



CITY COUNCIL MEETING W/EXECUTIVE SESSION

March 04, 2025 at 7:00 PM

Boardman City Hall Council Chambers
AGENDA

-
1. **CALL TO ORDER**
 2. **FLAG SALUTE**
 3. **ROLL CALL/EXCUSED ABSENCES**
 4. **APPROVAL OF MINUTES**
 - [A.](#) City Council Workshop Minutes, February 4, 2025
 - [B.](#) City Council Meeting Minutes, February 4, 2025
 - [C.](#) City Council Special Meeting Minutes, February 21, 2025
 5. **FINANCIAL REPORT**
 - A. Financial Report - January 2025
 6. **PUBLIC COMMENT**
 - A. Prearranged Presentation - Morrow County Schools, Boardman
 - [B.](#) Prearranged Presentation - Morrow County Clean Water Consortium
 7. **ACTION ITEMS - ORDINANCES**
 - [A.](#) Ordinance 2-2025 Amendment to the Boardman Municipal Code adding Title 12, Chapter 12.16 Utility Use of the Rights-of-Way
 - [B.](#) Ordinance 3-2025 Amendment to the Boardman Municipal Code adding Chapter 13.12 Underground Wiring Control District
 8. **ACTION ITEMS - RESOLUTIONS**
 - [A.](#) Resolution 6-2025 Surplus Personal Property
 - [B.](#) Resolution 7-2025 Adopting Design Standards for Small Wireless Facilities Installed within City of Boardman Right of Way
 9. **ACTION ITEMS - OTHER BUSINESS**
 - A. Morrow County Clean Water Consortium - Community Members
 - [B.](#) Public Advisory Committee Appointments
 - [C.](#) Strategic Plan Adoption
 - [D.](#) PMP – Park Naming and Park Design Contests
 - [E.](#) OLCC Local Government Recommendation - Liquor License
 - [F.](#) Rezone Application Letter of Support
 - [G.](#) Umatilla-Morrow County Connect Project Letter of Support

10. OTHER PUBLIC COMMENT

INVITATION FOR PUBLIC COMMENT – The mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.

11. DOCUMENT SIGNATURES

12. REPORTS, CORRESPONDENCE, AND DISCUSSION

- A.** Police Report
- B.** Building Department Report
- C.** Public Works Department Report
- D.** Planning Official Report
- E.** Committee Reports
- F.** City Manager
- G.** Councilors
- H.** Mayor

13. EXECUTIVE SESSION

- A.** Executive Session - ORS 192.660 (2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions

14. ADJOURNMENT

Zoom Meeting Link: <https://us02web.zoom.us/j/2860039400?omn=89202237716>

This meeting is being conducted with public access in-person and virtually in accordance with Oregon Public Meeting Law. If remote access to this meeting experiences technical difficulties or is disconnected and there continues to be a quorum of the council present, the meeting will continue.

The meeting location is accessible to persons with disabilities. Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To make your request, please contact a city clerk at 541-481-9252 (voice), or by e-mail at city.clerk@cityofboardman.com.



JOINT CITY COUNCIL WORKSHOP W/ PLANNING COMMISSION

February 04, 2025 at 6:00 PM

Boardman City Hall

MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 6:11 PM.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Profitt, Councilor Ethan Salata, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

Planning Commissioners Present: Commissioner Jennifer Leighton, Commissioner Jami Carbray, Commissioner Sam Irons, Commissioner Mike Connell, Commissioner David Jones, Commissioner Ragna TenEyck

Planning Commissioner Absent: Commission Chair Zack Barresse

4. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. Strategic Planning – Timestamp 1:04

Matt Hastie with MIG gave a report on the Strategic Planning Survey results.

5. ADJOURNMENT

Mayor Keefer adjourned the meeting at 6:53 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk



CITY COUNCIL MEETING W/EXECUTIVE SESSION

February 04, 2025 at 7:00 PM

Boardman City Hall Council Chambers

MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 7:03 PM.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Profitt, Councilor Ethan Salata, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

4. APPROVAL OF MINUTES

A. City Council Workshop Minutes, January 7, 2025 – Timestamp 0:26

Motion to approve the minutes of January 7, 2025, City Council Workshop as presented.

Motion made by Councilor Baumgartner, Seconded by Councilor Profitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

B. City Council Meeting Minutes, January 7, 2025 – Timestamp 0:52

Motion to approve the minutes of January 7, 2025, City Council Regular Meeting as presented.

Motion made by Councilor Salata, Seconded by Councilor Baumgartner.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

5. FINANCIAL REPORT

A. December 2024 – Timestamp – 1:13

Finance Director Barajas gave the financial report.

6. PUBLIC COMMENT

A. Prearranged Presentation - Morrow County Schools, Boardman – Timestamp 5:56

Windy River Elementary Student Fernanda Anaya gave a presentation.

B. Prearranged Presentation - Mike Aaron, Subroutine Timestamp 12:00 & 34:30

Mike Aaron with Subroutine gave a presentation. Presentation started at 12:00, due to technical difficulties continued at 34:30.

C. Prearranged Presentation - Shipping Containers, Planning Official Carla McLane – Timestamp 15:56

Planning Official McLane gave a presentation regarding shipping container use.

D. Report Only - Chamber/BCDA December 2024

7. ACTION ITEMS - ORDINANCES

- A. Ordinance 1-2025 Amending Boardman Zoning Map - BPA Transmission Line Easement reduction – Timestamp 46:37

Motion to approve the reading by title only of Ordinance 1-2025, an ordinance to amend the Boardman Zoning Map reducing the BPA Transmission Easement Subdistrict and adding land to the commercial zone South of the BPA Transmission Line on the subject property and adding land to the Commercial – Tourist Commercial zone North of the BPA Transmission Line on the subject property.

Motion made by Councilor Baumgartner, Seconded by Councilor Profitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

City Manager Hammond read the Ordinance by title: an Ordinance to amend the Boardman Zoning Map reducing the BPA Transmission Easement Subdistrict and adding land to the commercial zone South of the BPA Transmission Line on the subject property and adding land to the Commercial – Tourist Commercial zone North of the BPA Transmission Line on the subject property.

Motion to adopt Ordinance 1-2025, an ordinance to amend the Boardman Zoning Map reducing the BPA Transmission Easement Subdistrict and adding land to the commercial zone South of the BPA Transmission Line on the subject property and adding land to the Commercial – Tourist Commercial zone North of the BPA Transmission Line on the subject property.

Motion made by Councilor Baumgartner, Seconded by Councilor Salata.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

8. ACTION ITEMS - RESOLUTIONS

- A. Resolution 4-2025 Surplus Property – Timestamp 48:57

Motion to approve Resolution 4-2025, a resolution declaring City of Boardman personal property as excess.

Motion made by Councilor Salata, Seconded by Councilor Cuevas.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

- B. Resolution 5-2025 Repealing City of Boardman Fee Schedule – Timestamp 51:31

Motion to approve Resolution 5-2025, a resolution repealing City of Boardman fee schedules.

Motion made by Councilor Profitt, Seconded by Councilor Salata.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

9. OTHER PUBLIC COMMENT

Sabrina Rock - Rock Enterprises – Timestamp 1:10:42

Lee Docken - 491 NE Columbia Sewer Back-up – Timestamp 1:13:00

10. DOCUMENT SIGNATURES

11. REPORTS, CORRESPONDENCE, AND DISCUSSION

- A. Police Report – Timestamp 1:17:02
Chief Stokoe gave the staff report.
- B. Building Department Report – Timestamp 1:19:25
Building Official McIntire gave the staff report.
- C. Public Works Department Report – Timestamp 1:22:58
Public Works Lead Campos gave the staff report.
- D. Planning Official – Timestamp 1:25:05
Planning Official McLane gave the staff report.
- E. Committee Reports
- F. City Manager – Timestamp 1:130:49
City Manager Hammond gave the staff report.
- G. City Manager - Business License
- H. Councilors – Timestamp 1:40:00
Councilors Salata, Rockwell, Cuevas, Profitt, and Pettigrew gave comment.
- I. Mayor – Timestamp 1:44:55
Mayor Keefer gave comment.

12. EXECUTIVE SESSION

- A. Executive Session - ORS 192.660 (2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions. – Timestamp 1:46:50

Mayor Keefer paused the meeting at 8:50 PM for Executive Session.

Councilor Salata was excused from the meeting at 9:32 PM.

Mayor Keefer resumed the meeting at 9:37 PM.

13. ACTION ITEMS - OTHER BUSINESS

- A. Decision from Executive Session – Timestamp 1:46:50
Motion to negotiate for potential sale on NE Front Street Lots 200, 300, and 400.
Motion made by Councilor Rockwell, Seconded by Councilor Profitt.
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew
Absent: Councilor Salata

14. ADJOURNMENT

Mayor Keefer adjourned the meeting at 9:38 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk



CITY COUNCIL SPECIAL MEETING

February 21, 2025 at 4:30 PM

Boardman City Hall Council Chambers
MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 4:30 PM.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

Timestamp 0:34

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

Councilors Absent: Councilor Brenda Profitt, Councilor Ethan Salata

4. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. 2026 Congressionally Directed Spending Projects - Port of Morrow Interchange and City of Boardman Main Street Overpass – Timestamp 1:14

City Manager Hammond gave a report.

5. ACTION ITEMS - OTHER BUSINESS

A. Authorize City of Boardman to Apply for 2026 Congressionally Directed Spending – Timestamp 2:53

Motion to approve the City of Boardman to apply for the 2026 Congressionally Directed Spending for projects related to the Port of Morrow Interchange and City of Boardman's Main Street Overpass and for Mayor Keefer to sign the letter of support as presented.

Motion made by Mayor Keefer, Seconded by Councilor Rockwell.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

6. OTHER PUBLIC COMMENT

Timestamp 4:13

There were none.

7. ADJOURNMENT

Mayor Keefer adjourned the meeting at 4:34 PM.

Paul Keefer – Mayor

Amanda Mickles, City Clerk



What is the
Morrow County
Clean Water
Consortium?

The Morrow County
Clean Water Consortium
is a separate entity created as
a partnership between the
Port of Morrow
and Morrow County

Consortium Mission:

"Promote access to safe drinking water throughout unincorporated areas in Morrow County by funding, developing, and building projects to provide drinking water to residences affected by nitrate contamination."

From Intergovernmental Agreement

Consortium Structure:

- Governed by a board of directors consisting of two members from the Port of Morrow and two from Morrow County
- Port Members: Lisa Mittelsdorf and Kelly Doherty
- County Members: David Sykes and Tamra Mabbott
- Day to day business conducted by an appointed Managing Director
- Advisory members "appointed for their knowledge and direct experiences in the Consortiums mission...will provide non-binding strategic advice to the Board"

Sources of Financing

- Major financing for clean water infrastructure projects to come from Private, State and Federal Grants
- Operational expenses funded initially from local government sources

Consortium's ultimate goal is to
Plan – Finance – Build
'pipe in the ground' clean
drinking water infrastructure in the
Morrow County LUBGWMA area

**CITY OF BOARDMAN
ORDINANCE 2-2025**

**AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BOARDMAN
MUNICIPAL CODE ADDING TITLE 12, CHAPTER 12.16 UTILITY USE OF THE
RIGHTS-OF-WAY**

WHEREAS, the City of Boardman has the authority pursuant to its Charter and the Oregon Constitution and statutes to manage its rights-of-way and to receive compensation for use of the rights-of-way consistent with applicable state and federal law; and

WHEREAS, the City has identified the need to establish uniform requirements for use of the rights-of-way by utilities, including requiring licenses rather than individually negotiated franchise agreements, to better ensure transparent, consistent and efficient management of the public rights-of-way; and

WHEREAS, the adoption of Chapter 12.16 requires related conforming amendments to Chapter 12.08 Excavations; and

WHEREAS, the City finds it is in the public interest to enact the updates to the Municipal Code as set forth in this Ordinance.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1. Boardman Municipal Code Title 12 shall be amended to add Chapter 12.16 as set forth in Exhibit A.

Section 2. Boardman Municipal Code Chapter 12.08.050 shall be amended as follows (additions in underline; deletions in ~~striketrough~~):

12.08.010 - Permit required.

No person, firm or corporation shall excavate, cut, break, dig up, damage in any manner, undermine or tunnel under a public street or alley without first securing a permit and depositing security as provided in this chapter and Boardman Municipal Code Chapter 12.16.

12.08.050 - Utilities.

Cuts or excavations in the city streets made by a ~~franchised public utility~~ operator shall be subject to Boardman Municipal Code Chapter 12.16. ~~repaired within a reasonable time according to the standards set out in this chapter, including the placement of~~

~~a temporary patch within twenty-four (24) hours as provided in Section 12.08.040. If the utility fails to repair after written notice by the city, the city may make the repairs and restore the street and charge the costs to the utility at the prevailing rate for the work in the city, plus ten (10) percent to cover administration.~~

Section 3. This Ordinance shall become effective on the 30th day after its adoption.

Passed by the Council and approved by the Mayor this ____ day of _____, 2025.

Paul Keefer – Mayor

Amanda Mickles – City Clerk

EXHIBIT A

12.16.010 – Jurisdiction and management of the public rights-of-way.

- A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the city Charter and state law.
- B. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the public right-of-way. The city has jurisdiction and regulatory management of each public right-of-way whether the legal interest in the public right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- C. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use public rights-of-way by licenses, franchises and permits.
- D. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the public right-of-way, and does not obligate the city to maintain or repair any part of the public right-of-way.
- E. The city retains the right and privilege to cut or move any utility facilities located within the public rights-of-way in the city, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

12.16.020 – Regulatory fees and compensation not a tax.

- A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the public rights-of-way provided for in this chapter, are separate from, and in addition to, any and all federal, state, local, and city charges as may be levied, imposed, or due from a utility operator or provider, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.
- B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners.
- C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

12.16.030 – Definitions.

