



City Council Minutes

Irrigon City Council Meeting

March 16, 2010

6:00 PM

Irrigon City Hall

500 NE Main Avenue

Irrigon, OR 97844

Call to Order/Roll Call

Mayor Ray called the meeting to order at 6:06 pm.

Mayor Ray led the audience in the Pledge of Allegiance.

City Manager Breazeale performed roll call.

City Council Members Present: Eleanor Partridge, David Wood, Mayor Pro-Tem Jack Johns, Joe Theisen, and David Burns. Councilor Matlack was absent. (Councilor Matlack arrived at 6:43 p.m)

Citizens present: Sandy Henry, Bill Reeves.

Staff present: City Manager Breazeale, Finance Officer Brandy McNamee, Public Works Director White was excused.

Comments from citizens not on agenda

Sandy Henry had asked Governor Kulongoski to attend the dedication to the Veteran's Memorial that was held in November 2009. He was not able to attend. He provided a flag and a plaque to Ms. Henry that included a letter from Governor Kulongoski, which she read to council. The flag and plaque will be hung in Irrigon City Hall.

Henry added that July 24th the Veteran's Motorcycle Association will do a rededication of the memorial. There will be 75 to 100 motorcycles present for the rededication. She added that the event starts at 11 am. She had asked Pastor Rick to speak and the public is invited to attend. There will be POW plaque placed in front of the memorial.

Bill Reeves, owner-operator of Columbia River Auction, was present to ask permission to place a high school girl's softball state championship recognition sign in Irrigon. He added that there has been no formal recognition of the team since they received the state trophy last year. He would

like permission from the city to place the sign near the skate park. He noted that he has donated this sign in his name and that it is completely separate from public funds.

Mayor Ray asked if he had approached the high school. He stated that he has had issues with the high school in the past but has not approached them on this specific item. He has approached the Irrigon High School Booster Club and they are supportive of the sign.

Councilor David Wood supported him putting it on city property. Councilor Theisen supported the idea but wanted to make sure there was no conflict with the high school.

Councilor David Burns moved to approve the sign being placed on city property with the stipulation of city approval for placement. Councilor David Wood seconded.

Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Mr. Reeves also volunteered to install the sign. Mayor Ray stated that the Public Works Director and staff would facilitate the installation of the sign on city property. Mr. Reeves thanked council.

Approval of Minutes – February 16, 2010 Council Meeting

Councilor Theisen moved to approve the February 16, 2010 minutes. Mayor Pro-Tem Johns seconded.

Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Correspondence

Mayor Ray stated that the Oregon Mayors Association was having an "If I were Mayor" contest. Last year \$50.00 was given for first place for the same contest. Last year council was involved in selecting the winning local essay. Mayor Ray has not approached the Jr/Sr school yet this year about the students participating in the contest. He added that the top essay in the state receives a lap top. Eligible entries can be from 4th grade through college applicants. Principal Chavez at IES is beginning the process with his students.

Councilor Wood asked if an award goes to each grade level. Ray stated that each grade has a winner based on the grades that enter the contest. Mayor Ray asked for council to support the essay program as done last year, which resulted in awarding a total of \$100.00.

Mayor Ray asked Finance Officer McNamee about the funds available for this contest. She explained that there is a line item called the skateboard fund, which was initiated originally as a community incentive for such chosen events and should be renamed to skateboard and community fund within the General Fund, therefore the appropriation is available at council discretion.

Mayor Ray asked for a motion to approve \$150.00 this year.

Councilor David Wood moved to approve \$150.00 for the "If I were Mayor" contest. Councilor Eleanor Partridge seconded.

Vote was taken by City Manager Breazeale. Burns-No, Partridge-Yes, Theisen -Yes, Johns-Yes, Woods-Yes. Motion passed with 4 yes and 1 no vote.

Mayor Ray asked Councilor Eleanor Partridge to read a letter about domestic violence awareness month which is in April. This was a proclamation to name the month of April, Domestic Violence Awareness month. The Mayor so proclaimed.

