



**CITY COUNCIL MINUTES**  
Irrigon City Council Meeting  
September 15 at 6:00 PM  
**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.

Council members present: Ken Matlack, Mayor Pro-tem Jack Johns, Eleanor Partridge. Councilor Harold Poeling was absent, and Councilor David Burns had an excused absence.

Staff present: City Manager Gerald Breazeale, Public Works Director Keith White.

Members of the Public: Patrick Knight, Irene Fetsch, Laura Clark, Patti Burres, Amy Sandy and Tom Skatch.

Mayor Ray asked that everyone observe a moment of silence in honor of City Manager Gerald Breazeale's mother-in-law who passed away.

2. Resignation of Councilor Bob Flournoy

Mayor Ray read a letter of resignation from Councilor Bob Flournoy. Mayor Ray stated that Mr. Flournoy will be missed. Councilor Matlack asked if the vacant council position had been advertised and if anyone had responded. City Manager Breazeale stated that the council vacancy had been advertised, but there had been no response yet.

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

Irene Fetsch spoke regarding an unusual amount of traffic on California Street. She stated that she had called city hall regarding cement trucks going very fast on that road, and Finance Officer Brandy McNamee had stated that she would call the company and ask them to slow down. Ms. Fetsch asked if more people had moved in to the area or if the council knew why traffic had increased so much.

Councilor Matlack said he didn't think more people had moved in. He also said he would contact The City of Boardman and ask to borrow their speed measurement reader board which may help with the problem. He said he would also follow up with code enforcement.

Ms. Fetsch then asked how long it would be until the road is paved. She stated that she was told when she moved in that it would only be one year and that was five years ago. She stated that she was told by Public Works Director Keith White that the street would be paved. However, Mr. White stated that he had never made such a comment.

Mayor Ray stated that a plan to have a petition signed was already in progress. The petition would be used to get money from taxes for road paving through a local improvement district or residents that would benefit from the pavement. Mayor Ray also stated that subdivision laws have not been followed in the past. Road paving should have been completed by the subdivision owner when the subdivision was built. Ms. Fetch mentioned that her neighbors said they have a contract stating the road would be paved by a certain date. They are looking for that contract and will bring it to city hall when they find it.

Tom Skatch of Riverview Mobile Home Park addressed the city council and presented them a large packet of documents. He stated that he had requested a permit to place a mobile home on a lot with only a five foot setback rather than the required ten foot setback. His request would make the back yard larger. He stated that in the past the city has allowed the five foot setback in his mobile home park. He feels the city has not treated him fairly and was not promoting business or residential growth. He feels that further growth will be curtailed if the city continues its present practices.

Mayor Ray explained to Mr. Sketch that it wasn't possible for the council to review the materials during the current meeting. City Manager Gerald Breazeale said that if a lawsuit is pending in this matter that the issue should not be discussed in an open meeting. Councilor Matlack asked if this was an issue that should be discussed in executive session. Mayor Ray said they would review the information and schedule this issue for executive session at the October council meeting.

Mr. Skatch was asked if he had filed for a variance with the planning commission and Mr. Skatch responded by saying that the city codes do not allow for a variance request. City Manager Breazeale stated that he was unsure what Mr. Skatch was talking about and Mayor Ray suggested that Mr. Skatch apply for a variance and take it before the planning commission. Mayor Ray suggested this approach would be faster and perhaps less costly to him.

Councilor Eleanor Partridge asked how she would go about obtaining permission to have an art gallery at her home. City Manager Gerald Breazeale said she would need to fill out a planning and zoning application and it would go before the planning commission.

#### 4. Approval of the August 18, 2009 meeting minutes

City Manager Gerald Breazeale said that he had changed the wording under the executive session part of the minutes. He read the changes. 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 Partridge moved to accept the minutes as changed. Mayor Pro-tem Jack Johns seconded the motion. Motion passed unanimously.

#### 5. Correspondence

City Manager Gerald Breazeale presented a letter from Tanna Dole for the council's attention regarding the Irrigon Downtown Development plan.

#### 6. Downtown Development Plan-Recent Developments

Patrick Knight from ODOT reminded the council that the trucking industry had a problem with Irrigon's Downtown Development Plan. He said that the issue was taken before the planning commission as requested by the council during the August 18th meeting. The planning commission came up with five options to present to the council. Mr. Knight presented these options to the council.

Option 1: Remove the bike lane on the north side of the highway. This would add three feet of clearance space to the existing two feet next to the median, giving a twelve foot driving lane plus five more feet of clearance for trucks to use.

Option 2: Reduce landscaping on the median and round the curbs so trucks could overlap the median if necessary. This would not change any actual footage, but would give more clearance for the trucks. There was discussion by the council about the safety of that decision, specifically the safety of pedestrians standing on the median when trucks came through town.

Option 3: Combine option 1 & 2. This would not only add the six feet to the middle for clearance it would also give more clearance on the median itself.

