

THESE MINUTES HAVE BEEN APPROVED BY THE BURNS CITY COUNCIL

Burns City Council

September 12, 2018

The Burns City Council met in regular session on September 12, 2018 at 6:00 p.m. Members present were as follows:

Mayor: Jerry Woodfin
Councilors: Liz Appelman
Lynda Fine - Absent
Charity Robey
Gary Estep - Excused
Dennis Davis
Forrest Keady

Also in attendance were City Manager Dauna Wensenk per telephone, Police Chief Newt SkunkCap, Fire Chief Scott Williamson, Public Works Director Pedro Zabala, Public Works Roy Crafts, BTH Editor Randy Parks and Municipal Judge/City Clerk Dawn Crafts.

AGENDA APPROVAL AND LATE ADDITIONS

Mayor Woodfin added an invoice from Morrison Maierle to New Business.

Councilor Robey moved to approve the agenda with the late additions. Councilor Davis seconded. All ayes.

CONSENT AGENDA

- A. Special Meeting Minutes – August 20, 2018
- B. Workshop Minutes – August 22, 2018
- C. Regular Meeting Minutes – August 22, 2018
- D. August 2018 Financial Report

Councilor Robey moved to approve the consent agenda as presented. Councilor Davis seconded. All ayes.

CITY MANAGER/DEPARTMENT HEAD REPORTS

Mayor Woodfin read aloud the following report for CM Wensenk:

September 12 , 2018

It was suggested to have Greg Smith from Economic Development attend the September 26th workshop but unfortunately, he has other commitments. His staff is looking at the council meetings in October for possible dates to meet with him.

City Attorney Jeremy Green will be attending Sept, 26th workshop for his semi-annual trip. Some of the items to be discussed at that meeting are ordinance updates and update on the franchise with High Desert Biomass Coop.

We are moving ahead with the financing for the Water Master Plan. We have received \$ 20,000 from Business Oregon and are looking at an additional \$ 30,000 potential grant funding.

Some of the residents who received notices about weed abatement have contacted the city regarding concerns of starting fires in the dry grass with using lawn mowers. They have received extensions until the weather changes.

On the Washington Park project, we are waiting for the engineer drawing before we can obtain permits. Since there were changes to the project which increased the cost, it was agreed to have public works demolish the building and that would keep the cost to the project at the original bid submitted.

I used the LOC Free Attorney for the Agreement for Services on the Washington Park Restroom which used up approx. 1.5 hours of the 10 free hours.

Fire Chief Williamson reported that things have been slowing down. He spent Friday in his fire prevention booth at the fair. He's been working on plan reviews and fire inspections. He was also informed that he did not receive the AFG Grant for breathing apparatus's. He will also be flushing more hydrants soon and will start getting ready for winter.

Public Works Director Pedro Zabala reported that his department has been shorthanded so they have been very busy. He informed the council that there was a main water line break that morning in front of the Hilander Restaurant that took them approximately 10 hours to repair.

Chief SkunkCap reported that they are keeping busy as well. He also stated that Fair week was not as busy as usual which was a good thing.

NEW BUSINESS

1. Burns Fire Department – Request to Purchase Fire Equipment - \$9,926.00

Chief Williamson reported that this is a grant to purchase hose, nozzles, fittings and wild land hose. He stated that training was used to meet the city's shared cost.

Councilor Robey moved to approve the purchase of fire equipment in the amount of \$9,926.00. Councilor Davis seconded. All ayes.

Burns Fire Department – Request to spend left over 2017 Grant money on mobile radios in the trucks in the amount of \$6822.00.

Councilor Robey moved to approve the request to spend the 2017 left over grant money in the amount of \$6,822.00 on new mobile radios in the trucks. Councilor Davis seconded. All ayes.

Burns Fire Department – Request to move the box container that will be used for live fire training down to the east end of the airport by the last entrance along the ditch.

Councilor Appelman moved to allow Fire Chief Williamson to move the box container to the east end of the airport along the ditch by the last entrance. Councilor Keady seconded. All ayes.

2. OLCC – Annual Liquor License Renewals

Councilor Appelman asked why we are acting on this if it was due back to OLCC by August 30, 2018.

Chief SkunkCap stated that he doesn't have any problems with any of the renewals.

CM Wensenk did state that the Ye Olde Castle is not currently open but does have the right to renew and Oards is out in the county.

She stated that OLCC lists two options:

1. Do Nothing and they will renew the licenses.
2. Recommend Denial

The council did not act.

3. Morrison Maierle – Invoice - \$40,626.00 for Runway 3-21 Concrete Rehab Project
Councilor Appelman asked why the invoice is for June 15, 2018 and we are just now approving it.

CM Wensenk stated that she just received the invoice in an email from Morrison Maierle.

Councilor Robey moved to approve invoice 187362 for Morrison Maierle for the Runway 3-21 Rehab project in the amount of \$40,626.00. Councilor Davis seconded. All ayes.

