

**MINUTES FROM  
A MEETING OF THE HINES COMMON COUNCIL  
February 11, 2020**

**Present:**

**Mayor:**

Nikki Morgan

**Council:**

Councilors Raymond Breshears, Duane Hutchins, Gary Miller, Robert Beers, and Ron Williams

**City Staff:**

Police Chief, Ryan DeLange, Fire Chief, Robert Spence, Acting Public Works Superintendent, Jerry Lewellen and City Administrator, Kirby Letham

**Public Audience:**

Boomer Inselman, Jeff Campbell, Pete Runnels, Lola Johnson and Jordon Bennett

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

**Approval of February 11, 2020 Agenda:**

The agenda for February 11, 2020 was reviewed by the Council. Councilor Beers made a motion to approve the agenda as presented. Councilor Williams seconded the motion.

All ayes, the motion carried.

**Approval of Minutes for January 28, 2020:**

The minutes were reviewed by the Council. Councilor Beers made a motion that the minutes of January 28, 2020. Councilor Williams seconded the motion. All ayes, the motion carried.

### **Accounts Payable:**

Accounts payable were considered. Councilor Beers made a motion to approve the payables for January 30, 2020 in the amount of \$251.00 and for February 11, 2020 in the amount of \$15,573.32. Councilor Williams seconded the motion. All ayes, the motion carried.

### **Department Heads Report**

#### **Police Chief, Ryan DeLange**

Chief DeLange handed out a breakdown of the criminal cases from January 1, 2020 to now and asked the Council to review and ask any questions they might have. Councilor Miller asked about AAA County, which Chief DeLange explained was an assist to the Sheriff's Department. Chief DeLange spoke about the big problem the department is having with vaping in the middle school. A discussion ensued about what could be done. Councilor Beers asked about state outlawing vaping, which Chief DeLange said that the state had not. Chief DeLange stated that education is the solution, however it was difficult as some parents do not like the use of scare tactics. Chief DeLange stated that it was "hard to prosecute" this offense as there are no laws for the youth. Mayor Morgan asked about teen court and if they had any ideas.

#### **Fire Chief, Robert Spence**

The fire department responded to 4 calls this past month. A wreck, an alarm issue at The Aspens, a flue fire on S. Quincy and a sprinkler issue at Rite Aid. The department has about 25 smoke detectors from the State Marshall to help about residents in Hines that are in need. Councilor Williams asked about how much demand for detectors there was and if the department needed to purchase some. Chief Spence stated that people can purchase their own detectors and the department can help with installing if needed, but the department will not purchase any for residents. Chief Spence stated that a good "rule of thumb" is change the batteries in the alarms each time you change your clock.

### **Acting Superintendent, Jerry Lewellen**

The utility department has been busy. The sewer has plugged 4 times in the last month that they have responded to. They have swept the sidewalks free of sand and rock from the street with the help of ODOT. The lagoons are pumping approximately 160-190 thousand gallons a day. The water pumps are pumping approximately 190 thousand gallons a day. The screen for the lagoon has arrived and the department is pumping approximately 216 thousand gallons a day to the overflow pond. The West Hanley potholes seem to be holding up. ODOT said that they would bring a load of the cinders that they sweep up from the road to fill the holes. Jerry met with Anderson Perry to go over the master water plan and verifying final drawings. Mayor Morgan asked about the south Saginaw lines and Jerry confirmed that the new line will eliminate the current problem of residential water lines cross all the way from upper Saginaw to the water line on Roanoke avenue. Councilor Hutchins asked about the frozen pond and the effect on evaporation of the lagoon ponds. Acting Superintendent Lewellen stated that every winter/early spring they must pump over to the overflow pond to keep the levels where they want them.

