

BOARDMAN CITY COUNCIL REGULAR MEETING – JUNE 8, 2021 VIDEO CONFERENCING MEETING

Mayor Keefer called the meeting to order at 7:00pm and lead the group in the Pledge of Allegiance. Roll call was taken.

Councilors Present: Roy Drago, Jr., Katy Norton, Isaac Williams, Brenda Profitt, Paul Beagle, Paul Keefer and Leslie Pierson (all in person)

Councilors Absent: None

Staff: Karen Pettigrew – City Manager, Rick Stokoe – Chief of Police, Glenn McIntire – Building Official, Toni Connell – Acting City Recorder (all in person) and Marta Barajas – Finance Director (via Zoom)

Audience: Tamra Mabbott – Morrow County Planner, Jim Doherty – Morrow County Commissioner, (in person), Don Russell – Morrow County Commissioner, Renee Maenle – Boardman Chamber of Commerce, Torrie Griggs – Boardman Chamber of Commerce, Sandy Toms, Kevin Kennedy, Jackie McCauley, Luis Campos, and David Norton (all via Zoom)

APPROVAL OF MINUTES – May 4, 2021 City Council Meeting

Councilor Profitt motioned to approve the minutes of the May 4, 2021 Regular Meeting as presented. Councilor Drago seconded the motion.
Motion passed 7-0.

APPROVAL OF MINUTES – May 18, 2021 City of Boardman Budget Committee Meeting

Councilor Beagle motioned to approve the minutes of the May 18, 2021 Budget Meeting as presented. Councilor Williams seconded the motion.
Motion passed 7-0.

FINANCIAL REPORT – Ending May 31, 2021

Finance Director Barajas stated before she gave the financial report, she wanted to inform the council and for the record, the newspaper had a misprint regarding the budget hearing. They printed the budget notice in Saturday's paper our budget hearing was scheduled for tonight when indeed it is on June 17th. They apologized and are running the corrected notice stating the budget hearing is on June 17th. Financial Director Barajas told council the city's bonds were sold and have received the proceeds which are in the new Capital Project Fund. This fund is showing an amount of \$18,498,750, which is the net amount after the previous water and sewer bonds were refunded, fees associated with the sale of the bonds and escrow were paid in full on June 1st. This the total amount of money for the project. She asked if there were any questions in regard to the financial report submitted and there were none.

PUBLIC COMMENT

Renee Maenle – Boardman Chamber of Commerce

Ms. Maenle communicated the upcoming events:

The Boardman Chamber Virtual Luncheon is June 16th from 12:00pm to 1:00pm.

On June 23rd there will be a ribbon cutting for Windermere Group One.

The Chamber will be doing the 4th of July fireworks with music broadcast from KOHU radio to go with the firework show.

The SAGE Center is now open from 10am-4pm Monday through Saturday.

Science Friday events will be happening at the SAGE Center in June, July & August for 3rd through 6th graders. These events are all day from 8am-5pm. Other summer activities include UEC's Hydromania and the Park and Rec's Funtastic Kids program. For more information on any of these events, and other information around the community, visit the chambers website.

ACTION ITEMS

Resolution 7-2021 – Appointing Custodial Officer

Councilor Drago motioned to approve Resolution 7-2021, a resolution to appoint Morrow County Treasurer as custodial officer. Councilor Beagle second the motion. Mayor Keefer asked if there was any discussion needed and there was none.

Roll Call: Pierson – Yes, Beagle – Yes, Norton – Yes, Drago – Yes, Williams – Yes, Profitt – Yes, Keefer – Yes.

Motion passed 7-0.

Resolution 8-2021 – Declaring Election to Receive State Revenues

Councilor Profitt motioned to approve Resolution 8-2021, a resolution declaring the city's election to receive state revenues. Councilor Drago second the motion. Mayor Keefer asked if there was any discussion needed and there was none.

Roll Call: Pierson – Yes, Beagle – Yes, Norton – Yes, Drago – Yes, Williams – Yes, Profitt – Yes, Keefer – Yes.

Motion passed 7-0.

