in accordance with the procedures provided by ordinance for the disposition of

personal property or for the impoundment of dogs. Before the animal or fowl is released by the city, proper precautions must be in place to ensure protection of the public health and safety. Confinement, sale or other disposition will be conducted as provided for by state law.

(Ord. No. 302, 5-28-2013)

6.08.080 - Removal of carcasses.

No owner or person in charge of livestock, domestic animals, poultry or fowl shall permit the carcass of an animal or fowl to remain upon public property, or to be exposed on private property, for a period of time longer than two days (forty-eight hours).

(Ord. No. 302, 5-28-2013)

6.08.090 - Violation.

Violation of any section of this chapter is punishable, upon conviction, by a fine of up to two hundred fifty dollars; assignment of up to twenty-five approved community service hours; or a combination of a fine, community service hours and assessed costs. Each day any violation of the provisions of this Code continues may be considered a separate offense. Violation of the provisions of this chapter shall be punishable as a class C misdemeanor, as provided for by Oregon Revised Statutes.

Failure to file an application and all written consents with the city, or non-compliance with the requirements of an issued permit, shall be conclusive evidence in any judicial proceeding that such an exception has not been made by the city, and the keeper of such animal, fowl or bees is in violation of this Code.

(Ord. No. 302, 5-28-2013)

Hines Helmet Head Rally

We would like to thank The Hines City Council, for your encouragement and enthusiasm when we presented our plans at the recent meeting.

The Hines Helmet Head Rally will be good for Hines; a signature yearly event that brings in visitors and locals for a fun and memorable weekend will encourage tourism and promote local businesses throughout the year. The HHH Rally focuses attention on Hines and Harney County, recreates a great event from the past, and will help to rebuild Hines Downtown.

We have three proposals that the Hines City Council can consider supporting to promote tourism in Hines.

Since this is going to be the first of many, we will be having a collectible poster every year. We are having posters done by a friend who is intending to move to Oregon to get a MFA degree. She is creating a full color poster for the event; the cost per poster will be \$4.26, and we will need 250, for a cost of \$1065.00.

The T-shirt for the rally is being produced by the same artist; the cost per shirt is \$7.32, and 250-350 shirts will cost \$1830-\$2562.

The third way the Hines City Council might see fit to help is through subsidizing the Hines businesses that want to participate. By contributing \$75 to defray the cost of the sponsorship, the Hines City Council would be keeping the money in Hines, supporting Hines Business, helping the entire community gather to produce what we hope will be the signature event of the year. ? \$75 subsidy for each sponsor?
* Need to clarify

We were very encouraged by the enthusiasm of the city council at the previous meeting. Hines needs something to "put it on the map". The Hines Helmet Head Rally could be that event.

Sincerely,

Boomer Inselman

Jeff Campbell

TO: Hines City Council

FROM: Kirby Letham, City Administrator

DATE: February 11, 2020

SUBJECT: Discussion – Water Improvement Project

Attachment(s)

- Easement Obstruction List

DISCUSSION:

Anderson Perry has surveyed the proposed water line replacement areas. They discovered several areas where property owners have obstructions (fences, sheds, etc.) that are in the City's right of ways, or easements for these water lines.

These places pose a problem.

In addition, there are 10 to 12 areas where the City currently has water lines that need replaced and there are no legal easements, or there are much larger obstacles, such as the Hines Middle School.

City Staff and Anderson Perry are in process of contacting these property owners and drawing up legal documentation to resolve the issues. The City's attorney will also be involved.