### **City Administrator, Kirby Letham**

Administrator Letham met with the DLCD representative last week for 4 hours regarding the flood plain and building permits. The city's ordinance needs to be updated with language changes. The last ordinance the city has is from 2015. The representative drove throughout Hines and she pointed out some places that Administrator Letham will need to contact the owners and discuss needed changes. The DLCD is going to be strict regarding building permits in flood plains. The office staff will need to revise permits and develop a checklist to make sure all bases are covered to minimize liability. The next SEACT meeting will be on March 10<sup>th</sup> in John Day and Administrator Letham is encouraging all council members to attend these beneficial meetings. There is one planned in Burns for May 18<sup>th</sup>. Harney Economic Development housing committee, a subcommittee of CRT, will be meeting with local contractors on February 18 at 5:30pm to discuss their views and solutions for house building in Harney County. Councilor

Hutchins asked about the renting of the West Ridge apartments, of the buildings were complete and if people were living in them. The 1<sup>st</sup> and 2<sup>nd</sup> buildings have people already living in them and the 3<sup>rd</sup> & 4<sup>th</sup> buildings will be completed prior to month's end. Both Councilor Miller and Councilor Williams said they asked tenants about the amount of rent that they pay. Councilor Miller stated that the individual he spoke with is paying \$99.00 and Councilor Williams stated that the individual he spoke with is paying \$106.00. The Council has asked Administrator Letham to contact Angie Lamborn at the Senior Center to ask if the rent policy has changed for the West Ridge Apartments.

### **Public Comment – Non-Agenda Items**

NO COMMENT

### **Old Business:**

#### **Re-visiting Ordinance 315 (Chapter 9.07) – Kratom and Substances considered harmful**

Administrator Letham provided a write up and discussion items. He read a statement from AJ Kamahwee, the owner of Hines Bare Bones Smoke Shop, stating "Kratom would be a very good replacements 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 would allow me to keep the money locally instead of forcing residents to travel to John Day". Administrator Letham posed the question to the council of voting to uphold the current ban or take measures to overturn it. Councilor Williams asked for Chief DeLange to speak on this matter. Chief DeLange stated that the drug is highly addictive and Kratom is not regulated, so one never knows for sure what they are truly getting. Mayor Morgan quoted a CDC report from February 2018, stating that there had been 28 cases of salmonella outbreak in 20 different states. The CDC could not identify the cause just that all the users had used Kratom. She agreed with Chief DeLange, it is not a controllable substance. In Chief DeLange's opinion, we, as the city, did not need another drug that the youth can get their hands on and it is illegal to have in the city limits of Hines. Lola Johnson asked what exactly Kratom was. Chief DeLange stated that is a plant from Asia that is brought into the

United States in one of 2 forms, a brown powder or in pill form. Mayor Morgan stated that it is also sold in leaf form over the internet. Councilor Williams asked for clarification whether the state of Oregon has made it illegal. Kratom is not illegal in the state of Oregon, but it is however illegal in the city of Hines. Councilor Williams asked if it was our responsibility, as a city, to say no to selling something in a business, that is not against the law in the State of Oregon. Chief DeLange gave the reasons why it was banned before in Hines, how it was banned with the community in mind, not a business owner. Chief DeLange continued with the city of Hines wanted to be ahead of the game in keep the drug out of the community. Councilor Hutchins shared an article from the Mayo Clinic discussing the negative side effects.

Councilor Hutchins made a motion to leave Ordinance 315 (Chapter 9.07) as is. Councilor Breshears seconded the motion. All ayes, the motion carried.

### **Re-visiting Ordinance 302 (Chapter 6.08) – Domestic Livestock**

Administrator Letham explained that people moving into the area are calling the office staff and inquiring about bringing their livestock into city limits. Most are asking about horses. He then read the ordinance as it reads now. Administrator Letham posed the question of keeping the code as is or modifying it in some way. He did state that the reasoning behind Ordinance 302 was to match and meet Oregon planning goals. A discussion ensued about past and present permits. Councilor Williams made a motion to leave Ordinance 302 (Chapter 6.08) as is. Councilor Hutchins seconded the motion. All ayes, the motion carried.

