

**BOARDMAN CITY COUNCIL  
WORKSHOP – SEPTEMBER 24, 2020**

Mayor Sandy Toms called the meeting to order at 6:00 p.m. Roll call was taken:

**Councilors Present:** Sandy Toms, Mayor; Brandon Hammond, Council Vice-President; David Jones; Katy Norton; Leslie Pierson; Roy Drago, Jr.; Art Kegler

**Staff:** Ms. Karen Pettigrew, City Manager; Rick Stokoe, Chief of Police; Ms. Marta Barajas, Finance Director; Mr. Barry Beyeler, Community Development Director; Kevin Kennedy, Public Works Director (arrived 8:29 a.m.); Glenn McIntire, Building Official (arrived 8:29 a.m.)

**Others:** Brad Baird, with Anderson Perry, President; Mike Lees, with Anderson Perry, Project Engineer; Dan Ulbricht, with Special Districts Association of Oregon Advisory Services, Director (arrived 9:50 a.m.)

**Audience:** None

**INTRODUCTIONS:**

Mayor Toms welcomed the group and gave the house rules on the meeting procedures. She announced her expectations of behavior, respect, and courtesy. She then followed with an invitation for everyone to introduce themselves to the group.

**PREARRANGED PRESENTATIONS:**

**Anderson Perry & Associates – City of Boardman Water System**

Handouts prepared by Anderson Perry & Associates, with maps of locality and cost figures were distributed.

Mr. Baird presented the current Water System of the City. The City has two Collectors, which are vertical drillings approximately 45' and 47' deep, with about five horizontal arms, right above the basalt. These collectors send the water from the river to the Water Plant (booster pump) which is then pumped to the City and the Port of Morrow. The last time work was done on the booster pump was about twenty years ago.

Mr. Lees talked about the City's current sewer system. It is a Facultative Lagoon System, which is the cheapest, hands-off system, for municipalities. The City's waste water goes by gravity pull to the lift stations, then goes to the lagoon where it is broken down by microorganisms. It's then treated and separated and that which can be used as land application, is done so, in the summer months. The City has three main lift stations, with other smaller sub-stations. As with the Water System, this system has not had any improvements since about the year 2000.

Water System Proposal (Mr. Baird): The City holds two (2) Water Rights and one (1) Water Permit. The Water Permit expires in 2040. Currently expiring water permits are able to be renewed, but it's unsure if that'll still be the case in the future. The current pump station is maxed out, in terms of piping. The maximum it can pump is approximately 9,000 gallons/minute. We did hit that usage 2-3 years ago, due to high Port water demand, although it has come down as the Port added a well to meet some of that demand. The proposed Water System improvements are a third Collector and a new Pump Station would that would pump a maximum of 16,000 gallons/minute. This project is estimated to take 4-5 years to complete.

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Waste Water Proposal (Mr. Lees): We currently have two, fourteen (14) acre parcels for the lagoons. In early 2000, an additional 14 acres were added and a Lift Station. Lagoon depths are limited to ten (10) feet. Our current lagoon has a buildup of 2'-3'. It does slow down the detention time, which reduces quality of treatment. There are two options to "clean up" the current lagoon. A wet dredging would cost approximately \$3.6M with the second option being to dry out the lagoon and scrape it clean with heavy equipment at a cost of approximately \$1.5M. It would take about one year to dry out the lagoon. If we add an additional lagoon, for current use and future population growth, it would allow for the second option of a dry lagoon dredging.

**DISCUSS BONDING**

**David Ulbricht - Special Districts Association of Oregon Advisory Services, Director**

Depending on the final costs and the options the Council takes on the water and wastewater proposals, will depend on the final figures for a bond proposal. Mr. Ulbricht said he could update the figures he would be presenting today, in a day or two, depending on the Council's preferences. The Bond timeframe consist of filing a Form 805 with the county at least 81 days prior to elections; a form 803 Statement, explaining the "why" of the bond, at least 61 days prior to elections, which would be published in the voter's pamphlet, it is not required, but he recommends it. All of this would be prepared by the Bond Attorney. If the bond is on the March or September ballot, it requires a double majority to pass. If the bond is on the May or November ballot, it only requires a simple majority to pass. If the bond passes, we would be required to comply with the Spend down rule which states 85% of the bond must be spent within three years of issuance.

The Bond will cost Boardman Residents approximately \$30 a year (on a \$250k value home). If the bond does not pass, the other option to finance the water and wastewater projects is a rough calculation of increasing the water base rate by an additional \$60 a month and the sewer base rates by an additional \$20 a month. This would increase the base rates to approximately \$125 a month. It seems the Bond option is the better financial choice, for all residents.

