



Irrigon City Council Meeting

December 15, 2009

6:00 PM

Irrigon City Hall

500 NE Main Avenue

Call to Order

Mayor Ray called the meeting to order at 6:01 pm.

Mayor Ray led the audience in the pledge of allegiance.

Roll Call

Staff Present: Gerald Breazeale, Keith White, Brandy McNamee, Penny Moore excused due to weather conditions.

Members Present: Mayor James Ray, Mayor Pro-Tem Jack Johns, Councilors: Matlack, Theisen, and Burns. Councilor Partridge has an excused absence due to illness. Councilor Harold Poeling has resigned last week as he had moved to Arlington.

Mayor Ray asked that council proceed to agenda item No. 4, Harold Poeling's resignation. Mayor Ray reminded council that David Wood had put in his application for council when there had been a prior opening. City Manager Breazeale referred to an email that David Wood had sent to him earlier that day, expressing his interest in the vacant position. The councilors were all handed a copy of the email.

Councilor Ken Matlack moved to accept David Wood for the position of Councilor. Councilor Theisen seconded. Vote was taken by Gerald Breazeale. Motion carried unanimously.

City Manager Breazeale asked the council to give David Wood the oath of office. Council agreed. City Manager Breazeale swore David Wood in as a councilor.

Audience member, Patrick Knight asked if Mr. Wood would have to quit the planning commission. Councilor Wood replied that he would have to give up his position on the planning commission.

Comments from Citizens not on the Agenda

Mayor Ray asked for comments from citizens not on the agenda.

Dave Adamson asked to speak again about Fourteenth Street due to high speed and traffic issues. Mayor Ray asked Adamson to introduce himself and state his address.

Mr. Adamson introduced himself and stated that he lived at 190 SE Hurd Place in Irrigon. He stated that he would like to see the Fourteenth Street closed off at Hwy 730 and no further use of the street until it was completed or converted into a full two lane street.

Councilor Matlack asked if the stop sign that had been previously installed had slowed down traffic.

Mr. Adamson responded that the stop sign had only occasionally prevented high speed. The stop sign was not being obeyed after dark and many cars were still going 50 to 60 mph down the street.

Councilor Matlack asked for possible names and car descriptions to contact the violators and give warnings to those identified by Mr. Adamson.

Mr. Adamson stated that his neighbor's property had recently gotten hit again and that the stop sign and police patrolling is not preventing excessive speed. The stop sign had been placed at the corner of Hurd Place and Fourteenth Street. Mr. Adamson went on to state that most people don't stop and exceed excessive speeds and it is not the area residents that are committing this but others.

Councilor Matlack stated that the city should not close Fourteenth Street without first trying increased policing.

Councilor Matlack asked City Manager Breazeale what actions had been taken to widen Fourteenth Street.

Manager Breazeale responded that the property includes a center pivot owned by the Strebins and the city had gone as far as having the property formerly appraised to obtain cost to the city if purchased and that value would have to be compensated to the Strebins. As this option had not been viable in the past, the other options for the street were the placement of the stop sign or making the street one way to traffic. The stop sign had been the chosen solution but has not worked.

Councilor Matlack asked if the Strebins were willing to sell the property to the city.

Manager Breazeale stated that the Strebins were unwilling to sell the property in the past.

Mr. Adamson then asked if the city would make the Fourteenth Street a one way street.

Councilor Matlack stated that the city would then have one way violators instead of those not obeying the stop sign.

Mr. Adamson stated that the city has not done anything about the issue on Fourteenth Street. Councilor Matlack stated that the city has attempted to find a solution for Fourteenth Street. He went on to say that he is not in support of condemning the Strebins property and taking them to court to obtain the property. He is however, in support of further policing in the area to first try and remedy the situation with Adamson's cooperation in identifying the speeding violators.

Councilor Matlack asked for council consensus to convert Fourteenth Street into a one way street.

Councilor David Wood stated that before turning Fourteenth Street into a one way, he would like to hear public comment from area neighbors.

