BOARDMAN CITY COUNCIL SPECIAL MEETING – JULY 12, 2022

Mayor Keefer called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll call for attendance was taken.

**Councilors Present:** Brenda Profitt, Leslie Pierson, Paul Keefer, Isaac Williams, Paul Beagle, and Roy Drago Jr. (In Person)

**Councilors Absent:** Katy Norton - Excused

**Staff:** Karen Pettigrew, City Manager; Rick Stokoe, Police Chief/Assistant City Manager; Marta Barajas, Finance Director; Carla McLane, Planning Official; Loren Dieter, Police Captain; Rolf Prag, Special Projects Manager; and Jenn Rollins, City Recorder/HR (In Person)

**Audience:** Kelly Doherty, Mike Lees, John (In Person) Teresa Penniger, Melissa Keefer, and Elder Keefer (Via Zoom)

**MINUTES**

Minutes from City Council Regular Meeting – May 3, 2022

Councilor Beagle made a motion to adopt the minutes from the City Council Regular Meeting held on May 3, 2022 as presented; Councilor Pierson seconded the motion.

Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

Minutes from City Council Special Meeting – May 5, 2022

Councilor Williams made a motion to adopt the minutes from the City Council Regular Meeting held on May 5, 2022 as presented; Councilor Pierson seconded the motion.

Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

Minutes from City of Boardman Budget Committee Meeting – May 17, 2022

Councilor Beagle made a motion to adopt the minutes from the City of Boardman Budget Committee Meeting held on May 17, 2022 as presented; Councilor Drago seconded the motion.

Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

Minutes from City Council Regular Meeting/Budget Hearing – June 7, 2022

Councilor Drago made a motion to adopt the minutes from the City Council Regular Meeting/Budget Hearing held on June 7, 2022 as presented; Councilor Pierson seconded the motion.

Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

**Mayor Keefer recessed the regular meeting at 7:04 p.m.**

**Mayor Keefer opened the public hearing at 7:04 p.m.**
FORMAL PROCEEDINGS
Public Hearing – Port of Morrow (POM) Interchange Area Management Plan (IAMP) Update

Mayor Keefer opened the public hearing and announced that the purpose of the hearing was to hear testimony regarding A-TSP-22-001: City of Boardman, Morrow County, and the Oregon Department of Transportation: holders of right-of-way. Applicant is the Port of Morrow. The subject property described at the Port of Morrow Interchange and the intersection to the North with Columbia Avenue. The area is zoned Service Center to the South and Light Industrial to the North. This amendment proposes to update Section 7 of the adopted Interchange Area Management Plan and focuses on changes on the North side of the Interchange. Criteria are found in the Boardman Development Code Chapter 4.1 Types of Applications and Review Procedures specifically 4.1.600 Type IV Procedures.

Disclosure
No abstentions were declared by councilors, and there was no challenge mace to impartiality by members of the public attending the meeting.

Staff Report
Planning Official Carla McLane read the staff report and findings of fact into the record. Planning Official McLane asked the councilors if they had any questions regarding her report as presented:

- Mayor Keefer asked about funding for this project. Planning Official McLane responded that the update needs to be adopted into the transportation system plan before funding can be secured on a state or federal level.
- Councilor Beagle noted Figure 7-2 D,G,F are hard surfaced for truck traffic and would they be reconfigured to take line of sight further back? Planning Official McLane stated that nothing will be changing in the configuration.
- Mayor Keefer commented that it will completely change the entrance into the Port of Morrow and Planning Official McLane agreed, and explained there will also be a pedestrian feature in this update in order to ensure there is an opportunity for mobility for the community in that area.

Correspondence
None.

Public Testimony – Applicant
Planning Official McLane noted that her findings of fact would constitute as public testimony for the applicant in tonight’s hearing.

Public Testimony – In Favor
None

Public Testimony – Against
None

Public Testimony – Neutral
Teresa Penniger, the planning manager for ODOT asked to testify in this section of the public hearing. Ms. Penniger stated she has been working with all groups on this project and has provided assistance when needed. Ms. Penniger explained that after the update has been adopted, it will go before a panel to be filed and recorded appropriately; once that process has been completed, it will pave the way for those seeking funding.

Rebuttal
None
Mayor Keefer closed the public hearing at 7:27 p.m.  
Mayor Keefer resumed the regular meeting at 7:27 p.m.