**SYSTEM DEVELOPMENT CHARGES (SDC)**

A list of prior year waivers was attached, from approximately 2011 to 2019. Last year, or the year before, there was a tiered level put in place for waivers. The PortView and Sleep Inn paid SDC's this past year. Councilor Pierson asked at what point in 2019 did we start to charge. Ms. Barajas explained the SDC's are on a tiered basis and anything over the last tier, would require a payment and those were the payments we received.

Councilor Drago asked what the EDU's (on tiered listing) stand for? Is that family members or employees?

Mr. Beyeler explained it's based on housing units; calculated to equate a single residential home. Ms. Pettigrew asked the Council if they wanted to continue waiving SDC's? She also asked if they wanted to implement a Transportation {Street} SDC? The reason to waive was to get people to come here and build. It was a very generous amount. We are now needing to do some water and sewer work, and here we are waiving SDC fees. The 2019 SDC waiver expired 12/31/2019. Ms. Pettigrew recommends the Best Western be granted the waiver, due to them starting the process a long time ago and their project is ongoing.

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Councilor Jones asked how many homes were built last year. Mr. Beyeler thought it was 20-25. Councilor Jones commented the reason {SDC} waivers were implementing a long time ago was to increase the building and he thinks it's worked. There's a lot more houses and apartments in town. He is hesitant to discontinue, there's still a lot more houses to go, to stay up with the demand of housing with more industry coming in. He thinks builders make more money on a house in Tri-Cities than here. Councilor Jones confirms Councilor Jones's statement. He also said: the cost of building a house here, brings the difficulty of hiring sub-contractors and they must commute from Tri-Cities, Hermiston, or Pendleton and the cost of building is now more expensive. In a small town you should be able to build inexpensive, but that's not true. The cost of subs is always an issue. The waiving of the SDC's has been successful and there are three sub-divisions on the horizon for housing. I don't know if that would affect them, but I would hope not; if they come expecting it and they don't get it. Ms. Pettigrew reminded the Council there was a year were the SDC waiver had a retroactive effective date, because the Council wanted to think about it and talk about it and it wasn't decided on, until mid-calendar year, with a retroactive effective date of Jan. 1, of that year.

Councilor Jones asked what the [property] tax rate the City of Boardman receives and Ms. Pettigrew said \$4.21 [per \$1,000]. Councilor Jones said that based on the new homes, listed on the 2019 SDC waiver list, at \$4.21, the City increased their tax intake by \$15,000. He was only using the homes built, not other structures. He stated his take on waiving SDC fees by saying he prefer to collect the annual property tax and not the one-time SDC fee. He feels if we were to charge SDC's, like other communities, and deter that growth we would lose out on the annual taxes. Mayor Toms agreed. She also wants the Council to consider Mr. Beyeler's calculations for Transportation [Street] SDC's. Mr. Beyeler said he has not proceeded with full calculations as it was not something the Council had previously wanted to pursue.

Councilor Pierson asked what SDC categories the city was allowed charge. Various Council Members listed: stormwater, parks, water, sewer, and streets. And transportation is wrapped up into Street SDC's. The City is currently only charging Water and Sewer SDC's, on a tiered system, for new construction.

Mayor Toms wants to continue with the SDC waivers, because she wants the growth, but also wants to add Transportation {Street} SDC's. Our roads are in such terrible shape and she gets complaints on a daily basis. Ms. Pettigrew asked why they would implement something they're going to waive. Mayor Toms said she'd like to see it in a tiered system. Mr. Beyeler mentioned it was a good time to place a Street SDC because we have projects now that will need connecting streets before we can repair the ones we already have. Mayor Toms said she does not count on it and knows it takes time to build up, but with time it'll give us some additional funding to be able to do street repairs. She further added it did not have to be implemented immediately and she was ok if we needed to wait until next calendar year to get them implemented.

Councilor Jones asked if we could use funds from other reserves to repair roads. Ms. Pettigrew informed him that we cannot use funds from dedicated funds and spend on other items. He wanted to know if we could take the money in the Water Reserve and Sewer Reserve that was being considered to pay for repairs and maintenance to those systems and use it to repair roads and add the water and sewer system repair and maintenance costs to the GO Bond. Again, it was clarified by Mayor Toms that dedicated funds were only allowed to be spent on dedicated fund expenditures and nothing else.

**PERS – EMPLOYER INCENTIVE FUND**

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Ms. Pettigrew informed the Council we were on the waiting list for the PERS matching funds. Ms. Barajas added there was a high number of applications submitted. There may be future funds available for something similar in the coming future, but there were no promises made, by the State.

**ZONING REVIEW & FEES**

Mr. Beyeler informed the Council he is encountering a problem with partition requests to partition larger lots to smaller lots. By our development codes they could be partitioned, but by the Code Covenants Restrictions (CCR), they are not allowed to be partitioned. Having this knowledge, he will not approve the partition request. This is creating friction with the interested developers. There are other places that are looking into allowing “flag lots.”