Resolution 9-2021 – OCDC Specific Funding

Councilor Profitt motioned to approve Resolution 9-2021, a resolution approving the OCDC Specific Funding. Councilor Pierson second the motion. Mayor Keefer asked if there was any discussion needed. City Manager Pettigrew explained to the council the reason for this resolution. The city is the sponsor of the Community Development Block Grant for the new Migrant Head Start project. OCDC ran out of funds to finish this project and needed to apply for more funds. The amount needed is \$1,532,558 and was added to the ODBG Capital Fund. Finance Director Barajas explained the procedure is she invoices OCDC for the additional funds needed and once the city receives this payment, she then pays the outstanding expenditures.

Roll Call: Pierson – Yes, Beagle – Yes, Norton – Yes, Drago – Yes, Williams – Yes, Profitt – Yes, Keefer – Yes.

Motion passed 7-0.

Ordinance – Change of City Council Date

Mayor Keefer explained the next action item is the proposed 1st reading of an ordinance Counselor Beagle brought before the council in March to amend the council rules by moving the regular meeting date from the first Tuesday to the second Tuesday of the month. City Manager Pettigrew explained if the council wanted to proceed with this ordinance, it would be assigned the next ordinance number of 02-2021. There was discussion and it was decided not to proceed with this ordinance.

OTHER BUSINESS

Building Department IGA (Intergovernmental Agreement) with Morrow County

City Manager Pettigrew stated Morrow County sent the city a proposal to change the current IGA on providing building department services from the city to Morrow County. She explained it is on tonight's agenda for the council to state their feelings on this proposal in a public meeting. Morrow County submitted a proposal asking for fifty percent of all fees collected and the city replied back since the city is providing the service and is doing a good job, they are not inclined to change the IGA. Building Official McIntire stated it is his opinion the city is providing this service and should not be expected to do this service for half the fees collected. He explained there are two types of fees collected; permit fees

and plan review fees. Currently Morrow County receives twenty-five percent of permit fees collected in the county and the city retains everything else. The county is proposing they receive fifty percent of the permit fees and also fifty percent of the plan review fees except for fire life safety which is split with the fire department. The city believes this agreement has been in place for twenty-one years and the county is getting a good solid service and sees no reason to change it. Councilor Norton asked what the reasoning behind such a drastic jump. Mayor Keefer asked if the county would like to comment on this. County Commissioner Dougherty wanted to state for the record County Commissioner Russell is in this meeting via Zoom and wanted to let him know he was also in this meeting to listen in on the discussion and was not aware the IGA was on the agenda and knows Commissioner Russell and Morrow County Planner Mabbott have been working with the city regarding this.

Commissioner Russell stated the IGA the county has with the city has not been changed, reviewed or updated in twenty plus years. He explained after reviewing the neighboring rates, it was determined this is the average rate in the region and is the reason for the change. The Cities of Hermiston, Umatilla, and Pendleton share a fifty-fifty split with Umatilla County. He continued saying there is a couple other redundancy changes the county would like to see in this IGA. Commissioner Russell stated there is nothing wrong with the service the county is getting from the City of Boardman. The cities building department basically consists of one person, Mr. McIntire. The county would like to see, in writing, in the event Mr. McIntire should be away for an extended amount of time, a reciprocal agreement with another entity who would be stepping in to cover in his absence. Commissioner Russell stated the county could contract with anyone and if they decided to contract with either the City of Hermiston, Umatilla or Pendleton, fees would be a fifty-fifty split. He continued saying he understands the City of Boardman does the majority of the work but is restricted in where these funds can be spent. The city is sitting on a very large nest egg and would like for the city to share that nest egg with the county so they may be able to spend it. Mayor Keefer replied the county may have the same problem as the city does on where they can spend the building funds and Commissioner Russell agreed.

County Planner Mabbott gave a brief history on the building program. She stated there is a lot of discussion focusing on a dollar amount and money is only a small part of it. She stated this is the county's building program and can chose anyone to contract with. If they choose to go with another entity, such as Hermiston or Umatilla, there would be more building officials available to them at a favorable rate. There are a couple other changes proposed like Commissioner Russell stated; a backup plan in Mr. McIntire absence and going to the e-permitting program. Mayor Keefer stated it sounded like she is suggesting the city hire another employee. He continued saying since the county is starting to become so prosperous the battles seem to be all about money.

Building Official McIntire wanted to respond to Ms. Mabbott's comments. The majority of the proposed changes in the IGA the city does not have a problem with. There is a verbal agreement with the State of Oregon on electrical inspections and with the City of Umatilla for all others, if Building Official McIntire is out, the building official in Umatilla will step in to cover and if he is out, Building Official McIntire would step in to cover.

