



MINUTES

Irrigon City Council Meeting
October 18, 2011
6:00 PM
Stokes Landing Senior Center
195 NW Opal Place

1. Call to Order/Roll Call

Mayor David Burns called the meeting to Order at 6:00 p.m.

Council members present: Councilor Ken Matlack, Councilor Eleanor Partridge, Councilor Kathy Simonis, Councilor Joe Theisen, and Councilor Michelle Hagen.

Staff present: City Manager Gerald Breazeale, Public Works Director Keith White, and Finance Officer Amanda Slawson.

Planning Commission Members Present: Thomas Roberts and Irene Fetsch

Citizens Present: Christine Sorenson, Warren Prouty, James Ray, David Sykes, Raymond Shade, Mildred Shade, Wayne Huwe and Barb Huwe

Mayor Burns asked everyone to join him in the Pledge of Allegiance.

2. Approval of Minutes – September 20, 2011 Council Meeting *

3. Approval of Minutes – September 27, 2011 Special Council Meeting*

Mayor Burns asked if there were any comments, corrections or additions to minutes from September 20, 2011 or September 27, 2011. Councilor Partridge moved to accept the minutes as presented for the September 20, 2011 Council Meeting and the September 27, 2011 Special City Council Meeting. Councilor Matlack seconded the motion. Vote was taken. Motion was passed unanimously.

4. Mayor's Comments and Proclamation

Mayor Burns informed the city council and citizens that he had been elected to the State Board of the League of Oregon Cities. The League of Oregon Cities offers a connection for all Oregon cities and lobbies for all the legislation on behalf of the cities.

The Skateboard tournament that was sponsored by the Lions Club, with Christine Sorenson a main organizer, had a great turn out. The skate park is on the national registry and there are professionals that want to visit it.

The newsletter is still underway and is expected to come out fairly soon. It will be distributed through the schools. It is a way to communicate and connect with the public. It will be kept up.

Mayor Burns has been invited to the Depot Outreach Office October 26, 2011 from 9:00 to 11:00. They have a new project manager and want to introduce him to the public.

A safety summit will be held October 28, 2010 in Boardman. It will be mostly about the schools emergency plans. Mayor Burns has been working on an emergency plan for the City of Irrigon. Tom Roberts has been working with him on it and defining what steps need to be made.

Mayor Burns read the Proclamation, "We the City of Irrigon, do hereby proclaim that our city will not tolerate domestic violence to our citizens in any form. We further pledge to work together to reduce and eliminate domestic violence from our city, state and nation. I, Mayor Burns, Declare November 3, 2011 as Domestic Violence Awareness Day in the City of Irrigon."

Volunteers to help put together "Stop Domestic Violence in Irrigon" signs the day before on November 2, 2011 are needed. Local churches have been invited to participate and some are offering programs to couples.

The County Health Board has room in their budget to make an addition to the Irrigon Medical Clinic. The clinic has an increasing amount of patients and has convinced the board to expand it.

The high school is working on a logo for shirts for the City of Irrigon. The theme is Team Irrigon.

The mayor also recommended doing a "Good 4 You," card for people that do good deeds for our community. This would give the council an opportunity to show appreciation to the citizens.

5. Correspondence

An article that appeared in the Tri-City Herald was in regards to the city's engineer, J-U-B Engineers. They have been named as one of the top employers as one of the 2011 best civil engineering firms to work for in a nationwide employee based survey.

Open Public Hearings

6. Ordinance No. 207-11, An Ordinance of the City of Irrigon, Vacating Ten (10) Feet on Either Side of Seventh Street Between Idaho Avenue and US Highway 730

This was a left over item from previous city council in that had been approached with vacating a portion of Seventh Street in an exchange for dedicating the southerly portion of Seventh Street to the city. The city council agreed to it but it was never consummated through an ordinance which it needs to be. Then the ordinance needs to be recorded with the county clerk before becoming an official vacation. It is ten feet on both sides of Seventh Street and some utilities are in that area. Those utilities will need to obtain easements from the property owners before the vacation can be official.

7. Ordinance No. 208-11, An Ordinance Amending City Code Title 4, Chapter 1, Nuisances, Section 4-1-1, Definitions, Inoperable Vehicle.

Planning Commission Chair Tom Roberts explained that code enforcement officers were having a difficult time in some enforcement issues because a definition of an inoperable vehicle was vague in its intent. This allows the code enforcement officer more options. Also the planning commission feels that this ordinance meets what the citizens of Irrigon would like to see in that particular definition and as a city what we envision our city as being.

Barb Huwe asked if this was addressing travel and hunting trailers and if these vehicles would be alright if they were licensed?

Tom Roberts explained that this was more specifically directed towards an inoperable motor vehicle and/or piece of equipment and not so much at trailer or RV.