City Manager Breazeale stated that the letter from Sanitary Disposal explained that residents could dump for free one truck load from April 1st through April 7th at the Hermiston transfer station.

City Cleanup Weekends – May 8 & 9 and May 15 & 16

Manager Breazeale stated that Irrigon could have a city clean up weekend 5/8 & 5/9 and 5/15 & 5/16. Last year the city sponsored one weekend in April costing about \$150. This year the city is recommending two weekends with the understanding that several opportunities to dump free will be offered to all Morrow County residents prior to the two free Irrigon weekends. People will need to present ID & a current Irrigon water bill card.

Councilor Partridge made a motion for both clean-up weekends in May. Mayor Pro-Tem Jack Johns seconded.

Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Public Hearings

Mayor Ray opened the public hearing on Ordinance No. 199-10 and Ordinance No. 200-10 at 6:33 pm.

Ordinance No. 199-10, An ordinance establishing the urban forestry commission and regulating the planting, maintenance, protection, control and removal of trees and other vegetation in and upon public areas within the limits of Irrigon, Morrow County.

Manager Breazeale stated that Ordinance No. 199-10 would establish the urban forestry commission. The ordinance also includes a list of preferred trees for the city. Manager Breazeale stated that there has been no public comment on the ordinance either way.

Mayor Pro-Tem Jack Johns asked about section 3.3 in Ordinance 199-10 which outlined that demolition of a hazardous tree must be done within 30 days. Manager Breazeale stated that citizens that make an effort to comply are worked with to make arrangements for removal.

Councilor David Burns asked for clarification on public versus private trees. Manager Breazeale stated that public trees are on city property and that private trees are on private property and not in the city's right of ways.

Councilor Wood asked who would deem hazardous trees within the city. Manager Breazeale stated that City Public Works Landscaper, Jason Whitbeck has taken training on hazardous trees.

Councilor Wood asked about large trees and the associated cost for removal to citizens. Manager Breazeale explained that only if the tree is deemed hazardous would it be asked to be removed. He added that the city can use county corrections for aid in tree removal at a minimal cost.

Manager Breazeale added that the city already has a budget line item for 2\$ per capita in the budget, which has been adopted in the last few year's budgets. Councilor David Wood asked if the city had an established plan for urban forestry development. Manager Breazeale explained that the city did not yet have a specific plan.

Councilor Burns asked whom the commission would consist of. Manager Breazeale stated that the commission shall include city staff and public works, which would be Jason Whitbeck and some members of the public.

Councilor Wood asked about the unlawfulness for topping a tree. Manager Breazeale explained the definition of topping a tree is recklessly cutting branches or growth that would result in the mis-growth or death of trees.

Ordinance No. 200-10, An Ordinance Adopting the Downtown Development Plan and US 730 Streetscape Plan of December 2009, and Amending the City of Irrigon Transportation System Plan.

Manager Breazeale stated that Ordinance No. 200-10 is the final part of the process on adoption that places the Downtown Development Plan and US 730 Streetscape Plan in the current Transportation plan.

Mayor Ray closed the public hearing on Ordinances No 199-10 and No 200-10 at 6:43pm.

Council Action

Councilor Matlack arrived.

Councilor David Burns moved to accept both ordinances as written. Mayor Pro-Tem Jack Johns seconded.

Manager Breazeale read Ordinance No. 199-10 by title only.

Councilor David Wood moved for a second reading of Ordinance No 199-10. Councilor Theisen seconded the second reading of the ordinance.

Manager Breazeale read Ordinance No. 199-10 by title only a second time.

Vote was taken Vote was taken by City Manager Gerald Breazeale, Councilor Matlack, YES; Councilor Johns, YES; Councilor Partridge, YES; Councilor Wood, YES; Councilor Burns, YES; Councilor Theisen, YES. Motion carried unanimously. **Ordinance No. 199-10 passed.**

Councilor Theisen moved to read Ordinance No. 200-10 by title only. Councilor Partridge seconded.

Manager Breazeale read Ordinance No. 200-10 by title only.

