

**MINUTES FROM  
A MEETING OF THE HINES COMMON COUNCIL  
April 27, 2021**

**Present:**

**Mayor:**

Nikki Morgan

**Council:**

Councilors Amity York, Gary Miller, Marsallai Quick, Robert Beers and Misty Shepherd were present.

**City Staff:**

City Administrator Letham

**Public Audience:**

Randy Gibson, Paul Bradley, Tom Choate, Tammie Choate and Larry Grigg

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

**Approval of the April 27, 2021 Agenda**

*Mayor Morgan asked if there were any changes to the agenda. Administrator Letham said that Mr. Gibson asked if he could make a presentation before the Council for the Old Time Fiddlers. Item was added under New Business. Councilor Beers made a motion to approve the agenda for April 27, 2021 as revised. Councilor Shepherd seconded the motion. All ayes, the motion carried.*

**Approval of the April 13, 2021 Meeting Minutes**

*Councilor Quick made a motion to approve the meeting minutes from April 13, 2021. Councilor Shepherd seconded the motion. All ayes, the motion carried.*

**Accounts Payable for April 27, 2021**

*Councilor Beers made a motion to approve the accounts payable for April 27, 2021 in the amount of \$4,610.39. Councilor Quick seconded the motion. All ayes, the motion carried.*

**City Administrator Report**

Administrator Letham reported the following:

Caselle - advised that the City is moving forward with the update. The City has provided all the information they have requested to date. The next step will be to provide them with a chart of accounts. The next step after that should be providing them with financial data.

Water Project – The contractors will be returning by May 10<sup>th</sup>. There are a few contractor employees here currently working on the pumps and well houses. Has been a delay with the #3 well as a casing needs to be replaced. Waiting for material.

Small Cities Meeting – Meeting held April 22<sup>nd</sup>. Put on by League of Oregon Cities (LOC). Last meeting was about 18 months ago. The presentation for this meeting was by ODOT, and they discussed how small cities work get involved with ODOT to give ODOT ideas for projects. Good opportunity for small cities to discuss what is going on in their communities.

John Day Police Dept – Meeting held April 26<sup>th</sup> between city managers from John Day, City of Nyssa, Burns and Administrator Letham. John Day is facing a financial shortfall in their budget for their police force. So, they had a meeting to exchange ideas that would be helpful to the four cities.

Planning Report – There has been a lot going on in the City and he wanted to keep the Council informed as there may be times when they need to be involved for final decisions.

Vloedman – in the process of purchasing some land. Has come in for a permit to build a self-storage business on this property. This will take up a small portion of the land and has advised that he does have plans for the remainder of the property.

Volle – Mr. Volle is going to go before the Planning Commission on May 6<sup>th</sup> to request a variance for his property on Hilltop Avenue.

Tesla – Has broken ground in the vacant lot south of Grocery Outlet. They are installing an 8-unit charging station.

Spectrum – formerly Charter Cable. They provide TV, mobile, high-speed internet, etc. Ten years ago, they started updating their equipment, network, hardware, etc. across the state. Hines and Burns are the last area in the state, and with the improvements over the years, both cities will be getting their most current services/equipment. This location will be the hub for Eastern Oregon.

Skate Park – Interest in the community to continue improving the Skate Park.

Budget Schedule – Has provided a tentative budget timeline in the Council Packet. He mentioned that the timeline could be changed if the Council and Budget Committee wanted. It was suggested to see if the Budget Committee would rather push up the timeline to get it completed earlier. He is working on having the first draft of the budget ready to go to the Council by May 4<sup>th</sup>.

Insurance – He is putting together a Request for Proposal (RFP) for an insurance agent. The provider is CIS (City/County Insurance). He hopes to have numbers to present by the end of May, first of June to be included in the budget.

Ordinance Violations – Has been noticing that there have been building going on in town where people have not bothered to come in for a building permit. Has also seen that people have not been cleaning up their yards, etc. After the budget is finished, he would like to look at possibly hiring a part time individual or getting a volunteer to go around town and list ordinance violations. Needs to research the appropriate procedures.

**Public Comment – Non-Agenda Items Only (Speaking time limits may apply)**

Administrator Letham advised that a letter has been received by the City and was asked to be read into public comment. Letter was received from Ms. Stella Copeland. Ms. Copeland expressed her concern regarding the mosquito abatement program. She stated that she felt the City should not aerially apply pesticide over private property, the nature trail or city parks. She also stated she felt the benefits of the adulticide would be limited compared to the larvicide. She feels more clarity is needed regarding where pesticide is to be released. She thinks a highly conservative plan for pesticide use is appropriate for the proposed application schedule. Administrator Letham advised the Council that he will work with the City of Burns and the County to make sure that we are communicating clearly with residents. Councilor Quick suggested a notice in the newspaper. Administrator Letham also said the use of our website and Facebook page.

