

**BOARDMAN CITY COUNCIL  
REGULAR MEETING – JULY 7, 2020**

Mayor Sandy Toms called the meeting to order at 7:00 p.m.

**Councilors Present:** Art Kegler, Brandon Hammond, David Jones, Katy Norton, Leslie Pierson, Roy Drago Jr., Sandy Toms

**Councilors Absent:** None

**Staff:** Barry Beyeler – Community Development Director, Heather Baumgartner – City Recorder, Karen Pettigrew – City Manager, Marta Barajas – Finance Director, Rick Stokoe – Chief of Police.

**Audience:** Via Zoom ID: Lee Docken, Samantha Aldrich, Paul Beagle, Kathy, UEC, Arielle Hill, Robert Echenrode, Alex Hobbs, Leah Harris, Jim Doherty, Mary, Melissa Keefer, Melissa Lindsey, Torrie Griggs, Jonathan Tallman, Juan Almaguer, Karl Sprauer, Don Russell, Aaron Boettcher, Abe & Tia McNamee, Cheryl Tallman, Fletcher Hobbs, Lisa Mittelsdorf, Mary Killion – A total of 47 participants attended the meeting via zoom and not all participants provided a name.

**APPROVAL OF MINUTES – June 16, 2020 Special Meeting**

Councilor Kegler moved to approve the minutes of the June 16, 2020 special meeting.

Councilor Pierson seconded the motion.

All were in favor.

Motion passed. 7-0-0 absent

**APPROVAL OF MINUTES – June 29, 2020 Special Meeting**

Councilor Jones moved to approve the minutes of the June 29, 2020 special meeting.

Councilor Drago seconded the motion.

All were in favor.

Motion passed. 7-0-0 absent

**INTRODUCTIONS**

The City Council Meeting was held via Zoom.

**FINANCIAL REPORT**

Ending June 30, 2020

The water and sewer bond payment shows a negative due to collecting less than what was owed.

Councilor Drago moved to approve the Financial Report Ending June 30, 2020 as presented.

Councilor Kegler seconded the motion.

All were in favor.

Roll Call: Pierson – Yes, Jones – Yes, Norton – Yes, Drago – Yes, Hammond – Yes, Kegler – Yes, Toms – Yes

Motion passed. 7-0-0 absent.

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**PREARRANGED PRESENTATION**

*Samantha Aldrich – City Council Positions for Urban Growth Boundary Residents*

Ms. Aldrich thanked the city council for allowing her to speak today. She communicated that she and her husband, Brandon Aldrich, live in Boardman within the Urban Growth Boundary, but just outside city limits. She communicated that there were limits within the city charter that did not allow citizens to run for city council if they lived outside the Boardman city limits. She further commented that she has been taking an active interest in the Boardman community. She moved her business from Hermiston to Boardman and has been working out of her home for the past few months. She requested the city council consider allowing one city councilor position be designated for an individual who lives outside the city limits, but within the urban growth boundary.

Mayor Toms commented that it was unusual for cities to have an urban growth boundary city councilor position. She communicated that it would require the city charter to be changed and it was a long and costly process. She continued by stating that it would not be done this year, if at all. Mayor Toms asked if Ms. Aldrich had considered annexing their property into city limits. Ms. Aldrich responded that they were on the fence about it due to the increase in taxes the annexation would bring. Mayor Toms communicated that there is a position on the planning commission that is designated for a citizen within the urban growth boundary.

Councilor Pierson asked what else the city councilors could do to look into the request. She felt it was worth considering and wanted to continue to encourage anyone and everyone who is involved in the community to participate in leadership roles. She continued by stating that there were substantial amounts of opportunity in the community in the near future. Councilor Pierson asked what it would take to change the charter, how long the process is and what the expense would be before the city council makes a final decision or dismisses the request. Councilor Pierson communicated that she liked the idea of potentially having one position designated for a citizen in the urban growth boundary involved.

Mayor Toms responded that it would take about a year to change the city charter and it has to be voted on by the citizens. A write up has to be completed for the voter's pamphlet and submitted to the county clerks.

