

**BOARDMAN CITY COUNCIL
REGULAR MEETING – AUGUST 6, 2020**

Mayor Sandy Toms called the meeting to order at 7:08 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: Paul Keefer, Gregg Zody, Jonathan Tallman, Galaxy J7 Aura, Torrie Griggs, Jim Doherty, Samantha Aldrich

APPROVAL OF MINUTES – June 9, 2020 Regular Meeting

Councilor Kegler moved to approve the minutes of the June 9, 2020 regular meeting.

Councilor Hammond seconded the motion.

All were in favor.

Motion passed. 7-0-0 absent

APPROVAL OF MINUTES – July 7, 2020 Regular Meeting

Councilor Drago moved to approve the minutes of the July 7, 2020 regular meeting.

Councilor Kegler 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 July 31, 2020

Finance Director Barajas communicated that this is the first month of the fiscal year 2020-2021. The new budget is listed and the city will see how the expenses and revenues will play out as the year progresses.

Councilor Norton moved to approve the Financial Report Ending July 31, 2020 as presented.

Councilor Drago 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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PUBLIC COMMENT

Gregg Zody – Morrow County Community Development Director

Mr. Zody introduced himself and offered to assist with services.

Torrie Griggs – Boardman Chamber of Commerce

Ms. Griggs communicated that staff are working from home due to phase 1 restrictions. Chamber staff have been communicating with the community in regard to grant programs available and what businesses are open and what businesses are closed. Ms. Griggs reminded everyone to complete the business survey. Many businesses have benefited from the grants and Paycheck Protection Program (PPP) Loans. Ms. Griggs said that they are finding that several businesses are ineligible for the grant program due to having already received PPP loans. The hope is that the next round will see different criteria to better assist businesses. Ms. Salata is working on a video project and will be contacting businesses around the community. The Chamber has a new employee. Her name is Renee Maenle. She is the communication specialist. She will be taking care of Facebook, newsletters, and communications between the chamber and the community and businesses.

Chief Stokoe communicated that the Boardman Police Department has a couple of cases of N95 masks for businesses that may need them. Ms. Griggs communicated that the business survey has revealed housekeeping businesses are struggling to get gloves. Chief Stokoe explained that gloves are on back order with a projected in stock date of 2021. Gregg Zody communicated that he would reach out to the Sheriff's Department to see if they had any gloves.

ACTION ITEMS

Resolution 22-2020 – A Resolution Declaring the Consent of the City of Boardman to include Land Within its City Limits and Within its Urban Growth Boundary Together with Land it Owns on Tower Road Within the Boundaries of Columbia River Enterprise Zone III.

Councilor Jones moved to approve Resolution 22-2020 – A Resolution Declaring the Consent of the City of Boardman to include Land Within its City Limits and Within its Urban Growth Boundary Together with Land it Owns on Tower Road Within the Boundaries of Columbia River Enterprise Zone III.

Councilor Pierson seconded the motion.

Councilor Drago asked if the meeting earlier would prevent the passage of the resolution this evening. City Manager Pettigrew explained that the City of Boardman will consent to have all their property within city limits, the urban growth boundary, and the Tower Road property so that an additional resolution would not need to be passed later to include that property.

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.

OTHER BUSINESS

Boardman Migrant Head Start Project Progress Report

City Manager Pettigrew communicated that she had directed Finance Director Barajas to give an update on the progress. Finance Director Barajas communicated that the project was started in 2015 and she began her progress report from that date to give newer city councilors the information. Curbs have been poured and some paving has been done. A building is scheduled

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to be brought in. There is no guarantee that it will be here by November, but the building will be placed before the end of this calendar year.

