



CITY COUNCIL MINUTES

Irrigon City Council Meeting

October 20, 2009

6:00 p.m.

Irrigon City Hall

500 NE Main Avenue

Call to Order/Roll Call

Mayor James Ray called the meeting to order at 6:00 p.m.

Mayor Ray invited the audience to join in the Pledge of Allegiance.

Council present: Ken Councilor Matlack, Eleanor Councilor Partridge, and David Councilor Burns.

Council absent: Mayor Pro-Tem Jack Mayor Pro-Tem Johns had excused absence. Councilor Harold Poeling was absent.

Staff present: City Manager Gerald Breazeale, Utility Billing Clerk Penny Moore, and Public Works Director Keith White.

Citizens present: Amy Sandy, Roy Henry, Sandy Henry, David Wood, Gloria Wood, Lyman Branson II, Thomas Skach and Kevin Hugulet from Swaggart Brothers.

Comments from Citizens not on the Agenda – Max. 5 Minutes/person

Sandy Henry, 75592 Pheasant Lane, Irrigon, representing the Oregon Veterans Motorcycle Association requested the presence of the council at the dedication of the Oregon Trail Veterans Memorial scheduled for Saturday, November 7, 2009 at 2 p.m. on the lawn in front of Irrigon City Hall.

The memorial is a long awaited reality made possible by a gracious grant from the Oregon Parks and Recreation Committee and a lot of hard work.

The special event will honor our servicemen and servicewomen who have serviced our country. Among the scheduled are possibly Ted Kulongoski, Governor of Oregon; Representative Greg Smith; The National Guard; The Veterans of Foreign War; and a representative from the Army Depot.

Ms. Henry submitted a letter to the council from the Oregon Trail Memorial Committee stating where donations can be made. Memorial bricks will be sold for \$35.00 a piece. Also there will be two concrete benches that will be

engraved with the donor's name at \$100.00 a piece. Councilor Eleanor Councilor Partridge asked if the names of the MIA/POW veterans will be on the back of the memorial. Ms. Henry stated that names from Irrigon and Morrow County will be placed on the memorial.

It was moved by Councilor Matlack and seconded by Councilor Partridge to approve an account be set up to accept donations for the Oregon Trail Memorial Committee. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Approval of Minutes – September 15, 2009 Council Meeting

It was moved by Councilor Partridge and seconded by Councilor Burns to approve the minutes as presented. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Correspondence

City Manager Breazeale stated that David Wood had e-mailed him to put his name in for consideration for the seat vacated by Bob Flournoy. Too late for the packets was a letter submitted for consideration from Arnold (Joe) Theisen for the vacant position on the council.

There was also an e-mail from Ronald Musser from the Corps of Engineers apologizing for his oversight to reply to Irrigon's desire to expand the existing leased Marian Park facility west into the area previously identified as a possible swimming pool location.

City Manager Breazeale asked Mayor Ray to make a suggestion for the council to vote on a candidate for a new councilor. David Wood, 300 NE Seventh Street, Irrigon asked to address the council to withdraw his name for consideration since Mr. Theisen had submitted an interest to return to the council.

It was moved by Councilor Burns and seconded by Councilor Matlack to approve Arnold Theisen to fill the vacant position on the council. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Economic Development Committee – David Wood

David Wood gave a summarized report on the minutes of the meeting of the Irrigon Community Economic Development Committee from October 13, 2009.

Mr. Wood stated that Laura Clark is working with Patrick Knight of Oregon Department of Transportation (ODOT) regarding signage for The City of Irrigon for each end of town and pointing out the marina along with the refuges and the wagon wheel ruts. The Chamber of Commerce is willing to match funds for the signage.

Mr. Wood is working on a business directory for the 97844 zip code which he plans to publish for a profit.

Mr. Wood talked about an Irrigon Community Saturday Market for next year which includes crafters. Mr. Wood said that Mr. Sebastian had stated that possibly the AC Houghton School parking lot could be used.

Local Government Grant Agreement

City Manager Breazeale stated that the grant agreement from Oregon State Parks had been received for the Irrigon
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Children's Park which needs to be signed. The grant award is for \$193,040.00. The construction will not start for several months due to getting a contractor and equipment. Staff is recommending approval.