Mayor Ray stated that others have come in and stated different concerns about Fourteenth Street and that the city should hear public comment before altering the street.

Councilor Matlack agreed that the city should hear public comment.

Finance Officer, Brandy McNamee asked if the school bus could safely use the route if the street became a one way.

Councilor Matlack stated that he would have to contact the school bus company to ensure that a one way street would still be accessible for the school bus route.

Citizen Don Hurd suggested placing some speed bumps in the area may also be an option to reduce speed.

Mayor Ray asked for any more discussion on the Fourteenth Street issue. As there was no further discussion, there was a consensus by council for increased policing by the sheriff's department for the time being.

Citizen Adamson asked if Fourteenth Street would be widened.

Mayor Ray stated that it should have been done in 1996 when the subdivision was originally put in.

Councilor Matlack asked where the Strebins had placed the fence that borders Fourteenth Street.

Manager Breazeale stated that the fence is exactly on the Strebins property line and the asphalt should actually be to the east of the current strip. Manager Breazeale added that cars are actually driving on private property, not the Strebins land.

There was again council consensus that if increased policing did not work to slow the traffic on Fourteenth Street, the one way option could be considered but, a proper hearing would be required and also contacting of the fire and school districts would be necessary.

Approval of Minutes – November 17, 2009 Council Meeting

Mayor Ray asked if councilors had read the minutes.

Councilor Jack Johns moved to accept the November 17 Council Minutes. Councilor David Burns seconded. Vote was taken by Gerald Breazeale. Councilor Wood abstained. Councilor Burns Yes, Mayor Pro-Tem Johns Yes, Councilor Theisen Yes, Councilor Matlack Yes. Motion passed with one abstention.

Correspondence

City Manager Breazeale stated that there was an item from the Irrigon High School wrestling team for a fundraiser asking for a \$20 advertisement and asking the city for sponsorship.

Councilor Matlack stated that he personally feels this is a good idea to invest in school programs for \$20.

Councilor David Wood moved to purchase the advertising for the Irrigon Wrestling program for \$20. Councilor Matlack seconded. Vote was taken by Gerald Breazeale. Councilor Wood Yes, Councilor Burns No, Mayor Pro-Tem Johns Yes, Councilor Theisen Yes, Councilor Matlack Yes. Motion passed.

City Manager Breazeale referred to the Appointment of Morrow Cities Representative to the Board of Greater Eastern Oregon that was in the council packets. Manager Breazeale stated that he felt that the committee would be well served by David DeMayo.

Councilor Matlack asked if the position was rotated every year.

Manager Breazeale stated that the position rotated every couple of years and people are re-elected by the board.

No motion was needed. The council consensus was to support DeMayo for the position.

Manager Breazeale stated that correspondence also included a notice from Portland State University on the census of Irrigon's population, which had risen slightly over last year to 1,880.

Manager Breazeale also noted the Notice to Proceed from Oregon State Parks for the Irrigon Children's Park. He added that the city would be obtaining bids for the Children's Park project on January 4, 2010.

Mayor Ray pointed out that the sponsor contributions could be done in work in-kind or donated materials.

Councilor Matlack asked if there was a valuation at this point on the possible in-kind sponsorship.

Manager Breazeale stated that there was not an exact valuation, however Wayne Huwe, the Wises and the Home Depot had expressed their willingness to donate time and in-kind materials. He added that the proposals given to the city on January 4, 2010 should include a plan on how volunteers can be used in the project. Manager Breazeale also added that the local match portion is also included in the city budget if actual monetary contributions become needed but the city is hoping for community involvement.

Public Hearing - Downtown Development Plan and US 730 Streetscape Plan

City Manager Breazeale stated that the Downtown Development and Hwy 730 Plan had been going for about a year. The plan will become a part of the City's Transportation Plan and the adopted Downtown Development Plan will be used for applying for grant funding. The plan if adopted will also be accepted by ODOT.

The issues that have prevented adoption previously had primarily relied with discrepancies with the Freight Industry. Manager Breazeale stated that the trucking industry stated that if the medians were in place and the width from the center median to the sidewalk is wide enough the Freight Industry would be acceptant of the plan.