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. Chief Stokoe communicated that he has been working on a presentation to give to the city councilors. The 2nd special session is scheduled in Legislature. There are several police reform bills scheduled to be presented in the 2nd special session. There were originally 3 bills, then it went to 6 bills, and now there are 10 bills being submitted. He communicated how much he appreciated the community for their support of law enforcement, but he requested that the community submit documentation of support. The police department is feeling pressure from the bills that are being presented and he feels the bills are a knee jerk reaction. The bills have many holes in them. Chief Stokoe has listened to several hours of testimony from Senators and Representatives of Task Forces. Both sides agree the bills are full of holes and should not be presented, but yet the bills are being pushed through. The language that is being presented in the bills are poorly written. He went on to explain some of the bills. Tear gas will be outlawed for use against rioting. Pepper spray is also listed in the bill. This would make the use of pepper spray illegal in any situation. The choke hold is also in one of the bills, but the term “choke hold” is offensive. In the 30 plus years Chief Stokoe has been in law enforcement, a choke hold has never been taught. It is actually called a carotid restraint. This restraint never restricts air flow. It is a blood flow restraint that is only used in a deadly force situation as a last resort. A former bill was passed to allow the use of this restraint to save the life of a law enforcement officer, but the new bills being presented will outlaw the use of this restraint. Law enforcement will be able to use other methods, such as picking up a brick, rock, scissors, etc. to defend themselves, but not be able to use this restraint to cause the perpetrator to pass out and be subdued.

He continued by stating that another bill being presented will be to change the dress code of an officer from their current uniform to a white or light blue shirt and dark blue pants. The cost of this change will be upwards of \$100,000. The local law enforcement teams have worked to set themselves apart from county and state agencies and maintain professional attire. Changing uniforms so that all law enforcement looks the same regardless of what department they work for is not helpful. Another change is to put first and last names on the uniforms that can be visible from 25 feet away under any light conditions. POLICE also have to be printed across the front of the shirts. Patrol cars must all be marked, including the roof, and it has to be visible from 2000 feet away. Chief Stokoe continued by stating that he is proud of the police officers currently in his command. Several of the officers pull money from their own accounts to ensure members of the community are fed. One officer purchased a new guitar for a citizen who lost his in a fire. They set up an account where a payroll deduction each month goes into to assist citizens. The police department dissolved their union so they would be allowed to help citizens. Chief Stokoe is asking for a verbal and written response of support for law enforcement from citizens and leaders. The bills being presented are getting worse. If these bills pass, many police officers won't want to be officers any longer and no one will want to fill those positions.

Chief Stokoe continued by explaining that qualified immunity is a legal doctrine in United States federal law that shields government officials from being sued for discretionary actions performed

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within their official capacity, unless their actions violated “clearly established” federal law or constitutional rights. The concern is that good officers will choose to leave the profession if qualified immunity is taken away. He explained that if an officer upsets someone, that person can file a civil lawsuit against the officer. The officer would then need to seek an attorney at his own cost to represent him. He communicated a personal experience where he had booked a gentleman into jail. Part of the booking process was to complete paperwork. Chief Stokoe asked for the man’s name and other relevant information. Five years later, Chief Stokoe was served with a civil lawsuit suing him for copyright infringement because he asked for and used the gentleman’s name on the booking form. The State of Idaho attorney was required to represent the police department and the case was thrown out. If qualified immunity was not in effect, Chief Stokoe would have had to pay those costs out of his own pocket. If qualified immunity is removed, anyone could sue law enforcement for anything and eventually bankrupt law enforcement over frivolous law suits. Many officers would not want to be put into this situation.

Mayor Toms requested the bill numbers being presented to be emailed to city councilors. Chief Stokoe explained that they were currently in Legislative Concept (LC) status and he would send the information.

Chief Stokoe explained that Eastern Oregon is not well supported in Salem. He explained that some articles and videos were sent to Karen and would be forwarded for review.

City Manager Pettigrew explained that Chief Stokoe rarely asks for anything special from city councilors. She requested that letters be generated and sent to Salem. She explained that Boardman is lucky to have a good police department that looks out for their community. The media only shows the bad. She further explained that one phone call is as good as 100 letters.

Committee Report

None

City Manager Report

City Manager Pettigrew communicated that there has been a lot of information that has been presented lately. She communicated that she had requested Robert Echenrode to do a presentation so the city councilors could see where the current power lines are at and where the new power lines will be placed. He agreed, but at a later date. The Hobbs and the Yates have signed the easement agreements. The Shooks and the Tallmans are next for agreements.

The Boardman Recreation Center is closed due to an employee testing positive for COVID-19.

Information has been sent to the city councilors in regard to the property on Tower Road along with a map. There is some property that will be for sale. The 5 acres sold to UEC has not been developed. UEC states that property is too small for a substation.

