



CITY COUNCIL MINUTES

Irrigon City Council Meeting
March 17, 2009
7:00 PM
Irrigon City Hall
500 NE Main Avenue

1. Call to Order/Roll Call

Mayor James Ray called the meeting to order at 7:02 p.m.

Mayor Ray asked for everyone to stand for the Pledge of Allegiance.

Council Members present: Robert Flournoy, Ken Matlack, Jack Johns, Eleanor Partridge, and David Burns. Councilor Harold Poeling arrived at 7:05 p.m.

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

City Attorney Bill Kuhn was present.

Citizens present: Sandy & Roy Henry, Chuck Little, Steve Varner, Pastor Rick Yardley, Keith Schnetzer, Doug Duyh, John Swaggart, David Wood, Gloria Wood, Brad Baird, Dave Wildman, Lance Grossarth, and Amy Sandy.

2. Appointment of Planning Commission Member

Mayor James Ray read Stacy Nordquist's letter of consideration for the City of Irrigon Planning Commission.

Councilor Bob Flournoy moved to accept Stacy Nordquist for City of Irrigon Planning Commission. Eleanor Partridge seconded the motion.

Councilor Ken Matlack stated that it is our policy before appointing members to the planning commission to conduct a history background check to determine that the person is not currently under investigation. Councilor Matlack asked if the council wants to continue to inquire background checks along with getting a copy of their driver license. City Manager Gerald Breazeale stated that it is a policy for the applicant to sign a waiver for a criminal background check.

Councilor Bob Flournoy moved to amend his motion to welcome Stacy Nordquist to the planning commission subject to a cursory background investigation that he has to consent to. Councilor Eleanor Partridge

seconded the motion. The motion to welcome Stacy Nordquist to the planning commission subject to a cursory background investigation passed unanimously.

City Manager Gerald Breazeale suggested that a volunteer form state that the volunteer needs to agree to a cursory criminal background check.

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

Amy Sandy, President of the Irrigon Children's Park addressed the council presenting a letter stating that \$130 was donated for the children's park through the penny drive, \$150 donated from the Bank of Eastern Oregon, and the Irrigon Chamber of Commerce pledged \$2,000. Ms. Sandy stated that in order to have the fundraiser cookbooks printed, \$675 is needed in advance and she asked if the city could advance the money that can come out of the donated and pledged money. Ms. Sandy stated that 300 cookbooks can be printed for \$675.00; she believes that a profit of \$1425 can be recovered after printing costs.

David Burns thanked Amy Sandy for all of the research and work that she has done for the Irrigon Children's Park.

Councilor David Burns moved to approve the request for funds of \$675 for the printing of the cookbooks. Councilor Eleanor Partridge seconded the motion. The motion to approve the request of \$675 passed unanimously.

Pastor Rick Yardley thanked the council for the second camera in the skate park. Pastor Rick asked the council to consider a BMX dirt park for the bicycle rider's and that would take the bicycles out of the skate park, leaving it for the skate boarder's and the roller blades. Pastor Rick continued to ask the council if there was a piece of property that the city owned that could be used as a small BMX park for the kids. Councilor David Wood asked Pastor Rick if he was volunteering to be chairman of the BMX Park. Pastor Rick stated that he was willing to help generate funds or whatever was needed to make the park happen.

4. Approval of Minutes – February 17, 2009 Council Meeting & March 3, 2009 Special Council Meeting

Councilor Harold Poeling moved to accept the February 17, 2009 minutes and the March 3, 2009 Special Council Meeting minutes. Mayor Pro-Tem Jack Johns seconded the motion. The motion to accept the February 17, 2009 minutes and the March 3, 2009 Special Council Meeting minutes passed unanimously.

5. Correspondence

City Manager Gerald Breazeale briefly went over the correspondence that was in the councilor's packets. Manager Breazeale stated that Sanitary Disposal will have their spring clean-up week at the Hermiston station April 1, 2009 through April 7, 2009 with a discount off of each load.

The League of Oregon Cities is having a City Hall Day at the capitol. Manager Breazeale asked if any of the councilors were interested in attending.