Manager Breazeale added that before adopting the plan there is a 45 day notice that must be incurred before being presented to the Oregon Land and Conservation Dept.

Manager Breazeale held up the modified street plan. Manager Breazeale stated that the new illustrations show more width outside of the bike lane with a gutter pan sticking out 18" and gives extra width for the truckers. Currently, stenciled bike lanes are protected by law and can't incorporate truck overhang. Therefore, by omitting the bike stencil the truckers would be able to overhang slightly into the bike lanes.

The Downtown Development Plan also has certain portions incorporated into the city's Greenway Development Plan. The parking area would be in colored parking to create a visual narrowing effect to decrease speed and increase safety.

The new plan also includes an opening in section one with access via a left hand turn into Oasis RV park.

Manager Breazeale stated that he felt that the current modifications meets the intent of the city, with center medians widened, visual narrowing of the street and parking for business development.

Monte Grove stated that he appreciated working with council, City Manager Breazeale and the trucking industry.

He added that the trucking industry was not pushing the City of Irrigon to imitate the same plan as Umatilla but was leaning more towards the wants of Irrigon.

Councilor Matlack stated that having the asphalt in a color break (visual difference) to slow traffic down was a good idea. Councilor Matlack stated that the dyes begin to fade out and would cause extra maintenance for the city. Councilor Matlack suggested that those areas could be concrete.

Mr. Grove stated that was up to the discretion of the city.

Patrick Knight stated to add color to the pavement to differentiate the bike lane.

Councilor Matlack asked when this decision had to be made.

Manager Breazeale stated that the city would have to go back to the consultants for new drawings.

Mr. Knight suggested that the city could adopt the plan with the current changes but add that certain requirements must be met. He also suggested that after a certain amount of elapsed time the city could lose grant funds for the plan.

Councilor Theisen asked about the difference between using concrete versus asphalt.

Mr. Knight stated that there is just the actual cost difference between asphalt and concrete. Mr. Knight added that dyed concrete will require maintenance because of discoloration.

Councilor Theisen stated that the cobblestone imprint would be more permanent and the imprint would not disappear and there would be a definite differentiation between parking and traveling areas.

Mr. Grove suggests that the city leave this option open for future changes and not select a specific material so that the city may use different materials in the future.

Mayor Ray **opened the public hearing** at 6:52 pm.

Mayor Ray asked for public comment on the Downtown Development Plan and US 730 Streetscape Plan. There was no comment.

Mayor Ray **closed the public hearing** at 6:53 pm.

Councilor Joe Theisen suggested to adopt the drawing with a differentiation in the parking area to be determined at a different time.

Manager Breazeale went over the main points of change again; 1) Opening for Oasis RV Park; 2) Medians; 3) parking differentiation and 4) gutter pans in the bike lanes.

Manager Breazeale added that the center medians would be ten feet wide with a gutter pan. He suggested that it would be worthwhile to wait and adopt a resolution at the next meeting to be specific about the adoption of the plan.

Mayor Ray stated that the plan would be tabled until the next regular council meeting January 19, 2010.

Patrick Knight stated that plan changes would be submitted as part of a smaller packet.

ARRA/Sewer Extension Project

Keith White stated issuance of a change order was submitted to council for a date extension to February 15, 2010.

Finance Officer Brandy McNamee stated that the change order had already been dismissed and an official change order will be presented next month.

Keith White stated that services are to property lines only.

Mayor Ray asked if service lines will go into the citizen's properties.

Mr. White stated that the service lines will go into citizen's properties' but the city is still waiting on easement signatures to be obtained. The city would come back through those properties at a later date and connect those properties to the service lines. The city will be coming into the properties through a different route by-passing the tanks and than will demolish the old tanks at a later date.

Keith White stated that the Sewer Extension Phase one is still on hold.

Councilor Theisen asked if Columbia Lane was going to be closed until spring.

Mr. White replied that ODOT will open the lane soon and when the weather warms up then they will come through with asphalt.

