

The meeting was called to order by Mayor Sandy Toms at 7:00 p.m. and she led the group in the Pledge of Allegiance. Roll call was taken:

Council members: Marc Rogelstad, Brandon Hammond, Sandy Toms, David Jones, Delbert Turner and Art Kegler
Absent: Brenda Profitt-excused
Staff: Karen Pettigrew-City Manager, Joanna Dahm-Recorder, Chief Stokoe, Barry Beyeler-Community Development Director, Thomas Kligel-Finance Director and Jackie McCauley
Audience: Kathy Street, Mike Jewett, Rick Jewett, Bruce Kirkendall, Gary Neal, J.R. Cook and Sim Teneyck

EXECUTIVE SESSION

Mayor Toms recessed the regular meeting at 7:01 p.m. for executive session

Mayor Toms reconvened the regular meeting at 7:25 p.m.

APPROVAL OF MINUTES

Councilor Rogelstad moved to approve the July 5, 2016 regular meeting minutes. Councilor Kegler seconded the motion. All were in favor. Motion passed 6-0-1 absent

INTRODUCTIONS

Each member of the audience introduced themselves.

FINANCIAL REPORT

Finance Director Kligel addressed the Council. He stated he wanted to bring their attention to the \$2 million in the budget for the Community Block Grant for the Migrant Head Start. He stated the money is kept separate because we are just managing the fund. He also mention the beginning cash carryover was a little less than expected due to bad guessing. He stated some money the City thought it would receive in June didn't come in. So it will be in the new budget year. He stated if you look through the twelve funds they are all pretty close to what was expected.

Councilor Kegler moved to approve the financial report ending July 31, 2016. Councilor Jones seconded the motion. Roll Call: Rogelstad-yes, Hammond-yes, Jones-yes, Turner-yes, Kegler-yes and Toms-yes. Motion passed 6-0-1 absent

PREARRANGED PRESENTATIONS

Sanitary Disposal

Representatives from Sanitary Disposal came before to explain their rate increases. They explained the rate increases are to cover operational costs for Sanitary Disposal. He stated overall the rate increase is 7.2%. He stated DEQ raised the solid waste tax by \$0.58 per ton on April 1, 2016 and the minimum wage increased. He stated they conducted a rate study and in order to make things balance they would need an overall rate increase of 7.2%. He stated disposal and service fees are different for different types of services.

Councilor Jones asked if SDI amount is what we pay to Sanitary Disposal and City Amount is what the City charges and if so what is the difference. City Manager Pettigrew stated yes that is

what it means and she included a break down in the Council packet. These rates will go in effect on the 1st of October 2016. She stated the City just raised the Water and Sewer rates, normally we do this all at one time but the timing was a little off this time.

Councilor Jones asked what the walk in rate means. Jackie McCauley stated it is where the driver will get out of their truck and go get the can instead of you leaving it at the curb.

J.R. Cook-NOWA

Mr. Cook informed the Council in July 2015 NOWA received Legislative authorization for \$11 million in grant funds to match with the \$50 million in private funds for pipeline projects. He stated they are about a year behind where they wanted to be. He stated the City of Boardman lease will be the first to get done. He stated they completed the pump upgrade for the Central project.

Mr. Cook stated NOWA will be working with the land owners once the process is complete.

Councilor Kegler asked if the delay has affected the funding. Mr. Cook stated no the funding is the delay. He stated their funding is coming from a new program which is why it is taking so long.

ACTION ITEMS

Resolution 17-2016-Solid Waste Rate Increase

Councilor Rogelstad move to approve resolution 17-2016-A resolution for increasing the rate structure for solid waste collection in the City of Boardman. Councilor Turner seconded the motion. Roll Call: Rogelstad-yes, Hammond-yes, Jones-yes, Turner-yes, Kegler-yes and Toms-yes. Motion passed 6-0-1 absent

Resolution 18-2016-Authorizing Issuance and Sale of Bonds

City Manager Karen Pettigrew explained to the Council the interest rates are low right now and by basically refinancing the bonds the City will save over \$1 million.