Councilor David Wood moved for a second reading of Ordinance No 200-10. Councilor Theisen seconded.

Manager Breazeale read Ordinance No. 200-10 by title only a second time.

Vote was taken Vote was taken by City Manager Gerald Breazeale, Councilor Matlack, YES; Councilor Johns, YES; Councilor Partridge, YES; Councilor Wood, YES; Councilor Burns, YES; Councilor Theisen, YES. Motion carried unanimously. **Ordinance No. 200-10 passed.**

Sewer Extension 2009 Phase 1

Manager Breazeale stated that the pay application was to JAL on Sewer Extension 2009 Phase 1 and staff has recommended approval.

Councilor Eleanor Partridge moved to pay JAL Construction. Mayor Pro-Tem Jack Johns seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Manager Breazeale stated that Change Order No. 2 on the sewer project was a house keeping issue based on quantities for the written contract. The city is asking for change orders with the pay applications to keep accurate track of quantities within the contract. As these change orders are for quantities within the written contract, the change order is for explanation purposes only and there is no need for a motion on the change order.

Manager Breazeale stated that the Tetra Tech engineering payment was part of accounts payable.

Water Improvement Project

Councilor Burns asked about Cameron Fowlkes billed time of \$130.00 an hour for folding and stapling plans. He stated that this seems excessive and not a duty of engineer but rather an administrative assistant that should be charging much less.

Councilor Wood asked if the engineering being charged could be verified.

Finance Officer McNamee explained that she had questioned the expenses of Linda Fanciullo to engineer, Steve Varner and had been told that she was his administrative assistant. She also stated that she reminded Steve Varner that Tetra Tech is quickly running out of money on the agreed contract price.

Councilor Wood asked about limiting engineering expenses prior to projects.

Finance Officer McNamee explained that the Prime Master Services Agreement between the city and Tetra Tech on the remainder of the water project was \$117,900 and she reminded the engineers with each invoice of how much money they have left for the project.

Manager Breazeale stated that Big D's Construction was the low bidder on the balance of the water project. He added that the city is taking out the pavement portion of the bid on HWY 730

along the shoulder that included 8 inches deep of asphalt within the bid documents. ODOT will allow the city to restore 6 inches of asphalt or match existing asphalt that is 4 to 4 ½ inches deep. Therefore, the city is taking the asphalt portion out completely of the current contract and will seek bids separately for that portion.

Councilor Theisen asked when the plant would open. Manager Breazeale stated that Granite anticipated opening April 1st.

Manager Breazeale stated that the recommendation for the water project contract minus asphalt would be \$110,029 plus quantities to Big D's Construction.

Councilor Wood asked how much funds were remaining for the water project. Ms. McNamee stated that there was between \$165,000 to \$175,000 in USDA granted funds available.

Councilor Theisen asked about the parking lot by city hall off Division Street. Manager Breazeale stated that the city plan calls for that area to be a plaza but could be changed at councils' discretion. Councilor Theisen asked if that could include widening of Division Street. Manager Breazeale stated that water funds can not be used for that specific project. Councilor Theisen asked to make it a shovel ready project if funds become available from any qualifying source.

Councilor Partridge moved to award Big D's Construction the contract subject to USDA approval. Councilor Wood seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

First Street and Columbia Lane Pedestrian and Bicycle Project

Manager Breazeale stated that the First Street project still has a lot remaining to be done. He stated that the project inspector from OTAK is supposed to come back March 17th.

Manager Breazeale added that the First Street change order was from ODOT for \$105,000 for OTAK engineering fees and was approved by ODOT without city approval. This was work relating to water and sewer additions to the project and the additional length of time of the project.

LRA Report

Manager Breazeale stated that there has been continuing change with the LRA. The last meeting consisted of entities presenting their proposed plans which included Umatilla County and the Confederated Tribes with the U.S. Fish & Wildlife. Manager Breazeale gave an explanation of the pictures in council packets of the Army Depot photos. He added that the Army National Guard presentation for maneuvers and training were not included. There were twelve NOI's (notice of interest) submitted to the LRA and none were mentioned at the meeting.