For the purpose of this code the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

- A. “Antenna” means the same as defined in 47 C.F.R. § 1.6002(b), as may be amended or superseded, which defines the term to mean an apparatus designed for the purpose of emitting radio frequencies (RF) to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.
- B. “Antenna Equipment” means the same as defined 47 C.F.R. § 1.6002(c), as may be amended or superseded, which defines the term to mean equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- C. “Antenna Facility” means the same as defined in 47 C.F.R. § 1.6002(d), as may be amended or superseded, which defines the term to mean an antenna and associated antenna equipment.
- D. “Cable service” is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
- E. “City” means the city of Boardman, an Oregon municipal corporation, and individuals authorized to act on the city’s behalf.
- F. “City council” means the elected governing body of the city of Boardman, Oregon.
- G. “City property” means and includes all real property owned by the city, other than public rights-of-way and public utility easements as those are defined in this chapter, and all property held in a proprietary capacity by the city, which are not subject to public right-of-way licensing or franchising as provided in this code.
- H. “Collocate” or “Collocation” means mounting or installing an antenna facility on a preexisting pole or structure.
- I. “Communications services” means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. “Communications service” includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) public communications systems; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996, Pub. L. 104–104, 110 Stat. 56 (1996).
- J. “Days” means calendar days unless otherwise specified.

- K. “Decorative Pole” means a pole that is specially designed and placed for aesthetic purposes.
- L. “Emergency” means a circumstance, as determined by the city, in which immediate work to utility facilities is necessary to restore lost service or prevent immediate harm to persons or property.
- M. “Federal Communications Commission” means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.
- N. “Franchise” means an agreement between the city and a utility operator which grants a privilege to use public rights-of-way within the city for a dedicated purpose and for specific compensation.
- O. “Grantee” or “licensee” means the person to which a franchise or license is granted by the city.
- P. “Person” means an individual, corporation, company, association, joint stock company or association, firm, partnership, limited liability company or governmental entity.
- Q. “Public communications system” means any system owned or operated by a government entity or entities for its exclusive use for internal communications or communications with other government entities, and includes services provided by the State of Oregon pursuant to ORS 283.140. “Public communications system” does not include any system used for sale or resale, including trade, barter or other exchange of value, of communications services or capacity on the system, directly or indirectly, to any person.
- R. “Public rights-of-way” means and includes the streets, roads, highways, bridges, alleys, sidewalks, public utility easements, and all other public ways or areas, including the subsurface under and air space over these areas, that are generally open to the public for vehicular and pedestrian travel, but does not include parks, parkland or other city property. This definition applies only to the extent of the city’s right, title, interest or authority to grant a license or franchise to occupy and use such areas for utility facilities.
- S. “Public utility easement” means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes. “Public utility easement” does not include an easement solely for the construction, reconstruction, operation, maintenance, inspection and repair of city facilities, or where the proposed use by the utility operator is inconsistent with the terms of any easement granted to the city.
- T. “Small wireless facility” means the same as defined in 47 C.F.R § 1.6002(l), as may be amended or superseded, which defines the term to mean antenna facilities that meet the following conditions:
 - 1. The facilities (i) are mounted on structures 50 feet or less in height including the antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on

- which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and,
2. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and,
 3. All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and,
 4. The facilities do not require antenna structure registration under 47 C.F.R. Part 17; and
 5. The facilities are not located on Tribal lands, as defined under 36 C.F.R. 800.16(x); and
 6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).
- U. “State” means the state of Oregon.
- V. “Utility facilities” or “facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located or to be located under, on, or above the surface of the ground within the public right-of-way in the city and used or to be used for the purpose of providing utility services.
- W. “Utility operator” means any person who owns, operates or controls a utility facility within the public rights-of-way in the city.
- X. “Utility services” means the provision, by means of utility facilities permanently located within, under or above the public rights-of-way, whether or not such facilities are owned by the service provider, of electricity, natural gas, communications services, cable services, water, sewer or storm sewer to or from customers within the corporate boundaries of the city, or the transmission of any of these services through the city whether or not customers within the city receive those transmissions or services.
- Y. “Work” means the construction, demolition, installation, replacement, repair, maintenance, or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance, or relocation.

12.16.040 – Construction standards.

- A. General. No person shall commence or continue with any work or operation of utility facilities within any portion of the public rights-of-way except as provided in this chapter.
- B. Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with, and permittees shall at all times comply with, all applicable federal, state and local laws, codes, ordinances, rules and regulations, including the National Electrical Code and the National Electrical Safety Code and the requirements of the city’s applicable design and construction standards.
- C. Construction Permits.

1. Except as provided in subsection C.2 or as otherwise agreed to in writing by the city, no person shall construct or install any utility facilities or perform any work within any portion of the public rights-of-way without first obtaining all applicable construction permits and paying the construction permit fees established pursuant to subsection G of this section.
 2. In the event of an emergency, a utility operator with a license pursuant to this chapter or a valid franchise agreement, or the utility operator's contractor, may perform work on its utility facilities without first obtaining a permit from the city; provided, that, to the extent reasonably feasible, it attempts to notify the city prior to commencing the emergency work and in any event applies for a permit from the city and pays all applicable permit fees as soon as reasonably practicable, but not more than 48 hours after commencing the emergency work.
 3. No permit shall be issued for the construction or installation of utility facilities or any work within the public rights-of-way unless the utility operator has first applied for and received a license pursuant to section 12.16.060 or holds a valid franchise from the city.
- D. Permit Applications. Applications for construction permits shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:
1. That the construction, installation or other work in the public rights-of-way related to utility facilities will be in accordance with all applicable laws, codes, ordinances, rules and regulations and the license or franchise agreement.
 2. The location and route of all utility facilities to be installed above ground, including on existing utility poles.
 3. The location and route of all new utility facilities on or in the public rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights-of-way. Existing facilities shall be differentiated on the plans from new construction.
 4. The location of all of applicant's existing underground utility facilities, including conduits, ducts, pipes, mains and installations which are within the public rights-of-way along the underground route proposed by the applicant. A cross-section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or public right-of-way.
 5. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
 6. The applicant has an adequate traffic control plan to protect bicyclists, pedestrians, construction personnel, and vehicular traffic, and to warn and safeguard the public against injury or damage resulting from the work.

7. To the extent the proposed utility facility involves collocation, (i) a structural report performed by a duly licensed engineer demonstrating that the pole or structure will structurally support the additional load and meet any applicable spacing requirements, or that describes how the pole or structure will be modified to meet such requirements; and (ii) a copy of the authorization for use of the property from the pole or structure owner on which the antenna facility will be placed or attached.
 8. To the extent the proposed utility facility includes antenna facilities or a new pole, accurate visual depictions or representations of the proposed new facilities.
 9. To the extent the proposed utility facility includes antenna facilities, reports or similar documentation confirming that the proposed antenna facilities are in compliance with all applicable FCC regulations relating to radio frequency emissions.
 10. Whether the proposed work is subject to ministerial review or administrative review as provided in section 12.16.040.H and I.
- E. Applicant's Verification. All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical laws, codes, ordinances, rules and regulations.
- F. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the city.
- G. Construction Permit Fee. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount determined by resolution of the city council.
- H. Issuance of Permit.
1. Ministerial Review. For applications the city manager or their designee determines to be permitted uses subject to ministerial review, the city manager or their designee shall issue a permit authorizing construction or installation of the utility facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as he or she may deem necessary or appropriate, provided that the proposed facility:
 - a. Complies with the provisions of this chapter and the license or franchise;
 - b. Does not materially interfere with sight lines or clear zones for transportation or pedestrians;
 - c. Complies with the Americans with Disabilities Act or similar federal, state, or local laws, standards and regulations regarding pedestrian access or movement;
 - d. Complies with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not result in RF exposures that

- exceed the FCC's maximum permissible exposure level for the general population;
- e. Is designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards; and
 - f. Complies with city codes, standards and regulations, including, without limitation, the city's public works construction standards, building and electrical codes, and any other codes, rules, or laws that the city determines are applicable.
2. Permits Subject to Ministerial Review The following uses within the public rights-of-way shall be permitted uses subject to ministerial review.
- a. Installation of a utility facility where the installation is installed underground or is exempt from underground placement as provided in Boardman Municipal Code 13.12.030.
 - b. Collocation of a small wireless facility that complies with the City's small wireless facilities design standards without any deviations, including deviations allowed pursuant to the deviation provisions of the design standards.
 - c. Collocation of a small wireless facility, including modification or replacement of a pole for collocation of a small wireless facility, where the collocation, modification or replacement qualifies as an eligible facilities request as defined in 47 C.F.R. § 1.6100(b)(3), as may be amended or superseded, provided that the city manager or their designee may include conditions with the permit to ensure that the collocation, modification or replacement is consistent with applicable provisions of this chapter and the city's small wireless facilities design standards to the extent consistent with applicable law.
 - d. Placement of a new, modified, or replacement pole to be used for collocation of a small wireless facility that (i) does not modify or replace a decorative pole; and (ii) complies with the city's small wireless facilities design standards without any deviations, including deviations allowed pursuant to the deviation provisions of the design standards.
3. Administrative Review. For applications subject to administrative review, the city manager or their designee may issue a permit authorizing construction of the utility facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate, if the city manager or their designee determines in his or her sole discretion that:
- a. The proposed utility facility complies with the provisions of subsection H.1.a-f of this section 12.16.040, except to the extent deviations are expressly granted in writing by the city manager or their designee;
 - b. The proposed utility facility, as proposed or with the conditions imposed by the city manager or their designee, will comply with all

applicable city design standards, or the city manager or their designee has expressly granted in writing a deviation from the city design standards or determined that a deviation from the design standards shall be allowed pursuant to the deviation process in the city's small wireless facilities design standards;

- c. The proposed utility facility would violate the underground location requirements provided in Boardman Municipal Code 13.12.030, but a deviation is appropriate because:
 - (i) The topography is such, due to terrain, rock, etc., as to make compliance physically impractical;
 - (ii) Underground installation is economically not feasible; or
 - (iii) The utility lines are of such voltage, size or capacity that underground installation is not feasible;
- d. The proposed utility facility, as proposed or with the conditions imposed by the city manager or their designee, will comply with all applicable city design standards, or the city manager or their designee has determined that the proposed facility avoids the intangible public harm of unsightly or out-of-character deployments and the negative impact of the proposed facility on the surrounding uses and public facilities is minimized; and/or
- e. The denial of the permit will prohibit or effectively prohibit the provision of telecommunications service or personal wireless service.

The city manager or designee may grant deviations for applicable design standards where the city manager or designee determines, in their sole discretion, that (a) strict compliance with the standards is not technically feasible; (b) the applicant's proposed facility provides equivalent or superior public safety and/or aesthetic value when compared to strict compliance with applicable standards; and/or (c) denial of the permit violates or may violate applicable laws and regulations.

- 4. **Permits Subject to Administrative Review.** All uses of the public rights-of-way for utility facilities other than those set forth in subsection H.2 of this section 12.16.040, including uses described in subsection H.2 that do not fully comply with the city's applicable design and/or public works standards without a deviation, shall be subject to administrative review as provided in subsection 12.16.040.H.4.
- 5. **Use of Consultants.** Where deemed reasonably necessary by the city, the city may retain the services of professional consultants to assist the city in carrying out its duties in reviewing and making decisions on permit applications. The applicant shall be responsible for payment of all the actual costs incurred by the city for such services. The city shall provide the applicant with a detailed invoice of time spent and the nature of the review, and the applicant shall submit payment to the city within 30 days of receipt of the invoice.

- I. Design Standards.
 - 1. Maximum Size of Permitted Use. No person may install, modify, or replace small wireless facilities on a pole in the public rights-of-way that exceeds the height limits contained in small wireless facilities design standards, or install, modify or replace a pole in the public rights-of-way with a new pole that will be more than 10 percent taller than other adjacent poles, unless the city manager or their designee approves the installation, modification or replacement after administrative review.
 - 2. Decorative Poles. No person may attach any utility facilities or collocate an antenna facility on a decorative pole, or replace a decorative pole, including with a new decorative pole, unless the city manager or their designee approves the attachment, collocation or replacement after administrative review.
 - 3. Notwithstanding any other provision of this chapter, the city manager shall have the authority to waive any provision of this chapter if the city manager determines in his or her sole discretion that the denial of an application would prohibit or effectively prohibit the provision of telecommunications services or personal wireless services in violation of the Telecommunications Act of 1996. An applicant may appeal the denial of a request for a waiver to the city council, whose decision shall be final.
- J. Notice of Construction. Except in the case of an emergency, the permittee shall notify the city not less than two working days in advance of any work in the public rights-of-way.
- K. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.
- L. Noncomplying Work. All work that does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this code, shall be promptly removed or corrected at the sole cost and expense of the permittee.
- M. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the public rights-of-way and other public and private property. All construction work within the public rights-of-way, including restoration, must be completed within 120 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved pursuant to the schedule submitted and approved by the appropriate city official as provided in subsection F of this section.
- N. As-Built Drawings. If requested by the city, the permittee shall furnish the city with two complete sets of plans in a format acceptable to the city drawn to scale and certified to the city as accurately depicting the location of all utility facilities constructed pursuant to the permit. These plans shall be submitted to the public

works director or designee within 60 days after completion of construction, in a format acceptable to the city.

O. Restoration of Public Rights-of-Way.

1. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own cost and expense, promptly remove any obstructions therefrom and, unless otherwise directed by the city, restore such public rights-of-way or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules and regulations as determined by the public works director or designee.
2. If weather or other conditions do not permit the complete restoration required by this section, the permittee shall temporarily restore the affected public rights-of-way or property. Such temporary restoration shall be at the permittee's sole cost and expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the city.
3. If the permittee fails to restore any portion of the public rights-of-way or property as required in this chapter, the license and the permit issued by the city, the city shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding 30 days to restore the public rights-of-way or property. If, after said notice, the permittee fails to restore the public rights-of-way or property to as good a condition as existed before the work was undertaken or as otherwise directed by the city pursuant to this subsection O, the city shall cause such restoration to be made at the sole cost and expense of the permittee.
4. A permittee or other person acting on its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such public rights-of-way or property.

P. Performance and Completion Bond. Unless otherwise agreed to by the city, a performance bond or other form of surety acceptable to the city equal to at least 100 percent of the estimated cost of permittee's work within the public rights-of-way in the city shall be provided before work is commenced.

1. The surety shall remain in force until 60 days after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.
2. The surety shall guarantee, to the satisfaction of the city:
 - a. Timely completion of construction;
 - b. Construction in compliance with applicable plans, permits, technical codes and standards;

- c. Proper location of the facilities as specified by the city;
- d. Restoration of the public rights-of-way and other property affected by the construction; and
- e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

12.16.050 – Location of utility facilities.