Councilor Jones moved to approve resolution 18-2016-A resolution of the City of Boardman, Morrow County, Oregon authorizing the issuance and sale of general obligation refunding bonds to refund all of the City's outstanding general obligation wastewater bond, series 2003 and general obligation water refunding bond, series 2006; designating an authorized representative and bond counsel; authorizing execution of a bond purchase agreement; and related matters. Councilor Turner seconded the motion. Roll Call: Rogelstad-yes, Hammond-yes, Jones-yes, Turner-yes, Kegler-yes and Toms-yes. Motion passed 6-0-1 absent

Resolution 19-2016-Special City Allotment

Councilor Kegler moved to approve resolution 19-2016-Special City Allotment. Councilor Rogelstad seconded the motion. Roll Call: Rogelstad-yes, Hammond-yes, Jones-yes, Turner-yes, Kegler-yes and Toms-yes. Motion passed 6-0-1 absent.

OTHER BUSINESS

Hardship Permit Request

City Manager Pettigrew stated the City had received a request for temporary hardship to keep a horse at 129 NW Columbia Ave. She then turned it over to Community Development Director Beyeler for more information. Community Development Director Beyeler stated due to an injury

the horse sustained with his leg and is pretty immobile and the owner also having an injury which prevents him from being able to go out to the pasture to care for the horse, the owner has the horse located at his residence in the back. Notices have been sent out to the neighbors and the City has only received one complaint about aroma and that was yesterday.

Normally the horse is kept in the pasture outside of town but there is not an enclosure and shade for the horse. Councilor Rogelstad stated he built an enclosure in town for the horse when he could have built the enclosure out in the pasture. Councilor Jones stated he doesn't see an issue with it for a short time period until the owner can get healed up. Councilor Kegler asked what kind of time line is needed to keep the horse in town. Community Development Director stated maybe another 3 weeks.

Mayor Toms stated Marge and Gary Klinger might be willing to board the horse until it is healed. Councilor Hammond stated as long as the horse is being taken care of and not receiving complaints a short time period would be okay. Councilor Turner stated the Council should give him a few weeks. Councilor Jones stated he would be okay with a month or two. Mayor Toms stated maybe a month.

Community Development Director stated no complaints were received until the neighbor was notified by the letter that was sent out. Councilor Rogelstad stated we are setting a precedence by allowing him to keep the horse in town.

Kathy Street stated the situation can escalate. She stated she wouldn't want her neighbors to have a horse. She said anyone could come forward and say they needed to keep other animals in City limits because of injury.

Councilor Jones moved to allow the horse to stay in town but must be removed by the morning of September 1, 2016. Councilor Hammond seconded the motion. Motion passed 4-2-1 absent.

Authorization to Accept Grant Funds for Waste Water Plan

Councilor Hammond moved to accept grant funds from the State of Oregon Infrastructure Finance Authority in the amount of \$20,000 for the Waste Water Plan. Councilor Rogelstad seconded the motion. All were in favor. Motion passed 6-0-1 absent

Loan from Building Department Fund

City Manager Pettigrew stated she needed a motion to allow them to borrow \$150,000 from the Building Department Fund with a repayment plan of \$25,000 a year for 6 years.

Councilor Jones moved to borrow \$150,000 from the Building Department Fund with a payment plan of \$25,000 per year for six years, the payments will be made from the sale of water. Councilor Jones seconded the motion. Roll Call: Rogelstad-yes, Hammond-yes, Jones-yes, Turner-yes, Kegler-yes and Toms-yes. Motion passed 6-0-1 absent

Voting Delegate for LOC Conference

Mayor Toms appointed City Manager Pettigrew as the voting delegate for the City of Boardman. Mayor Toms stated she is already on the board so she cannot vote.