Manager Breazeale expects the LRA to review the NOI's at the next meeting. He added that other proposals submitted by the various groups or entities conflict with Irrigon's proposal. Hermiston School District, Oregon State Highways, and MCSD were a few that were also applying for some of the depot land.

Resolution No. 10-02, A Resolution Authorizing the City Manager to Apply for a Public Benefit Conveyance of Port Facility Property, the Umatilla Army Depot, Through the U.S. Department of Transportation

The U.S. Department of Transportation had stated that they could allow for conveyance and would recommend transfer of title to an entity or city. Manager Breazeale stated that he has submitted a public benefit conveyance application and was asking for a resolution to authorize the application to avoid confusion.

Councilor Wood moved to accept Resolution No. 10-02. Mayor Pro-Tem Jack Johns seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Councilor Burns asked about the city's legal status to apply for the depot land. Manager Breazeale stated that U.S. DOT has stated that they can transfer the conveyance to cities. Manager Breazeale listed references for the city in the application.

Councilor Burns asked to develop a depot community coalition, incorporating all the local cities for the same good to obtain the depot land.

Councilor Matlack asked if that coalition group would be more effective if it consisted of truly impacted areas such as Hermiston, Umatilla and Irrigon. That would exclude cities such as Boardman and Pendleton as they have not been affected by the depot's existence. Manager Breazeale believes that the City of Umatilla will be an ally to Irrigon.

In the application for the public benefit conveyance Manager Breazeale had requested all the depot land.

Resolution No. 10-03 A Resolution Adopting a Supplemental Budget for FY 2009-2010

Finance Officer McNamee stated that council had reviewed much of the proposed supplemental budget at the last council meeting and other than the Wildhorse Grant funds there was not much that had not been covered.

Councilor Matlack asked if the city could not receive the grant funds without including it in the supplemental budget. Ms. McNamee stated that the city could receive the funds but could not spend them without authorization with a supplemental budget.

Councilor Matlack moved to approve the supplemental budget. Councilor Partridge seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Children's Playground Project – Status Report

Manager Breazeale stated that the Children's park first public meeting had only a few children in attendance. There was a lot of discussion. The designers accepted forms and comments. The designers have arrived at a preferred alternative to the original designs that will be presented at the next park meeting. The next meeting will include the basic plan with some last minute minor alterations that can be added as the public desires.

Cascadian Landscapers has submitted the first design invoice which is included in account payables.

Councilor Partridge asked who would name the park. Manager Breazeale replied that it will stay the Irrigon's Children's Park until it is completed and then council could choose a different name. Councilor Partridge asked for the children to name the park. Councilor Matlack stated that he believes that the children of the community would want to name the park in memory of Trevor Fox. Councilor Wood thought that the park should be named after Amy Sandy. Councilor Matlack asked for the park name to receive public comment and be an item on the next council agenda.

Councilor Burns stated at the last public meeting it did not seem that the designers would allow the public to assist in building the park. Ms. McNamee stated that other than the play structures themselves the public could participate in all others areas of constructing the park and she intended to use the labor donations as the primary city contribution toward the park.

Manager Breazeale stated that the city has asked for community involvement. Councilor Burns asked if there was an area specifically for blind children and asked for some Lion Club's sponsorship in designing an area specifically for blind children.

Proposal for Real Estate Representation

Manager Breazeale has several times attempted to receive proposals for real estate representation for the city without any response. Patti Burres of Century 21 has finally applied to be the real estate representative for the city. He asked for approval of Ms. Burres to represent the city to avoid the RFP process in the future on individual real estate transactions. Councilor Theisen expressed his concern for the 6% commission to the realtor. Breazeale stated that Burres was the only resume submitted to the city.

Councilor Matlack moved to award real estate representation to Patti Burres. Mayor Pro-Tem Johns seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Arbor Day Commemoration

The city will again be planting trees in commemoration of Arbor Day. This also is part of the city's Urban Forestry adopted ordinance. The city has established April 23, 2010 as this year's Irrigon Arbor Day.