8. Ordinance No. 209-11, An Ordinance Prescribing the Permitted Legal Growing of Medical Marijuana in Irrigon

James Ray addressed the council, specifically Councilor Matlack, asking if a person decides to smoke marijuana and then drive, is that okay? Councilor Matlack stated that it would be treated as any other driving under the influence situation.

Tom Roberts explained that this came to the planning commission's attention due to a few sites in the past that had individuals growing marijuana for medical purposes. In some instances these individuals were growing for multiple patients, which is legal in certain instances under the law by the State of Oregon. However, individuals that live in close proximity to these grow sites have to deal with specific nuisances that were not specifically addressed in the Irrigon city code. The planning commission wanted to find a way to not particularly restrict or limit what is allowed by state law for these individuals, but to assure that the folks living in close proximity to these locations and are not involved in this activity have their rights as citizens addressed by the city.

9. Ordinance No. 210-11, An Ordinance Providing for One Inoperable Vehicle to be Allowed to be Kept for a Parts Vehicle and Establishing a Permit Procedure for Such Use

The point of this ordinance allows individuals wanting to work on the cars to do so with a permit.

10. Ordinance No. 211-11, An Ordinance Amending City Code Title 10, Chapter 1, Article B, Enforcement, General Provisions, Section 10-1B-3(A), Penalty, Class 1 Penalty, to Provide for a Fine Amount

The civil penalty sections of the existing ordinances are not always the same. This ordinance would streamline the civil penalty so that if the code enforcement decided to take an issue to court it would provide specific verbiage for a judge to act upon based on city ordinance.

The city code title 10 provides for permits for zoning and planning issues. If someone currently puts in a development and will not provide the landscaping that is required under the city code the only recourse that the city has is to demand the removal of structures. This ordinance would give the city another tool to get compliance without a major flare up.

11. Ordinance No. 212-11, An Ordinance Adjusting Charges Listed in Schedule "A" of Ordinance No. 104

The city took out a loan in 2005 from the United States Department of Agriculture in order to drill two new wells because the nitrate levels in the previous wells were contaminated with nitrates, provide adequate water storage, provide gravity pressure regulation, adequate fire suppression and additional water rights. Part of the obligation from the United States Department of Agriculture set upon us was that eventually the city's water base rate should be at approximately \$42.66 per month.

The city now has water debt service payments that total \$170,676 a year. Beside the debt service payments the city has debt covenants that put restrictions on the city's cash. One of the conditions of the United States Department of Agriculture providing the funds for the project was to agree to deposit \$64,400 annually into a reserve for future improvements and replacement of the water system. The city's water system annual cash requirements are \$487,723 which includes \$252,647 for operating expenses, \$170,676 for debt service payments and \$64,400 in debt covenants. This comes to approximately \$66/month per water service.

With the current water rate schedule the projected total cash available to meet the cash requirements is \$412,200. This would leave the city with a deficit of \$75,523. The proposed water rate schedule of \$42 per month with a 10,000 gallon allowance and \$2.00 per 1,000 gallons over the 10,000 gallon allowance would allow the city to be closer to meeting all the cash requirements at the end of this fiscal year and catching up next year.

Mayor Burns explained that the city's previous water supply was so contaminated with nitrates that the city was required to issue medical warnings to the public. The city is not responsible for creating the nitrate problem. The governor sent a special team to this area to do a study on the nitrate situation. The report that was generated from that project was that only 3 % of the nitrates come from the Columbia River and 97% of the nitrates were coming from the farms to the south.

Councilor Theisen explained that the current water rate base at \$24 is barely sufficient to cover the city debt service payments, but not sufficient to cover any part of the wages and benefit costs or any operating costs. The new water base rate would bring in approximately 60% of needed revenues and would leave only 40% needed revenues to the weather and consumption.

Councilor Matlack stated that the improved water system was also built to sustain the growth percentage that the city had experienced prior the building moratorium of 5% per year. But the city has not had the same growth increase since the building moratorium was lifted.

Christine Sorenson voiced her opinion that the people responsible for the nitrate contamination should accept responsibility for the choices they make. Why have the farmers not contributed to the increase cost the city has incurred, we the citizens just can't afford it. Why are the chemicals that are put on the ground not taxed to pay for these costs?

City Manager Jerry Breazeale stated that affected communities have banded together and formed L.U.G.W.M.A. due to nitrate levels. There has been discussion resulting from the group, on putting a charge on fertilizer to help clean up activities as well as make farmers more aware of the nitrates.

A presentation from the Madison Farms showed that there are techniques and practices that prevent pollution and still produce good crop yield. It is hard to prove who specifically contributed to the nitrate pollution.