Proposed Chronic Nuisance Ordinance

Councilor Jones stated he has major concerns with the way it is written. Councilor Jones stated how it stands right now he is absolutely opposed to it. He stated it has the potential for vindictiveness and discourages people to report out of fear. He stated it does not fix the problem for property owners. Councilor Jones stated there is a lack of oversight and visibility in regarding determined to be and the actions taken against them. He has some ideas and has done research on other cities which has the same or similar ordinances. He stated Pendleton has the same one. Councilor Jones stated there needs to be over sight and feels someone should be assigned other than the Chief. He stated in Portland and Pasco they have provided an extra step. He stated there is a Commissioner over the Chief.

Councilor Hammond asked if Hermiston is the City Manager. Councilor Jones stated he thinks the Councilor should appoint someone else who is an unbiased party to look over all the information before it goes to the City Attorney. Mayor Toms stated maybe we should have a workshop to discuss this further. Councilor Jones agreed to a workshop.

Chief Stokoe stated he has spoken with several agencies across the state and for the most part the only differences you will see is in the amount of fees and distance. This has been upheld through the legal system. There are very few cities in the State of Oregon who do not have this ordinance. Chief Stokoe stated the City of Medford was one of the founders of this ordinance and has had it challenged and it held up. Councilor Turner asked if this goes to court would a judge have to honor it. Chief Stokoe stated yes. City Manager Pettigrew stated she has spoken with our City Attorney and he is in agreement with this ordinance.

Chief Stokoe shows the Council a video from the Portland attorney which talked about their chronic nuisance ordinance and the abatement process.

Chief Stokoe stated there are frustrated neighbors in town because the issues do not get corrected. He stated this gives the police department a step farther to go to correct the issue. Councilor Jones stated he likes the Pasco, Washington Ordinance. Chief Stokoe stated Washington law is much different than Oregon. This ordinance has already gone through the Oregon legal system and been held up.

Councilor Rogelstad stated he would like to see the language of "1st class mail" changed to "certified mail". Mayor Toms stated she thinks we should raise the fine to \$500 instead of \$100. Chief Stokoe recommended keeping the fine at \$100. The purpose of this is to resolve the issue before it gets to the courts. Chief Stokoe stated there is due process. Council decided to hold a workshop on August 16, 2016 at 6:30 p.m. to discuss the ordinance further.

REPORTS, CORRESPONDENCE AND DISCUSSIONCity Manager

City Manager Pettigrew stated there will be a public hearing on September 14, 2016 with the City/County/Port for the change in Enterprise Boundaries.

City Manager Pettigrew stated she spoke with the Corp of Engineers and asked them to lease us two more acres next to the Public Works Shop. She stated she is concerned if we ever have to add onto the water building there is nowhere to add on. She said the Corp is agreeable.

City Manager Pettigrew stated she did an assisted living tour. She said they went to Arlington and learned it is not assisted living it is independent living. She said it is a beautiful place. She stated they also toured Condon and they have a few openings. City Manager Pettigrew stated she went to learn everything about the money portion, how much it costs to build and operate. She said she has a meeting with the man who built the one in Baker City later this month.

Police Report

Chief Stokoe asked if anyone has any questions on the Police Report. There were none. Chief Stokoe stated the Explorers went to the Law Enforcement Explorer Challenge and did extremely well. He stated 3 of the 7 students went to that event. It was Boardman's first time being at the event. Chief Stokoe stated Stephanie Gonzales took 2nd place in Court Room Testimony.

Councilor Rogelstad asked where the City is at on the Water Master Plan. City Manager Pettigrew stated that is part of why we need to have a workshop to get an update. She said our pumps are struggling because we are pumping so much water. We are having Anderson Perry looking into whether we need bigger pumps or to upgrade. Councilor Rogelstad asked if we knew when we will start bidding the project. She stated she believes it will be this winter and then they will be starting in the spring of 2017.

Council Meeting was adjourned at 9:13 p.m.



Sandy Toms-Mayor



Joanna Dahm, Recorder