Mayor Keefer stated the council had left it to the city to do the negotiations and then provide the council with the final proposal. He has full confidence and supports the city staff and if they feel something isn't fair, they will explain why. He expects the city to continue to discuss and come up with an agreement that is fair for everyone.

Councilor Proffit is curious on how many permits in Morrow County are sold in the 97818 zip code. Building Official McIntire replied he wasn't sure but could get the information for her.

Councilor Williams asked what is stopping the city from hiring someone as a backup for Building Official McIntire. Building Official McIntire stated there is a shortage on people in the building codes industry

and have not been actively looking for anyone. Building Official McIntire stated the long-term goal is to have people for every discipline but there isn't enough work to bring people on. Councilor Williams suggested posting the position and see if there are any responses.

City Manager Pettigrew stated when the prior Building Official left, she made sure there was coverage until she hired another official. She feels this isn't about any of the other things brought up by the county, it is all about money.

Council Beagle stated he appreciated the county attending to explain to the city the rules they are already aware of. He stated he personally feels the county is threatening the city so they can take their IGA to another entity. He is not convinced they need to get fifty percent.

Mayor Keefer asked if Ms. Mabbott had anything else she would like to comment on. She stated she appreciated the opportunity to have an open dialogue and wanted to invite the mayor or council to join the county in these discussions. She would like the city to come to one of their regional meetings to hear how other cities and other jurisdictions handle things. She said in her mind the money is the last part and to keep an open dialogue during the negotiations. Councilor Williams stated if the money is the last part and the city is saying anything other than that is not an issue then is the county willing to negotiate that last part because it sounds to him the general consensus is it's the last thing for the city too. So, if Ms. Mabbott is in agreement with that, then what are they wanting to give to still keep what is currently in place. Ms. Mabbott replied that would be a Board of Commissioners decision. It would need to be brought to the board and opened for discussion but it is all negotiable. Councilor Williams stated he looks forward to seeing Ms. Mabbott back to hear what comes out of the conversation with the Board.

4th of July Celebration

Mayor Keefer turned the discussion over to Police Chief Stokoe. Chief Stokoe stated he sent the council an email regarding the 4th of July celebration. Chief Stokoe explained to the council the Chamber decided not to sponsor the 4th of July parade. A couple individuals in town decided to take it upon themselves and try to organize the event. City of Boardman requires a parade permit and an application for a parade was submitted by the organizers. After long discussions and meetings, through phone calls, emails and in person, with the organizers, requirements and issues were discussed. The first was to have a defined route to eliminate potential large gatherings and was able to come up with a route. The second was they needed to have an insurance policy to cover in the event someone was to get hurt or killed and none has not been presented or stated to have one as of yet. The last one is there's a governor's executive order in place with specific requirements for large gatherings. Chief Stokoe explained to the organizers they needed to have a plan on how they were going to keep people from congregating and how they were going to take care of it. The organizers haven't been able to provide a plan. The parade permit was denied based on not being able to provide proof of insurance and a plan on preventing and handling large gatherings. Chief Stokoe wants to work with the organizers and help them be able to have the event but stated he took an oath of office to uphold the laws of the State of Oregon and unfortunately the executive order by the governor is something he cannot ignore. This is the reason a plan needs to be in place. He continued to state Boardman is not the only city having the same process they are following and explained in detail to the organizers. Chief Stokoe spoke to the applicant on Friday, June 4th, and explained they have the right to appeal his decision to the city council and was put on the agenda to be heard. On Monday morning, June 7th, the applicant said they have five or six people who can help mitigate the crowds from gathering which was a step forward and thought they were getting closer for approval. Chief Stokoe stated today, June 8th, he observed a video from the applicant stating they are not going to get the parade permit and will have the event anyways. He continued by saying he is concerned for the welfare of the community and the participants of the event but he also has to look at the liability the city faces and try to mitigate that liability to the best of his ability and ultimately, he has to adhere to the law.

Councilor Norton commented in her perspective it sounds like his hands are tied, there's no ill intent, it's more of a safety perspective and he has to do what the law says. She feels this parade is going to happen but is concerned what will happen if the police are not there to protect the public. This is a bigger safety concern and if they are not willing to provide the required things everyone has provide then what happens. Chief Stokoe explained if the applicant decides to have the parade outside the permit, they would have to abide by all traffic laws. Councilor Norton stated she is concerned the public will have the prospective the city is not wanting them to have their 4th of July celebration but that isn't what it's about; it's a huge safety concern. They have almost completed what is required so what is preventing them from completing it so they can have the parade. She continued with she wishes the applicant was at this meeting so they could talk about this and help them. Chief Stokoe stated the last thing they need to provide is the insurance, they have taken care of everything else, and once the insurance is provided, they can have the parade.