Tax Lot #	Acct #	Owner	Mailing Address	Property Address	Property Street	Approx. % of Easement Encroachment	Description
3500	30506	MOULTON, EDWARD ROY & MIRANDA JO	PO BOX 934, HINES, OR, 97738	124 E HANLEY BLVD	E HANLEY BLVD	100%	Fence goes across easement
1100	30528	SLATER, DIANE E	PO BOX 386, BURNS, OR, 97738	308 E HANLEY BLVD	E HANLEY BLVD	100%	Fence goes across easement
5500	30269	MASTERTSON, HERBERT J JR & JOSEPHINE RUTH	PO BOX 72, HINES, OR, 97738	228 HIGHWAY 20 N	HIGHWAY 20 N	100%	Fence goes across easement
6500	30220	CHOATE, JOHN T & TAMMIE L	PO BOX 547, HINES, OR, 97738	132 N HILLTOP AVE	N HILLTOP AVE	100%	Fence goes across easement
800	30157	WENICK, MURIEL D	PO BOX 411, HINES, OR, 97738	241 N HILLTOP AVE	N HILLTOP AVE	100%	Fence goes across easement
4800	30262	MORGAN, TERRI JO	2148 SE LOIS DR ROSEBURG, OR, 97738	229 N QUINCY AVE	N QUINCY AVE	100%	Fence goes across easement
5600	30128	HUENEGARDT, JASON C	5808 SUMMITVIEW AV #51E A, YAKIMA, WA,	342 N QUINCY AVE	N QUINCY AVE	100%	Fence goes across easement
800	30376	ANDERSON, DICK	P O BOX 402, HINES, OR, 97738	116 N ROANOKE AVE	N ROANOKE AVE	100%	Fence goes across easement
4700	30124	CATE, BENJAMIN R	PO BOX 881, HINES, OR, 97738	345 N ROANOKE AVE	N ROANOKE AVE	100%	Fence goes across easement
2300	30085	SCHILLINGER, THOMAS W	P O BOX 332, HINES, OR, 97738	350 N ROANOKE AVE	N ROANOKE AVE	100%	Fence goes across easement and shed/structure in the way
4100	30083	FAST, MICHAEL P & LORA D	PO BOX 245, HINES, OR,	336 N ROANOKE AVE	N ROANOKE AVE	100%	Fence goes across easement
300	30539	MC LAIN, ALLAN D & VICKIE L	BOX 101, HINES, OR, 97738	116 S MILWAUKIE AVE	S MILWAUKIE AVE	100%	Fence goes across easement
400	30534	HECK, RAIDER A	P O BOX 772, BURNS, OR, 97738	122 S MILWAUKIE AVE	S MILWAUKIE AVE	100%	Fence goes across easement
500	30533	GRUBER, ANTHONY S & RACHEL LARENE	PO BOX 1265, HINES, OR, 97738	128 S MILWAUKIE AVE	S MILWAUKIE AVE	100%	Fence goes across easement
1400	30532	OSBORNE, KYLE	70848 OLD EXPERIMENT RD, BURNS, OR, 97738	131 S NEWPORT AVE	S NEWPORT AVE	100%	Fence goes across easement
300	30531	ROBEY, CAROLYN	PO BOX 914, HINES, OR, 97738	139 S NEWPORT AVE	S NEWPORT AVE	100%	Fence goes across easement
700	30530	CARPENTER, NANCY KATHLEEN & DANIEL LEE	P O BOX 737, HINES, OR, 97738	149 S NEWPORT AVE	S NEWPORT AVE	100%	Shed/structure in the easement
500	41025	CHOATE, ROBERT M & THEODORA H	P O BOX 454, HINES, OR,	Shelton Ave (north side)	Shelton Ave (north side)	100%	Vehicles/debris in ROW
600	30156	PETZOLD, LINDA	P O BOX 491, HINES, OR, 97738	429 W BENNETT AVE	W BENNETT AVE	100%	Fence goes across easement
700	30153	CROMIN, JAMES & DARLENE	P O BOX 1244, HINES, OR, 97738	433 W BENNETT AVE	W BENNETT AVE	100%	Fence goes across easement
500	30487	WILLIAMS, MICHAEL G	P O BOX 1463, HINES, OR, 97738	104 W HANLEY BLVD	W HANLEY BLVD	100%	Fence goes across easement
600	30464	CHOATE, JOHN T JR & BARBARA J	PO BOX 403, HINES, OR, 97738	112 W HANLEY BLVD	W HANLEY BLVD	100%	Fence goes across easement
4900	30207	ARMSTRONG, MARK L & MARGARET A	PO BOX 876, HINES, OR,	WOODLAND AVE	WOODLAND AVE	100%	Fence goes across easement
3300	30503	ROBERTSON, FRED L & DEBRA J	P O BOX 717, TALENT, OR, 97738	118 E HANLEY BLVD	E HANLEY BLVD	50%	Fence is in the middle of where the easement turns off to the side
3001	92388	SKILLMAN, BARBARA KAY - TRUSTEE	PO BOX 1012, HINES, OR, 97738	128 E HANLEY BLVD	E HANLEY BLVD	50%	Fence goes halfway into easement
3600	30508	MULCARE, CHARLES M & NORMA F	P O BOX 774, HINES, OR, 97738	132 E HANLEY BLVD	E HANLEY BLVD	50%	Fence goes halfway into easement
2500	30511	ALLISON, HILDA W & MICHAEL E	P O BOX 822, HINES, OR, 97738	204 E HANLEY BLVD	E HANLEY BLVD	50%	Fence goes halfway into easement
2400	30510	FLAMING, JIMMY A & FERNE J	14808 SW PONY TRAIL, TERREBONNE, OR, 97738	208 E HANLEY BLVD	E HANLEY BLVD	50%	Fence goes halfway into easement
5800	30272	THOMPSON, LABERTIA A - ET AL	P O BOX 1358, HINES, OR, 97738	204 HIGHWAY 20 N	HIGHWAY 20 N	50%	A shed/structure goes halfway into easement
5400	30268	MASTERSON, HERBERT J JR & JOSEPHINE RUTH	P O BOX 72, HINES, OR,	228 HIGHWAY 20 N	228 HIGHWAY 20 N	50%	Fence blocks half of easement
500	30161	PETZOLD, LINDA A	P O BOX 491, HINES, OR,	Landlocked lot between Hilltop/Saginaw and Bennett/Petibone	Landlocked lot between Hilltop/Saginaw and Bennett/Petibone	50%	Fence blocks half of easement
1100	30167	FRANCIS, DEREK C & FRANCIS, DARRELL	PO BOX 322, HINES, OR, 97738	204 N HILLTOP AVE	N HILLTOP AVE	50%	Fences go halfway into easement
200	30351	NORRIS, REBECCA L	PO BOX 205, HINES, OR, 97738	PETER FRENCH AV HINES, OR	PETER FRENCH AV HINES, OR 97738	50%	Fence encroaching on corner of easement
7400	30388	BARNES, KENNETH & MADINE F	P O BOX 861, HINES, OR, 97738	160 N QUINCY AVE	N QUINCY AVE	50%	Fence goes halfway into easement
7202	30386	CHEEK, WILLIAM L & LORETTA A	P O BOX 36, HINES, OR, 97738	169 N ROANOKE AVE	N ROANOKE AVE	50%	Fence goes halfway into easement
1100	30093	ANDERSEN, WILLIAM I - TRUSTEE	P O BOX 345, HINES, OR, 97738	304 N ROANOKE AVE	N ROANOKE AVE	50%	Fence goes halfway into easement
2000	30082	RAPAPORT, WALTER & DIANE	P O BOX 398, HINES, OR, 97738	323 N SAGINAW AVE	N SAGINAW AVE	50%	Fence goes halfway into easement
1600	30166	LARDY, CHRISTOPHER D & STEPHANIE A	P O BOX 1271, HINES, OR, 97738	211 N WOODLAND AVE	N WOODLAND AVE	50%	NE fence corner goes halfway into easement
200	41014	CHOATE, JOHN T JR	PO BOX 403, HINES, OR,	Intersection of Revak Ave and Shelton Ave			Fence is in the way of turn in easement partially in the SE of property (Might belong to property to the north)
1000	30544	GOLDSWORTHY, KURTIS L & DAWN M	PO BOX 467, HINES, OR, 97738			50%	Fence goes halfway into easement
100	30537	YORK, BRENT & AMITY LI	P O BOX 903, HINES, OR, 97738	104 S MILWAUKIE AVE	S MILWAUKIE AVE	50%	Fence goes into center of easement
1300	30548	Sandell, Glen H Jr & Tami M	P O Box 974, Burns, OR	131 S Milwaukie Ave	S Milwaukie Ave	50%	Back Fence Encroaching on Easement
1500	30535	UFFELMAN, PETER J	P O BOX 425, HINES, OR, 97738	123 S NEWPORT AVE	S NEWPORT AVE	50%	Fence goes halfway into easement