Councilor Pierson communicated that she understood, but feels it would be worth looking into to allow other people who are interested to participate. She continued by stating there are a substantial amount of people that live within the city limits that pay property taxes, but there is also a large number of people that rent within city limits that do not pay property taxes.

Mayor Toms responded that she is a renter that lives within city limits and she is the mayor. She continued by stating that renters can run for city council as long as they live within city limits. She communicated that changing the city charter can be put on a list of things to discuss during the retreat.

Ms. Aldrich commented that she has many neighbors that have opinions and feel they are not being heard and would like to be able to give them the opportunity to be heard through her.

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Mayor Toms commented that there is a fine line between city limits and county limits. She continued by stating that just because Ms. Aldrich is within the urban growth boundary, she does not have the same rights as the city residents. She again suggested annexation into city limits.

Councilor Norton thanked Ms. Aldrich for speaking up and voicing her opinion. She communicated that she felt Mayor Toms was attempting to communicate that there is a possibility, but there is work that needs to be done first. She agreed with Councilor Pierson that the city council should look into possibly changing the city charter.

Councilor Kegler commented that in the case of the renters, the landlord is paying property taxes.

Councilor Jones agreed that it is a good idea to look into changing the city charter, but it is a better idea to annex into city limits. The purpose of the city limit restriction for city councilors to have a voice is due to them paying into the city tax accounts.

There was additional discussion in regard to renters, landlords, and property taxes. Community Development Director Beyeler added that renters were paying property taxes in the form of rent.

**PREARRANGED PRESENTATION**

*Alex and Fletcher Hobbs – Business Owners in Opposition of Umatilla Electric Cooperative (UEC) Condemnation*

Ms. Hobbs communicated that she is a decade long Morrow County resident. She has been a 6<sup>th</sup> grade educator in Irrigon for the past two years. She communicated that she is here today to represent a part of the community that often goes unheard. Her presentation to the board and other city officials included a group of people outside city hall. She read a prepared statement. Gathered here with us along with their families are employees and supporters of Custom Feed Services and Small Truck Company. In the case of Custom Feed Services, many of these men and women have been with Fletcher Hobbs from the very basic stages of his company. These men are skilled professionals. They know how to engineer hydraulic systems and build diesel motors and push their bodies beyond the brink of exhaustion to ensure our dairies are kept running efficiently. It is safe to say that they play a critical role in the supply chain, the very one that has so much attention recently. Over the years, I have seen Custom Feed Services develop into one of the world's premier custom harvesting outfits. Ask any farmer or dairy manager and I am sure they would say that claim is no hyperbole on my part. It is with this in mind that we reject any narrative that falsely claims we are opposing UEC's condemnation to deter development in Morrow County or that we are holding out for a larger payday. For us and these families, there is simply no price that can be put on what Fletcher and his team have built and any future development goals they have planned. And yes, there are many future development goals. I urge the city council to formally oppose UEC's application to condemn the part of the property Custom Feed Services now calls home and continues to operate not only as team members, but vital skilled professionals in our community.

Mr. Hobbs communicated that he came to the city council meeting today to ask for their help and thanked the city council members that took the time to speak to him in person the last few days. He communicated the location of his business at the Port of Morrow exit on Yates Lane, the buildings that were part of that property, and the businesses that were operating from those

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buildings. He continued by communicating that Custom Feed Services is one of the largest forage harvesting companies in the world. Custom Feed Services employs approximately 25 full time employees that average a salary of \$55,000 a year, have full health benefits and retirement plans. They also employ another 25-35 temporary employees a few months out of the year depending on circumstances. Small Truck Company employs another 25 full time employees with a salary of \$55,000-\$70,000 a year. An adequate power supply on the land between the Port of Morrow exit and the Main Street exit was either not considered or not considered well enough when the server campus was planned and built. UEC is working to get power to the server campus site. The most direct and inexpensive route passes through exclusive farm use land along Rippee Road owned by the Frederickson family and through Mr. Hobbs neighborhood that is zoned to be the service business area of Boardman. Mr. Hobbs and his neighbors have been attempting to work with UEC to find a solution for VADATA, but they have failed to find something that works. UEC has filed for convenience and necessity with the Public Utility Commission (PUC). If that is granted, UEC will build the line where they want to build it and there is nothing the business owners in that area will be able to do to stop it. The power line, as they want it combined with Loop Road that the City of Boardman is required to build, will take most of the storage area Custom Feed Services and Small Truck Company needs to operate. The line will also violate Morrow County's zoning laws as well as the City of Boardman's municipal code. Mr. Hobbs communicated that he is asking for help because the employees at both Custom Feed Services and Small Truck Company want to keep their jobs and want to keep them in Boardman. Their customers want their continued support. Boardman was chosen because they like the community and nearly all of them have roots in this area. Mr. Hobbs believes the City of Boardman needs Custom Feed Services and Small Truck Company. He continued by stating that the improvements made so far between his business and other businesses at that exit have changed the landscape and there is more to come. He requested the city council form a resolution to oppose granting UEC's convenience and necessity and send a letter stating this opposition to the PUC.

