



## **CITY COUNCIL MINUTES**

Irrigon City Council Meeting

August 18, 2009

6:00 p.m.

Irrigon City Hall

500 NE Main Avenue

1. Call to Order/Roll Call

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

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

Council Members present: Ken Matlack, Mayor Pro-Tem Jack Johns, Eleanor Partridge and David Burns. Councilor Bob Flournoy was absent due to illness. Councilor Harold Poeling had an excused absence.

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

Citizens present: Amy Sandy, David Wood, Gloria Wood, Dick McCombs, Norma McCombs, Patrick Knight, and Richard Partridge.

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

Councilor Eleanor Partridge gave a report on the first “Yard of the Month” award which was chosen from viewing photos of yard through out town. The committee consisted of three ladies. The winner was Norma and Dick McCombs. Councilor Partridge presented the “Yard of the Month” sign, to be placed in the McComb’s yard for a month. Photos were taken.

Amy Sandy announced the Irrigon Cookbooks were now available in the city hall lobby for purchasing at \$7.50 each. The sale of the cookbooks will benefit the Irrigon Children’s Playground Park.

3. Approval of Minutes – July 21, 2009 Council Meeting

Councilor Ken Matlack moved to accept the July 21, 2009 meeting minutes. Councilor Eleanor Partridge seconded the motion. Motion carried unanimously to approve the July 21, 2009 minutes.

#### 4. Correspondence

A letter from Governor Theodore Kulongoski introducing his Oregon's Healthy Kids program was presented for informational purposes only.

There was a request from the Irrigon Chamber of Commerce for the City to sponsor a table for their annual Awards Banquet this year on December 5, 2009. There is a \$15.00 fee per table with the sponsor providing the decorations and centerpiece.

Mayor Pro-Tem Jack Johns moved to sponsor a table for the Awards Banquet. Councilor Eleanor Partridge seconded the motion. It was stated that Councilor Partridge would provide the decorations and centerpiece. Motion carried unanimously

#### 5. Downtown Development Plan- Recent Developments – Patrick Knight

City Manager Gerald Breazeale introduced Patrick Knight of the ODOT Committee Development Plan.

Mr. Knight explained that a situation has come up with the adoption of our Downtown Plan and the Freight Committee of ODOT. There was a law passed recently that gives the trucking industry the power to overrule local plans for highways through communities. The City of Irrigon will need to “check in” with the trucking industry to see that community “wants” meet the trucking industry’s desires. Mr. Knight stated that the Freight Committee is opposing the city’s four foot median design. It was communicated to the Freight Committee that there is an alternative route for the trucks, the free-way. Mr. Knight stated that there are a couple of options that can be presented to the Freight Committee. The City could take their chances and go before the Oregon Transportation Commission and submit the original design with the option of the larger trucks or wide loads accessing the free-way as an alternate route. The second option is whether the city can come up with different goals? Mr. Knight asked if the city wanted to go forward or come up with an alternate plan.

Mr. Knight stated that the median is the main problem for the trucking industry. A couple of alternatives are for the City to take out the bike lane to the north side or design the median where the planting would not start for 2 or 3 feet on each side. He continued to say there are options that can still be looked at.

Mayor James Ray asked “what is a safe median for Irrigon”. Mr. Knight replied 12 feet wide with a shoulder of 2 feet plus approximately 3 or 4 feet to satisfy the trucking industry. Councilor Ken Matlack pointed out that the people crossing the street need to be safe or people just walking down the street need to feel safe.

Councilor Ken Matlack asked why is painting a 4 foot barrier safer for the trucks than if there were no barrier and a little more room incase of an incident? It was stated that the Freight Committee doesn’t want any medians, just clean straight lanes to travel through.

Mayor Ray suggested that this matter be taken to the planning commission. Mr. Knight suggested that the council and the planning commission have a joint meeting. Manager Breazeale stated that this will need to be resolved before the city can make the final adoption of the plan.

Councilor Matlack stated that he would like to know where ODOT stands on this matter, when there is a perfectly good free-way, Interstate 84. Councilor Matlack asked where ODOT stood when this law passed. Mr. Knight stated that they reconciled that there would be some issues with the passing of that law. This bill

was passed in 2003; however, it is just now being enforced. Councilor David Burns stated that the main priority in this whole process was to slow traffic down. Mr. Knight ended his talk with stating that all of our comments are not new and have been brought up in front of the trucking industry before.