Raymond Shade stated that not enough people knew about the water rate adjustment. The Water Rate Ordinance was published on the 15th of the month and feels that additional notice should have been given. If the city keeps raising the water bill, Irrigon is going to stay small and not grow. It is a bad economic time to raise water rates.

Mayor Burns explained that they had hoped the city newsletter would have been out by now to get the information out to the public. The city always does what is legally required. The Stokes Landing Senior Center Building was rented in anticipation of there being a bigger crowd.

Councilor Theisen explained that the new water rate schedule allows for the first 10,000 gallons now instead of the first 5,000 gallons so people are going to get twice as much for the monthly base rate.

Tom Roberts said that he understands the need for a hike. The more we raise the costs to live in this city the more we are taxing are ability to grow. He encourages the council to think outside the box. Look at other ways of doing things that other cities have explored that might enable us to reach our needs without making the water rates so high and making Irrigon unappealing.

Barb Huwe pointed out that it has only been half a year since the last rate increase. She also asked for an explanation of why the city's \$800,000 in reserves could not be used to pay for the deficit. It was explained the reserves are distributed among all of the city's funds. Each program and fund is unique to itself and the resources from each can only be used for itself. The money in reserves can only be used for what they were authorized for and nothing else.

Mayor Burns officially closed the public hearings.

Council Action

12. Ordinance No. 207-11, An Ordinance of the City of Irrigon, Vacating Ten (10) Feet on Either Side of Seventh Street Between Idaho Avenue and US Highway 730*

Councilor Matlack moved to approve Ordinance No. 207-11, An Ordinance of the City of Irrigon, Vacating Ten (10) Feet on Either Side of Seventh Street Between Idaho Avenue and US Highway 730, subject to the evidence of satisfying the easement requirements and was seconded by Councilor Partridge. Vote was taken; Councilor Matlack voted yes, Councilor Partridge voted yes, Councilor Simonis voted yes, Councilor Theisen voted yes and Councilor Hagen voted yes. Motion was carried with a unanimous vote.

13. Ordinance No. 208-11, An Ordinance Amending City Code Title 4, Chapter 1, Nuisances, Section 4-1-1, Definitions, Inoperable Vehicle.*

Councilor Simonis moved to accept Ordinance No. 208-11, An Ordinance Amending City Code Title 4, Chapter 1, Nuisances, Section 4-1-1, Definitions, Inoperable Vehicle and was seconded by Councilor Partridge. Vote was taken; Councilor Matlack voted yes, Councilor Partridge voted yes, Councilor Simonis voted yes, Councilor Theisen voted yes and Councilor Hagen voted yes. Motion was carried with a unanimous vote.

14. Ordinance No. 209-11, An Ordinance Prescribing the Permitted Legal Growing of Medical Marijuana in Irrigon*

Councilor Simonis moved to accept Ordinance No. 209-11, Prescribing the Permitted Legal Growing of Medical Marijuana in Irrigon in compliance with the Oregon medical Marijuana Act, ORS 475.300 with the caveat that the permit that must be obtained at the city hall be discussed with the city attorney for allowing inspection on a yearly or more basis and was seconded by Councilor Hagen. Vote was taken; Councilor Matlack voted yes, Councilor Partridge voted yes, Councilor Simonis voted yes, Councilor Theisen voted yes and Councilor Hagen voted yes. Motion was carried with a unanimous vote.

15. Ordinance No. 210-11, An Ordinance Providing for One Inoperable Vehicle to be Allowed to be Kept for a Parts Vehicle and Establishing a Permit Procedure for Such Use*

Councilor Theisen moved to accept Ordinance No. 210-11, An Ordinance Providing for One Inoperable Vehicle to be Allowed to be Kept for a Parts Vehicle and Establishing a Permit Procedure for Such Use with the provision that the appeal process be before the city council not the planning commission and was seconded by Councilor Simonis. Vote was taken Councilor Matlack voted no, Councilor Partridge chose to abstain, Councilor Simonis voted yes, Councilor Theisen voted yes and Councilor Hagen voted no. To break the tie Mayor Burns voted and voted yes. Motion carried.

16. Ordinance No. 211-11, An Ordinance Amending City Code Title 10, Chapter 1, Article B, Enforcement, General Provisions, Section 10-1B-3(A), Penalty, Class 1 Penalty, to Provide for a Fine Amount*

Councilor Matlack moved to accept Ordinance No. 211-11, An Ordinance Amending City Code Title 10, Chapter 1, Article B, Enforcement, General Provisions, Section 10-1B-3(A), Penalty, Class 1 Penalty, to Provide for a Fine Amount and was seconded by Councilor Partridge. Vote was taken; Councilor Matlack voted yes, Councilor Partridge voted yes, Councilor Simonis voted yes, Councilor Theisen voted yes and Councilor Hagen voted yes. Motion was carried with a unanimous vote.