Report from the Morrow County Sheriff

The contract with the Morrow County Sheriff's office for policing and code enforcement will not increase this year due to no increase in colas.

Councilor Theisen moved to accept the new contract between the city and MCSO. Councilor Partridge seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Sheriff Matlack stated that 16% of the county's population is in Irrigon and the policing should so be appropriated. The amount of dollars for the contract position is based on 160 hours per month. Therefore, the payment to MCSO is far below the actual policing hours received by the city.

Report from the Public Works Director

Manager Breazeale stated that Public Works Director White was excused. His report included action needed on the intersection of Twelfth Street and Washington Street, which was part of the SCA grant from ODOT. There has been an estimate of \$13,600 from Granite NW to asphalt the intersection, which is within the SCA budget. Mr. White had wanted to expand the paving and approached parks and recreation to assist in more funds for more paving and they could not assist.

Mayor Pro-Tem Johns moved to approve the Granite NW estimate. Councilor Partridge seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Report from the Finance Officer

Ms. McNamee explained before presenting the project graph presentation that Mr. White could get the needed street funds for the continuation of paving on Twelfth Street and Washington Street from the approval of the supplemental budget if the other current capital projects did not need all the funds.

The First Street Project is currently the most prominent and controversial capital project within Irrigon. The Bicycle/Pedestrian grant that was awarded through ARRA was originally a safe route to school program that should have been for sidewalks and items that created a safe route for children. That grant was not originally to include asphalt, decorative lighting, and water and sewer lines and so on. The city was extremely fortunate in the addition of all the other items added to the project.

With current ODOT gas/hwy taxes of only \$5000-\$6000 a month, the city will only receive a total of about \$66,000 this year. The only other revenue source for streets in county road taxes are about \$32,000 per year bringing total funds available for streets to about \$100,000 per year. The city has been using the General Fund to supplement the streets fund, this budget year alone the city transferred \$71,000 from General to streets. This is almost half of the total property taxes the city receives for the year. These transfers are made to combat citizen complaints primarily being street conditions.

Therefore, to complete a project such as First Street with a valuation of \$1.5 million dollars it would have taken the city at least 30 years.

Finally, over the last five years the City of Irrigon has received almost \$5 million dollars in granted funds for various projects. This results in every Irrigon household receiving the benefit of \$6,165 in granted funds.

Ms. McNamee answered questions from the councilors. There was council consensus that conveying the graphs and street information to residents through newsletters and the website may promote knowledge of the street funding and purposes.

Mayor Pro-Tem Johns moved to accept the staff reports. Councilor Partridge seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Accounts Payable

Councilor Matlack moved to approve the accounts payable. Councilor Partridge seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Mayor Ray called for a recess at 8:29pm.

Executive Session Regarding Real Estate ORS

Mayor Ray called for Executive Session Regarding Real Estate at 8:35 pm.

Mayor Ray closed executive session at 8:46pm.

Additional Discussion

Manager Breazeale recently attended a LUBGWMA meeting that deals with issues on nitrates in the water. He added that the new city wells are still at risk if nitrates migrate to them. There will be a meeting between the environmental commission on April 29th and 30th and he would like to attend in Coos Bay to represent Irrigon's issues. He added that since the formation of LUBGWMA the nitrate level has climbed in the last 10 years. The city's sewer effluent was at one time cleaner than the city's drinking water.

Councilor Partridge moved to send the City Manager to the April 29th and 30th meeting. Councilor Matlack seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Mayor Ray asked to go with Manager Breazeale.

Mayor Pro-Tem Johns moved to send the mayor with Manager Breazeale. Councilor Wood seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Adjournment

Councilor Partridge moved to adjourn the meeting. Councilor Matlack seconded. Vote was taken by City Manager Gerald Breazeale. Motion carried unanimously.

Meeting adjourned at 8:51pm.

SIGNED:

ATTEST:

James Ray, Mayor

Gerald W. Breazeale, City Manager