Mayor Toms communicated that Mr. Hobbs time limit had expired. She communicated that she had read his letter and understood his position. She continued by stating that UEC does not want to condemn anyone's land. She communicated that City Manager Pettigrew had talked to UEC several times and confirmed that it is not their goal. She further explained that the City of Boardman has spoken to their attorney and they are willing to write a letter of support for Mr. Hobbs.

Mr. Hobbs reiterated that he is asking for opposition to granting UEC convenience and necessity.

Mayor Toms communicated that city council does not have the power to stop them from doing anything. Mr. Hobbs interjected that the city council has the power to say that the city councilors do not want them to condemn property in the City of Boardman. Mayor Toms again explained that they can write a letter of support for the business owners there. She commented that City Manager Pettigrew had additional information about the situation. Mr. Hobbs commented that Mayor Toms statement was not correct.

City Manager Pettigrew communicated that the city attorney can write a letter supporting the system. Mr. Hobbs responded that supporting of the system indicates that the city can say they oppose granting UEC convenience and necessity. He feels that would be a powerful message.

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Mr. Hobbs would like UEC to find another way to get additional power to the server site. City Manager Pettigrew communicated that she would need to contact the city attorney about the convenience and necessity piece. City Manager Pettigrew and Mr. Hobbs continued discussing the convenience and necessity and the PUC to hear each point of view.

Councilor Jones commented that he didn't feel there was a reason why the city couldn't write a letter of support for Mr. Hobbs. He continued by stating that a city councilor's job is to stand up for the citizens and businesses in the community.

Councilor Drago agreed with writing a letter of support. He continued by stating the UEC has an obligation to supply power to whoever needs it and they are do that in a manner they deem best, but it should be done without condemning property. Mayor Toms agreed that condemning property appears threatening. She requested to allow City Manager Pettigrew to work on the letter with the city attorney.

Robert Echenrode, General Manager and CEO of UEC confirmed that it is not their wish to condemn property. They have an obligation to serve their members. They have an obligation and commitment to the new members that have applied for services. He continued by stating they have empathy for the community. UEC is trying to protect all parties and if invited by the city, he would be happy to make a presentation that can outline the steps they have taken to provide clarity and comfort. He stated they have considered a number of alternatives and they have made an application to the PUC for convenience and necessity because they have an obligation to serve their members. He communicated that UEC takes this situation very seriously. He continued by stating he would welcome an invitation so the city and the community would have a better understanding of UEC's standpoint. He stated they are looking to find an agreeable route that meets everyone's needs with the least impact. Mayor Toms asked if the land owners had suggested an agreeable route. Mr. Echenrode responded that they have easements with all but four landowners and have been negotiating for over a year. Currently, the message is there is another route and UEC has asked for the information for that route so they can investigate. Mr. Echenrode stated he is prepared to visit with the city council to demonstrate how they have looked at routes north of I-84 and why they are not practical. Mayor Toms asked if UEC had communicated to the land owners why the route was not practical. Mr. Echenrode responded that they are in the process of filing information to the PUC. It is an administrative process and their obligation is to meet with them. UEC has shared with the land owners why they would prefer to use the route UEC has identified and have negotiated with the land owners for over a year. Mayor Toms feels it is important to listen to the land owners because they are a business too. She feels all sides need to be heard and more compromises made. Mr. Echenrode agreed that these types of businesses have built Boardman and UEC, but he also has an obligation to serve new members as well.