### **Hines Helmet Head Rally**

Boomer Inselman and Jeff Campbell have come to the Council asking for TRT funds for their motorcycle rally in July-August. Three different proposals were presented to the council. 1) Pay the cost of \$1,065.00 for 250 posters for advertising; 2) Pay the cost of \$1,830.00-\$2,562.00 for 250-350 shirts, that would be handed out throughout the event; 3) Sponsorship of vendor space contributing \$75.00 subsidy for each vendor. Mayor Morgan asked for more clarification regarding each option. Councilor Williams asked Boomer and Jeff what they were planning on charging each vendor for space. Boomer

stated that each space would cost \$75.00 unless power was required, in which case, the cost would be \$125.00. An in-depth discussion ensued about which option would be best for the city regarding getting vendors to participate and what is the best way to how to do a donation of spots. Marsallai Quick suggested holding a raffle for each \$75.00 subsidy.

Councilor Williams made a motion to donate \$1,500.00 towards the Hines Helmet Head Rally. Councilor Hutchins seconded the motion. All ayes, the motion carried.

### **Water Improvement Project – Water Line Easement Report**

Administrator Letham presented a list of properties, that Anderson Perry put together after surveying the proposed water line replacement areas, that have obstructions (fences, sheds, etc.) in the city easement. In addition, there are 10-12 where the city currently has water lines that need replaced and there are no legal easements or there are much larger obstacles, for example the Hines Middle School. Councilor Hutchins asked about the possibility of a city water line being on an owner's property, who would pay for fences, sheds, etc.? City Staff and Anderson Perry are in the process of contacting these property owners and drawing up legal documentation to resolve the issues. The city's attorney will also be involved in preparing legal documents. Administrator Letham has already spoken with several and so far, the conversations have been productive. He is optimistic that these situations will turn out will.

### **New Business:**

#### **Harney County TLT – Judge Pete Runnels**

The county is wanting to implement a county wide TRT tax that will go to the ballot in May primary. They would charge 6% of the monthly income on top of the 8% the city already charges. This tax would help the county with their deficit, freeing up general funds, as well as help with improvements throughout the county. Councilor Williams asked if any of the 6% would go towards health and hospice. Judge Runnels stated that the funds that are left after paying out the 70% towards tourism, as required by the state, would be put into general funds and distributed from there. Councilor Williams

asked about the 14% percent in small town verses the bigger percentages in larger towns. Judge Runnels felt it would not be a problem. Councilor Hutchins asked about how much the county motels, such as Fields Station, Diamond Hotel, etc., where being charged now. Judge Runnels stated that they are not currently charging the county motels anything. Councilor Williams asked about Airbnb TRT. Administrator Letham stated that the fee that is paid to Airbnb by the owner includes the local tax.

### **Acceptance of Resignation by Councilor Allison; Review of Procedures**

Councilor Williams made a motion to formally accept Councilor Hilda Allison's resignation for health reason and express gratitude for her service to the City of Hines. Councilor Breshears seconded the motion. All ayes, the motion was carried.

Administrator Letham discussed the requirements per the charter of any person wanting to apply for the vacancy. 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. Council agreed that the March 10th meeting would be enough time for those interested to apply. Administrator Letham will get the vacancy published in the paper.

### **Public Comments:**

#### **Lola Johnson, HC Chamber of Commerce**

Invited all the council members to the State of the County on February 21<sup>st</sup>. Eastern Oregon Visitors Association has awarded the fairgrounds a \$4,000.00 grant. Rimrock Recycling is having an arts and crafts fundraiser on February 22<sup>nd</sup>.

### **Council Comments:**

Councilor Breshears – Thank you to the city departments and keep up the good work.

Councilor Hutchins – Thank you to the city departments and expressed sadness of Councilor Allison's departure, but said he understood the choice she had to make.

**Adjournment:**

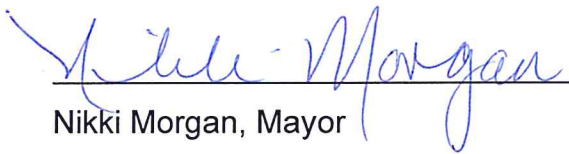
There being no further business, Councilor Williams made a motion to adjourn the meeting. Councilor Beers seconded the motion. All ayes, the motion carried and the meeting adjourned at 8:13 pm.

Respectfully Submitted:

Kirby Letham

City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON FEBRUARY 25, 2020

  
Nikki Morgan, Mayor