For information only, the letter from Umatilla Electric was proposing legislative to get water rights from the Columbia River for this area.

6. Veterans Memorial – Sandy Henry

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Sandy Henry addressed the council asking for approval to go forward with the Oregon Trail Veterans Memorial now that the grant from the Oregon Parks and Recreation is a reality. Dedication will be either Memorial Day or during the Watermelon Festival. There was a hand out showing a drawing of the memorial with the proposed size. City Manager Gerald Breazeale stated that the memorial will need to sit on the city property for twenty years. The existing memorial will be moved toward the road and the bigger memorial will sit in the corner by city hall. The plans include two concrete benches in the plaza.

Councilor Ken Matlack moved to approve the concrete work for the veterans' memorial. Councilor Harold Poeling seconded the motion. The motion to approve the work for the veterans' memorial passed unanimously.

Roy Henry stated that this dual memorial will be the only one in the State of Oregon.

7. Water Improvement Project

a) Partial Pay Request No. 10

City Manager Gerald Breazeale stated that there was not a partial pay request no. 10 due to not receiving an approved signed copy from Anderson Perry. Lance Grossarth an employee with Swaggart Brothers addressed the council and stated that a pay request was submitted to Anderson Perry March 12, 2009. Manager Breazeale stated that the city has 30 days upon receipt of the approved pay request to pay the contractor. If the request is received sooner than 30 days before the next city council meeting the council could possible call a special meeting. Councilor Ken Matlack stated that he would be in favor of calling a special meeting. There was a consensus of the council that they would call a special meeting when the signed copy of the pay request arrives.

b) Change Order Number ____

City Manager Gerald Breazeale stated that there were no change orders at this time.

c) Purchase of Property

City Attorney Bill Kuhn addressed the council about Anacapa Land Company submitting a purchase of sale agreement for assessor's map 5N 27 31 tax lot 100 for \$3,500.

Mayor Pro-Tem Jack Johns moved to approve the purchase of 5N 27 31 tax lot 100 and authorize City Manager Gerald Breazeale to sign the agreement. Councilor Bob Flournoy seconded the motion. The motion to approve the purchase and authorize City Manager Gerald Breazeale to sign the agreement passed unanimously.

Lance Grossarth asked the council at this time about the Highway 730 engineering cost. Anderson Perry was expecting a decision. City Manager Gerald Breazeale stated that this issue brought up by the engineer needs to be addressed.

City Attorney Bill Kuhn recommended that the council go into executive session before making a decision on the engineering contract.

Mayor James Ray tabled this discussion to number 22 on the agenda to address Anderson Perry's engineering contract.

The question of the Highway 730 project was brought up again and City Manager Gerald Breazeale stated that there was not enough information available at this time.

8. **Resolution No. 09-03**, A Resolution Supporting the Formation of a District for Financing the 450 Radio Network

Mayor James Ray asked Councilor Ken Matlack to give a recap from last months meeting on the CSEPP Umatilla Morrow County radio network. Councilor Matlack stated that CSEPP was started a number of years ago by the Umatilla Chemical Depot for police, fire and public works for public safety. Now CSEPP is going away. The design and construction of the system were funded with federal money furnished for CSEPP purposes through the Department of the Army and FEMA.

Councilor Ken Matlack stated that the resolution is saying that the people of Irrigon are in agreement that they will allow a vote of the people to decide if they want this emergency system.

Councilor Bob Flournoy moved to approve **Resolution No. 09-03** to supporting the formation of a district for financing the 450 Radio Network. Mayor Pro-Tem Jack Johns seconded the motion. Vote was taken. Motion passed unanimously.

9. **Resolution No. 09-04**, A Resolution Amending the City of Irrigon Employee Handbook Page 14, Section 305, Holidays

City Manager Gerald Breazeale stated that this resolution is to correct the current wording of the Employee Handbook. Currently the wording would provide for triple time holiday pay for a holiday that falls on a weekend. This resolution would strike the current paragraph and replace the paragraph to state not including counting holiday time on a weekend as overtime worked.