Councilor Burns moved and seconded by Councilor Partridge to approve and authorize the City Manager to sign the agreement from Oregon State Parks in order to receive the grant funds. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Resolution No. 09-21, A Resolution to Amend Resolution No. 09-16 Regarding the Issuance and Sale of the City of Irrigon, Oregon General Obligation Installment Water Bond No. 1, and Repealing Resolution No. 09-20

It was moved by Councilor Partridge and seconded by Councilor Burns to adopt Resolution No. 09-21 regarding the issuance and sale of the City of Irrigon, Oregon general obligation installment water bond no. 1 and repealing Resolution No. 09-20. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Resolution No. 09-22, A Resolution Authorizing the City Manager to Submit a Notice of Intent for Reuse of the Umatilla Chemical Depot.

City Manager Breazeale stated that October 6, 2009 there was a public hearing for the public to give direction on how to proceed if the City of Irrigon was to acquire property at the Umatilla Chemical Depot.

Some of the suggestions for the property at the Umatilla Chemical Depot were using the igloos for storage; city to operate water/sewer; obtain industrial buildings and the rail; improve Division Street; alternative energy wind/solar hydrogen; habitat preservation; and RV area.

It was moved by Councilor Matlack and seconded by Councilor Partridge to adopt Resolution No. 09-22 authorizing the City Manager to submit a notice of intent for reuse of the Umatilla chemical Depot. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Water Improvement Project

City Manager Breazeale stated that two change orders are needed to close out the contract with Swaggart Brothers. Change Order no. 4 and Change Order no. 5 which takes out the Highway 730 portion of the project. Change order no. 4 is for \$107,605.00 and change order no. 5 is an adjustment for the material that the city will be purchasing back from Swaggart Brothers. Pay application no. 15 is for a payment of \$46,858.23. This will close out the contract with Swaggart Brothers except for the retainage which will come at a future date. Staff is recommending approval of the change orders and pay application 15.

Councilor Matlack asked if after the payments for the water improvement project are paid to Swaggart Brothers will any monies will be left to finish up Highway 730? City Manager stated that he believes that there is just enough left to finish Highway 730.

It was moved by Councilor Matlack and seconded by Councilor Partridge to approve pay application 15 for \$46,858.23 to Swaggart Brothers. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

It was moved by Councilor Burns and seconded by Councilor Matlack to approve change order no.4 for \$107,605.00 to be paid to Swaggart Brothers. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

It was moved by Councilor Burns and seconded by Councilor Matlack to approve change order no.5. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

City Manager stated that staff is not recommending the release, settlement agreement, and contract rescission to Anderson Perry at this time. The issue was tabled.

Master Services Agreement-Tetra Tech

City Manager Breazeale stated that the city has an agreement with Tetra Tech for miscellaneous engineering and they are asking to revise the master services agreement to allow flexibility for emergency issues in the amount of \$25,000.00. Staff is recommending approval.

It was moved by Councilor Matlack and seconded by Councilor Partridge to approve \$25,000.00 for miscellaneous engineering to Tetra Tech. Motion carried after a vote of Councilor Burns, no; Councilor Partridge, yes; Councilor Matlack, yes; Mayor Pro-Tem Johns and Councilor Poeling absent.

First and Columbia Pedestrian and Bicycle Project

City Manager Breazeale gave a report on the First Street and Columbia pedestrian and bicycle project that will be funded by the American Recovery and Reinvestment Act (ARRA). The water and sewer lines will be under the new pavement on First Street paid for by this grant.

Mayor Ray asked when the project was to be complete. The dead line is October 31 and the project will not be finished. An extension of time should be coming through Oregon Department of Transportation (ODOT).

Domestic Well Abandonment – Third Street

City Manager Breazeale stated that he had talked with Tony Justice from the Oregon Water Resource Department (OWRD) and he stated that the city would be able to get credit for the well on Third Street; this would provide the 1.5 acre feet of water that the city can get from our other well.

Staff is recommending that authorization is needed to hire Zollman's Larry Burd Well Drilling to abandon the well on Third Street for \$3,500.00 pending approval from OWRD for the water rights credit.