Option 4: Remove parking on the South side of the highway. This would add four feet to the existing two foot clearance next to the median on each side, giving a twelve foot driving lane and six additional feet of clearance in the middle.

Option 5: Remove the bike lane curb and sidewalk and shorten the median to ten feet. This would add fourteen feet to the center, giving a twelve foot driving lane and nine feet of clearance in the middle.

Option 6: This option was disregarded because it was very similar to a previous option.

Patti Burres was present and asked why there was a median blocking access to the Oasis RV Park, which she owns. Laura Clark asked about the proposed street called "New Street" across from the RV Park. Mayor Ray stated that there was a need to fix the error blocking access to the RV Park. There was discussion about the "New Street" which has not been named. There was also discussion on how to

make the desired changes to the downtown plan to add access to the Oasis RV Park and it was determined that the decision could be made at the council level. The council instructed Mr. Knight to have the designers modify the downtown plan to accommodate access to the Oasis RV Park.

City Manager Gerald Breazeale read e-mail from Tanna Dole. In the e-mail from Ms. Dole she suggested that the council should offer an option to the trucking industry as a show of 'good faith'. The city could offer to shorten the walkways to five feet and roll the curbs of the median.

Councilor Matlack stated that he would not be in support of any options that were presented. Councilor Matlack felt that between bicyclists, pedestrians, and wheelchairs that the city might face legal and safety issues if they removed pathways for the trucking industry. He stated that the city should keep its original plan and take it back to the Transportation Commission. Councilor Matlack reminded the council that the City of Umatilla has medians and the bridge in their downtown plan. Interstate 82 is available as an alternate route for trucks.

Mayor Ray asked what the chance of approval would be if the city presented its original plan back to the transportation board. Mr. Knight said it was probable that they would expect the city to return to the bargaining table to seek a compromise. Mr. Knight will return to the trucking industry and relate the city's wish to keep its original plan for the highway. He asked the council for direction if the Transportation Commission denied their request to keep the original plan.

Option 1 and Option 2 were the most popular with council. However, councilors favored Tanna Dole's suggestion of shortening the walkways to five feet and rolling the curbs to the median.

Councilor Partridge said the city should not allow the trucking industry to dictate the city's needs.

Public Works Director, Keith White stated that removing the bike lane would not support bicyclists and he would rather consider bicyclists safety instead of the wants of the trucking industry.

Councilor Matlack made a motion that Patrick Knight give a presentation to the trucking industry stating that The City of Irrigon is satisfied with the current design agreed upon by the city, the consultants and the Oregon Department of Transportation. Councilor Partridge seconded the motion. The motion passed unanimously.

Patrick Knight and City Manager Gerald Breazeale will go to Salem and present the plan to the trucking industry.

#### 7. Economic Development Committee-David Wood

David Wood stated that he had submitted an article to the Irrigon Irrigator about the Economic Development Committee.

Mr. Wood mentioned that the committee was following the assessment report for The City of Irrigon. It was suggested that correct traffic signs should be placed on the outside of the city limits. Laura Clark will head the sign committee.

Mr. Wood said they are working on creating a business database for Irrigon. He will bring it to the council when it is complete.

8. Water Improvement Project

a) Swaggart Pay Application

Mr. Breazeale stated that the Swaggart Brothers payment application was discussed in the August 18th executive session and the suggested payment to Swaggart Brothers is \$86,046.43. Mr. Breazeale added that the city staff recommended paying the balance. Mayor Ray asked if this would be the last payment to Swaggart Brothers. Mr. Breazeale stated this would not be the last payment.

Councilor Matlack moved to authorize payment to Swaggart Brothers as suggested by the city manager. Mayor Pro-Tem Jack Johns seconded the motion. Motion passed unanimously.

- b) Change Order No. 4
- c) Change Order No. 5

Mr. Breazeale suggested no action be taken on change orders b & c at this time. The council agreed.

d) Tetra Tech Engineering Payment

Mr. Breazeale stated this was under the Accounts Payable fund and would be discussed during that portion of the meeting.

9. Sewer Extension 2009 Phase 1

a) Notice to Proceed JAL Construction

Mr. Breazeale reported that this portion of the sewer project was ready and to proceed with it once the performance board and proper paperwork from JAL Construction was complete.

10. First and Columbia Pedestrian and Bicycle Project

a) Request for Change Order-Water & Sewer Relocation

Mr. Breazeale reported that the city's water and sewer lines are located too close to the surface. This would interfere with the sidewalk construction. Mr. White discussed the installation of conventional sewer lines from the Bank of Eastern Oregon to Utah Street and from East Utah Street to Fourth Street. The water lines need to be relocated because of new state laws that require six inch pipes to be increased to eight inches.