Council Deliberation

- Council President Profitt asked if part of the “mountain” would be moved; Planning Official McLane responded that a lot of sand will need to be moved for the right turn, but this project is still at the planning level, not at the design level.
- City Manager Pettigrew pointed out that under the freeway, every available inch is being used for a turn lane and it will be a tight fit when the construction stage of the project is reached.
- Planning Official McLane noted high, wide, and heavy considerations have been discussed with the Port of Morrow, and learned most of the loads of that type will not be approaching this interchange as it is difficult to access presently and there are alternate options available for loads that need those type of considerations.
- Council President Profitt asked if the roundabout will accommodate double and triple trailer loads? Planning Official McLane replied a standard WB 67 would be easily accommodated, and a double trailer would be able to use the interchange, but a triple load would need to use an alternate route or have a competent driver to negotiate the roundabout.

Councilor Pierson made a motion to adopt the Port of Morrow Interchange Area Management Plan Update to Section 7, and directed staff to generate the adopting ordinance once approval is obtained from the Morrow County Board of Commissioners. Councilor Beagle seconded the motion.  
Roll Call Vote:  Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

FINANCIAL REPORT

Month Ending May 31, 2022

Finance Director Barajas presented the Financial Report Ending May 31, 2022 to the council. Finance Director Barajas stated the month was ordinary, and interest rates have been increasing in small amounts every month. Finance Director Barajas also noted that a Request for Proposal (RFP) is currently open and soliciting bids for auditing services, as the current auditor for the City of Boardman has given notice they will no longer be providing such services. Finance Director Barajas noted that G.O. Bond projects have started, and explained how retainage and interest-bearing escrow accounts work as an explanation for the resolutions pertaining to retainage that are listed on the agenda. Finance Director Barajas then asked for council members to volunteer to be signatories for the signature cards to be opened on the account, and asked if it would be ok to limit the number of councilors included in that process. The report for Month Ending June 30, 2022 was stricken from agenda as it was not ready to be presented.

PUBLIC COMMENT

Mike Lees – Anderson Perry – Boardman Water Safety

- Mr. Lees explained that some information from his last presentation was misinterpreted. He presented the information regarding monitoring wells and their locations and asked to clarify the nitrate levels in the upgradient monitoring well of Circle 52; it is believed that those monitoring wells are low due to influence from the canal as that water is naturally low in nitrates as it comes from the Columbia River and seepage from the canal creates low nitrate levels.
- Collector well No. 2 recently tested positive for E-coli although the distribution system has continually tested negative for E-coli after treatment, and those standards are enforced by the Oregon Health Authority. Ultimately, the water is safe to drink after treatment and that is why notification was not warranted as there is no E-Coli tested in the distribution system for residents. The City of Boardman disinfects the water with chlorine, and that process is defined...
by the state and the City is meeting all that criteria to ensure water is safe to drink. All city water is constantly being monitored and tested to make sure it is safe.

- Councilor Beagle asked how old the test results are when they come back to the city. Mr. Lees responded about a week, no more.
- City Manager Pettigrew stated, part of the report sent to residents is only required to be performed every nine years, but monitoring for safe drinking water is performed more frequently than that.
- Nitrates in the last round were around 4.4 to 4.6 which is lower than the previous round of testing and it is speculated that the reason for the variance in the first round of testing was from all of the rain received in the Spring that was flushing nitrates through the distribution system.
- Nitrates are tested monthly by state regulations. When the city has two tests below 5% the state only requires testing to be performed every 3 months.
- Mayor Keefer asked if the city is testing water of citizens with concerns; Mr. Lees responded that the city was testing water of citizens with concern.
- Mr. Lees explained the nitrate levels in residences can be affected by many variables such as length of time in the pipes, age of water, and other things.
- Mr. Lees provided a construction update; Loop Road will be finished up in the next couple of weeks, hopefully to be completed by August 1.
- Wastewater System - still moving dirt for the new lagoon.

Kelly Doherty – Request to speak card submitted at 7:53 p.m.
Kelly Doherty asked to speak regarding water. Ms. Doherty has been speaking with Bill Goss from Oregon Drinking Water at the Pendleton Office and stated residence results were from 4-8 and he didn't have any remarkable answers. Ms. Doherty also wanted to know what is causing the E-Coli in city water. Ms. Doherty asked if the pump has been torn apart, has the city been over pumping and pulling in surface water. Ms. Doherty also asked how often we test for E-Coli. Ms. Doherty stated auto generated testing results should be distributed, and people should know that it is in their water and is not always cured by being treated by chlorine and people should know so they can choose not to drink the water.