Councilor Drago mentioned the property next door to him had previously been partitioned for three homes, but received no notice of it. It has since, been partitioned back to its original state, and no homes were ever put on the property. He was curious as to why he only received a notice of the second partition, but not the first. Mr. Beyeler mentioned he should have received notice of both, but at this point, he can not say why he did not receive the notice of partition, the first time.

Mr. Beyeler informed the Council “Old Boardman’s” lots are larger, as they were originally needing septic tanks, since Boardman did not have sewer lines out that way. The city expanded its sewer lines, the septic tanks were not needed, yet the lots are larger in size.

Mr. Beyeler also stated that in 2001, the state began requiring cities over 10K in population to allow duplexes and/or small homes on every residential lot. This is not applicable to Boardman, yet, since we don’t meet the population test, but how soon do we think it’ll be before we are?

Councilor Pierson wanted to address the CCR and zoning again. She said the CCR was a contractor’s agreement with the state and only the developer and establishers of the home owner’s association can change it. Mr. Beyeler said he did not want to face civil penalties for allowing partitions, knowing they are not allowed by CCR. Mayor Toms recommends Mr. Beyeler talk to our attorney on this matter, before any changes in Code or other actions are taken.

Mr. Beyeler had a second issue to bring to the Council, in regards to Zoning. This has to do with Zoning Approval Fees. Before anyone can get a building permit, he performs a Zoning Review. Our Zoning Review fees are \$50 per \$100K value. This puts a large project like a VaData building at over \$7K, for a Zoning Review. The county charges a flat \$250. After Council discussion Mayor Toms suggested a Resolution to update the fee and asked Mr. Beyeler for his suggestion. Mr. Beyeler said the Industrial zoning reviews are the easiest. A \$50 charge seems reasonable. It’s just a review. He will take out the fee schedule and make a new Resolution for it.

There was clarification regarding a Zoning Change vs a Zoning Review. A Zoning Change has a different process which involves the Planning Commission and City Council, while a Zoning Review verifies if the type of building being considered is applicable for the zoning (already in place) of that lot. A Zoning Review is done before a building permit is issued.

Mayor Toms reiterated she would like an attorney’s review on the other issue with partitions. She wants to know what we can and cannot do. We want to avoid litigation. Mr. Beyeler said he has been looking

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into what is allowed, what can we put, where can we put it, and how. Mayor Toms still believes attorney review is needed. Ms. Pettigrew stated we are not close to the 10k population mark and have a lot more issues to deal with now. She feels it can be placed on the back burner for now. Mayor Toms agreed.

The Council had discussion on lot sizes of the Tuscany and River Ridge developments. The Tuscany lots are larger than the River Ridge lots. Mr. Beyeler stated River Ridge has submitted drawings based on previous approvals. He stated there are several places in the Code that need to be changed (widths of the lots) because not many developers are coming in with 80-foot lots anymore. He feels if we enforce it, we will push developers out of town. Boardman's base lot size is 8,000' sq. ft., but also allows lot averaging with a minimum 6,600 sq. ft. lot size.

Councilor Pierson asked if lot size changes would come before the Council. Mr. Beyeler confirmed that changes to the Code or lot size variances would come to the Council for approval. The Council agreed that it was not appropriate to allow variances for every developer. It would be an update to the Code, which has other updates such as height variances. The last update to the code was about three years ago; it is a lengthy process.

**ACTION ITEMS**

Councilor Kegler asked to have a Thank You sent, for the Welcome [to Boardman] signs. A letter will be drafted for Mayor Toms to sign and send to the Boardman Community Development Association (BCDA).

**OTHER DISCUSSIONS:**

Councilor Drago said he was approached by the Gleaners and was asked to bring a request to the Council. The Gleaners asked if there was a building or sub-building to store all their items, available for them. Ms. Pettigrew stated the City works hard with the Gleaners. They would like exclusive use of the building. Councilor Drago thinks he was approached due to his work accessibility to Connex containers. The City discourages their placement, but have been allowed for temporary use. The current Gleaners location does not have any more room, that is why the trucks previously parked there had to be removed.

Mayor Toms gave the Council a Senior Center update. The Senior Center is putting in a food bank that is government funded. The whole back room, that used to be a library, will be the food bank. It will have an Operations Manager, Karla Perry. The Clinic gave them \$4,000 to get started and they're now working with CAPECO, the state, and the federal government. They will not run the senior center, just the Food Bank.

**The meeting was adjourned at 2:09 p.m.**

  
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Sandy Toms, Mayor

  
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Ms. Marta Barajas, Acting Recorder/Finance Director