Mayor Ray stated that he would like to see the speed limit posted at 20 MPH.

Mr. White stated that Irrigon's Transportation Plan calls for 25 MPH.

Mr. White went on to state that the manhole that is being put in place is part of the sewer extension project.

Finance Officer Brandy McNamee added that the city should receive the first pay application from JAL Construction for the sewer extension project next month for around \$68,000 and could also receive a 2nd pay application at the same time.

LRA Report

Manager Breazeale stated that the LRA is also now referred to as Umatilla Army Reuse Authority. He held up the document that the City of Irrigon had submitted for interest in the Umatilla Army Depot land. He stated that the councilors have the text version of the Notice of Intent in their packets. He added that on Thursday, December 17, 2009, there will be a presentation to the board and that the city will show how we plan to incorporate other agencies' goals along with Irrigon's if the city is awarded the portion of the Umatilla Depot land that we are seeking.

Councilor Matlack stated that the city should remind the LRA of Irrigon's efforts for all those years of tolerance and those communities that have been impacted from the impact of hazardous materials that have been surrounding them all these years.

Councilor Joe Theisen stated that in the submitted NOI packets that there was no mention of the Umatilla Confederated Tribes seeking a portion of the land.

Manager Breazeale stated that Oregon Dept. of Fish and Wildlife had submitted a proposal and that perhaps the tribe had collaborated with them.

Councilor David Burns and Mayor Ray commented that the application was eloquent and should put the city in the running for obtaining a portion of the land.

Manager Breazeale stated that the city was not alone in preparing the NOI application. Renaissance Engineering aided in the preparation of the application. The invoice for those services \$9,900 and has been presented to each councilor tonight.

Councilor Matlack asked if the council had not already approved an assistant to prepare the document.

Manager Breazeale stated that council had passed his services in the November council meeting.

Mayor Ray stated that Renaissance Engineering had given an estimated cost to the city of \$4,700 plus expenses. He added that in the future the city needs a written contract with a not to exceed amount specifically written.

Councilor Matlack stated that the combined efforts of City Manager Breazeale and Brian Jackson of Renaissance Engineering are a mute point if the city doesn't get the depot land that is being requested.

Councilor Burns stated that he would not have wanted to hire the engineer had he known the expense would be \$9,900.

Mayor Ray asked for a motion on the payment to Renaissance Engineering.

Councilor Matlack asked for Jerry's direction on the payment.

Manager Breazeale suggested that if the city wants to retain Mr. Jackson's services in the future the city may want to pay the invoice as presented and in the future set parameters with him in writing.

Councilor Theisen stated that Mr. Jackson had put in the hours and \$150 per hour is not unreasonable for engineering services.

Councilor Matlack moved to approve \$9,900 to Renaissance Engineering with the exception that future work would require council approval. Councilor Joe Theisen seconded. Vote was taken by Breazeale. Motion carried unanimously.

Resolution No.09-23, A Resolution Establishing City Council Goals for 2010

Mayor Ray stated that this was a resolution establishing existing council goals.

Councilor Burns moved to accept the resolution as printed. Councilor Wood seconded. Vote was taken. Motion carried unanimously.

Don Hurd's Turkey Run Subdivision – Daniel Hurd Home Occupancy

Mayor Ray stated that Don Hurd has come before council before.

Manager Breazeale stated that his issue had come before the planning commission and they took no action. He added that the terms agreed to by planning commission were that no occupancy of the home was to be granted until the subdivision was complete.

Manager Breazeale stated that the main issue at the moment is the pavement for the subdivision is still outstanding. The weather has to be warmer before Mr. Hurd can have the subdivision paved. He added that Public Works Director White had stated that in the last 30 days further work has been completed on the subdivision.

Manager Breazeale stated that the surety company holds the money as the work is performed. The Insurance policy that Hurd has obtained is to make sure that the pavement is completed. Manager Breazeale stated that Daniel Hurd is now asking to occupy the home.

Councilor Joe Theisen asked if the city is being asked to override the building inspector.