Councilor Matlack asked how long it would take after the City gave their presentation for the Oregon Transportation Commission to get an answer back on our concerns. If the process was short, wouldn't it be best for the City to present our original concept, instead of going through the planning commission, and the whole process again. Councilor Matlack continued to say that then the city would know if we need to make changes or not. Mr. Knight suggested that the council should meet as a body and look at some other ideas just incase. Councilor David Burns suggested that the city stick to their original concept for the safety of the people of Irrigon. The matter was tabled until a joint city council /planning commission meeting.

6. Economic Development Committee – David Wood

The Mission Statement and minutes for the Irrigon Community Economic Development Committee were presented to the council.

City Manager Gerald Breazeale stated that the committee went back and reviewed the by-laws and the mission statement. There was a minor change to modify part of the conflict of "interest body" which stated that anybody that had a potential conflict of interest could not participate in the discussion and would have to excuse him/herself from the entire process. The conflict of "interest body" was modified to state that him/herself refrain from voting on said item.

Councilor David Burns asked Manager Breazeale what a free enterprise zone was. Manager Breazeale stated that the free enterprise zone is specific for industry and does not cover commercial. The only thing that is not industry that can be covered is the hotel industry.

7. Ordinance No. 197 – 09, Social Gambling

City Manager Gerald Breazeale stated that this ordinance has been presented several times to the council. The ordinance has not been voted on due to light attendance by the Councilors.

Councilor David Burn moved to accept Ordinance 197-09 as printed. Mayor Pro-Tem Jack Johns seconded the motion. Mayor Pro-Tem Jack Johns asked about section 4: prohibitions, pertaining to paying the necessary license fees. Manager Breazeale stated yes, the fees would be decided at a later date.

Councilor Ken Matlack made a statement that he is conflicted because there have been discussions on social gambling at our council meetings and there are people opposed to it; however, these people have not attended the council meetings before. Matlack stated that he has told people that the agenda is on the web.

Councilor David Burns stated that he is against gambling, however, he is for promoting business in Irrigon, especially with their business (Bakes) struggling. Manager Breazeale read Ordinance number 197-09 Social Gambling by title only first. Manager Breazeale announced that if no one objects he would read by title only a second time. Manager Breazeale read Ordinance number 197-09 Social Gambling by title only a second time. Vote was taken, Councilor Matlack, NO; Councilor Johns, YES; Councilor Partridge, NO; Councilor Burns, YES. City Manager Gerald Breazeale announced that there was a tie and the Mayor votes. Mayor Ray voted YES. **Ordinance 197-09 PASSED.**

8. Local Fuel Tax Option

City Manager Gerald Breazeale stated that the ability to have a local fuel tax will close on September 28, 2009. This tax will finance street improvement and maintenance. Manager Breazeale stated that if the council wants this tax he would suggest a two cent per gallon increase. Councilor Ken Matlack would not support this tax, after creating an ordinance to promote business and then create an ordinance to take money away. Councilor Matlack continued to say that the second reason would be that there is only one business in town that this would affect. Mayor Jack Johns would not support this tax either. No motion of this issue.

9. Water Improvement Project

No action at this time.

The discussion on Swaggart Brothers will be moved to executive session.

10. Resolution No. 2009 – 20, 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.

City Manager Gerald Breazeale stated that this resolution was necessary to correct information that was received when the city passed the resolution authorizing the bond sale to pay the water improvement project debt. This mistake was the result of USDA representatives telling the city that they would qualify for a lower interest rate. This resolution corrects the interest rate and is necessary to complete the bond sale; therefore the bond interest rate will be changed back to 4.375%.

Councilor Matlack moved to amend and pass Resolution No. 09-20 regarding the issuance and sale of the City of Irrigon, Oregon general obligation installment water bond number 1. Councilor David Burns seconded the motion. Motion carried unanimously.

11. Sewer Extension 2009 Phase 1

City Manager Gerald Breazeale stated that the bids for the sewer extension 2009 phase 1 were due today, Tuesday, August 18 at 2:30; the bids were publicly opened at 2:31. The high bid was \$576,584.71 and the low bid was \$489,423.46 from JAL Construction, whom is doing the First Street and Columbia project.

Councilor Ken Matlack moved to accept JAL Construction providing they meet all the requirements and subject to providing all required bonds and approval of the funding agent, OECDD. Councilor Eleanor Partridge seconded the motion. Motion carried unanimously.