- A. Facilities. Upon request, each grantee shall provide the city with an accurate map or maps, in a format acceptable to the city, certifying the location of all of its utility facilities within the public rights-of-way in the city.
- B. Location of Facilities. All facilities shall be located underground as provided in Boardman Municipal Code 13.12.030, except as provided therein or in this subsection B. This requirement shall not apply to the installation of facilities used for transmission of electric energy at nominal voltages in excess of 35,000 volts, or to antennas, pedestals, cabinets or other equipment of any utility operator where underground operation is not technically feasible and the city, in its sole discretion, has approved an above-ground location. If a grantee proposes to install an antenna facility in an area where all wireline utility facilities in the public rights-of-way are underground, the city and grantee shall work to find a location for such antenna facility that is technically feasible and avoids the intangible public harm of unsightly or out-of-character deployments.
- C. Interference with the Public Rights-of-Way. No grantee may locate or maintain its utility facilities so as to unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances, rules and regulations.
- D. Relocation or Removal of Facilities.
 - 1. When requested to do so in writing by the city, a utility operator shall, at no cost or expense to the city, temporarily or permanently remove, relocate, change or alter the position of any utility facility within a public right-of-way, including relocation of aerial facilities underground; provided that underground relocation shall not be required for facilities for which underground operation is not technically feasible and the city, in its sole discretion, has approved the continued use of the above-ground location.
 - 2. The city will cooperate with the utility operator in securing alternate locations in the public rights-of-way; provided that the city shall bear no responsibility or cost to secure any alternate location either within or outside the public rights-of-way, or otherwise compensate or assist the utility operator in relocation of the facilities.
 - 3. The city shall coordinate the schedule for relocation of utility facilities and shall provide written notice of the time by which the utility operator must remove, relocate, change, alter or underground its facilities, which shall not be less than 30 days except as provided in subsection D.4 of this section. If a

utility operator fails to remove, relocate, change, alter or underground any utility facility as required by the city, the utility operator shall pay all costs and expenses incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the utility facility to be removed, relocated, changed, altered or undergrounded at the utility operator's sole cost and expense using qualified workers in accordance with applicable state and federal laws and regulations. The utility operator shall reimburse the city within 30 days of receipt of an invoice from the city.

4. In the event of a public health or safety emergency, as determined by the city, the city may require a utility operator to immediately remove, relocate, change or alter the position of any utility facility within a public right-of-way. The city retains the right and privilege to cut or remove, relocate, change or alter the position of any utility facility within a public right-of-way, without notice, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency, as determined by the city. The city will use qualified personnel or contractors consistent with applicable state and federal safety laws and regulations to the extent reasonably practicable without impeding the city's response to the emergency.

E. Removal of Unauthorized and Abandoned Facilities.

1. Within 30 days following written notice from the city, any utility operator or other person that owns, operates or controls any unauthorized utility facility or related appurtenances within the public rights-of-way in the city shall, at its own cost and expense, remove such facilities or appurtenances from the public rights-of-way in the city. If a utility operator or other person fails to remove any abandoned facilities or appurtenances, the utility operator or person shall pay all costs and expenses incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the utility facility or appurtenances to be removed at the utility operator's or other person's sole cost and expense using qualified workers in accordance with applicable state and federal laws and regulations. The utility operator or person shall reimburse the city within 30 days of receipt of an invoice from the city.
2. A utility facility is unauthorized and subject to removal in the following circumstances:
 - a. One year after the expiration, revocation or termination of the grantee's license or franchise without renewal thereof.
 - b. Upon abandonment of a utility facility within the public rights-of-way in the city. All or any portion of a utility facility will be considered abandoned when it is deactivated, out of service, or not used for its authorized purpose for a period of 90 days or longer. A utility facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.

- c. If the utility facility was constructed or installed without the appropriate prior authority at the time of installation.
 - d. If the utility facility was constructed or installed at a location not permitted by the utility operator's license or franchise, or the permit issued pursuant to this chapter.
- F. Relocation or Removal by City. The city shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the city or its contractor in removing, relocating or altering the facilities pursuant to this section, or resulting from the utility operator's failure to remove, relocate, alter or underground its facilities as required by this section, unless such damage arises solely and directly from the city's negligence or willful misconduct.
- G. Coordination of Construction Activities. All grantees are required to make a good faith effort to cooperate with the city in coordinating construction activities in the public rights-of-way.
 - 1. By January 1st of each year, grantees shall provide the city with a schedule of their proposed construction activities in, around or that may affect the public rights-of-way.
 - 2. If requested by the city, each grantee shall meet with the city annually or as determined by the city, to schedule and coordinate construction in the public rights-of-way. At that time, city will provide available information on plans for local, state, and/or federal construction projects.
 - 3. All construction locations, activities and schedules shall be coordinated, as ordered by the public works director or designee, to minimize public inconvenience, disruption or damage.

12.16.060 – Utility license.

- A. Utility License. Every person that owns, operates or controls utility facilities as of the effective date of this chapter shall apply for a license from the city within 30 days of the later of:
 - 1. The effective date of this chapter, or
 - 2. The expiration of a valid franchise agreement granted by the city, unless a new franchise agreement is granted by the city pursuant to subsection K of this section.
- B. Application. The license application shall be on a form provided by the city, and shall be accompanied by any additional documents required by the application or the city to identify the applicant, its legal status, including its authorization to do business in Oregon, a description of the utility facilities in the public rights-of-way or to be installed in the public rights-of-way, a description of type of utility service provided or to be provided by the applicant, if any, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.

- C. Application Fee. The application shall be accompanied by a nonrefundable application fee or deposit set by resolution of the city council.
- D. Determination by the City. The city shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. The application shall be evaluated based upon the provisions of this chapter, the continuing capacity of the public rights-of-way to accommodate the applicant's proposed utility facilities and the applicable federal, state and local laws, rules, regulations and policies.
- E. Scope of Grant.
 - 1. A license shall authorize the licensee, subject to the provisions of the city codes, including this Chapter, and other applicable provisions of state or federal law, as amended from time to time, to construct, place, maintain, upgrade, repair and operate utility facilities in the public rights-of-way for the term of the license for the provision of the utility service(s) authorized in the license. In the event the licensee, or another person using the licensee's facilities, offers different utility service(s) than those authorized in the license, the licensee shall inform the city of such changes no later than 30 days after the provision of such services.
 - 2. No license granted pursuant to this chapter shall convey any right, title or interest in the public rights-of-way, but shall be deemed a non-exclusive grant to use and occupy the public rights-of-way for the limited purposes and term provided in this chapter. The license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances and claims of title of record that may affect the public rights-of-way.
 - 3. No license granted pursuant to this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way for utility facilities, delivery of utility services or any other purpose. The city expressly reserves the right to grant licenses, franchises or other rights to other persons, as well as the city's right to use the public rights-of-way, for similar or different purposes.
 - 4. Neither the issuance of the license nor any provisions contained therein shall constitute a waiver or bar to the exercise of any governmental right or power, including, without limitation, the police power or regulatory power of the city.
- F. Term. Subject to the revocation and termination provisions in subsection J of this section, a utility license granted hereunder shall be in effect for a term of five years.
- G. Multiple Services.
 - 1. A utility operator that provides or transmits or allows the provision or transmission of utility services and non-utility services over its utility facilities is subject to the license and fee requirements of this chapter for the portion of the utility facilities and extent of utility services delivered by the utility operator over those facilities.

2. A utility operator that provides or transmits more than one utility service to customers in the city is not required to obtain a separate license or franchise for each utility service, but is required to pay the rights-of-way use fees due for each utility service the utility operator provides.
- H. **Renewal Applications.** A licensee that desires to renew its license under this code shall, not less than 30 days but no more than 180 days before expiration of the current license, submit an application with the city, including all information required in section 12.16.060.B and the application fee required in section 12.16.060.C. The city shall review the application as required by section 12.16.060.D and grant or deny the license within 90 days of submission of the application. If the city determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the city may require that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the city, before the city will consider the application and/or grant the license. If the city requires the licensee to cure or submit a plan to cure a violation, the city will grant or deny the license application within 90 days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.
- I. **Assignments or Transfers of System or License.** Except as otherwise provided by applicable State and federal law, ownership or control of a majority interest in utility facilities or a license may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city.
1. Licensee and the proposed assignee or transferee of the license or facilities shall agree, in writing, to assume and abide by all of the provisions of the license.
 2. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the utility facilities pursuant to this code and otherwise meets the criteria for all license applicants set forth in section 12.16.060.D.
 3. Unless expressly prohibited by applicable state or federal law, the licensee shall reimburse the city for all direct and indirect fees, costs and expenses reasonably incurred by the city in considering a request to transfer or assign a utility license.
 4. Any transfer or assignment of a utility license or utility facilities without prior approval of the city under this code shall be void and is cause for revocation of the license.
- J. **Revocation or Termination of License.**
1. The city may, subject to applicable notice and cure provisions of this subsection J, revoke a license to use or occupy the public rights-of-way in the city for one or more of the following reasons:
 - a. Construction or operation in the city or in the public rights-of-way in the city without applicable permit(s);

- b. Construction or operation at an unauthorized location;
 - c. Failure to comply with subsection I of this section with respect to sale, transfer or assignment of utility facilities or a license;
 - d. Misrepresentation by or on behalf of a grantee in any application to the city;
 - e. Abandonment of utility facilities in the public rights-of-way;
 - f. Failure to relocate or remove facilities as required in this chapter;
 - g. Failure to pay taxes, compensation, fees or costs when and as due the city under this code;
 - h. Insolvency or bankruptcy of the grantee;
 - i. Violation of material provisions of this code; and/or
 - j. Violation of the material terms of the license.
2. Notice and Duty to Cure. In the event that the city believes that grounds exist for revocation of a license, the city shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding 30 days, to furnish evidence that:
 - a. Corrective action has been taken, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
 - b. Rebuts the alleged violation or noncompliance; and/or
 - c. It would be in the public interest to impose some penalty or sanction less than revocation.
 3. Public Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the city of its compliance with the license or with this code, the city staff shall refer the apparent violation or noncompliance to the city council. The city council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.
 4. Standards for Revocation or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this code, or of a license, the city council shall determine whether to revoke the license, or to establish some lesser sanction and cure, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors. Whether:
 - a. The misconduct was egregious;
 - b. Substantial harm resulted;
 - c. The violation was intentional;
 - d. There is a history of prior violations of the same or other requirements;
 - e. There is a history of overall compliance;
 - f. The violation was voluntarily disclosed, admitted or cured;
 - g. Grantee has failed to cure the violation after notice.

5. The provisions of this subsection J are in addition to, and in no way limit, the other penalties provided in this chapter and any other remedies the city may have at law or in equity.
- K. Franchise Agreements. If the public interest warrants, as determined by the city in its sole discretion, the city and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of city council. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with the express provisions of any such franchise. In the event of a conflict between the express provisions of a franchise and this chapter, the franchise shall control.

12.16.070 – License terms.

- A. Maintenance. The utility operator shall be solely responsible for any repairs or maintenance required to keep its facilities in a clean, safe and code-compliant condition. The operator, at its sole cost and expense, shall repair any damage to its facilities within: (1) 30 days after the permittee discovers or receives notice (written or verbal) that such damage exists or (2) immediately if such repairs are necessary to preserve life or property. If, after notice from the city of the need for repair or maintenance as required in this subsection, a utility operator fails to repair and maintain utility facilities as requested by the city and by the date reasonably established by the city, the city may perform such repair or maintenance using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations at the utility operator's sole cost and expense. Within 30 days of receipt of a detailed invoice from the city, the utility operator shall reimburse the city the full invoiced amount.
- B. Reservation of City Rights. Nothing in the license shall be construed to prevent the city from grading, paving, repairing and/or altering any public rights-of-way, constructing, laying down, repairing, relocating or removing city facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any city facilities. If any of licensee's utility facilities interfere with the construction, repair, relocation, replacement, alteration or removal of any public rights-of-way, public work, city utility, city improvement or city facility, licensee's facilities shall be removed or relocated as provided in section 12.16.050.
- C. Damage to Grantee's Facilities. Unless directly and proximately caused by negligence or willful misconduct by the city, the city shall not be liable for any damage to or loss of any utility facility within the public rights-of-way in the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights-of-way by or on behalf of the city, or for any consequential losses resulting directly or indirectly therefrom.

- D. **Duty to Provide Information.** Within 30 days of a written request from the city, each grantee shall furnish the city with the following:
1. Information sufficient to demonstrate that grantee has complied with all requirements of the license and this code, including but not limited to payment of any applicable fees.
 2. Any books, records, maps, and other documents maintained by the grantee with respect to its facilities within the public rights-of-way that the city may request.
- E. **Compensation for City Property.** If any right is granted, by lease or other manner, to use and occupy city property for the installation of utility facilities, the compensation to be paid for such use shall be fixed by the city. No license issued pursuant to this chapter shall grant any right, license or authority to install utility facilities or otherwise use or occupy city property.
- F. **Cable Franchise.** Utility operators providing cable service shall be subject to the separate cable franchise requirements of the city and other applicable authority, subject to applicable law.
- G. **Leased Capacity.** A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided that (i) the use of the utility facilities does not require or involve any additional equipment owned or operated by the lessee to be installed in or on the facility (unless the lessee has obtained a ROW license or franchise from the city); and (ii) the grantee provides the city with the name and business address of any lessee within 30 days of the effective date of the lease or other agreement to provide capacity or bandwidth.
- H. **Grantee Insurance.**
1. Each grantee shall, as a condition of the license, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsured:
 - a. Comprehensive general liability insurance with limits of not less than:
 - i. Three million dollars (\$3,000,000) for bodily injury or death to each person;
 - ii. Three million dollars (\$3,000,000) for property damage resulting from any one accident; and;
 - iii. Three million dollars (\$3,000,000) for all other types of liability.
 - b. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.
 - c. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000).
 - d. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).

2. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon. The insurance shall be without prejudice to coverage otherwise existing.
3. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the license, and such other period of time during which the grantee is operating without a license, or is engaged in the removal of its utility facilities.
4. Each such insurance policy shall contain the following endorsement:
It is hereby understood and agreed that this policy may not be canceled or materially altered, nor the intention not to renew be stated, until 30 days after receipt by the City, by registered mail, of a written notice addressed to the City of such intent to cancel or not to renew.
5. Prior to said cancellation or material alteration, the grantee shall obtain and furnish to the city evidence that the grantee continues to meet the requirements of this section.
6. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.
7. A grantee shall maintain on file with the city a certificate of insurance, or proof of self-insurance acceptable to the city, certifying the coverage required above.
- I. General Indemnification. To the fullest extent permitted by law, each grantee shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses, costs and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from, or alleged to arise out of or result from, the negligent, careless or wrongful acts, or any acts, omissions, failures to act or misconduct, of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its utility facilities, and/or in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this code or by a license granted pursuant to this code.
- J. Performance Surety. Unless otherwise agreed to in writing by the city, before a license granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of a license granted under this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance bond or surety required for construction of facilities.

12.16.080 – Rights-of-Way use fees.

- A. Every person that owns, operates or controls utility facilities in the city shall pay the rights-of-way use fee in the amount determined by resolution of the city council.
- B. Fees required by this section shall be reduced by any franchise fees, but in no case shall be less than zero dollars (\$0).
- C. No acceptance of any payment shall be construed as accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the city may have for further or additional sums payable.
- D. Unless otherwise agreed to in writing by the city, the fees set forth under this section shall be paid quarterly, in arrears, within 45 days after the end of each calendar quarter. Each payment shall be accompanied by an accounting of the basis for the calculation of the amount payable on a remittance form provided by the city. The utility operator shall provide to the city any additional reports or information the city deems necessary to ensure compliance with this section. Any person who fails to remit any fees when due under this section shall pay interest at the rate of one and one-half percent (1.5%) per month or fractions thereof, without proration for portions of a month, on the total amount due, from the date on which the payment first became delinquent, until received by the city.
- E. The calculation of the fees required by this section shall be subject to all applicable limitations imposed by federal or state law in effect and as may be subsequently amended.
- F. The city reserves the right to enact other fees and taxes applicable to person(s) subject to this Chapter. Unless expressly permitted by the city in enacting such fee or tax, or required by applicable state or federal law, no person may deduct, offset, or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the fees required under this Chapter.
- G. Within 30 days of a written request from the city, or as otherwise agreed to in writing by the city, every utility operator shall furnish the city, at no cost to the city, information sufficient to demonstrate compliance with this section. If the city's review or audit of the books, records and other documents or information of the utility operator demonstrates that the utility operator has underpaid the rights-of-way use fee by three percent (3%) or more, the utility operator shall reimburse the city for the cost of the review or audit, in addition to any interest and penalties owed under this chapter. Any underpayment, including any interest, penalties or audit cost reimbursement, shall be paid within 30 days of the city's notice to the utility operator of such underpayment. The utility operator shall maintain records subject to this subsection for not less than six years.
- H. Rights-of-way usage fees not received by the city on or before the due date are subject to the penalties in the amount determined by resolution of the city council, which shall be addition to and not in lieu of any other penalties or remedies available to the city.

12.16.090 – General provisions.

- A. **Governing Law.** Any license granted under this chapter is subject to the provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and Charter of the city.
- B. **Severability and Preemption.** If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this code is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the code shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this code shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this code, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city.
- C. **Penalties.** Any person violating any of the provisions of this chapter is liable for a citation for a Class B violation consistent with Boardman Municipal Code Chapter 1.16.
- D. **Other Remedies.** Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.
- E. **Compliance with Laws.** Any grantee under this code shall comply with all federal and state laws, rules and regulations, including regulations of any administrative agency thereof, as well as all codes, ordinances, resolutions, rules and regulations of the city heretofore or hereafter adopted or established during the entire term any license granted under this code, which are relevant and relate to the construction, maintenance and operation of a utility system or the provision of utility services.
- F. **Application to Existing Ordinance and Agreements.** To the extent that this chapter is not in conflict with and can be implemented with existing ordinances and franchise agreements, this code shall apply to all existing ordinances and franchise agreements for use of the public right-of-way for utility facilities.

CITY OF BOARDMAN
ORDINANCE 3-2025

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BOARDMAN
MUNICIPAL CODE ADDING CHAPTER 13.12 UNDERGROUND WIRING
CONTROL DISTRICT

WHEREAS, since 1976, the City of Boardman has required all utilities in the City to be installed underground pursuant to the Underground Wiring Control District established in what is now Boardman Municipal Code Chapter 13.12; and

WHEREAS, the City desires to maintain the Underground Wiring Control District with updates to clarify the obligations of developers, property owners and utilities; and

WHEREAS, the City has enacted Ordinance 2-2025, adopting a new Chapter 12.16 of the Boardman Municipal Code, relating to utility facilities in the rights-of-way, which requires related conforming amendments to Chapter 13.12; and

WHEREAS, the City finds it is in the public interest to enact the updates to the Municipal Code as set forth in this Ordinance.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

- Section 1. Boardman Municipal Code Chapter 13.12 shall be amended as provided in Exhibit A.
- Section 2. This Ordinance shall become effective on the 30th day after its adoption.

Passed by the Council and approved by the Mayor this ____ day of _____, 2025.

Paul Keefer – Mayor

Amanda Mickles – City Clerk

EXHIBIT A

13.12.010 - Findings.

The council finds that a program for the establishment of an underground wiring control district is highly desirable to beautify the city and to promote its orderly development; that the underground wiring shall be required for installation of underground utility facilities in the city, except as hereinafter provided; that such a program is in the public interest and will allow property owners who must provide on-premises facilities to make such plans as are necessary to take the underground service; that such a program is in conformity with ORS Chapter 221, which provides that the city may prescribe by ordinance the character of service to be furnished by any public utility and the conditions upon which such utility may be permitted to occupy the ~~streets-public rights-of-way~~ and public property within the city; and that such an underground wiring program is necessary in such area in order to protect and promote the public health, safety and welfare.

(Prior code § 3-2.1)

13.12.020 - Boundaries.

The underground wiring control district shall mean and include the entire city of Boardman.

(Prior code § 3-2.2)

13.12.030 - Overhead wires prohibited.

It is unlawful for any person to erect, construct or maintain on or over the surface of any of the ~~streets-public rights-of-way, as defined in Boardman Municipal Code 12.16.030,~~ in the underground wiring control district any wires, poles, cables, appliances, or apparatus of any kind, on, through, or by means of which electric current is transmitted or which is used for operating to provide any ~~telephone, telegraph~~ telecommunications, television, cable television-cable, messenger, or other communications service, electric light or power, ~~system~~ or for any other purpose, ~~excepting~~ as hereinafter provided specifically and by variance procedures.

(Prior code § 3-2.3)

13.12.040 - Subdivision utilities.

A. Wire utilities to subdivisions and lots ~~which~~, in addition to being underground as ~~above~~ provided for in section 13.12.030, shall be in common trenches ~~and at the rear of lots where practicable, and~~ where easements are provided by the subdivider or property owner of not less than ten (10) feet in width for installation and maintenance. ~~That the~~ property owner and possessor of the property shall be obligated to maintain the easement and shall be prohibited from placing permanent improvements and improvements that would interfere with ~~the~~ access to the utilities for service and maintenance.

~~B. It is the duty of the city building inspector to enforce the building restrictions on the utility easement right of way. Should the enforcement of a developer or utility believe the building restrictions on the right of way in this Chapter are impractical, such substitution shall be sufficient for the developer or utility to may obtain request a variance upon application as provided in section 13.12.070.~~
(Prior code § 3-2.3A)

~~13.12.050 — Utilities in Rights-of-Way Application for permit.~~

~~The provisions of this Chapter shall apply to Any every person owning granted a franchise, license or privilege to erect, construct, or maintain any wires or facilities in the public rights-of-way or on public property. wires, cables, poles, appliances or apparatus on, over, or by means of which electric current is transmitted or used for any purpose on, over, and along any of the streets, public property, or parts thereof in the underground wiring control district, shall file with the clerk of the city a written application for a permit to install and maintain such wires, cables, appliances, and apparatus in conduits, subways or trenches beneath the surface of the streets and public property, or such parts thereof as may be required, together with an agreement to promptly repave and repair any of the streets, public property, or portions thereof that may be disturbed or undermined by such applicant, either upon original construction or installation of wires underground or upon repairing, altering, or maintaining the same thereafter.~~

~~(Prior code § 3-2.4)~~

~~13.12.060 — Designation of space by council. —~~

~~Upon the filing of such application, the council will designate that portion, or those portions, of space in such streets, public property, or parts thereof in the underground wiring control district that such applicant shall use. No person shall have any right or privilege to use any part or parts of such streets or public property in the district except as designated by the council.~~

~~(Prior code § 3-2.5)~~

~~13.12.070 — Filing plans and specifications. —~~

~~Within a reasonable time after space in such streets or public property has been designated, such applicant shall file with the clerk for approval by the council, plans and specifications for a system of underground conduits, subways or trenches for wires, cables, and appliances, including the necessary manholes, service boxes and transformer enclosures, and in addition thereto shall file a map showing the general route and location of such conduits, subways or trenches.~~

~~(Prior code § 3-2.6)~~

~~13.12.080 — Permits. —~~

~~If the plans, specifications, and map of the general route of underground utility installations are satisfactory, the council will approve the same and thereupon issue to such applicant a permit to enter upon the streets, public property, or parts thereof, in the~~

~~district to make such excavation therein as may be necessary for the construction of conduits, subways or trenches, the laying of wires, cables and appliances therein, and for building manholes or service boxes underground within the space theretofore designated for the applicant.~~

~~(Prior code § 3-2.7)~~

~~13.12.090 – Repair of streets.——~~

~~Upon the installation and completion of such underground system of wires, cables and appliances, the person installing the same shall put the surface of the parts of such streets or public property which were disturbed in as good order and condition as the same were prior thereto.~~

~~(Prior code § 3-2.8)~~

~~13.12.100 – Excavation and restoration of streets.——~~

~~A. It is unlawful to make any excavation in any of the streets in the district for the purposes mentioned herein without such permit from the council. However, in case of an emergency, when service to subscribers or customers is interrupted by accident and immediate repairs are necessary, such repairs may be begun without such permit after notice to the department of public works. B. All excavations for the purpose of placing wires or cables under such streets and public property, or for the purpose of making repairs, additions and changes thereto, and all work upon pavements and the foundations thereof where excavations are made shall be under the supervision of the department of public works and only after notice to such department.~~

~~(Prior code § 3-2.9)~~

~~13.12.110 – Use of sidewalk space and building fronts.~~

~~Any person owning or operating underground wires, cables, conduits, or subways in compliance with this chapter may connect the same at the side lines of the street, and to that end may use such space under the streets and sidewalks as may be necessary or convenient, and may also have access to all area ways under sidewalks, and may place and maintain such wires, cables, and appliances in proper conduits in and through such area ways or spaces. If wires or cables are run up the sides or in front of any building, such wires or cables shall be placed in proper tubes so as to prevent danger to life or property. No wire, cable, or the supports therefor shall cross any window or opening in any building.~~

~~(Prior code § 3-2.10)~~

~~13.12.120 – Location maps.——~~

~~Every person to whom a permit has been granted pursuant to this chapter shall, upon completion of the installation of underground wires, cables, and appliances, file with the clerk of the city a map showing the location of the conduits, subways, trenches, wires, cables, manholes, and service boxes under such streets, public property or parts thereof in the underground wiring control district. The clerk shall thereupon record such~~

~~maps in a book kept for such purpose and shall enter in appropriate indexes the name of the owner of such conduits or subways with a reference to the volume and page where such map is recorded.~~

~~(Prior code § 3-2.11)~~

13.12. ~~060130~~ - Exemptions.

The provisions of this chapter with respect to underground utility construction or installation shall not apply to the following:

A. Wires, poles and appliances for lighting the ~~streets~~ public rights-of-way of the city under contract with the city, or under private contracts, connected with wires or cables in such conduits, subways, or trenches, but all such wires for street lighting above the surface of the public rights-of-way ~~streets~~ shall be placed inside or on the outside of poles used in connection with such street lighting and shall be connected underground from the foot or base of such respective poles directly with the nearest wires or cables placed in such conduits, subways or trenches. Such wires for street lighting if put on the outside of such poles shall be placed in proper tubes so as not to be dangerous to life or property, excepting, however, wires above the ground connecting such poles and the wires thereof with the electric lamp, or lamps, used on such pole.

B. Wires, cables and appliances for electric signs, advertisements, and decorative lighting, connected with wires or cables in such conduits, subways or trenches; but all such wires for electric signs, advertisements, and decorative lighting shall be carried from or connected with the building. If such wires are placed on the sides or front of any such building, they shall be placed in proper tubes so as not to be dangerous to life or property, and such wires shall be connected underground from the foundations or basement of such respective buildings directly with the nearest wires or cables placed in such conduits, subways or trenches. No such wire for electric signs, advertisements, or decorative lighting shall cross any ~~street~~ public rights-of-way above ground.

C. Enclosed electric transformers and pedestals used in connection with underground wiring and mounted on the surface of the ~~streets~~ public rights-of-way and public property, provided that the city reserves the right to approve the location of such facilities and to require underground placement where technically feasible.

D. Those installations of utilities ~~presently~~ completed as of the effective date providing for overhead wiring shall not be subject to the provisions of this chapter. However, this chapter does not preclude such installations from being subject to future ordinances.

~~E. Feeder Lines. That line that serves the system but not a specific customer. Feeder lines to be placed underground by council order shall be put underground at the expense of the city by crediting franchise fees in the amount of the actual cost differential between overhead and underground installation.~~

~~(Prior code § 3-2.12)~~

13.12.~~070140~~ - Variances.

A. Variances with the provisions of this chapter for subdivisions and lots may be allowed as a Class C variance upon written application under the provisions of the Boardman Development Code at Chapter 5.1 Variances. ~~for the same being first made to the city planning commission. Within ten (10) days thereof the city planning commission shall then make a recommendation to the city council concerning the requested variances. It shall then be the duty of the city council to grant or deny a request for variance on or before the next regular council meeting.~~

B. ~~Variances shall be allowed upon a finding by the city council that:~~

- ~~1. The topography is such, due to terrain, rock, etc., as to make compliance physically impractical;~~
- ~~2. It is economically not feasible;~~
- ~~3. The size, shape or design of the plat or subdivision does not lend itself to underground or rear lot placement; or~~
- ~~4. The utility lines are of such voltage, size or capacity that common trenching, underground or back lot installation is not feasible.~~

Variances for utilities that are not installed as part of a subdivision, lot, or new development shall be considered through the administrative review process provided in Boardman Municipal Code Chapter 12.16.