Manager Breazeale stated that at this point the access to the home is in question not the occupancy of the home.

Councilor David Burns asked for clarification of the correct process for completion of a subdivision/home.

Manager Breazeale stated that only the building inspector can grant occupancy, the city is only evaluating the road access to the subdivision and home.

Mayor Ray asked Manager Breazeale what the liability could be to the city if the road is deemed accessible. Would the city be responsible for the road?

Manager Breazeale stated that the bond that Mr. Hurd carries is for the pavement of the subdivision. The city is not accepting the street until it is completed.

Mayor Ray stated that he wanted Mr. Hurd to pay for the pavement.

Councilor Wood stated that he was against granting Mr. Hurd his request. Granting his request sets precedence for others to violate the existing city codes.

Don Hurd stated that there is another \$17,000 from a sale of an additional lot plus another \$20,000 that he has specifically earmarked for the pavement portion of the subdivision.

Councilor Wood restated that Mr. Hurd was asking for an exception to the exception that he had already been granted by the planning commission. He asked Mr. Hurd what impact he was avoiding by allowing Daniel Hurd into his home now. Councilor Wood stated that it seemed like the city is putting itself at risk to avoid his son the cost of a few months rent.

Daniel Hurd stated that he was avoiding the inconvenience and cost of getting into a rental and the burden he was placing on his sister for housing his family.

Councilor Wood responded that this seemed to be a minimal cost in comparison of the legal risk that he was asking to place on the city.

Mayor Ray asked Mr. Hurd which lot he was planning to sell.

Mr. Hurd stated that Steve Varner of Tetra Tech had given him a punch list of items to be completed.

Mayor Ray asked if he would sign an agreement with the city stating that he would complete the pavement.

Mr. Hurd replied that he would sign an agreement with the city.

Councilor Burns asked if an unforeseeable event occurred such as his death what would happen.

Councilor Wood asked if granting Mr. Hurd road access for his incomplete subdivision would set a precedence to allow other contractors to avoid city code when building subdivisions.

Mayor Ray stated that the city can not be responsible for other people's projects.

Manager Breazeale stated that the bond that is in place takes the obligation away from the city.

Mayor Ray stated that there wouldn't be any more immediate or unauthorized submittals to council. Items must be presented to council before hand to allow adequate review by council.

Councilor Matlack asked Keith White when the weather would be viable to lay asphalt.

Mr. White replied that both weather and the contractors work load are dependent in laying asphalt. He added that last year it was after April 1st.

Don Hurd stated that his contractor had stated that his subdivision would be first in line this spring.

Councilor Matlack moved to deem the road accessible to allow the building inspector to inspect Daniel Hurd's home as long as asphalt is installed 30 days after the asphalt company opens in spring 2010 and that Mr. Hurd will draft a letter obligating his estate as collateral if the pavement is not installed. Mayor Pro-Tem Jack Johns seconded.

Councilor Joe Theisen asked if the road was truly accessible to Keith White.

Mr. White had talked to Fire Chief Larry Burns and he had stated that if Mr. Hurd was 150 feet of a fire hydrant that he would meet emergency fire requirements.

Councilor David Burns asked if the road is legally accessible.

Keith White stated that he could not answer whether the road met all legal requirements.

Councilor Joe Theisen asked if Inspector Brett Cook had been out to Mr. Hurd's subdivision.

Mr. White stated that the inspector had been to the subdivision and to Daniel Hurd's lot a few times.

Councilor Theisen asked Mr. White what items on the punch list need addressed.

Mr. White replied that main priority is that manholes needed sealed and grouted. He added that no home can have occupancy until that is signed off. There is a punch list of items that need to be completed and Mr. White has the 7 issues outlined by Steve Varner from Tetra Tech that was given to Mr. Hurd. He added that the sewage portion is a big issue but an easy job for Mr. Hurd to resolve.

Councilor David Wood moved to add the punch list to Councilor Matlack's motion. Councilor Matlack seconded. Vote was taken to add the punch list to the motion. Motion passed unanimously to amend the motion.