12. First and Columbia Pedestrian and Bicycle Project

City Manager Gerald Breazeale stated that the project on First and Columbia is proceeding nicely.

13. Request for Corp. of Engineers Property

Manager Breazeale stated that Mayor James Ray had asked the elementary school children for their ideas on what they would like to have in Irrigon. The children overwhelmingly wanted a swimming pool.

Manager Breazeale sent a letter to Kathleen Whitman, Chair of the Board formally requesting a lease or purchase of the property that lies south of the Columbia River, north of Washington Avenue, west of Sixth Street and east of First Street. Manager Breazeale and Mayor Ray went and talked to the Confederated Tribes of the Umatilla Indian Reservation. Manager Breazeale stated that the meeting Mayor Ray and himself had with the Corp of Engineers and the Tribes he believed was successful in their efforts with the city's plans and they didn't conflict with the Tribes plans. The letter to the Corp referenced to the specifically identified in the master plans for the project. Councilor Ken Matlack stated that the City Manager did a good job with the letter. And Matlack asked if the city had a choice to lease or buy the property? Manager Breazeale stated that the standard way would be to lease long term.

Councilor Matlack asked if any grant monies were available. Manager Breazeale stated that there could be, however the first thing would be to get the Corps to say yes and the Tribe to say yes and then the city could pursue grant funding. When the land is secure, the kids of Irrigon could be told that now the city would look for funding.

14. Irrigon Children's Park

Amy Sandy, Chair of the Irrigon Children's Park announced formally to the council that the award was \$193,112 grant for the children's park. A balance of \$48,278 will need to be provided. The children's park committee is raising funds. The Chamber of Commerce wrote a check for \$2,000 for the project. Cookbooks are for sale and a raffle on a chess set and a number of fund raisers.

Amy Sandy stated that a big dedication ceremony will probably be in October.

15. Report from the Morrow County Sheriff

The Sheriff report was accepted.

16. Staff Reports

a) Report from the Public Works Director

Keith White gave a report on the SCA grant project for Twelfth Street and Washington Avenue announcing the need to lower that intersection 18 inches for about 250 feet. The low bid was Wise Excavating, who came in at \$4,960, and the high bid was Granite Northwest at \$14,140. Mr. White stated that the completing of this project will be in two phases to accommodate the water line loop extension to the sport complex. Councilor Ken Matlack went on record to state what it means to the City of Irrigon and he would support anything the city could do to reduce the cost of the water project to the park district.

Councilor Ken Matlack moved to approve the low bid from Wise Excavating. Councilor Eleanor Partridge seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Jack Johns moved to accept the staff reports. Councilor Eleanor Partridge seconded the motion. Motion carried unanimously.

17. Accounts Payable

Councilor Eleanor Partridge moved to approve the accounts payable. Mayor Pro-Tem Jack Johns seconded the motion. Motion carried unanimously to approve the accounts payable.

**Regular session adjourned at 7:50 p.m. with a short break; council went into executive session at 7:58.**

17. Executive Session

**Mayor James Ray called the regular session back to order at 8:08 p.m.**

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

Returning from executive session City Manager Breazeale reviewed the negotiated settlement agreement with Swaggart Brothers to release them from constructing the Highway 730 portion of the contract and reduce the contract price. Included in the settlement were paying Swaggart Brothers \$14,400 for markup on materials on hand but not installed, \$42,671.50 for cost of delay, \$6,941.96 for costs encountered with groundwater at the canal crossing, \$3,056.54 for extra utilities encountered at Knapp Street, less \$13,443 for credit for unused flagging. Also agreed was to release Swaggart Brothers from constructing the Highway 730 portion of the project with a reduction in contract value of \$161,232. The net change to the total Swaggart Brothers contract would be a reduction of \$107,605.

Councilor Eleanor Partridge moved to approve the negotiated settlement described with a net contract decrease of \$107,605 and releasing Swaggart Brothers from the Highway 730 portion of the Water Improvement Project. Mayor Pro-Tem Jack Johns seconded the motion. Motion carried unanimously.

There was a short discussion on the lack of funds for paving of streets.

19. Additional Discussion

There being no further business the meeting adjourned.

Adjournment At 8:12 p.m. Councilor David Burns moved to adjourn. Mayor Pro-Tem Jack Johns seconded the motion. Motion carried unanimously.

Next Regular Meeting Date – September 15, 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:

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James Ray, Mayor

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Gerald W. Breazeale, City Manager