Councilor Drago asked what the capacity was at for power on the north and south side of Boardman, substations for new housing and businesses. Mr. Echenrode responded that the City of Boardman has two substations that are both north of I-84. They are served by two circuits. The Coyote Springs substation is located at the intersection of Hwy 730 and I-84. The Port of Morrow substation located near UEC Boardman operating center. Both of those substations provide all of the power to the City of Boardman. There is approximately 1000 KW of capacity remaining on them. Based on the current growth record of Boardman, that capacity will last 5-6

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years. A new source of power will be needed and is presented in the testimony with the PUC. The growth in the area requires a substation closer. The proposed line will provide a source of power into the City of Boardman to not only facilitate the growth of the city, but also for the member that has requested service.

Councilor Norton communicated that she understands that UEC stated they do not want to hurt any of the businesses, but Mr. Hobbs has communicated that this line would hurt their business. She asked if putting the transmission line through their property was still an option knowing that it would devastate their business and families. She asked if an alternate route is more attractive after knowing the current plan would hurt the businesses. Mr. Echenrode responded that he had been negotiating with Mr. Hobbs for over a year to find the least impactful route for the transmission line. He communicated that UEC had also worked with the City of Boardman, the Interchange Area Management Plan (IAMP) and the Bonneville Power Administration (BPA) to consolidate these facilities so the impact isn't worse for someone else. He agreed this situation is a significant impact to Mr. Hobbs and the businesses. He continued by stating they have worked to find a way to put the Loop Road in conjunction with the proposed transmission line parallel to an existing transmission line with BPA rather than move it out and away from the area. He continued by stating that Mr. Hobbs owns property that extends entirely between the BPA transmission lines and I-84. UEC is unable to move west without crossing Mr. Hobbs property.

Mayor Toms asked Mr. Hobbs what option he presented to UEC. Mr. Hobbs commented that UEC should look for other routes. He explained it was not his burden to engineer the power line for Mr. Echenrode. He further commented that he was glad that Mr. Echenrode came to speak today because it clarified that UEC is not looking for another route. The only route they are interested in is running through their property. He commented that Mr. Echenrode tried to work with Mr. Hobbs for over a year on an easement, yes, there were lots of meetings where there was discussion in regard to how it could work, but UEC has ignored those suggestions. One of the easiest solutions would be to bury the line because overhead lines are not allowed in Boardman. Mr. Echenrode responded that underground transmission lines were considered. There are six cables, plus spares and the cost is more than ten times the cost of the overhead lines. The proposed line is \$12.5 million making the underground lines \$125 million. The entire value of UEC is just over \$200 million. 50% of the cost that UEC has built over 80 years would be invested in this one line. Mayor Toms asked why VADATA couldn't assist in the cost for that line. Mr. Echenrode responded that he is obligated to find what is practical. It is an option that has been presented to the PUC, but it is not the preferred option. He communicated that VADATA could consider not constructing their business in Boardman and go somewhere else. Mayor Toms clarified that the buildings were already constructed.

Councilor Jones asked Mr. Echenrode if UEC had considered just burying the line under the two properties in question, not the entire line. Mr. Echenrode responded that there were four property owners that had not gone through the easement process. He would still be required to go through the process with the PUC. He continued by stating that the easement for an underground transmission line would require the clear vacation of the property. UEC has worked with Mr. Hobbs by allowing him to use the property under the overhead line for his trucking business. Putting the line underground would prevent that use. Mr. Echenrode stated that Mr. Hobbs has offered many suggestions and there have been compromises. They are continuing to work with Mr. Hobbs attorney to achieve an agreement.