6100	30500	SHREEVE, JEWELL E	P O BOX 982, HINES, OR, 97738	140 S OGDEN AVE	S OGDEN AVE	50%	Fence goes into easement and maybe a shed in the middle of it
2900	30509	REYNOLDS, KENNETH L & LINDA L	P O BOX 352, HINES, OR, 97738	150 S OGDEN AVE	S OGDEN AVE	50%	Fence goes halfway into easement
	30507	MOULTON, EDWARD G	PO BOX 394, HINES, OR, 97738	157 S OGDEN AVE	S OGDEN AVE	50%	Fence goes halfway into easement
6500	30569	WYSS, PAUL K & JULIA L	P O BOX 63, HINES, OR, 97738	241 S ROANOKE AVE	S ROANOKE AVE	50%	Fence goes halfway into easement
6300	30567	CAIKINS, DAVID & SHARLA	PO BOX 1415, HINES, OR, 97738	249 S ROANOKE AVE	S ROANOKE AVE	50%	Fence goes halfway into easement
5800	30490	MC KEEVER, ROBERTA KAY - ET AL	P O BOX 206, HINES, OR, 97738	133 SE CIRCLE DR	SE CIRCLE DR	50%	SW portion of fence goes halfway into easement
6100	30565	DECROO, JUSTIN D & MANDY M	P O BOX 264, HINES, OR, 97738	211 W BYRD AVE	W BYRD AVE	50%	Fence goes halfway into easement
2600	30512	TAYLOR, CHARLES A & LOIS M	P O BOX 674, HINES, OR, 97738	155 WOLDENBURG AVE	WOLDENBURG AVE	50%	Fence goes halfway into easement
900	30543	GOLDSWORTHY, KURTIS L & DAWN M	PO BOX 467, HINES, OR, 97738	314 E HANLEY BLVD	E HANLEY BLVD	33%	Fence goes a third of the way into easement
800	30542	S & M INVESTMENTS LLC	PO BOX 67, HINES, OR, 97738	316 E HANLEY BLVD	E HANLEY BLVD	33%	Fence goes a third of the way into easement
6400	36013	BIBLE BAPTIST CHURCH, INC	P O BOX 944, BURNS, OR, 97738	101 E PETTIBONE AVE	E PETTIBONE AVE	33%	Part of their fence goes a third of the way into the easement
5300	30267	HUTCHINSON, JACK R & CATHRYN	PO BOX 342, HINES, OR, 97738	244 HIGHWAY 20 N	HIGHWAY 20 N	33%	Fence goes a third of the way into easement
2900	30243	TAYLOR, HAYES S & DESIREE B	P O BOX 503, HINES, OR, 97738	212 N ROANOKE AVE	N ROANOKE AVE	33%	Fence goes a third of the way into easement
4300	30092	ROGERS, THOMAS D & TRACY L	67717 HIGHWAY 78, BURNS, OR, 97738	312 N ROANOKE AVE	N ROANOKE AVE	33%	Fence goes a third of the way into easement
4000	30410	WAGNER, MARK W	P O BOX 511, HINES, OR, 97738	136 NW CIRCLE DR	NW CIRCLE DR	33%	Fence goes a third of the way into easement
200	30540	DAHL, WILLIAM G & BRANDI L	P O BOX 21, HINES, OR, 97738	110 S MILWAUKIE AVE	S MILWAUKIE AVE	25%	Fence goes a quarter of the way into easement
1700	30415	STAHL, KIM & WARREN	158 S SAGINAW AV, HINES, OR, 97738	158 S SAGINAW AVE	S SAGINAW AVE	25%	Fence is a quarter of the way into easement