(Prior code § 3-2.12A)

13.12.~~080150~~ - Joint use of conduits permitted.

Nothing in this chapter shall be construed to prevent or impair any agreement between or among any persons affected by this chapter designed to provide for joint ownership, control, or use of conduits, subways or trenches.

(Prior code § 3-2.13)

~~13.12.160 - Control of electrical currents.~~

~~It is the duty of all persons using or employing electrical currents to provide and put in use such means and appliances as will, as far as practicable, control and effectually contain such currents in their proper channels and on their own wires, cables and other structures so as to prevent injury to pipes and other structures belonging to the city or to any other person; to repair and renew such means and appliances; and from time to time to change and improve the same as may be necessary to accomplish such purpose, all at his or her charge and expense, and at his or her own risk, selecting and adopting such means and appliances as shall prevent injury to the pipes and other structures belonging to the city as aforesaid, or to any other person.~~

(Prior code § 3-2.14)

13.12.~~090170~~ - Traffic signal installations.

The provisions of this chapter relating to underground wiring shall not be applicable to traffic signal installations made and maintained by the city. When deemed appropriate by the city engineer, agreements may be made with private property owners permitting attachment of such traffic signal installations to privately owned buildings, and the

council may direct entry into or to approve agreements relating thereto, such agreements having first been approved as to form by the city attorney.

(Prior code § 3-2.15)

13.12. 100180 - Violation.

Any person violating any of the provisions of this chapter is liable for a citation for a Class B violation consistent with Boardman Municipal Code Chapter 1.16.~~Violation of this chapter shall constitute the creation of a nuisance and the procedure for abating the same and the penalties shall be as provided in Sections 8.04.200 through 8.04.220 of this code.~~

(Prior code § 3-2.16)

CITY OF BOARDMAN
RESOLUTION 6-2025

A RESOLUTION DECLARING CITY OF BOARDMAN
PERSONAL PROPERTY AS EXCESS

WHEREAS, the City of Boardman owns and operates equipment and vehicles; and

WHEREAS, certain equipment which may not have effective use remaining has become excess to the needs for which it was acquired and utilized; and

WHEREAS, in the interest of cost efficiency, equipment which the expense of repair/renovation exceeds the value of the equipment to the operations of the City, is judged by the City Council to best be disposed of.

NOW, THEREFORE BE IT RESOLVED, that the items listed in Exhibit A currently owned and operated by the City of Boardman is declared EXCESS and shall forthwith be disposed.

BE IT FURTHER RESOLVED, the City Council authorizes the City Administration to dispose of the property through the donation to not for profit entities, acceptance of bids, direct sale with prospective purchaser(s), or a combination thereof.

Passed by the Boardman City Council this 4th day of March 2025.

CITY OF BOARDMAN

Mayor – Paul Keefer

Council President – Ethan Salata

Councilor – Cristina Cuevas

Councilor – Karen Pettigrew

Councilor – Brenda Profitt

Councilor – Heather Baumgartner

Councilor – Richard Rockwell

ATTEST:

Amanda Mickles – City Clerk

Resolution 6-2025 Exhibit A

City Hall

Qty Item

- | | |
|---|---|
| 1 | Panasonic KX-NT680 Business Communication System Server |
|---|---|

Public Works

Qty Item

- | | |
|---|------------------------|
| 2 | Trash Pumps |
| 1 | Lift Station Generator |
| 7 | Hydrants |
| 1 | Street Sweeper |
| 1 | Mower/Sidewalk Sweeper |
| 2 | Lift Station Pumps |

CITY OF BOARDMAN
RESOLUTION 7-2025

A RESOLUTION ADOPTING DESIGN STANDARDS FOR SMALL WIRELESS
FACILITES TO BE INSTALLED WITHIN CITY OF BOARDMAN RIGHT-OF-
WAY CONSISTENT WITH MUNICIPAL CODE PROVISIONS AT 12.16

WHEREAS, the City of Boardman has the authority pursuant to its Charter and the Oregon Constitution and statutes to manage its rights-of-way; and

WHEREAS, the City of Boardman has an adopted Municipal Code that includes provisions regulating installations within the rights-of-way at Title 12 Chapter 12.16 Utility Use of the Rights-of-Way; and

WHEREAS, the City of Boardman has determined that Design Standards are necessary to ensure Small Wireless Facilities are compatible with the built environment.

NOW, THEREFORE, BE IT RESOLVED:

The City of Boardman adopts the Small Wireless Facilities Design Standards as outlined in Exhibit A.

Effective Date: This Resolution adopting Design Standards for Small Wireless Facilities will be effective concurrently with Ordinance 2-2025 and 3-2025.

DATED this 4th day of March 2025.

CITY OF BOARDMAN

Mayor – Paul Keefer

Council President – Ethan Salata

Councilor – Karen Pettigrew

Councilor – Richard Rockwell

Councilor – Brenda Profitt

Councilor – Cristina Cuevas

Councilor – Heather Baumgartner

ATTEST:

Amanda Mickles – City Clerk

EXHIBIT A

Small Wireless Facility Design Standards For City Rights-of-Way

- A. Definitions.** Definitions for these design standards are those provided in BMC Chapter 12.16.030.
- B. Application of Standards.**
- a. These standards apply to small wireless facilities to be located in the public rights-of-way. These standards do not apply to antenna facilities, including small wireless facilities, and towers to be located outside the public rights-of-way, which are subject to applicable provisions of the Development Code.
 - b. These design standards are in addition to, and in no way alter or amend, the standards and requirements established in BMC Title 12. In the event of a conflict between these design standards and the standards and requirements established in BMC Title 12, the latter shall control.
- C. General Requirements.**
- a. Ground-mounted equipment in the right-of-way is discouraged, unless the applicant can demonstrate that pole-mounted equipment is not technically feasible, or the electric utility requires placement of equipment on the ground (such as an electric meter). If ground mounted equipment is necessary, then the applicant shall conceal the equipment in a cabinet, in street furniture or with landscaping.
 - b. Antennas must be mounted in a manner that minimizes visual impacts, which may include flush-mounting and camouflaging, as directed by the City. All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.
 - c. Replacement poles, new poles and all antenna equipment shall comply with the Americans with Disabilities Act ("ADA"), City construction and sidewalk clearance standards and City, state and federal laws and regulations in order to provide a clear and safe passage within, through and across the right-of-way. Further, the location of any replacement pole, new pole, and/or antenna equipment must comply with applicable traffic requirements, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect public health, safety or welfare.
 - d. Replacement poles shall be located as near as feasible to the existing pole. The abandoned pole must be removed within ten business days.
 - e. Any replacement pole shall substantially conform to the material and design of the existing pole or adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section I and the permit issued by the City pursuant to BMC Section 12.16.
 - f. No advertising, branding or other signage is allowed unless lawfully permitted and approved by the City Manager or designee as a concealment technique or as follows:
 - i. Safety signage as required by applicable laws, regulations, and standards; and,
 - ii. Identifying information and 24-hour emergency telephone number (such as the telephone number for the operator's network operations center) on wireless equipment in an area that is visible.

- g. The total volume of multiple antennas on one structure shall not exceed 15 cubic feet, unless additional antenna volume is requested and approved pursuant to Section I.
- h. Antennas and antenna equipment shall not be illuminated except as required by municipal, federal or state law or regulation.
- i. Small wireless facilities may not displace any existing street tree or landscape features unless in compliance with the Boardman Municipal Code and Development Code, and at minimum: (a) such displaced street tree or landscaping is replaced with trees and landscape approved under the City's Development Code, and (b) the applicant submits and adheres to a landscape maintenance plan or agrees to pay an appropriate in-lieu fee for the maintenance costs.
- j. A power cutoff switch must be installed on each pole or structure to which a small wireless facility capable of emitting RF energy is attached. The City will ensure that authorized field personnel provide a 24-hour advance notice to the designated point of contact for the licensee or franchisee when a power-down or power cutoff is required.
 - i. Notwithstanding the previous sentence, in the event of an unexpected power outage, an unplanned power cutoff, or an emergency situation, the power-down will be executed with as much advance notice as practical. If circumstances require, City employees and contractors may perform the power-down by operating the power disconnect switch without prior notice to the licensee or franchisee. The City will notify the licensee or franchisee as soon as possible in such cases. Power will be restored promptly once it can be done safely.

D. Small Wireless Facilities Attached to Wooden Poles and Non-Wooden Poles with Overhead Lines. Small wireless facilities located on wooden utility poles and non-wooden utility poles with overhead lines shall conform to the following design criteria unless a deviation is requested and approved pursuant to Section I:

- a. Proposed antenna and related equipment shall meet:
 - i. The City's design standards for small wireless facilities.
 - ii. The pole owner requirements; and
 - iii. National Electric Safety Code ("NESC") and National Electric Code ("NEC") standards.
- b. The pole at the proposed location may be replaced with a taller pole or extended for the purpose of accommodating a small wireless facility; provided that the height increase of the replacement or extended pole, together with any small wireless facility, is the minimum necessary to provide sufficient separation and/or clearance from electrical and wireline facilities, but may not exceed 40 feet in height or 10 percent taller than adjacent poles, whichever is less, except in the case of an eligible facilities request or as otherwise required by applicable law. Such replacement poles may either match the approximate color and materials of the replaced pole or shall be the standard new pole used by the pole owner in the City.
- c. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall match the approximate material and design of the surface of the pole or existing equipment on which they are attached, or adjacent poles located within the contiguous right-of-way. Near matches may be permitted by the City when options are limited by technical feasibility considerations, such as when high-frequency antennas cannot be placed within an opaque shroud but could be wrapped with a tinted film.
- d. Antennas which are mounted on poles shall be mounted above the pole, as close

- to the top of pole as technically feasible and allowed by the pole owner.
- e. Antennas may not exceed the diameter of the pole on which they are attached, or 16 inches in diameter, whichever is greater.
- f. Antenna equipment for small wireless facilities must be attached to the pole, unless otherwise required by the pole owner or permitted to be ground-mounted pursuant to subsection (C)(a) above. The equipment must be placed in an enclosure reasonably related in size to the intended purpose of the facility.
- g. All cables and wiring shall be covered by conduits and cabinets. The number of conduits shall be minimized.

E. Small Wireless Facilities Attached to Non-Wooden Light Poles and Non-Wooden Utility Poles without Overhead Utility Lines. Small wireless facilities attached to existing or replacement non-wooden light poles and non-wooden utility poles without overhead lines shall conform to the following design criteria unless a deviation is requested and approved pursuant to Section I:

- a. The antennas must be camouflaged to appear as an integral part of the pole or be mounted as close to the top of pole as feasible within a single, canister style shroud or radome that tapers to the pole.
- b. For replacement poles, all equipment (excluding disconnect switches), conduit and fiber must be fully concealed within the pole. For existing poles for which concealing equipment within the pole is not technically feasible, the equipment must be camouflaged to appear as an integral part of the pole or be mounted as close to the pole as feasible, and the applicant must place the equipment enclosure(s) behind any decorations, banners or signs that may be on the pole. Conduit and fiber must be fully concealed within the pole.
- c. Any replacement pole shall substantially conform to the material and design of the existing pole or adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section I.
- d. The height of any replacement pole may not extend more than 10 feet above the height of the existing pole or be 10 percent taller than adjacent poles, whichever is less.

F. New Poles. Small wireless facilities may be attached to new poles that are not replacement poles under sections D or E, installed by the wireless provider, subject to the following criteria:

- a. Antennas, antenna equipment and associated equipment enclosures (excluding disconnect switches), conduit and fiber shall be fully concealed within the structure.
- b. All new poles and pole-mounted antennas and equipment shall substantially conform to the material and design of adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section I. If there are no existing light poles in the adjacent right-of-way, any new light poles shall conform to the City's street light standards.
- c. New poles shall be no more than 40 feet in height or 10 percent taller than adjacent poles, whichever is less, unless additional height is requested and approved pursuant to Section I.
- d. Wireless providers shall install small wireless facilities on existing or replacement poles instead of installing new poles, unless the wireless provider can document that installation on an existing or replacement pole is not technically feasible or otherwise not possible (due to a pole owner's denial of authorization, safety considerations, or other reasons acceptable to the City).

Manager or designee).

G. Residential Zones and Special District Requirements.

- a. *Residential Zones and Special Districts:* Small wireless facilities and poles to support collocation of small wireless facilities deployed in Residential Zones and/or Special Districts identified in the Development Code shall be compatible with the existing integrity of those Zones and Districts, and shall have a similar appearance, including material and design elements, to other poles in the rights-of-way within these areas.

H. Strand Mounted Equipment. Strand mounted small wireless facilities are permitted, subject to the following criteria:

- a. Each strand mounted antenna shall not exceed 3 cubic feet in volume, unless a deviation is requested and approved pursuant to Section I.
- b. Only 2 strand mounted antennas are permitted between any 2 existing poles.
- c. Strand mounted devices shall be placed as close as possible to the nearest pole and in no event more than 5 feet from the pole.
- d. No strand mounted device will be located in or above the portion of the roadway open to vehicular traffic.
- e. Strand mounted devices must be installed with the minimum excess exterior cabling or wires (other than original strand) to meet the technological needs of the facility.

I. Deviation from Design Standards.

- a. An applicant may obtain a deviation from these design standards if compliance with the standard: (a) is not technically feasible; (b) directly conflicts with written pole owner requirements; or (c) otherwise prohibits or effectively prohibits the provision of personal wireless service in violation of the Telecommunications Act of 1996.
- b. When requests for deviation are sought under subsections (I)(1)(a)-(c), the request must be narrowly tailored to minimize deviation from the requirements of these design standards, and the City Manager or designee must find that there is no feasible alternative location or design that complies with these standards and the applicant's proposed design provides similar aesthetic value when compared to strict compliance with these standards.
- c. City Manager or designee may also allow for a deviation from these standards when it finds the applicant's proposed design provides equivalent or superior aesthetic value when compared to strict compliance with these standards.
- d. The small wireless facility design approved under this Section I must meet the conditions of 47 C.F.R. Sec. 1.6002(I).
- e. City Manager or designee will review and may approve a request for deviation to the minimum extent required to address the applicant's needs or facilitate a superior design.