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Councilor Kegler asked if the UEC line can be built higher to allow Mr. Hobbs to put his buildings under it. Mr. Echenrode responded that there were provisions made to raise the lines higher so Mr. Hobbs could construct his buildings up to 20 feet tall. Mr. Hobbs said his request was that they plan the Loop Road with the power lines that has minimal impact and make it high enough so he could continue with the plans for his property. Mayor Toms confirmed that is what Mr. Echenrode had stated. Mr. Hobbs responded that Mr. Echenrode has been verbally saying it, but he has not seen it in writing. Mr. Echenrode stated that he understands Mr. Hobbs frustration. UEC can put in writing the needs that they have for the transmission line; they are unable to put in writing the needs that the city has to the Loop Road. UEC is unable to design the city's Loop Road and cannot commit to the city's needs or BPA's needs. Provisions have been made and communication has been attempted in respect to that, but UEC cannot put in their easement and encumber the city for the city's Loop Road. Mr. Echenrode stated that he is working to put together a map with pictures that depicts the need to the best of his ability, but the map cannot represent the city commitment to Mr. Hobbs. Mr. Echenrode believes there will be adequate room to build the Loop Road and share the burden between BPA, UEC, and the City of Boardman.

Councilor Kegler asked Mr. Echenrode if he solved the problem with Mr. Hobbs, will he have the rest of the land owners approval. Mr. Echenrode responded that he could not speak for the other land owners. He hopes that what he can accomplish with Mr. Hobbs is satisfactory and that it would also be satisfactory with the other land owners.

Mayor Toms communicated that she would like a presentation from Mr. Echenrode and UEC to show what has been negotiated with the land owners.

Councilor Pierson expressed concern over the public comment period ending on July 15, 2020. How much time do the city councilors have to create a presentation and make a difference? Mr. Echenrode responded that there have been extensions granted in the past, but he is unsure if it applies to the public comment period. He feels that the parties involved have time to introduce facts and intervene in the process. He commented that no decisions are scheduled to be made until possibly after October.

Councilor Hammond confirmed that the public comment period ends on July 15, 2020. He wanted to confirm that the city council will write a letter of support of the progress, but not in support of condemning property. Mayor Toms confirmed that all the city councilors were in agreement with the letter.

Jonathan Tallman asked if the city attorney could state that they will execute a clause to state the power lines will have to be underground if they condemn the property. Mayor Toms stated that they needed to consult the city attorney before stating what may or may not be in the letter to avoid any legal issues.

Councilor Hammond communicated that Morrow County Commissioners wrote a letter of support and he would be interested in seeing the wording they used in their letter. Mayor Toms agreed.

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Don Russell confirmed that the Morrow County Commissioners became an intervener in the PUC filing which allowed them to introduce evidence and be part of the legal process. Their letter to the PUC stated condemnation should only be a last resort. Mayor Toms requested a copy of the letter.

Mr. Hobbs communicated that Mr. Echenrode explained that the power line is going to go through Mr. Hobbs property exactly how UEC plans to build it unless the city does something about it.

Mayor Toms thanked Mr. Hobbs for presenting at the city council meeting and apologized for his frustration.

Jim Doherty communicated that he felt it was important for the city and everybody involved to understand that you cannot build the widget factory and then put this on the backs of your constituents to try and get this here. More than 18 months ago the Port of Morrow came to Morrow County and applied to the city to transfer that into industrial property. The city planners asked at that time what was going in there. He stated that he had been told what was going in there, but when the Port of Morrow was asked, the response was that they had no idea what was going in there. Within weeks they were constructing the building. They didn't have access, they didn't have power, they didn't have water, they didn't have anything. What we are doing is rewarding hideous planning and it has to stop. Somebody has to stand up and tell them no. It has to start now and it has to start with city council. Mayor Toms responded that she understood his position, but this was a learning process for everyone involved. The city has never had commercial property within the city. She further stated she didn't appreciate his comments.

Melissa Lindsay asked if the city council could take a formal vote regarding condemnation for some clear direction. Mayor Toms responded that she didn't feel they could do that without legal advice. Mayor Toms confirmed that the city council were all in favor of opposing condemnation.

Juan Almaguer III, Small Truck Company owner, communicated that he is happy to be in Boardman and if the power lines come in, his business would lose a substantial amount of land and parking. It would feel like UEC was pushing them out. He requested to please look for an alternate route so they can stay in Boardman. He said he really likes the community and is not wanting to move his business.