TO: Hines City Council

FROM: Kirby Letham, City Administrator

DATE: February 11, 2020

SUBJECT: Discussion – Formally Accept Councilor Hilda Allison’s Resignation Letter

Attachment(s)

- Councilor Allison’s Letter
- Copy of City Charter, Chapter III Section 3.3

DISCUSSION 1:

Councilor Allison has resigned her position as a Council Member for the City of Hines, as described in her letter dated February 4, 2020.

The Council will formally acknowledge her resignation tonight.

POSSIBLE MOTION 1:

“I make a motion to formally accept Councilor Hilda Allison’s resignation and express gratitude for her service to the City of Hines.”

DISCUSSION 2:

The Mayor will also formally announce a vacancy on the Council and explain the process for appointing a new Council Member.

Residents of the City of Hines, who qualify to be on the Council as outlined in the City Charter, Chapter III, Sections 3.4, 3.5, and 3.6 may submit a resume and a letter of interest outlining their qualifications to City Hall. All applications will be reviewed by the City Administrator and presented to the Council on a date determined by the Council to vote to appoint one of the applicants.

Section 3.4 Only those persons who are (1) residents in the City of Hines for 30 days next preceding the election, (2) citizens of the United States, (3) 18 years of age, and entitled under Oregon law to the privileges of an elector shall hold office in the City of Hines.