**Old Business:**

**Park Underground Sprinkler Project** - The City did receive a protest of the intent to award of the Park Sprinkler contract. After further research Administrator Letham found that Paul Bradley Landscaping was the lowest bidder for the Park Underground Sprinkler project. *Councilor Quick made a motion to rescind the contract award to Harney Lawn & Irrigation and to award the bid to the lowest bidder, Paul Everett Bradley Landscape Services. Councilor York seconded the motion. All ayes, motion carried.*

**Park Sign/Reader Board Update** – Mr. Duane Hutchins has stepped forward to spearhead the project. Ground is prepared for the concrete pad. Conduit has been laid for the electrical, pad is ready to be poured, and the water project contractor will bring the framing down from the water tower when they come back into town. Signs have been ordered. They project is moving forward.

**Park Bathroom Engineer Update** – Mr. Tom Choate addressed the Council. He has done some research regarding engineering firms for the Park bathroom. High Desert Engineering, LLC and Strux Engineering, LLC. Administrator Letham added that he had received contact information for another engineering firm. He told the Council that he will prepare a solicitation package for engineering services.

**Ordinance 329 Certified Local Government (Historical Preservation)** – Establishes an Historic Preservation Commission and appoints interested and qualified residents to serve. The City would pass a preservation ordinance that would outline how the City would address local historic preservation issues. With this ordinance the City would agree to participate in updating and expanding the State Historic Building Inventory Program (SHPO). SHPO maintains the master database and the files for the statewide inventory and by providing grants to survey additional properties. The City would agree to review and comment on any national register of historic places and nominations of properties within City limits. Nominations are usually submitted by the property owners themselves

or other members of the public. SHPO administers the national registry program in Oregon. Cities agree to fulfil their obligation to enforce existing state preservation laws. If private property, the property owners must be onboard with the designation and willing to participate in the program to keep the property updated. There are grants available through the program to assist with the preservation of the property. The Commission would make recommendations to the Planning Commission and the Council. Before passing this ordinance, he would like to get the Zoning Ordinance reformatted and updated. The Planning Commission has been reviewing it, and their next step is to recommend changes/updates to the City Council. Then it will be for the Council to review and approve it so that it can be codified. Once the Zoning Ordinance is finalized, he would like to move forward with the CLG Ordinance. Councilor Beers asked what happens if a property is in the program and it sells? Administrator Letham said that he would need to research it, as one solution would be to make it a condition of a sale to keep it in the program, however, if it is private property could it be removed from the program? Councilor Beers also asked about if City money would have to be spent? Administrator Letham said if it were City property, it would depend on the type of grant, if it required matching funds or was an outright grant.

**Homeless Camping Update** - Two court cases were taken before the Supreme Court from the cities of Boise and Grants Pass. In the first case, the Supreme Court ruled that the city could not criminalize homelessness, and they refused to hear the second case. The result is that a city cannot ban citywide homeless camping. The state is currently working through HB3115. This basically codifies in state law those items heard by the Supreme Court. The attorneys and other city managers have said that for now to wait until the legislation is settled. It has passed in the house and will go to the Senate. The session ends in June. Attorneys from CIS and LOC will help the City draft an ordinance when the time comes. Councilor Shepherd had suggested to Administrator Letham that when the time comes, the City may want to work with the City of Burns and the County to see what can be done.

**Harney Housing Discussion** – (Continuing Discussion) The Harney County Economic Development Committee for housing developed a plan for stimulating housing construction in Hines, Burns and Harney County. The Committee set a goal of 5 houses per year for 5 years. It is believed that this goal will help alleviate local housing problems and initiate continued economic growth. The Committee looked at land owned by the County, Burns and Hines, and the lot in Hines was chosen as the best option. The lender then asked that the donating City also include 20% of the funds for the project. They were told that the City of Hines would not put funds towards this. The Lender and the Council asked Administrator Letham to prepare an estimated cost to prepare the land for building. The estimated cost to the City is approximately \$48,100.00. This includes the cost of land, extending sewer services, surveying the property, establishing water & sewer connection and clearing sagebrush on the land. Estimated tax revenue to the City over 25 years would be \$26,826.25. The City would also recoup the initial cost once the house

sold, which would then be put into a housing fund to build the next home or allow homeowners to apply for small loans to remodel/upgrade their homes. There are options available. The City could do nothing and retain the lot. The City could sell the lot to someone that wants to build a home in the City. However, someone could purchase the land and hold on to it and not build. The market could drop by the time the home is built. Administrator Letham is going to present the numbers to the Housing Committee. He also wants to check with the City attorney and the auditors to get their feedback. He has not presented the numbers to the lender yet.