There was more discussion between the councilors and Councilman Norton asked if Mayor Keefer could put out a statement to the citizens stating the City of Boardman wants everyone to have a 4th of July celebration but it needs to be done safely. Councilor Beagle suggested in the statement to explain what is required and why the city cannot sanction the parade because everyone needs to follow the law. Mayor Keefer agreed to put out a statement to the public on behalf of the City Council.

Chief Stokoe stated all the city is requiring is what was required in the past and the only thing different this year is the executive order by the governor. If they abide by that order, if they have a plan and have insurance that is all that is needed.

Councilor Pierson stated she felt the city needs to discourage them from doing illegal activities and the city does want them to have their parade but they need to follow the rules. Councilor Norton agreed also stating the applicant was invited to come to the council meeting and chose not to. Mayor Keefer asked if the council was prepared to come out as a group to sanction or not sanction the parade and if so there needs to be a motion.

Councilor Beagle made a motion the city governing body of the City of Boardman not sanction the parade that is coming before the city strictly because there is no insurance, there is not a COVID plan and are not willing to follow the rules and guidelines and regulations established by the governor. Councilor Williams second the motion. Mayor Keefer asked if there was any discussion.

Councilor Pierson stated she wanted to present to them the fact in the event they are able to put everything together in a timely manner, then the city could proceed according to the law and give them the opportunity to make that happen if that is a possibility. Chief Stokoe stated he made that offer from a law enforcement stance and that offer still stands and recommended to add that statement to the motion. Mayor Keefer stated he has a problem with telling the citizens of Boardman they can't do something even though he knows it is not right. Councilor Williams stated he understands the mayors' frustrations, but when the people don't have anything to push them forward, that stops them and the city. In his opinion, if they can't provide what they need for it to be legally covered then he doesn't see why he should sit there and try to dance around what mandates are required by the law and it is only that they need a plan and they need the insurance and as a councilor he cannot shy away from that fact. Councilor Pierson stated she knows the citizens in our community want to do the right thing, they want to be safe and follow the law. There needs to be a positive message given to the community that the city wants the parade to happen and for everyone to have fun in a safe way. She continued with it is their responsibility as elected members of the council to follow the law. The council hears their frustration and want to help work with our community. Councilor Pierson suggested the motion be modified as the City will sanction the event should the proper protocols be followed. This would give them the opportunity to regroup this week and hopefully figure out a way to make the parade happen.

Councilor Beagle amended his motion to: The City of Boardman will sanction the event if the applicant complies with all protocols and requirements set.

Roll Call: Pierson – Yes, Beagle – Yes, Norton – Yes, Drago – Yes, Williams – Yes, Profitt – Yes, Keefer – No.

Motion passed 6-1.

REPORTS, CORRESPONDENCE AND DISCUSSION

Police Report

Chief Stokoe submitted a report to the council on behalf of the police department. He asked if there were any questions in regard to the report submitted. There were none.

Building Department Report

Building Official McIntire submitted a report to the council on behalf of the building department. He stated the building department is very busy and asked if anyone had any questions. There were none.

Public Works Department Report

City Manager Pettigrew stated a report was submitted to the council on behalf of the public works department. Mayor Keefer asked if there were any questions regarding the sewer emergency the city experienced. He stated it was very impressive on how quickly the situation was handled.

City Manager

City Manager Pettigrew stated the Port will start leveling the parking lot for the new Dog Park on NE Front Street next week. She also stated when the field house was put in, the cities responsibility was to put in the restrooms and a check will be cut to pay for these restrooms before the end of this fiscal year.

Councilors

Councilor Beagle commented he would like to see a recycle bin for plastic at the Boardman Recycle Center. City Manager Pettigrew stated she has asked in the past to have one for plastic but was told SDI doesn't offer the service because the closest plastic recycle center is in Portland and it just isn't feasible for them to drive to Portland to recycle plastic.

The meeting was adjourned at 9:09pm


Paul Keefer – Mayor
Toni Connell – Acting City Recorder