Mary Killion stated that she has read Robert Echenrode's testimony to the PUC. He has named the City of Boardman and the Port of Morrow as the reason why he wants to have access through Fletcher Hobbs property, so therefore, she does believe sit on the city's shoulders to make a call or a decision. She stated that the city should take a stance and should write a letter to the PUC. Fletcher Hobbs is an outstanding member of the community and county. He has a lot to offer, not just in the business sense. She stated that she knows there are other options available for UEC to go forward without condemning his property. She communicated that she doesn't know why they have reached this point or if they are just not exploring other options. She stated that there is nothing on record showing UEC is exploring other options.



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**PUBLIC COMMENT**

Torrie Griggs – Boardman Chamber of Commerce

Chamber Luncheon is scheduled as an outside event on July 15, 2020 at mile marker 40. Caterer is Burntfield Brewery. An RSVP is required to attend.

Town Hall Meeting with House District 57 State Representative Greg Smith is Thursday, July 9, 2020 from 5:30 p.m. to 6:30 p.m. The event will be held via Zoom and the log in information can be found on the Chamber's Facebook page.

Boardman Food Pantry Meeting is July 8, 2020 from 7:00 p.m. to 8:00 p.m. at the First Baptist Church.

She reminded everyone that the chamber office continues to remain closed to the public, but staff is working in the office.

New phone systems are being installed. If a phone call is missed, it is due to the changeover.

**ACTION ITEMS**

None

**OTHER BUSINESS**

Bids for Towing RFP – None

There were no bids submitted. The City of Boardman will continue to call whoever is available.

Morrow County Unified Recreation District (MCURD)

She directed everyone's attention to the packet with a breakdown of where money was disbursed.

League of Oregon Cities (LOC)

There is a questionnaire that the LOC had sent out with a deadline of August 7, 2020. An email was also sent. Additional information has been received in the mail with pros and cons. A copy of the pros and cons has been provided to each city councilor to help them better understand the questions and make informed decisions.

Mr. Beagle asked if the citizens could look through the LOC information to offer comments or suggestions before the city council makes decisions. City Manager Pettigrew agreed to send the LOC information to Mr. Beagle to review.

Summary of System Development Charges (SDC)

The packet has a breakdown of what fees were waived and how much.

Rural Broadband COVID Grant with State of Oregon

The City of Boardman, Boardman Community Development Association, and the Chamber of Commerce are working together to apply for a grant for broadband. There are two test towers installed. The one on Kinkade has received positive responses from citizens.

Councilor Drago asked for clarification on the map in regard to the outline in red. Lisa Mittelsdorf explained that the northwest part of Boardman has dense trees and has the opportunity to have fiber to the pole to a wireless system. The cost for fiber to the home has been added to the grant application.

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Mr. Beagle asked if the schools do not open, will there be enough from this broadband to support up to 400-500 students to do online work? Ms. Mittelsdorf responded that it is in the plan.

**REPORTS, CORRESPONDENCE AND DISCUSSION**

Police Report

Chief Stokoe asked if there were any questions in regard to the report. There were no questions regarding the police report. The June numbers are not accurate due to Butch being sent home due to the rising cases of COVID-19. All police staff are required to wear PPE when responding to calls and interacting with the public.

Committee Report

None

City Manager Report

City Manager Pettigrew communicated that the city attorney had been invited to join the city council meeting, but had another meeting. She also communicated that she had given the link to access the executive session to the city attorney.

Councilor Report

None

Mayor Report

None

**EXECUTIVE SESSION**

Mayor Toms Recessed the city council meeting at 8:19 p.m.

Mayor Toms called for an Executive Session According to ORS 192.660 (2)(i) City Manager Review and ORS 192.660 (2) (e) Real Estate.

Councilor Kegler left the meeting at 9:30 p.m.

Mayor Toms reconvened the city council meeting at 9:34 p.m.

Mayor Toms announced no decisions were made in the executive session.

Councilor Hammond moved to approve the City of Boardman to write a letter to PUC opposing condemnation of property.

Councilor Jones seconded the motion.

All were in favor.

Motion passed. 6-0-1 absent

**The meeting was adjourned at 9:35 p.m.**

  
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Sandy Toms – Mayor

  
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Heather Baumgartner – Recorder