City Manager Pettigrew stated that city councilors need to have an in-person workshop because there are things happening and being developed that need to be discussed to decide what the City of Boardman wants to do going forward. She requested city councilors look at their calendars and see if they have availability the end of August or the beginning of September.

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The League of Oregon Cities (LOC) is not mailing out the Local Focus. They have been sending it by email. City Manager Pettigrew asked that city councilors read those. She stated that the LOC conference is coming soon and she encouraged the city councilors to watch as much of the conference as possible. The registration fee is still \$35 to attend and the City of Boardman pays the fee for the city councilors.

City Manager Pettigrew communicated that the LOC survey is due tomorrow, Wednesday, August 7, 2020. She asked if anyone had a chance to review it and make a decision. City Manager Pettigrew read the different categories as follows:

A. Beer and Cider Tax Increase, B. Broadband Infrastructure and Technical Assistance Funding, C. Building (Reach) Code – Energy Efficiency Local Option, D. COVID-19 Economic Recovery Investments, E. Digital Equity and Inclusion, F. Expedited Siting for Shelter and Affordable Housing, G. Green Energy/Renewables – Expanded Local Option, H. Housing and Services Investment, I. Increased Budgetary Flexibility During Budgetary Emergency, J. Infrastructure Financing and Resilience, K. Local Climate Action Planning Resources, L. Local Energy Generation Project Support, M. Local Speed Setting Authority, N. Long Term Transportation Infrastructure Funding, O. Low-Income Energy Efficiency and Affordability Programs, P. Marijuana Tax Local Rate Limitation Increase, Q. Mental Health Service Delivery, R. Municipal Broadband and Pole Protection, S. New Mobility Services, T. Photo Enforcement Safety Cameras, U. Property Tax Reform, V. Reducing Wastewater Impacts from Wipes and Other “Non-Flushables”, W. Right-of-Way/Franchise Fees Authority Preservation, X. State Highway Funds Formula, Y. Tort Liability Reform, and Z. Water Utility Rate and Fund Assistance.

There was discussion surrounding each category and city councilors agreed that the top four categories were as follows:

B. Broadband Infrastructure and Technical Assistance Funding
D. COVID-19 Funding
N. Long Term Transportation Infrastructure Funding
Q. Mental Health Service Delivery

City Manager Pettigrew discussed PERS. In January, PERS was offering a 25% payment if businesses would assist in paying down the PERS debt. Lottery dollars were also slated to go towards PERS, but due to the current situation, lottery tickets are not being purchased. PERS is in a dilemma and many applications will not be accepted. The City of Boardman application was on the waiting list.

City Manager Pettigrew provided a copy of a letter that had been delivered to city hall unsigned. Normally, these letters are filed as received, but the sender was recognized in this case. After some investigation, there is additional information that needs to be presented. Jose from code compliance was not available to comment, but Chief Stokoe had information. After the severe weather storm, a declaration of emergency resolution was passed. There was extensive damage at Wilson Trailer Park. The owner of the property requested an abatement notice from the City of Boardman to be part of the insurance process to assist home owners with funding for cleanup, removal of old homes, and replacement of homes. Since that time, 3 damaged trailers have been removed at no cost to the home owners. There was miscommunication that was sent out to the home owners in response to the abatement letters.

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Councilor Report

Councilor Drago requested the city council meeting for September be moved from Tuesday, September 1, 2020 to Thursday, September 10, 2020 to allow more time for reports to be prepared and placed in the city council packet. All were in favor.

Mayor Report

None

EXECUTIVE SESSION

Mayor Toms Recessed the city council meeting at 8:08 p.m.

Mayor Toms called for an Executive Session According to ORS 192.660 (2)(i) City Manager Review

Mayor Toms reconvened the city council meeting at 8:58 p.m.

Mayor Toms announced a decision was made to raise the City Manager pay to \$100,000 annually.

Councilor Kegler moved to approve raising the City Manager pay to \$100,000.

Councilor Drago 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.

City Manager Pettigrew communicated that the Windwave broadband antennae at the fire department has been activated. There was discussion that the internet speeds have greatly increased in the areas where the broadband antennae reaches.

The meeting was adjourned at 9:01 p.m.


Sandy Toms – Mayor


Heather Baumgartner – Recorder