17. Ordinance No. 212-11, An Ordinance Adjusting Charges Listed in Schedule "A" of Ordinance No. 104*

Councilor Theisen moved to accept Ordinance No. 212-11, An Ordinance Adjusting Charges Listed in Schedule "A" of Ordinance No. 104 and was seconded by Councilor Hagen. Vote was taken; Councilor Matlack voted yes, Councilor Partridge voted yes, Councilor Simonis voted yes, Councilor Theisen voted yes and Councilor Hagen voted yes. Motion was carried with a unanimous vote.

18. Septic Conversion Project 2011

With the city council's approval of task 002, Primm Surveying will start the site surveys and updating previous surveys. The surveying is scheduled to be done the first week of November with the construction plans and specification at about 75% in the middle of December for the city's review. After the city's approval of the construction plans and specifications they will be submitted to DEQ. The survey area for the lift station has been expanded to include some area further to the east for the possibility of moving the lift station to an area further from the marina and homes and eliminating lift station A.

Councilor Theisen moved to approve task order 2011-02 and was seconded by Councilor Simonis. Vote was taken. Motion was passed unanimously.

19. County Home Rule Charter Committee Appointments*

Jon Wenholtz and Arnold "Joe" Theisen were recommended for the county home rule charter committee. Jon Wenholtz is an Irrigon Community Participant but lives outside the city limits thus providing representation for those outside the city limits.

Councilor Simonis moved to appoint Jon Wenholtz and Arnold Theisen to represent Irrigon on the County Home Rule Charter Committee. Councilor Partridge seconded the motion. Vote was taken and motion was carried unanimously.

20. Code Enforcement

Councilor Matlack explained that further action has been taken against the Woodlands Mobile Home Park. Improvements are being made to clean up the park.

21. Recreational Trails Grant – Letter of Intent

Councilor Simonis moved to approve City Manager Gerald Breazeale to write a letter of intent to apply for a grant for improvement to the heritage trail and was seconded by Councilor Theisen. Vote was taken. Motion was carried unanimously.

22. Legislative Issues

There were not any legislative issues at the time.

23. Report from the Morrow County Sheriff

Councilor Partridge moved to accept the report from the Morrow County Sheriff and was seconded by Councilor Hagen.

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

Larry Long came to the meeting to speak on behalf of Ernest Erickson that could not make it. Ernest Erickson had a water leak that went unnoticed and ended up having a \$1,004.16 bill and doesn't feel that he should have to pay it. It was an accident, it shouldn't have happened, but it did. He feels that he doesn't need to pay it but probably will if he has to. Larry Long asked everyone that if you had a leak underground and didn't know it would you want to pay a \$1,000 water bill. Larry Long requested the council erase the bill.

Mayor Burns said that the Irrigon Parks and Recreation District had discovered a leak in the parks and asked us to do the same thing. The council had denied the request. It was decided that the issue does need further consideration but to discuss the issue at another time.

Barbara Huwe stated that the letter of intent for the Recreational Trails Grant is wonderful, but requested the council be very careful with the in-kind contribution. She also requested that the record show that the street vacation got lost in the shuffle.

Christine Sorenson commented on some observations that she had made in preparation for the Skate Board Tournament, the BMX bikes are causing damage to the skate park. An example given was the bike pegs creating grooves in the concrete.

Bicycles were incorporated into the original design by Grindline and use should be shared according to Public Works Director Keith White. He explained that two inch coping was put in due to the expected surface wear from BMX bikes.

Tom Roberts thanked the council on behalf of the planning commission on spending the time on the issues that were brought forward by the planning commission. By passing the ordinances tonight the planning commission will be able to move on to other issues.

Councilor Theisen commended the Planning Commission for all their hard work and that he thinks that they are going to make Irrigon a better place to live.

25. Staff Reports

Councilor Simonis moved accept the staff reports and was seconded by Councilor Hagen.

26 Accounts Payable*

Councilor Hagen moved to approve the \$44,223.60 in payables and was seconded Councilor Theisen.

27. Additional Discussion

Councilor Theisen brought forward a concern from Vicki Volk; the Irrigon Fire Protection District put a ban on the use of burning barrels. The issue of burning barrels causing smoldering issues was discussed and it was thought that if a person has an issue with the ban it should be brought up before the Irrigon Fire Protection District Board.

Adjournment

Councilor Partridge moved to adjourn the meeting and was seconded by Councilor Hagen. Vote was taken. Motion carried unanimously. Meeting was adjourned at 9:18 pm.

SIGNED:

ATTEST:

David Burns, Mayor

Gerald W. Breazeale, City Manager