### **New Business:**

**Review Variance Request for Larry Griggs – 153 N. Roanoke** – Application for a building permit for a home and shop on the lot located at 153 N. Roanoke. The building permit for the home was an outright permit, meaning the proposed home and site plan met all requirements in the zoning ordinance for a single-family residence. The shop was designed to be approximately 23'. The Zoning Ordinance limits the height of a shop to 15'. The City has allowed variances to build as high as 17'. Mr. Griggs submitted a Variance Request to allow him to build the shop as high as designed. The City mailed notifications and a Public Hearing was held at the Planning Commission meeting on April 6, 2021. The City Council will now review their decision. The Council may approve the Variance as recommended by the Planning Commission, they may reject the recommendation, or they may approve it with conditions. The Mayor was at the Planning Commission meeting. She said during that meeting discussion came up that homes are allowed to be 35' tall, why could shops not be the same height? She said after thinking about it, yes, we want building in the City. We want homes to be built, however the homes should be the main structure, not a shop. She was concerned that at the Planning Commission meeting there was no condition that the home, which should be the primary structure should be constructed first. Her concern was if the shop is built, what would make them build the home? Both Councilors Quick and Shepherd thought a condition was made during the Planning Commission meeting that the foundation for the home would be poured prior to, or at the same time as the construction of the shop would begin. Councilor Beers asked what would stop the residents from living in the motor home instead of building a home? Councilor Miller sees no problem with the height of the shop. The Mayor advised that the Council needs to be careful when setting precedents. Councilor Quick said she thinks 23' is too tall. Councilor York commented that there are many shops in town that exceed the 15' maximum set through the Zoning Ordinance. She said that the shop at her residence was constructed prior to their purchase. It will hold an RV and is 17'. She would like to know what the additional height for the Griggs' shop will be used for. Councilor Beers said according to the site plan the door height is only 12'. So, what is the other 11' for? Would that be living space? Mr. Griggs' responded that the door is actually supposed to be 14' in height. Discussion ensued regarding roof pitch due to snow. Mr. Griggs said the pitch is 4-0. He said he could do a little shorter. The Mayor asked about the home plans, and Mr. Griggs said that delivery is anywhere from 22 weeks to 14 months. Mr. Griggs told the Council that after having the lot surveyed, he realized

that it will not suit his needs, and has purchased property elsewhere. He rescinded his request for a building permit and variance.

**Business License Application: Outlaw Wood Products, LLC** – Randy Gibson. Mr. Gibson said they are renting the space next to Country Washboard. They make benches, tables etc. to sell and a store front will allow them to get in the public's eye better. They are also working with OYA to give an outlet for the kids to sell items they make. Would like to open the doors for business May 10<sup>th</sup>. *Councilor Quick made a motion to approve the business license for Outlaw Wood Products, LLC. Councilor Beers seconded the motion. All ayes, the motion carried.*

**Old Time Fiddlers Donation Request** – Randy Gibson. Mr. Gibson said that during 2020, due to Covid-19 they did not hold their annual jamboree. This year, providing things do not change they plan on holding the jamboree. The Old Time Fiddlers Board asked Mr. Gibson to come before the City Council and ask for a donation to be able to hold the jamboree. It is being scaled back this year due to Covid regulations. At the Memorial Building they are allowed 200 people inside with 300 outside. Recently, they have had approximately 175 people attend their get togethers. The jamboree will be June 17<sup>th</sup> – 19<sup>th</sup>. Oregon Old-time Fiddlers Association (OOFA) will not be supporting this event. High Desert Fiddlers will be sponsoring this event, covering the costs of advertising, rentals, insurance, etc. They will advertise on Facebook, the radio, the newspaper and mail flyers to surrounding communities. In 2019, people from 23 states and 5 countries came to the jamboree. *Councilor Beers made a motion to donate \$500 of TLT funds for the Old Time Fiddlers Jamboree. Councilor Quick seconded the motion. All ayes, the motion carried.*

### **Class of 2021 "Project Graduation" Donation Request**

The Mayor mentioned how rough the kids have had it due to Covid-19. Councilor Beers suggested giving them a little more than we have in the past. *Councilor Beers made a motion to donate \$400 to the Class of 2021 "Project Graduation". Councilor Quick seconded the motion. All ayes, the motion carried.*

### **Public Comment Period (Speaking time limits may apply):**

None

### **Mayor and Council Comments**

**Councilor York** – None

**Councilor Miller** - None

**Councilor Quick** - None

**Councilor Beers** – None

**Councilor Shepherd** – None

**Mayor Morgan** – None

Next Council Meeting is scheduled for May 11, 2021 at 6:30pm.

**Adjournment:**

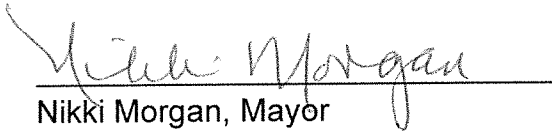
*There being no further business, Councilor Beers made a motion to adjourn the meeting. Councilor Miller seconded the motion. All ayes, the motion carried. Meeting adjourned at 8:27pm.*

Respectfully Submitted:

Kirby Letham

City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON May 11, 2021.

  
Nikki Morgan, Mayor