Section 3.5 Before assuming office, all elected officers must affirm by oath they will faithfully perform their duties of office and support the laws and constitution of the United States and State of Oregon, and the Charter and Ordinance of the City of Hines. Officers will be compensated for their services as provided by ordinance.

Section 3.6 The Council shall appoint one of its members to be Council President. Council President shall assume the duties of the Mayor in the absence of that officer.

Hilda Allison
P.O. Box 822
Hines, OR 97738

February 4, 2020

City of Hines
P.O. Box 336
Hines, OR 97738

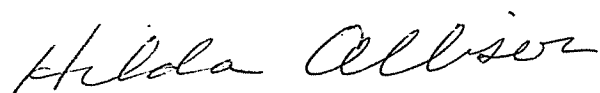
Dear Kirby;

Due to medical issues I am forced to resign as City Council member immediately.

I greatly appreciate the experience of working with you and all the other council members.

Please feel free to contact me any time.

Sincerely,

A handwritten signature in cursive script that reads "Hilda Allison". The ink is dark and the signature is fluid, with a long horizontal stroke at the end.

Hilda Allison
Council member

powers. This charter shall be liberally construed toward the end that all powers permissible hereunder be exercised. The City shall be vested with the power within its limits of authority to perform all public services.

Section 2.2 Suits, actions, and proceedings may be brought in the name of the City of Hines for the recovery of any property, money, or thing, public use therein, or the enforcement of any rights of, or contracts with the city, made, arising, or accruing before or after adoption of this charter. All contracts must be authorized in writing by the council. No contract shall be binding upon the City or make the City liable unless said contract is authorized as stated and signed by both Mayor and City Administrator.

Section 2.3 The Oregon Revised Statutes as presently constituted and hereafter amended shall govern City liability for damage or loss to persons or property.

Chapter III

GOVERNMENT

Section 3.1 The power and authority given to the municipal operation of the City of Hines is vested in its Council. The Council shall consist of a Mayor and six Councilors elected from the City at large pursuant to State Law.

Section 3.2 The Mayor and Councilors shall be elected to serve terms of four years. Terms will begin on the 2nd Tuesday of January following the General Election and end the 2nd Tuesday of January following the election of successor.

Section 3.3 In the General Election at which this Charter is adopted, the Mayor and all six city council positions will be elected. The Mayor and council positions 1, 2 and 3 shall be elected to four year terms of office. The initial terms of office for Council positions 4, 5 and 6 shall be two years. After the initial two year terms of office have ended, council positions 4, 5 and 6 shall thereafter be elected to four year terms of office.

* In event of a vacancy on the Council, an appointee from the City at large shall be chosen by the Council to serve until the term expires and a successor is elected.

* Section 3.4 Only those persons who are (1) residents in the City of Hines for 30 days next preceding the election, (2) citizens of the United States, (3) 18 years of age, and entitled under Oregon law to the privileges of an elector shall hold office in the City of Hines.

Section 3.5 Before assuming office, all elected officers must affirm by oath they will faithfully perform their duties of office and support the laws and constitution of the United States and State of Oregon, and the Charter and Ordinance of the City of Hines. Officers will be compensated for their services as provided by ordinance.

Section 3.6 The Council shall appoint one of its members to be Council President. Council President shall assume the duties of the Mayor in the absence of that officer.

Section 3.7 Any office shall be deemed vacant upon the death, resignation, or relocation outside the City of Hines, or unexcused absence from three consecutive regular meetings by the officer.

Section 3.8 The Council may appoint a City Attorney, Engineer, or other officers as needed. No officer, employment, or compensation for services will be created or allowed except provided for by ordinance or state law.

Appointed officers hold their position at the pleasure of the Council. Councilors may hold an appointed office or be employed with the City. All appointments must be made under charter provision in writing and filed with the City Administrator.

The Mayor shall have the power to suspend any appointive officer with pay at any time for a period not to exceed 30 days, and shall file with the City Administrator a written statement of the reasons therefore, within 10 days thereafter, and may file at any time during the suspension. A notice of intent to permanently remove the suspended officer. In the case of employees covered by Statute, the Mayor shall follow the statutory mandates.

The Mayor may remove said officer unless the Council declares against removal by a two-thirds vote.

Chapter IV

COUNCIL ORGANIZATION

SECTION 4.1 On the 2nd Tuesday of January following the city election there must be a regular council meeting, and such meeting is appointed by this charter.

The Council shall meet in the City at least once a month, at a time and place designated by the Council rules and may meet other times in accordance with those rules.