MEMORANDUM

To: Mayor Keefer and City Council
cc: Brandon Hammond, City Manager
From: Carla McLane, Planning Official
Date: February 25, 2025
RE: Managing the Appointment of Public Advisory Committee (PAC) Members

The City Council has appointed many Public Advisory Committee, or PAC, members over the past several months. And since each of those appointments something has occurred that has resulted in a need for a change. City staff are asking for the latitude to make changes to these appointments when circumstances arise that would require a change be made.

Requested or needed changes to date:

Economic Opportunities Analysis PAC

- AWS has requested that we add David Amenyro with Kalie Davis to serve as an alternate.
- Business Oregon has asked that we remove Ryan DeGrofft. He will participate but will not serve as a PAC member.

Transportation System Plan

- Remove Rolf Prag. No replacement has been identified at this point.
- Replace Benjamin Tucker with another Morrow County Transit staff member to be determined.

Thanks for your support of staff as we work to manage all these projects.

MEMORANDUM

To: Mayor Keefer and City Council
From: Carla McLane, Planning Official
Date: February 19, 2025
RE: Strategic Plan Recommendations - Adoption

Looking back, it appears that we started this process back in July to better outline where Boardman was going with the planning update process that was beginning. The outreach that has taken place included a community survey and discussions here with the City Council and with the Planning Commission and has resulted in your action on March 4 to adopt the Strategic Plan Recommendations.

The five Goals will provide a focus for the planning work that is underway with clear connections to the Transportation System Plan, Parks Master Plan, Economic Opportunities Analysis, the future Housing Needs Analysis, and the overarching Comprehensive Plan and Development Code updates. To summarize those five Goals are:

- Goal 1. Expand shopping and service opportunities.
- Goal 2. Provide a full range of housing options.
- Goal 3. Support modest, sustainable growth while retaining the City's small-town feel.
- Goal 4. Provide adequate public facilities and services.
- Goal 5. Build on natural resources and other assets.

The action requested of the City Council this evening is to adopt the attached Strategic Plan Recommendations which will be placed on the city's website. There is a shorter document that we are also providing that reflects the text that will be used on the website that meets the various Americans with Disabilities Act standards for translation and readability.

The guidance that has been provided by the City Council has been appreciated and the focus that this process has offered to the larger planning process will assure that the focus of that work will support the adopted Goals and lead to growth in Boardman that will provide new and innovative housing options, increase shopping and recreation opportunities, assure that transportation options are varied and meet the community needs, and support sustainable growth while maintaining Boardman's small-town feel.



Boardman Strategic Plan Recommendations

Prepared by MIG, Inc.

March 2025

Introduction

The City of Boardman is embarking on an approximately two-year process to plan for the community's long-term growth and prosperity. The City is exploring where and how to grow in order to plan for jobs, housing, parks, and other essential community ingredients that ensure Boardman remains a vital and vibrant community for residents and workers. The City is concurrently working on a variety of different planning efforts to address these issues and identify community needs, including:

- Preparing an Economic Opportunities Analysis aimed at invigorating the economy;
- Drafting a Parks Master Plan that emphasizes creating parks for all;
- Formulating a housing analysis to increase affordable housing options and contribute to the creation of healthy communities;
- Developing a Transportation System Plan aimed at connecting communities through safe and accessible transportation; and
- Updating the City's Development Code to consistently and effectively manage development across the City in accordance with these changes.

As an initial step in these efforts, the City is preparing a Strategic Plan that will include overarching goals and objectives that will help guide these and other City plans and policies. The City has been undertaking a variety of activities to engage a broad cross-section of the community in this effort. Those activities are further described in a companion Community Engagement Summary.

This document summarizes strategic planning goals and creates a foundation for the development of more detailed strategies and initiatives to achieve them. Other planning efforts will result in more detailed goals, policies, and strategies, some of which can in turn be woven into the Strategic Plan. The goals are not necessarily listed in priority order.

Goal 1. Expand shopping and service opportunities

Boardman community members, including youth members consistently expressed a desire for more things to do in Boardman, including shopping, food, and entertainment options. Having a fuller range of shopping opportunities, restaurants, and other places to meet day-to-day needs will benefit the community in a variety of ways. It will retain resources locally, help give young people a reason to stay in the community for the longer term, reduce the need for people to travel longer

distances to meet these needs, and make the community a more interesting, vital, and attractive place to live. Examples of strategies to achieve this goal could include:

- Continue to determine what types of shopping and service opportunities are most important to community members.
- Assess the relative market for such services – i.e., at what point will the population of residents and workers be large enough to support desired businesses.
- Support existing and prospective business owners in creating, expanding, and retaining businesses, including through site selection and/or improvements, marketing efforts, and other technical assistance and services.

More strategies related to this goal are expected to emerge from the City's Economic Opportunities Analysis project.



Atracciones culturales y divertidas para hacer en familia o en categorías de acuerdo a las edades.

[Cultural and fun attractions to do with the family or in age-specific categories.]

-Community Respondent
[Translated from Spanish]

Goal 2. Provide a full range of housing options

When asked about the types of housing they need, Boardman community members described a full range of types of housing. Although most people say there is a need for traditional stand-alone homes (73% of survey respondents), a significant number also cite the need for other types of housing, including duplexes (33%), apartments (30%), townhomes (23%), and mixed-use buildings which include both businesses and housing (21%). People also note the need for rent-to-own options, as well as housing that can be used for multiple generations of a family. Overall, this translates to a need to help foster the development of multiple types of housing that is affordable to residents and will meet the needs of a variety of types and sizes of households. Community members note that the two most significant barriers to getting the housing they need are the high cost to rent or buy a home and the limited opportunities or supply of the type of housing they need. Examples of strategies to achieve the housing goal could include:

- Continue to assess the relative need for specific types of housing.
- Ensure there is an adequate supply of land on which to develop housing.
- Make sure that the City's development rules and regulations allow for a full range of housing and minimize barriers to producing it.
- Work with housing developers to determine how the City can best support their efforts.

- Implement specific supportive housing development strategies that reduce the cost and increase the supply of housing consistent with available city resources and in a way that leverages state, federal, and other funding opportunities.

Finding houses under our budget is a challenge.

-Community Respondent

More strategies related to this goal are expected to emerge from the City's Housing Needs Analysis project.

Goal 3. Support modest, sustainable growth while retaining the City's small-town feel

Community members consistently cite Boardman's sense of community connectedness, relatively small size, and quiet atmosphere as some of the things they most value about living in Boardman. At the same time, other people note that the growing and diversifying aspects of the community also are an asset. With strong employment opportunities at the Port of Morrow and elsewhere in Boardman, its location along the Columbia River and Interstate 84, and other community assets and opportunities, Boardman is expected to continue to grow. At approximately 4,725 residents, it continues to be a relatively modest sized community, and future projected growth is not expected to transform it into a large city for many years. Examples of strategies to retain the City's sense of connectedness and community in Boardman could include:

Living close to friends since it's a small town

-Elementary School Participant

- As the City grows, design neighborhoods in a way that fosters opportunities for community interaction, both at a neighborhood and broader community level.
- Support a modest and sustainable level of employment and housing growth that brings new opportunities to residents without radically changing the size or feel of Boardman.
- Continue to support community-wide events and activities that bring people together.
- Continue to maintain existing gathering places for people – parks, schools, etc. – and create new ones.



- Emphasize Boardman’s sense of community connectedness and small-town feel in efforts to attract new businesses and residents.

More strategies related to this goal are expected to emerge from the Parks Master Plan, Transportation System Plan, and other planning efforts.

Goal 4. Provide adequate public facilities and services

When asked about community challenges, many community members cite infrastructure and traffic as key issues that must be addressed by the City. Residents are concerned about both current problems and the potential for these issues to worsen in the future. This is true of both adults and young people in Boardman. Building and maintaining transportation facilities that safely accommodate all types of travelers, including younger and older people with fewer options, is an important community goal. Cost-effectively providing water, sewer, and other infrastructure facilities and services also is essential to residents’ well-being and the community’s economic health. Examples of strategies to address these goals could include:

- Continue to plan for transportation facilities, including transit services, that meet current and long-term needs.
- Ensure that the city’s water, sewer and other infrastructure facilities can adequately and cost-effectively accommodate community needs.
- Develop and apply fees and other funding strategies in an equitable and fair manner.
- Leverage resources from regional, state, and federal funding sources where possible and consistent with local needs and priorities.

I want most roads in Boardman to have sidewalks and streetlights...to promote safety and comfort for those who walk around at night.

-High School Respondent

More strategies related to this goal are expected to emerge from the City’s Transportation System Plan project and other planning efforts.

Goal 5. Build on natural resources and other assets

In addition to the community’s sense of connectedness and small-town feel, community members note that the City’s proximity to the Columbia River is one of the things that makes Boardman special. Boardman’s Marina Park, the adjacent marina, and the Columbia River Heritage Trail are key assets in providing access to views of the river, as well as swimming, boating and paddling for residents and visitors. Attracting visitors also can help support the City’s economy and create new or expanding opportunities for local business owners. Other possibilities such as developing Park Blocks under the Bonneville Power Administration (BPA) powerlines also represent important opportunities to meet future park and recreational needs. Examples of strategies to address these goals could include:

- Continue to maintain and improve Marina Park and other sites and facilities that provide views of and access to the Columbia River.
- Improve connections to the river from other areas in Boardman.
- Support local businesses that create opportunities for river access and also support the local economy.
- Pursue opportunities to create a linear park and trails within the BPA powerline right-of-way.

I love living on the Columbia!

-Community Respondent

In addition to enhancing access to the Columbia River, it will be important to create park and recreation facilities and opportunities in other areas of the City as well so that all residents have access to places to play and gather. Additional strategies related to this goal are expected to emerge from the City's Parks Master Plan effort.



BOARDMAN PARK COMPETITIONS

Process Outline for City Council Endorsement

Overview

The City of Boardman and the Boardman Park and Recreation District are launching two community-driven competitions to engage the community and students in the park master planning process for **Boardman Park Plan 2035 (PMP)**. These competitions aim to encourage public input, creative problem-solving, and a deeper connection between residents and their parks.

Competitions

1. **Park Design Challenge** – A High School student-driven competition in which participants design a park concept based on community needs.
 2. **Park Naming Competition** – A community-wide contest to select meaningful names for several city parks.
-

Process & Implementation

1. Coordination & Oversight

Primary Contacts:

- **Carla McLane (City of Boardman)** – Coordination with City Council and overall project oversight.
- **Brandon Hammond / Mr. Christy (High School Representative)** – Facilitating student participation in the Park Design Challenge.

These representatives will ensure clear communication, engagement, and smooth execution of the competitions.

2. Competition Guidelines & Submission Process

Park Design Challenge

The Park Design Challenge invites local high school students to step into the role of park planners and designers. Participants will develop creative park concepts for a single site using a park program derived from

the community needs assessment. This structured program will outline key priorities, such as recreational amenities, green spaces, and accessibility features identified by the community.

A single park from the following list will be selected for the challenge by the Park Master Plan (PMP) Public Advisory Committee (PAC):

- Zuzu Park
- (4) River Ridge Subdivision Parks
- Hillview Park
- City Park

While following the provided framework, students are encouraged to think critically and innovatively, incorporating additional themes such as sustainability, inclusivity, environmental resilience, and community engagement. Designs may explore elements like nature-based play areas, adaptive recreation opportunities, sustainable plantings and/or materials and multi-use gathering spaces.

Submission Requirements:

- **A site plan** (hand-drawn or digital) illustrating their proposed design.
- **A written narrative** explaining the design rationale, how it meets community needs, and any unique features.
- **A model or rendering** representing the site plan and narrative.

Submission Method:

- Physical drop-off at Boardman City Hall, 200 City Center Drive, Boardman OR 97818, Attention: Carla McLane. Alternative submission location at the High School also being investigated.

Deadline: April 11, 2025

Judging Criteria: Creativity, feasibility, alignment with community needs, and clarity of vision.

Revealing & Voting:

- The designs will be showcased at City Hall and the Finalist's will be announced at the May 6 City Council meeting.
- The judging will be conducted by a City Council member, a Parks District Board member, and three (3) members of the PMP PAC.

Recognition & Implementation:

- Winning designs will be recognized at the May 6 City Council meeting.
- Designs may be incorporated into future park development plans and/or used to secure funding for park planning and development.

Park Naming Competition

The Park Naming Competition invites the entire Boardman community to leave a lasting mark on the city by proposing meaningful and creative names for multiple parks. This is an opportunity to celebrate local history,

cultural heritage, natural landscapes, and community values through a name that will shape the park's identity for generations.

Participants will be asked to propose names for the following parks:

- (4) River Ridge Subdivision Parks
- Hillview Park
- Park Blocks
- City Hall Park

Participants are encouraged to consider names that:

- Honor local history (historical figures, events, or traditions).
- Reflect the natural environment (native plants, wildlife, or geographical features).
- Emphasize community spirit (themes of unity, recreation, or shared experiences).
- Incorporate Indigenous or multicultural influences (respecting Boardman's diverse heritage).

Submission Requirements:

A proposed park name with a short explanation of its significance and which current park or space that name is intended for.

Submission Method:

- Online form on the City of Boardman website, location to be determined.
- Paper forms will be available at City Hall, the Boardman Library, and the Rec Center.

Deadline: April 11, 2025.

Voting Process:

- Finalists selected by PMP Public Advisory Committee.

Revealing & Final Decision:

- The finalists will be presented to the City Council at their meeting on Tuesday, May 6, 2025.
- Final selection will be made by the City Council.

Recognition & Implementation:

- The winning names will be formally adopted and unveiled at the City Council meeting on Tuesday, June 3, 2025.
- The individuals who proposed the winning names will receive public recognition.

3. Public Engagement & Recognition

- **Event to Reveal Winning Entries:** June 3, 2025, City Council meeting.
- **Recognition:** Winners will be honored at the June 3, 2025, City Council meeting where they will receive certificates. They will also be recognized on the City of Boardman website and the City Newsletter.
- **Implementation:**

- The selected park names will be formally adopted.
 - The winning park designs may help shape future park planning and development.
-

4. Additional Considerations

- How will the City promote competitions to encourage broad participation?
- Should winning park designs be displayed in a public exhibition?
- Will incentives or prizes be offered to participants?