It was moved by Councilor Burns and seconded by Councilor Matlack to approve authorizing Zollman's Larry Burd Well Drilling to abandon the wells. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Report from the Morrow County Sheriff

It was moved by Councilor Burns and seconded by Councilor Partridge to accept the Sheriff's report. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Staff Reports

Public Works Director Keith White stated that Don Hurd will have a final inspection on the water and sewer lines in Charity Loop and the request has been turned over to a third party inspector. The next step is the lighting and street work.

It was moved by Councilor Partridge and seconded by Councilor Burns to accept all of the staff reports. Motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Accounts Payable

It was moved by Councilor Partridge and seconded by Councilor Matlack to approve and pay the accounts payables. The motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Riverview Mobile Home Park – Tom Skach – To be Considered in Executive Session

Regular session adjourned at 7:33 p.m. and council went into executive session.

Executive Session Under ORS

Mayor James Ray called the regular session back to order at 8:16 p.m.

Riverview Mobile Home Park – Tom Skach

Manager Breazeale asked Mr. Skach about his submission of the application for the sighting of the manufactured home placement adjacent to Riverview for space 39 and also asked if the mobile home is parked in the Riverview Mobile Home Park. Mr. Skach answered yes it is in the mobile home park. Mayor Ray stated to Mr. Skach that it is the city's policy to submit an application for a variance permit to the Planning Commission; if the Planning Commission denied the application then he could appeal to the city council. Mr. Skach stated that he does not want to request a variance permit because he would be subjected to this code on every future placement to have a variance permit and the presently sited homes are at 5 feet from the street.

Councilor Burns stated that the council is trying to cooperate with Mr. Skach as much as they can; the council is granting the status of the mobile home park which was not there before. Councilor Burns stated "the mobile home park is not a legal entity and that needs to be taken care of now, in the future the park must meet code". Councilor Burns continued by saying that the consensus is that Mr. Skach does have a lot of *stuff* grandfathered in the mobile home park already. The city wants to go forward from now and the concern is the empty spaces that Mr. Skach might want to fill in at a later date.

Councilor Matlack asked if the other homes are lined up. Mr. Skach stated that the homes on Riverview are 5 feet from the street. Mr. Skach continued to state that he wants space number 39 to have a large back yard. Setback requirements are 15 feet from the roadway.

Mr. Skach stated that the placements of the homes are not new development and should not be subject to a variance. The city required a plot of the park, but Mr. Skach stated that the park was approved by the building inspector.

Councilor Matlack restated that the city would like Mr. Skach to apply for a variance to the Planning Commission which is the procedure and that would solve the problem in the park. Councilor Matlack stated that the only way that he would vote would be if Mr. Skach applied for a variance. Mr. Skach restated that the placement of the home is not a new development and he should not need a variance, if he has a variance permit for this placement then he would need to build streets, sidewalks and also must make the road wider, 60' which is as wide as Highway 730. City Manager Breazeale stated that there is no evidence of city approval of the park in the city records.

Mr. Skach did not agree because he stated that the permit was for use in the mobile home park. Mr. Skach stated that space 39 has already been developed. Mr. Skach stated that he has a copy of the development of the park and it is stamped by the state building inspector, the city neglected to keep records.

Councilor Burns stated that the city is accepting the park to be a legal entity, Mr. Skach could apply for a variance and he could avoid taking this issue to court.

Mr. Skach said, where in the code does it say I need a variance, variance is for new development?

After much repetitive discussion, Mayor Ray closed the meeting.

Adjournment

Being no further business, the meeting adjourned. It was moved by Councilor Burns and seconded by Councilor Partridge to adjourn at 9:07 p.m. The motion carried unanimously, Mayor Pro-Tem Johns and Councilor Poeling absent.

Submitted by/
Penny Moore
Utility Billing Clerk

Next Regular Meeting Date – November 17, 2009

If you would like to attend and need assistance, please call Irrigon City Hall at 1.541.922.3047 or TTY relay 1.800.735.2900

SIGNED:

ATTEST:

James Ray, Mayor

Gerald W. Breazeale, City Manager