Councilor Bob Flournoy moved to approve **Resolution No. 09-04**, amending the City of Irrigon Employee Handbook page 14, section 305, Holidays. Councilor Eleanor Partridge seconded the motion. Vote was taken. Motion passed unanimously.

10. **Resolution No. 09-05**, A Resolution Establishing the Cost of Living Adjustment for City Employees for the 2009-2010 Budget Year

City Manager Gerald Breazeale stated that this resolution is necessary to allow for preparing the budget for the coming year. Manager Breazeale combined the first half cost of living with the second half cost of living to arrive at an average rate of inflation of 3.5%.

Councilor Bob Flournoy moved to approve **Resolution No. 09-05**, establishing the cost of living adjustment for the city employees for the 2009-2010 budget year at 3.5%. Mayor Pro-Tem Jack Johns seconded the motion. Vote was taken. The motion passed unanimously.

11. Authorize the City Manager to Apply for DEQ Clean Water Loan Funds (Stimulus Funds)

City Manager Gerald Breazeale stated that he had received notification that stimulus money was going to be

issued to the Clean Water Revolving Loan Funds from DEQ administrators. Manager Breazeale applied for the approximately \$4.2 million in funding to construct sewer collection mains and convert 150 plus homes and businesses to conventional sewer. With 75% principal forgiveness the City of Irrigon would be looking at a loan of just over \$1 million with 0% interest. Manager Breazeale stated that with this opportunity he applied for funds to do the main project that has been submitted to OECDD for funding of the sewer main on Main Avenue down to the Senior Center, and on First Street down to the Tumbleweed Subdivision.

Councilor Harold Poeling moved to approve authorizing the city manager to apply for the DEQ loan funds. Mayor Pro-Tem Jack John seconded the motion. The motion to approve authorizing the city manager to apply for the loan passed unanimously.

12. Engineering Agreement - Tetra Tech for Lift Station No. 2 Engineering (Stimulus Funds)

City Manager Gerald Breazeale stated that Tetra Tech has done all the work so far on the wastewater system and the water improvement for the water distribution system 2009. Manager Breazeale asked for a notice to precede agreement to start a time and materials agreement, which would allow the flexibility to stop work at any time.

Councilor Bob Flournoy moved to accept the engineering agreement for Tetra Tech. Councilor Harold Poeling seconded the motion. The motion to accept the engineering agreement for Tetra Tech passed unanimously.

13. Downtown Planning Project

City Manager Gerald Breazeale gave an update on the work on the downtown project. The consultants are looking for feedback; a form has been prepared for comments. There will be a meeting at 7 p.m. on March 23, 2009 at the Senior Center that will be about the downtown specify and more related to business development. There will be a meeting at 6:30 p.m. on March 31, 2009 at the Senior Center with the consultant's about the Streetscape, downtown and the highway.

14. Tobacco Use in Park(s)

Mayor James Ray addressed the council on the use of tobacco in the skate park. He believes no tobacco should be allowed in the skate park. Mayor Pro-Tem Jack Johns asked if he was proposing no tobacco use in the skate park only or at all city parks. City Manager Gerald Breazeale asked the council what their direction would be and at the very least no tobacco use in the skate park. The skate park needs a new rule sign and the new sign could include the no smoking rule.

Councilor Bob Flournoy moved to prohibit smoking in the skate park. Councilor Eleanor Partridge seconded the motion. The motion to prohibit smoking in the skate park passed unanimously.

15. City Councilor Training Expense Approval

City Manager Gerald Breazeale stated that Councilor Eleanor Partridge has expressed interest in attending

the Oregon League of Cities training and he believes there is an expense authorized with the existing city budget for training that includes councilor members also.

Councilor Ken Matlack moved to approve training for councilors, commissioners and volunteer's authorized by the city manager. Mayor Pro-Tem Jack Johns seconded the motion. The motion to approve training for councilors, commissioners and volunteer's authorized by the city manager passed unanimously.

16. Social Gambling Discussion

City Manager Gerald Breazeale stated that at the last meeting a copy of Umatilla's ordinance for social gambling was presented to the council. The city needs to know the needs of the business owner before going forward. Councilor David Burns stated that he would take a copy of the sample ordinance to the business owner the next day.