DRAFT



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

Step 1: Applicant completes all of Section 1 (including top of Page 2).

Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

Step 3: Local government completes at least Section 2 and returns all pages of the form, or a copy thereof, to the applicant. The local government is allowed up to 45 days to complete Section 3.

Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: After completing the attached form, please follow these steps to complete the Local Government Recommendation process:

- Apply via the [City of Portland website](#).
- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



OREGON LIQUOR & CANNABIS COMMISSION
Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:**License Information**

Legal Entity/Individual Applicant Name(s): Bozo Foods
Proposed Trade Name: C&D Drive In/ Poppy's Pizza.
Premises Address: 103 N.E. Main St. Unit: _____
City: Boardman County: Morrow Zip: 97818
Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of Location
License Type: Limited on Premises sales ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Jennifer Leighton Phone: 5415717316
Mailing Address: P.O. Box 725
City: Boardman State: OR. Zip: 97818
Email Address: Leighton650@gmail.com

Business Details

Please check all that apply to your proposed business operations at this location:

- ☐ Manufacturing/Production
☐ Retail Off-Premises Sales
☒ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

- ☒ Indoor Consumption ☐ Outdoor Consumption
☒ Proposing to Allow Minors

Section 1 continued on next page



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s):

Proposed Trade Name:

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name:

Optional Date Received Stamp

Date Application Received:

Received by:

Section 3 – Recommendation - To be completed by Local Government:

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ No Recommendation/Neutral

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



OREGON LIQUOR & CANNABIS COMMISSION FLOOR PLAN

INSTRUCTIONS

1. Your floor plan **MUST** be submitted on the Floor Plan Form below
2. Use a separate Floor Plan Form for each level or floor of the building. The floor plan(s) must show the specific areas of your premises.
3. Label areas i.e. dining area, bar, lounge, lottery, outside patio and sidewalk cafe areas.
4. Food Counters should be labeled as such, and not as a Bar. At a Food Counter, food service/consumption is the predominant activity. At a Bar, alcohol service/consumption is the predominant activity. Please label Food Counters and Bars accordingly.
5. Include all tables and chairs. (See Example below)
6. If you have an outdoor area, please show it in reference to the licensed building.
7. If you have sidewalk seating please contact your local government to see if a permit is required for use.
8. If this is a Food Cart Pod please label the floor plan where the alcohol will be served from, where food will be served, where the seating will be and any other food carts that are in the pod.

Please do not use complex architect drawings as your floor plan, unless they are clearly readable and show all the tables and chairs.

RESTAURANT EXAMPLE

OREGON LIQUOR & CANNABIS COMMISSION

FLOOR PLAN FORM

Your floor plan must be submitted on this form
My Restaurant LLC
Applicant Name

Trade Name (if any)
My Restaurant

Example:

OLCC USE ONLY
MINOR POSTING ASSIGNMENT(S)

Date: _____
Initials: _____

Rev. 02/22

FOOD CART POD EXAMPLE

OREGON LIQUOR & CANNABIS COMMISSION

FLOOR PLAN FORM

Your floor plan must be submitted on this form
Food Carts LLC
Applicant Name

Trade Name (if any)
Everyday Food Cart Pod

Fencing around Food Cart Pod

OLCC USE ONLY
MINOR POSTING ASSIGNMENT(S)

Date: _____
Initials: _____

Rev. 02/22

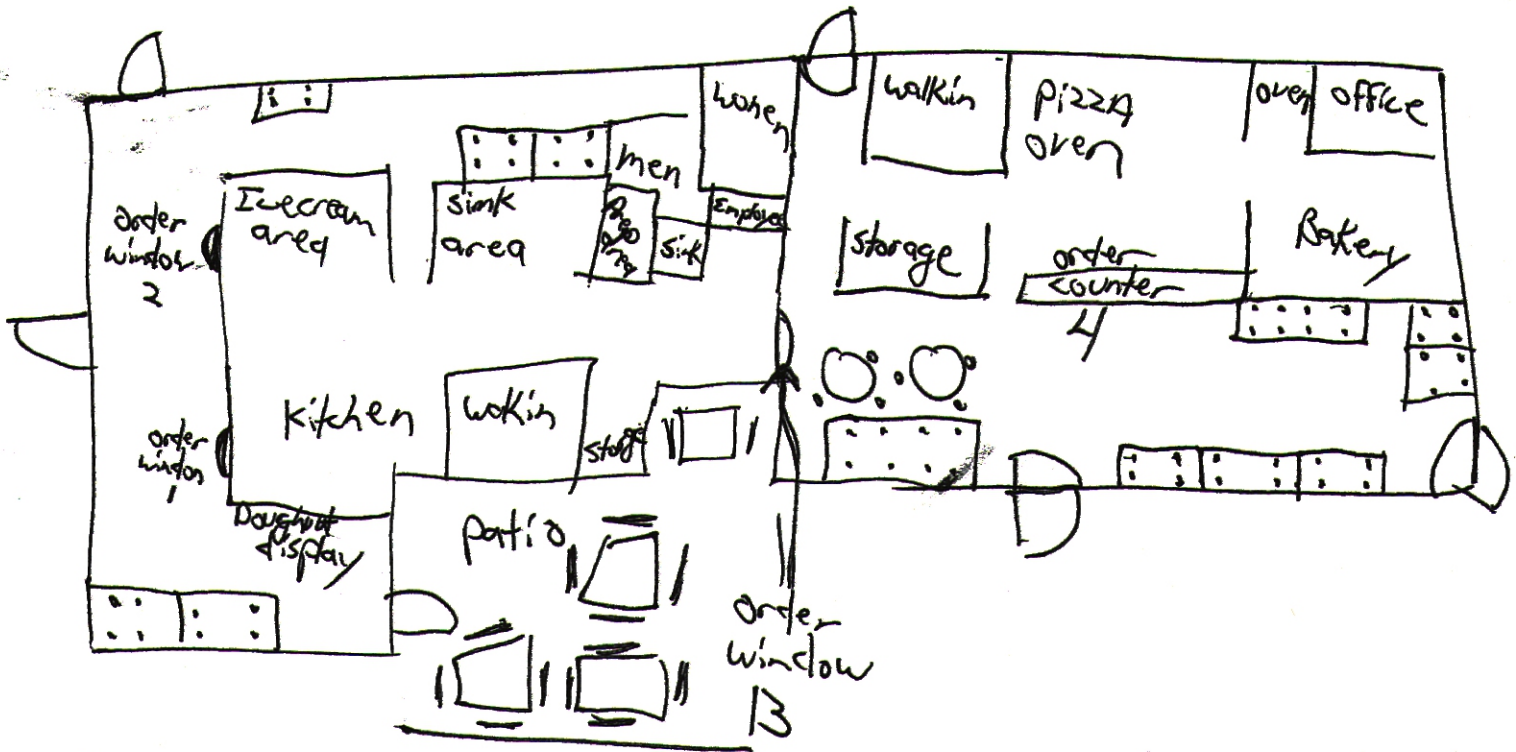


FLOOR PLAN FORM

Your floor plan must be submitted on this form

Jennifer Leighton
Applicant Name

Bozo Foods
Trade Name (dba)



.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date: _____ Initials: _____



OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION – LIQUOR LICENSE

Applicant Name	Jennifer Leighton
Trade Name	24D Drive In / Poppy's Pizza
Premises Street Address	103 N.E. main st
License Type	Limited on Premises Sales

Business Contact	Jennifer Leighton
Mailing Address	P.O. Box 725 Boardman OR 97818
Phone Number	541 571 7316
Email Address	JLeighton65@gmail.com

Operating Hours

Day of Week	Open Time	Closed Time	Seasonal Variation	Explanation
Everyday	8am	9pm	Yes <input type="checkbox"/>	

☐ Not open to the public or by appointment only

Seating

Restaurant Seating: 62 Outdoor Seating: 28 Other Seating: _____

☐ No On-Premises Consumption

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Recorded Music | <input type="checkbox"/> Nude Dancing |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Live Entertainment |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Minor Entertainers |
| <input type="checkbox"/> Karaoke | <input type="checkbox"/> Minor Entertainers in an Area Prohibited to Minors
**Need prior OLCC approval |
| <input type="checkbox"/> Coin-operated Games | |
| <input type="checkbox"/> Social Gaming | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Pool Tables | |



OREGON LIQUOR & CANNABIS COMMISSION
ENTITY STRUCTURE REQUEST FORM

Section 9, Item E.

Application Information:

Applicant Name (Entity)	Entity Type (LLC, Corp, LP, LLP)
Bozo Foods	Choose One
Business Tradename 4D Drive In / Poppys PIZZA	corp.

Limited Liability Company: Please list contact information for all 20% or more members and any managers of the entity below.

Corporation: Please list contact information for all officers, directors with 3% or more voting stock and individuals or entities holding 20% or more of the issued stock below.

*If an entity has 20% or more membership, or owns 20% or more stock in an entity applicant, they must submit an additional form with their entity structure information.

Entity Structure & Contact Information:

Name of Member/Manager, or Officer/Director/Stockholder *	Title	Ownership %	
Jennifer Leighton	Choose One or Type Multiple Title(s)	100 %	
Mailing Address: P.O. Box 725	City: Boardman	State: OR	Zip: 97818
Email: jleighton650@gmail.com	Phone: 541 571 7316		

Name of Member/Manager, or Officer/Director/Stockholder *	Title	Ownership %	
	Choose One or Type Multiple Title(s)		
Mailing Address:	City:	State:	Zip:
Email:	Phone:		

Name of Member/Manager, or Officer/Director/Stockholder *	Title	Ownership %	
	Choose One or Type Multiple Titles		
Mailing Address:	City:	State:	Zip:
Email:	Phone:		

Name of Member/Manager, or Officer/Director/Stockholder *	Title	Ownership %	
	Choose One or Type Multiple Titles		
Mailing Address:	City:	State:	Zip:
Email:	Phone:		

Name of Member/Manager, or Officer/Director/Stockholder *	Title	Ownership %	
	Choose One or Type Multiple Titles		
Mailing Address:	City:	State:	Zip:
Email:	Phone:		

Name of Member/Manager, or Officer/Director/Stockholder *	Title	Ownership %	
	Choose One or Type Multiple Titles		
Mailing Address:	City:	State:	Zip:
Email:	Phone:		

If you need additional space for your entity structure, please attach additional documentation with the membership and contact information of the persons/entities we are requesting.

March 4, 2025

Morrow County Planning Department
Tamra Mabbott, Planning Director (VIA EMAIL)
Post Office Box 40
Irrigon, Oregon 97844

Ms. Mabbott,

The City of Boardman is writing to express support for the proposed Comprehensive Plan and zoning map amendments for property west of the Boardman Airport owned by Threemile Canyon Farms, LLC. It is our understanding that the proposal seeks to rezone up to 1,264 acres from Exclusive Farm Use (EFU) and Space Age Industrial (SAI) to General Industrial (MG) with a Limited Use Overlay to accommodate the next generation of data center development.

As you are aware the City of Boardman is home to a data center campus with many more in the Boardman area. Over the past several years Boardman has been working to develop needed housing and commercial opportunities for residents of Boardman, workers at the Port of Morrow, and the larger region as the growth in data centers continues. This has all led to The Oregonian pronouncement last year that Boardman was the fastest growing city in Oregon.

Who knew in 2008 when the first data center was sited in the Port of Morrow East Beach Industrial Park that less than 20 years later the region would be experiencing such tremendous growth in this industrial sector. Here are some facts:

- Data centers are an increasingly vital component of the digital economy, providing essential infrastructure for cloud computing, artificial intelligence, e-commerce, and other emerging technologies.
- Oregon, Boardman, and the Port of Morrow have been leaders in attracting and retaining data center investment, thanks to our favorable business climate, skilled workforce, abundant and affordable energy, strategic location, and ability to successfully accommodate this use.
- But the demand for data centers is outpacing the supply of suitable sites in Oregon, especially for hyperscale and exascale data center campuses. These large-scale facilities require large, flat sites, proximity to high-capacity transmission lines, and ability to access water services, fiber optic connectivity, and transportation infrastructure. Continuous growth over the last five years indicates that large technology companies have the will and resources to develop large data center campuses at an increasing pace, and that Oregon currently lacks sufficient large industrial sites to attract such growth without proactive planning.

This proposal for the land owned by Threemile Canyon Farms, LLC will create an opportunity for the City of Boardman and Morrow County to capture a significant share of this growing market with limited impacts on agriculture and natural resources. The

proposed site is already partially zoned for industrial use and is immediately adjacent to the Boardman Airport and land that supports data center development currently. There is also limited agricultural opportunity on the subject site with shallow soil depth, rocky outcroppings, and difficulty delivering irrigation. It should also be noted that the swap of zoning that is a critical component of this application will result in protections applied to productive farm land and allowing industrial development of some of the least productive farmland.

The City of Boardman has determined that the proposed amendments are consistent with the State of Oregon's economic development goals and policies as well as the Morrow County Comprehensive Plan Policies found in the Goal 9 Economic Element, specifically:

Goal 2 To expand job opportunities and reduce unemployment, reduce out-migration of youth, and accommodate the growth of the County work force.

Policy 2A: To maximize the utilization of the local workforce as job opportunities increase.

Policy 2B: To increase the income level of County residents by providing good job training and educational programs in response to employer needs and by encouraging the location of industries in the County which will hire local residents.

Policy 2C: To facilitate and encourage communications and coordination between industry and education to assist in the development and maintenance of a quality work force.

And while not in the City of Boardman it would be consistent with our Goal 9 Economic Needs Policy 1: Advance the position of Boardman as a regional center for industry, power generation, commerce, recreation, and culture.

The City of Boardman urges Morrow County, through its Planning Department, Planning Commission, and Board of Commissioners to approve the proposed amendments and grant the necessary goal exceptions to enable this large scale data center development. It is proposed adjacent to other industrial lands with similar data center development currently underway.

We appreciate your consideration of this request and your commitment to economic development in Morrow County. Please do not hesitate to contact our City Manager Brandon Hammond or Planning Official should you have any questions or need additional information.