ACTION ITEMS
Resolution 11-2022 – Wholesale Water Rates Purchased by Port of Morrow from the City of Boardman
City Manager Pettigrew explained this is a standard raise to the rate of the water that the Port of Morrow purchases from the City, and this provides a steady source of income for the City of Boardman.
Assistant City Manager Stokoe stated that a new Intergovernmental Agreement (IGA) has been provided to councilors and noted that on Page 2, Section A(2) explained the change in language to the IGA.
Councillor Williams made a motion that the Boardman City Council adopt Resolution 11-2022 as presented, a resolution establishing the wholesale rate for water purchased by the Port of Morrow from the City of Boardman pursuant to Intergovernmental Agreement on industrial water and other services and repealing all other resolutions and parts of resolutions in conflict therewith, and to allow the City Manager to sign the IGA on behalf of the City of Boardman.
Council President Profitt seconded the motion.
Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councillor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

Resolution 13-2022 – Fee Schedule – A Resolution Adopting a Fee Schedule to Govern Fees for City Services and Repealing Resolutions 3-2020 and 2-2016
Councillor Beagle asked to recuse himself from the vote due to a potential financial gain.
Council President Profitt made a motion that the City of Boardman adopt Resolution 13-2022 as presented, a resolution adopting a fee schedule to govern fees for city services and repealing resolutions 3-2020 and 2-2016. Councilor Williams seconded the motion.
Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Abstained. Councilor Norton was absent. The motion passed 5-0 with one absence, and one abstention.

Resolution 14-2022 – A Resolution Establishing an Interest-Bearing Escrow Account for Layne Christensen Company for Work on Water System Improvements – 2022: Phase 1 – Collector Well No. 3 Councilor Pierson made a motion that the Boardman City Council adopt Resolution 14-2022 as presented, a resolution establishing an interest-bearing escrow account for Layne Christensen Company for work on Water System Improvements – 2022: Phase 1 – Collector Well No. 3 with the notation that Mayor Keefer, Councilor Beagle, and City Manager Pettigrew act as signers on the account. Councilor Beagle seconded the motion.
Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

Resolution 15-2022 – A Resolution Establishing an Interest-Bearing Escrow Account for Premier Excavation, Inc. for work on Laurel Lane and Loop Road Improvements – 2021
Councilor Pierson made a motion that the Boardman City Council adopt Resolution 15-2022 as presented, a resolution establishing an interest-bearing escrow account for Premier Excavation, Inc. for work on Laurel Lane and Loop Road Improvements - 2021 with the notation that Mayor Keefer, Councilor Beagle, and City Manager Pettigrew act as signers on the account. Councilor Williams seconded the motion.
Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

Resolution 16-2022 – A Resolution Establishing an Interest-Bearing Escrow Account for R&G Excavating, Inc. for work on Wastewater System Improvements – 2022.
Councilor Beagle made a motion that the Boardman City Council adopt Resolution 16-2022 as presented, a resolution establishing an interest-bearing escrow account for R&G Excavating, Inc. for work on wastewater system improvements - 2022 with the notation that Mayor Keefer, Councilor Beagle, and City Manager Pettigrew act as signers on the account. Councilor Williams seconded the motion.
Roll Call Vote: Council President Profitt – Yes; Councilor Pierson – Yes; Mayor Keefer – Yes; Councilor Williams – Yes; Councilor Drago – Yes; Councilor Beagle – Yes. Councilor Norton was absent. The motion passed 6-0 with one absence.

OTHER BUSINESS
League of Oregon Cities Yearly Survey
City Manager Pettigrew stated she sent papers in June to councilors that have all of the issues pertaining to the questionnaire. City Manager Pettigrew asked the councilors to decide what issues on the form they would like to mark as their priority. The council members decided that questions 8, 13, 14, 15, and 21 be marked on the form and returned to the League of Oregon Cities.

EXECUTIVE SESSION
ORS 192.660(2)(a) – To consider the employment of a public officer, employee, staff member, or individual agent.
At 8:55 p.m. Mayor Keefer announced the council would be moving to executive session regarding the topic noted on the agenda, and the council would return without making any decisions while in executive session.
When councilors returned from executive session to open session at 9:43 p.m. they noted councilors had asked to review the process and procedure on how to hire a City Manager. Councilors noted that they had met in executive session to discuss whether or not to proceed with hiring Assistant City Manager Rick Stokoe to the position of City Manager; it was noted that the council could not come to a conclusion and they decided to meet in a special meeting on July 19, 2022 to discuss the process they would like to take in hiring a City Manager for the City of Boardman.

The special meeting was adjourned at 10:30 p.m.

Paul Keefer – Mayor

Jenn Rollins – City Recorder