17. Authorization for Purchase and Installation of Window Treatments for Clearstory Windows

City Manager Gerald Breazeale presented the council with two quotes for clearstory window blinds that would be battery operated. There was a brief discussion about any warranty and past customers; the matter was tabled until more research could be obtained.

18. Report from the Morrow County Sheriff

Councilor Harold Poeling moved to accept the sheriff report. Councilor Elleanor Partridge seconded the motion. The motion to accept the sheriff report passed unanimously.

19. Renewal of Contract with Morrow County Sheriff for Police Services

Councilor Harold Poeling moved to renew the contract for the Morrow County law enforcement services. Councilor Elleanor Partridge seconded the motion. The motion to accept the Morrow County law enforcement services passed unanimously.

20. Staff Reports

a) Report from the Public Works Director – There were no questions.

Councilor Harold Poeling moved to accept the Public Works Director report. Councilor Bob Flourney seconded the motion. The motion to accept the Public Works Director report passed unanimously.

b) Report from the Finance Officer – There were no questions.

Mayor Pro-Tem Jack Johns moved to accept the Finance Officer's report. Councilor Elleanor Partridge seconded the motion. The motion to accept the Finance Officer's report passed unanimously.

c) Report from the City Manager - There were no questions.

Councilor Harold Poeling moved to accept the city manager's report. Councilor Eleanor Partridge seconded the motion. The motion to accept the city manager report passed unanimously.

21. Accounts Payable

Councilor Harold Poeling moved to approve and pay the accounts payable bills. Councilor Ken Matlack seconded the motion. The motion to approve and pay the accounts payable bills passed unanimously.

Councilor Harold Poeling moved to close regular session. Councilor Eleanor Partridge seconded the motion. The motion to move to close regular session passed unanimously.

Regular session adjourned at 8:45 and council went into executive session.

22. Additional Discussion – Reserved for Anderson Perry after the executive session.

Mayor James Ray called the regular session back to order at 9:30 p.m.

23. Executive Session Pursuant to ORS 192.660 (2) (h), Consultation with Council Concerning Legal Rights and Duties of a Public Body

a) Brad Baird from Anderson Perry stated to the council his respond to Councilor Harold Poeling question on the additional services. Mr. Baird stated that other additional services are very common on projects because it's hard to know the exact cost on a specific scope; this project was estimated for additional services at \$40,000, however, there were water rights issue, well testing, and more issues than anticipated, and that this happens on most jobs. Dave Wildman added that the additional services also included permit issues; land right of way issues, and easement descriptions. Councilor David Burns and Councilor Ken Matlack asked why it would be the city's responsibly when the job takes longer to complete. Mr. Baird's response was \$89,000 was unforeseen cost. Councilor Matlack asked why Knapp Street was not completed before the project was finished and then a new project was started.

Councilor Ken Matlack asked Brad Baird and Dave Wildman if they were aware at anytime in the resent past that the council did not want work done without the council approval. Mr. Baird answered "yes". Councilor Matlack stated that the council wanted to have a discussion before the work was done. Councilor David Burns stated that Anderson Perry is doing the work and then asking the city to pay for the work already done. Councilor Burns continued to say it is the policy of the city to be notified prior to the work being done; now you are asking for \$62,000 for the work that was done last month.

Mayor James Ray asked Brad Baird and Dave Wildman if they were willing to sit down in negotiations with the City Attorney Bill Kuhn and City Manager Gerald Breazeale. Mr. Baird answered yes.

It was reconfirmed that all signatures are required on all partial pay requests.

b) Mayor James Ray wanted to share with the council members a proclamation he was asked to proclaim for National Sexual Assault Awareness Month in the month of April. The Mayor read the proclamation to the council members. There was a consensus from the council to go forward with the proclamation.

Adjournment - There being no further business before the council at this time, Councilor Harold Poeling moved to adjourn. Councilor Eleanor Partridge seconded the motion. The motion to adjourn passed unanimously. The meeting was adjourned at 10:07 p.m.

Next Regular Meeting Date – April 21, 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

Mayor James Ray

Attest