Councilor Matlack asked who would be responsible for the cost of relocation of the sewer and water lines. Mr. Breazeale stated that the transportation agency would not object to funds being used for this project. Once those contingency funds are depleted then ODOT would request funds from ARRA. It would cost approximately \$200,000. for this change order. It is possible that the city could be held liable for any

funds not covered by ARRA. If this occurred funds would be taken from city water and sewer reserves. At this time the reserve funds are not large enough but with ODOT contingency funds the costs could be covered. The sewer relocation would be the major cost in this relocation.

b) West Extension Proposal to Remove Pipe Crossing First Street

The Bureau of Reclamation owns an irrigation pipe that is interfering with the First Street project. The Bureau and West Extension have agreed to vacate the pipe and allow the city to crush it or remove it. The city would be billed \$4,000 by the Bureau and West Extension to abandon the pipe. The pipe is currently being used to transport tail water (excess water). The pipe is not being used all of the time. West Extension Irrigation District has agreed to re-route the water and the Bureau will vacate the right-of-way for the pipe.

Councilor Matlack remarked that the city would be paying \$4,000 to the West Extension Irrigation District to remove a pipe they actually are not using very often.

Councilor Matlack moved for approval of \$4,000 to be paid for vacation of the pipeline. Mayor Pro-Tem Jack Johns seconded the motion. Motion passed unanimously.

Mayor Ray introduced Representative Greg Smith at the meeting. Representative Smith had stopped by for an unscheduled visit to meet the council and the audience. Representative Smith (from Heppner) was in town for the Irrigon-Heppner football game. He congratulated Irrigon for winning the game. Representative Smith met earlier in the day with Mayor Ray and Mr. Breazeale. He wanted to know what he could do for the City of Irrigon and stated that he would be a strong advocate for the city.

11. Irrigon Children's Park-Groundbreaking October 17, 2009

Park Committee Chairman, Amy Sandy told the council that on October 17, 2009 at 10:00 a.m. the Children's Park would be holding a ground breaking ceremony. The Umatilla Confederated Tribes would perform that day. Representative Smith is scheduled to speak. Other speakers include a famous soccer player and a prominent member of the Hispanic community. Irrigon Elementary School will be involved with activities including face painting and a barbecue. Local television and radio stations have been invited. Many items have been donated for the raffle that day.

12. Abandonment of City Owned Domestic Well at Seventh Street

The city purchased five lots from Al and Lavelle Partlow earlier in the year. One reason for the purchase was to vacate an irrigation well that is located on the property. There is an agreement with the State Water Resource Department to provide 1 ½ acre feet to the city reservoir for each abandoned well that is taken out of use.

Only one company responded to a bid request for the cost of vacating the well. Larry Burd submitted a bid for \$2,775. The city has another well to vacate that is located on the Meyer section of land located at Third Street and Oregon Avenue. Mr. Breazeale stated that the cost for taking that well out of use would likely be the same as closing the well on the Partlow land.

Mayor Pro-tem Jack Johns made a motion authorizing Mr. Breazeale to accept the bid from Larry Burd for closing the wells. Councilor Partridge seconded the motion. Motion passed unanimously.

13. Report from Morrow County Sheriff

Councilor Matlack stated that the skate park surveillance cameras had been moved back to their original positions. The cameras are currently moved around the park manually for multiple views of the area.

Councilor Partridge moved to accept the Sheriff report. Mayor Pro-tem Jack Johns seconded the motion. Motion passed unanimously.

14. Staff Reports

Mayor Pro-tem Jack Johns thanked Mr. Breazeale for the detail he includes in his staff reports. It helps the council members to understand the workings of the city and to prepare for the council meetings. Mayor Pro-tem Jack Johns made the motion to accept all the staff reports. Councilor Matlack seconded the motion. Motion passed unanimously.

15. Accounts Payable

Councilor Partridge moved to accept the Accounts Payables submission. Mayor Pro-tem Jack Johns seconded the motion. Motion passed unanimously.

16. Additional Discussion

Councilor Matlack mentioned that he had spoken to Daniel Hurd and was unclear about the situation with the placement and occupancy of Daniel's mobile home. Amy Sandy stated that the planning commission had made the decision to grant occupancy if Don Hurd came in with proof that the loan would be lost without the occupancy permit, with proof of payment of the subdivision completion, and if he would agree to sign an agreement drawn up by the city attorney stating Daniel would not move in until the subdivision was complete. Don Hurd did not produce these items.

Public Works Director Keith White said he had talked with Mark Manthie, the home loan coordinator, and the home loan would not be lost. US Bank did stop financing mobile homes, and the 120 days to complete the project had passed. Mr. Manthie could get a loan from a different lending institution. Mr. White also said he had spoke with Mrs. Daniel Hurd and explained the situation to her. Mr. White stated that the building inspector would not have passed the inspection because of incomplete progress. Mr. White advised Councilor Matlack that there was a staff report regarding the issue if he wished to read it. City Manager Gerald Breazeale suggested the matter not be discussed further in case the situation comes before the council for appeal.

Adjournment: At 8:18 pm

September 15, 2009

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Next Regular Meeting Date– October 20, 2009

SIGNED:

ATTEST:

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James Ray, Mayor

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Gerald W. Breazeale, City Manager