PUBLIC HEARING – 6:16

Darwin W. Webster – Property Owner – Determination of Nuisance Located at 1035 E. Adams, Burns, OR

Mayor Woodfin opened the public hearing at 6:16 p.m.

Mayor Woodfin read aloud the staff report.

Mayor Woodfin asked if there was any testimony or comments from the property owner or public.

There was none.

Mayor Woodfin asked for council deliberation or questions.

There was none.

Mayor Woodfin closed the public hearing at 6:22 p.m.

Councilor Robey moved to adopt the draft resolution attached as Exhibit C to the Staff Report determining that nuisance conditions exist at 1035 East Adams(Harney County Tax Map 23S31E07DD – tax lots 3400, 3401 and 3402) and ordering abatement for the reasons set forth in the resolution. Councilor Keady seconded. All ayes.

PUBLIC COMMENTS

Judy Erwin stated that when she got a copy of the council agenda she was very disappointed that there was no discussion about the Economic Development funds on it and she does not want to see it get dropped.

Councilor Appelman stated that they have to discuss it with the city attorney.

Judy informed her that they don't have to run it by an attorney.

Councilor Robey informed her that they are going to run it by the city attorney at a workshop they're having before the next council meeting and that they are not dropping it.

OLD BUSINESS

1. Debra Hoover – 180 S. Grand – Temporary Livestock Permit Violation

Mayor Woodfin read aloud a letter written to Ms. Hoover from CM Wensenk reporting a complaint that the horse was being tethered on other property which is a violation of the permit and that the fence was not constructed within 30 days which was a condition of the temporary permit.

Ms. Hoover was present and explained that she became ill and was put in the hospital so it did take her a little longer to get the fence up but it is up now. She also stated that she didn't realize that the horse couldn't be tethered at her neighbor's property. She misunderstood this condition but she will not let that happen again and she will make sure that he is always in her presents.

Councilor Appelman stated that the other condition for the permit is that she is supposed to make him a certified service animal.

Ms. Hoover reported that after researching the matter she learned that you can't certify a miniature horse as a service animal but you can get a prescription for a therapy animal from your doctor, which she did provide to the council at the last hearing.

Mayor Woodfin stated that the issue is the fact that the permit is for 180 S. Grand, not for the neighbor's yard.

Robert Corson doesn't understand why the horse can't come visit him in his yard and feels the the council needs to have a heart on the matter.

Mayor Woodfin stated that he takes offense to Mr. Corson's statement because he wasn't present at the hearing where the council spent a lot of time and discussion to work with Ms. Hoover so that she can have her horse.

There was some discussion on definition of "Service Animals".

Ms. Hoover stated that she agrees that the fence was not completed on the allotted time but she really did misunderstand that "Wilber" can't be out of her control and she is asking for forgiveness.

There was some further discussion about the fence.

The council did not take any formal action.

2. Next 12 Month List –

Councilor Appelman asked if the student councilor will be responsible for the city's Facebook page because it's not being updated regularly.

Councilor Robey stated that the student councilor will not do the Facebook page because it's a government entity computer.

LOC Training – Later this year.

Business Packet – Remove from list.

Quarterly Update – Ongoing

Review Ordinances – Next meeting and workshop on September 26, 2018.

Washington Park Restrooms – Remove from list.

Fire Hydrants – Ongoing

Fiber Optics – Ongoing

ORDINANCES/RESOLUTIONS

1. RESOLUTION NO. 18-660 – A RESOLUTION DECLARING THE PROPERTY LOCATED AT 1035 EAST ADAMS ST. (HARNEY COUNTY TAX MAP 23S31E07-TAX LOTS 3400, 3401 AND 3402), BURNS, OREGON TO BE A NUISANCE; ORDERING THE RESPONSIBLE PERSON TO ABATE THE NUISANCE WITHIN TEN(10) DAYS.

Councilor Robey moved to have Resolution No. 18-660 read by title only. Councilor Davis seconded. All ayes.

Mayor Woodfin read Resolution 18-660 by title only.

Councilor Robey moved to approve Resolution No 18-660. Councilor Davis seconded. All ayes

COUNCIL/COMMITTEE COMMENTS

Councilor Davis reported that he met with Brandon from Anderson Perry and they looked at what it would take to get water from the city to the airport and estimated it to be around 2 – 3 million dollars and that's on the low end. Another option would be to set up a water system from an aquafir. He will get a quote for that. He also stated that there could be grant monies available to help.

He also reported that if we can get the fibre optics to the airport, the BLM would like it..

Next, he reported that the cemetery committee met and looked at planting trees down behind Wagner's Furniture and also installing some park benches.

Councilor Appelman reported that the Safety Committee met and did inspections in some of the departments. The only concern was too many extension cords in each department.

There was no further business.

The next meeting will be September 26, 2018.

ADJOURN

Councilor Robey moved to adjourn. Councilor Davis seconded. All ayes.

The meeting adjourned at 7:15 p.m.