Cordially,

Paul Keefer, Mayor

February 27, 2025

Oregon Energy Facility Siting Council
Attn: Chase McVeigh-Walker (VIA EMAIL)
550 Capitol Street NE
Salem, Oregon 97301

Dear Energy Facility Siting Council Members,

Umatilla Electric Cooperative (UEC) has proven to be a valuable partner for the City of Boardman by consistently investing in infrastructure to support economic progress in the region. The Umatilla-Morrow County Connect (UMCC) Project will expand UEC's transmission system to increase reliability, provide a transmission path for renewable energy across the region, and establish an electrical grid capable of meeting the increasing demand for not only the City of Boardman, but for our other local communities and businesses, as well.

As UEC prepares to submit their Application for Site Certificate (ASC) to the Oregon Department of Energy, it's important to note that the investment in the infrastructure will allow businesses operating in eastern Oregon to be well-equipped for continuous advancement. The Umatilla-Morrow County Connect Project maximizes the industrial development potential of the region while supporting community partners.

As the Mayor of the City of Boardman, and representing the City Council, we are in support of the Umatilla-Morrow County Connect Project and look forward to seeing the benefits that this project will provide to the region.

Sincerely,

Mayor Paul Keefer
City of Boardman, Oregon



BOARDMAN POLICE DEPARTMENT
PATROL STATISTICS (UNAUDITED)
CALENDER YEAR 2025

Statistics	Jan.	Feb.	Mar.	Apr.	May	Jun.	July	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Total
Total Incidents	445	404											
Calls for Service	163	136											
Officer Initiated Incidents	282	268											
Traffic stops	157	131											
Other OIA Incidents	125	137											
Bus/Building Checks	7	14											
Veh/Ped check	59	81											
Total Officer Reports	51	43											
CIS Converstion	0	0											
Crash	3	2											
Felony	7	3											
Information Case	17	15											
Misdemeanor	18	16											
Violation	0	0											
Voided	3	2											
Unclaissified Reports	3	5											
Total Misdemeanor & Felony Arrest	18	10											
Misdemeanor Arrests	14	9											
Felony Arrests	4	1											
Total Citations	17	27											
Code	0	0											
Criminal	7	2											
Violation	16	25											
Unclassified	0	0											
FI's	1	1											

Note: Stats are from the 23rd of prior month to 22nd of current month.

Note: Calender year end summary report will project slight different totals due to RIMS variations,.

Building Department Report

	Feb '24	Mar 1 to Mar 27	Mar 28 to Apr 22	Apr 23 to May 22	May 23 to June 22	June 23 to July 22	July 23 to Aug 22	Aug 23 to Sept 22	Sept 23 to Oct 22	Oct 22 to Nov 22	Nov 23 to Dec 22	Dec 23 to Jan 22	Feb 22	Totals
2024 - 2025														
Total Permits Sold	23	26	33	28	39	42	46	80	67	142	66	28	27	520
Boardman														
Permits Sold	8	4	7	14	21	26	23	36	28	29	14	11	7	228
Manufactured Placement Permit	0	0	0	1	1	0	1	0	0	1	0	0	0	4
New Home Construction	0	0	0	1	5	5	7	11	5	6	4	4	1	49
Multi Family Units	0	0	0	0	0	0	0	0	4	0	0	0	0	4
Morrow County (Excludes 97818)														
Permits Sold	8	10	8	0	10	7	10	33	10	22	13	8	3	142
Manufactured Placement Permit	1	0	0	0	0	0	0	0	1	1	1	0	0	4
New Home Construction	0	0	1	0	1	0	0	0	1	2	0	3	0	8
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Morrow County - 97818														
Permits Sold	7	39	33	44	34	11	15	1	10	54	36	1	8	293
Manufactured Placement Permit	0	0	0	0	1	0	0	0	1	0	0	0	0	2
New Home Construction	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Irrigon														
Permits Sold	2	5	2	3	4	0	1	7	2	15	1	1	3	46
Manufactured Placement Permit	0	0	0	0	1	0	0	0	0	0	0	0	0	1
New Home Construction	2	0	0	2	0	0	0	2	0	0	0	0	0	6
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
State Electrical														
Permits Sold	1	4	4	1	0	0	3	4	3	13	1	1	0	35
Gilliam County														
Permits Sold	5	7	16	11	4	9	12	4	14	9	1	6	6	104
Manufactured Placement Permit	0	0	2	1	1	2	1	0	0	0	0	0	0	7
New Home Construction	0	0	2	0	0	0	0	0	0	0	0	0	0	2
Multi - Family (units)	0	0	0	6	0	0	0	0	0	0	0	0	0	6

Section 12, Item B.

Water and Wastewater Monitoring

- **SOC/VOC Sampling:**
 - Collector 3 is being prepared for operational use.
 - **COVID-19 Monitoring:**
 - OSU samples have been collected to track fluctuations in COVID-19 trends.
 - **Water Quality Testing:**
 - Water samples were taken from Driftwood and Anderson Road.
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Infrastructure & Maintenance

- **Street Maintenance:**
 - City streets have been sanded and snow plowed.
 - **Pothole Repairs:**
 - Potholes have been filled across the city.
 - **Storm Drain:**
 - Storm drains are being sucked to address excessive rainfall.
 - **Water Main Incident:**
 - A water main break was @ BVE.
 - **Public Safety Repairs:**
 - A broken posts on Wilson Ln was replaced.
 - **Lagoon Building Preparation:**
 - The lagoon building has been cleaned in preparation for the new Hypo system.
 - **Utility Locates:**
 - The City of Boardman completed 10 locates, marking city utilities.
 - **City Hall:**
 - Sound panels in City Hall are currently being upholstered.
 - **Equipment Repairs:**
 - Sanders have been repaired.
 - **Smart Point Installations:**
 - A total of 80 smart points have been installed, with 110 remaining.
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Training & Service Operations

- **PW Training:**
 - Training on the new water system, including SCADA operations.
- **Vehicle & Equipment Servicing:**
 - Five police cars were serviced.
 - The crane truck was also serviced.

MEMORANDUM

To: Mayor Keefer and members of the City Council
 Cc: Brandon Hammond, City Manager
 From: Carla McLane, Planning Official
 Date: February 25, 2025
 RE: Planning Department Monthly Update

Strategic Planning Program: Work continues. Tomorrow late afternoon the Parks Master Plan (PMP) Public Advisory Committee (PAC) will be meeting keeping that work moving along at an unbelievable pace. And then on Thursday the Joint Workshop with both the City Council and Planning Commission will be held to discuss work on the Transportation System Plan (TSP). We are also working to get the first PAC meeting for the Economic Opportunities Analysis scheduled in the next several weeks. You can follow all of this at [this location](#) on the City's website.

- Transportation System Plan (TSP):** As shared above by the time the City Council meets in March the Joint Workshop with the City Council and Planning Commission will have been held. You can follow the TSP Update and the PAC [here](#).
- Economic Opportunity Analysis (EOA):** Background work, in particular the Buildable Lands Inventory, has been ongoing. We attempted to schedule the first PAC meeting but the date has slipped and we are working to get it on the calendar. Appointment Letters have been sent. You can follow the EOA PAC [here](#).
- Housing Needs Analysis (HNA):** This activity is still on hold for a bit longer.
- Parks Master Plan (PMP):** As shared above a PAC meeting will be held between the writing of this update and the City Council meeting on March 4. You can follow the PMP PAC [here](#).
- Boardman Development Code (BDC) and Comprehensive Plan (CP):** Lots of background work is occurring and we are having a conversation about how to modify the outreach for this update. You can follow the CP/BDC PAC [here](#).
- Strategic Planning:** The Joint Workshop last month with the City Council and the Planning Commission was very informative. As a part of the agenda for the City Council meeting scheduled on March 4 you will be adopting the Strategic Plan which will provide a focus for the balance of this planning work and provide clear guidance for the next five to twenty years as Boardman continues to grow.
- System Development Charge (SDC) Update:** This remains in a bit of a holding pattern as other projects are getting underway.

Other Programmatic work: Work is also progressing on other projects with a planning focus. Those include the:

- **Boardman Municipal Code (BMC):** As part of the City Council agenda for March 4 there will be several parts of the Right-of-Way License Ordinance to adopt. Please reach out prior to the City Council meeting with any questions That might arise.

Work will continue at the staff level on the proposed Addressing Ordinance. The final draft of the Business License ordinance will be the subject of a Community Meeting on March 18. The Shipping Container discussion is back with Planning as we will begin to draft some proposed Development Code language that will go through the adoption process with a recommendation from the Planning Commission and adoption by the City Council.

- **Tower Road:** Tonight is the final Morrow County Planning Commission Public Hearing on this matter with deliberation and a decision on the agenda. I will be able to provide an oral update at the March 4 City Council meeting.

The Oregon Department of Transportation (ODOT) has also initiated an Interchange Area Management Plan, or IAMP, process at this interchange which the City of Boardman will be involved with working to assure that Kunze Lane will be seen as a door into Boardman as well as provide protections through the process for land owned by the City at that interchange.

- **Park Blocks – East and West:** The land partition on the east side of the subject property has been completed with the Notice of Decision having been issued. The subdivision for the west side of the subject property will be heard by the Planning Commission at their March 20 public hearing. Once that is completed, next steps will be to identify property for surplus and move it through the required process with the City Council making the final determination(s).
- **Code Enforcement and Animal Control Program:** There has been a change in staffing for this program. As that settles in I will provide more information.

Planning Reviews and Approvals: My intent here will be to add Planning Department actions that end in an approval for development. I will be cautious to protect the City Council’s role as the appeal body for any local decisions. And if there haven’t been any decisions this section may be blank.

- ✓ **Homes, homes, and more homes:** Homes continue with a recent uptick in applications.
- ✓ **Commercial Development:** Not much new to share over the past month.



City Manager February Report

The following February report will give an overview of the objectives accomplished this past month, as well as future plans:

1. The city of boardman continues to work on the missing middle housing initiative. A request for qualifications will be released seeking a qualified individual or firm to manage this program and assist the housing committee, which was newly formed through council approval.
2. Reminder that our business license community input session will be held March 18th at 7pm. This event will be located at city hall.
3. Our parks master plan process is looking at the various parks throughout the city and working to determine needed amenities. One such amenity is the splash pad. The city is looking to relocate the splash pad through the guidance of our park master plan public advisory committee.
4. A ribbon cutting ceremony for the newly designed water building held February 26th at 2pm. As part of the ceremony the building was dedicated to former community development director, Barry Beyeler.
5. The city is currently working on partitioning property located on Tower Rd. As a component of this partition, the city was in early communication with the Boardman Park and Recreation District. An initial concept was to construct an RV park on a norther portion of said property. Upon further evaluation it has been decided that this project will not proceed at this location.
6. Safety Update:
 - a. *City staff were given an active attack event training on February 19th.*
 - b. *Quarterly safety inspections of city facilities was recently completed.*
7. Community Outreach....(This will be a regular section that I will include with each report. This is a way for myself and the council to keep in mind the importance of ongoing outreach to our community and highlight what has been done and will be upcoming for the future.)

A. Morrow County Consortium
 B. Urban Renewal Consultant
 C. Housing Developer, Bailey Park
 D. Subroutine
 E. Mario Sepulveda Films
 F. PATH Partnership
 G. Port Commission
 H. Heritage Trail Open House
 I. BCDA Community Mtg
 J. BCDA Monthly Mtg

K. Morrow-Umatilla Steering Committee
 L. Legislative Bill Review
 M. Morrow County Assessor
 N. Senior Center Luncheon
 O. Morrow County CIP
 P. Congressman Cliff Bentz Town Hall
 Q. Veteran Benefit Support
 R. Library District Board Mtg
 S. Read Across America

CAPITAL IMPROVEMENT PROJECTS

2024-25

General	PROGRESS	Cost Estimate
BPA Greenspace	In Design	\$440,000
Planning		
Strategic Planning	In Process	\$50,000
Economic Opportunity Analysis	PAC Appointment	\$60,000
Transportation System Plan	In Process	Grant Funded
Parks Master Plan	In Process	\$40,000
Development Code	PAC Selection	\$150,000
Municipal Code	In-House	-----
Housing Need Analysis	Waiting for state final requirements	
Public Works		
Maintenance Shop	Complete	\$350,000
Streets/Sidewalk		
SE Front St	Complete	\$1,500,000
Wilson & Faler Sidewalk	Complete	\$400,000
S Main	Advertise for Bid	\$2,500,000
Water/Wastewater		
Bio Solids Removal	Summer 2025	\$1,250,000
Headworks Screen & Septage Receiving Station	2025-26 Budget	\$1,050,000
NW Columbia Ave	Complete	\$1,300,000

PUBLIC NOTICE / AVISO PÚBLICO

**Tuesday March 4, 2025, at 7:00 p.m.
At Boardman City Hall**

200 City Center Circle, Boardman, OR

The Boardman Mayor, City Councilors, and City Staff will assemble on this date to consider the following Ordinances and hold an Executive Session in accordance with ORS 192.660 (2)(e).

- **Ordinance 2-2025** an ordinance to approve an amendment to the Boardman Municipal Code adding Title 12, Chapter 12.16 Utility Use of the Rights-of-Way.
- **Ordinance 3-2025** an ordinance to approve an amendment to the Boardman Municipal Code adding Chapter 13.12 Underground Wiring Control District.
- The purpose of this executive session is for the City Council members to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

**Martes 4 de marzo de 2025 a las 19:00 horas.
En el Ayuntamiento de Boardman**

El alcalde de Boardman, los concejales de la ciudad y el personal de la ciudad se reunirán en esta fecha para considerar las siguientes ordenanzas y celebrar una sesión ejecutiva de conformidad con ORS 192.660 (2)(e).

- Ordenanza 2-2025 una ordenanza para aprobar una enmienda al Código municipal de Boardman que agrega el Título 12, Capítulo 12.16 Uso de los derechos de paso por parte de los servicios públicos.
- Ordenanza 3-2025 una ordenanza para aprobar una enmienda al Código municipal de Boardman que agrega el Capítulo 13.12 Distrito de control del cableado subterráneo.
- El propósito de esta sesión ejecutiva es que los miembros del Ayuntamiento lleven a cabo deliberaciones con personas designadas por el órgano de gobierno para negociar transacciones de bienes inmuebles.

(s) Amanda Mickles
City Clerk

Posted: February 25, 2025