Vote was taken by Manager Breazeale on the original motion. Councilor Wood No, Councilor Burns Yes, Mayor Pro-Tem Johns Yes, Councilor Theisen Yes, Councilor Matlack Yes. Motion passed.

Daniel Hurd thanked council and he and Don Hurd left.

Mayor Ray stated that the subdivision should already have been completed a long time ago.

Councilor Matlack stated that this issue had already been decided.

Councilor Wood again stated his concern that Mr. Hurd had asked for an exception to the exception that the planning commission had granted him with specific requirements.

Councilor Matlack was concerned that the sidewalks were built as the homes were sold and not before pavement was poured.

Mr. White stated that sidewalk completion with each home is not totally unique and that the City of Kennewick also has sidewalks poured with individual home sales as long as the adjacent property is also sold.

Water Improvement Project

Manager Breazeale stated that Change Order No 6 is a clean up item to reflect discrepancy in the last presented contract price between the city and Swaggart Brothers. The total amount paid now equals the total amount installed to the contractor.

Finance Officer Brandy McNamee pointed out to council that the pay application now reflects the change in the contract price and the total amounts paid are now equal.

Mayor Pro-Tem Jack Johns moved to accept Change Order No 6. Councilor Joe Theisen seconded. Motion carried unanimously.

The Tetra Tech payment is for information purposes and is a part of payables

Letter to the Port of Morrow

Manager Breazeale stated that he had been asked by council at the last council meeting to prepare a letter to the Port of Morrow on the issue of odors on farm fields to the west of Irrigon. A draft of the letter is included in the packets and if the councilors agree to the drafted letter, it can be signed and sent to the Port of Morrow.

Councilor Matlack asked if the council had not already approved a letter.

Manager Breazeale stated that the letter itself should be accepted by council as written.

Councilor David Burns moved to approve the letter as written to the Port of Morrow. Mayor Pro-Tem Jack Johns seconded. Vote was taken. Motion carried unanimously.

Report from Morrow County Sheriff

Sheriff Matlack stated that Page 5 of the report, an unattended death had been blacked out and that there shouldn't have been any reason to not include the address. When this happens the person was expected to pass away, the death is not investigated. There is a report made on the death but they are different from investigated deaths. The sheriff's policy is to not publicize the death until the next of kin is notified. Because Irrigon is a public entity any death like this is a public record.

Councilor Wood moved to accept the Sheriff's report as written. Councilor Burns seconded. Motion carried unanimously.

Staff Reports

Mayor Ray asked for questions on the staff reports.

Councilor Matlack asked about the finance report where the meters being read in the winter would create savings for the residents in the spring.

Finance Officer Brandy McNamee explained the difference between estimations versus actual consumptions.

Councilor Joe Theisen asked why the meters had to be insulated.

Keith White explained that insulation protects the meters.

Mayor Pro-Tem Jack Johns moved to accept the staff reports. Councilor Burns seconded. Vote was taken. Councilor Wood Abstained, Councilor Burns Yes, Mayor Pro-Tem Johns Yes, Councilor Theisen Yes, and Councilor Matlack Yes. Motion passed.

Accounts Payable

Councilor Matlack asked if the city had a contract with Les Schwab. Keith White stated that the city did not have a contract with Les Schwab.

Councilor Matlack was concerned over the \$570.00 spent for the two front tires on the New Holland Tractor.

Mr. White explained that Les Schwab was the only place that could get the two front tires on the tractor.

Councilor Matlack moved to pay the accounts payable. Mayor Jack Johns seconded. Vote was taken. Councilor Wood Abstained, Councilor Burns Yes, Mayor Pro-Tem Johns Yes, Councilor Theisen Yes, and Councilor Matlack Yes. Motion passed with one abstention.

Additional Discussion

Councilor Burns had been contacted by Rebecca Sherman from the State of Oregon and Burns put Irrigon in the hat to receive an application for energy related products.

Adjournment

Councilor Burns moved to adjourn. Councilor Matlack seconded. Vote was taken. Meeting adjourned at 8:33 pm.