

Morrow County Board of Commissioners Meeting Minutes
November 13, 2019
Irrigon Branch of the Oregon Trail Library District, Community Room
Irrigon, Oregon

Present

Chair Jim Doherty
Commissioner Melissa Lindsay
Commissioner Don Russell
Darrell J. Green, Administrator
Kate Knop, Finance Director

Justin Nelson, County Counsel
Richard Tovey, County Counsel
Karmen Carlson, Human Resources Director
Roberta Lutchter, Executive Assistant

Call to Order & Pledge of Allegiance: 9:02 a.m.

City & Citizen Comments: Irrigon City Manager Aaron Palmquist thanked the County for continuing to support infrastructure through the Grants to Cities program. He said the City was partnering on a paving job on S.E. Idaho Avenue and 13th Street and recently received a \$100,000 Small City Allotment grant, as well.

Chair Doherty discussed his ongoing efforts to bring together representatives from the County, the Oregon Department of Transportation, school districts and cities to work on safe walking routes to schools.

Former Commissioner John Wenholtz said he was in attendance to talk about the zone change before the Board. He said he talked to several people in the Irrigon area and they supported the zone change. He said they hoped the Board would listen to people in Morrow County and not be influenced by outside influences. He said he hoped the Board would do the right thing and make the zone change.

Chair Doherty said he appreciated his comments but they might be more appropriate during the Public Hearing or submitted in writing for the record.

Mr. Wenholtz said his comments were in the record now.

Open Agenda: No items

Consent Calendar

Commissioner Russell moved to approve the Consent Calendar. Commissioner Lindsay seconded but asked to remove the Oregon Military Department Grant for discussion.

Unanimous approval of the Consent Calendar as follows, excluding the OMD Grant:

- 1. Accounts Payable, November 14th, \$176,546.54. Four Payroll Payables: October 30th, \$195,570.41; November 1st, \$10,719.52; November 5th, \$166,131.18; November 6th, \$3,250*
- 2. Minutes: August 28, 2019 - Corrected*

2019-2020 Oregon Military Department, Emergency Management Performance Grant #19-525
Commissioner Lindsay asked if the matching funds from the County were previously budgeted; Finance Director Kate Knop said they were not.

Undersheriff John Bowles discussed the unique aspects of this grant and how it can be confusing. A lengthy question and answer exchange ensued.

Commissioner Lindsay moved to accept the Oregon Military Department Office of Emergency Management, Emergency Management Performance Grant CFDA #97.042, Grant #19-525; effective July 1, 2019-June 30, 2020; not-to-exceed amount \$62,542; and authorize Chair Doherty to sign on behalf of the County. Commissioner Lindsay stipulated the Finance Department and the Emergency Manager will work through the intricacies of how this grant works. Commissioner Russell seconded. Unanimous approval.

Public Hearing

Applicant: Port of Morrow; Landowner: Kaizen Holdings, LLC – Rezone 89.6 acres on Paterson Ferry Road from Exclusive Farm Use (EFU) to Port Industrial.

Applicant: Port of Morrow; Landowner: Farmland Reserve, Inc. – Rezone 89.6 acres on Bombing Range Road from General Industrial to EFU

Stephanie Case, Interim Planning Director

Justin Nelson, County Counsel

Chair Doherty said he agreed with Mr. Wenholtz that at the end of the day, the Board needs to do the right thing, but the County can't work around things or do things improperly. It has come to light that an affidavit was not properly sent out due to personnel transitions in the Planning Department. He said his understanding from Administrator Darrell Green is the applicant might want to take advantage of some additional time and wouldn't be opposed to that. He said before the hearing opened, it might be better to suspend this, go through the proper procedures and come back and open a proper Public Hearing at a later date.

Ms. Case said Planning staff members believe everything happened appropriately but she recommended they be granted additional time to go back and make sure processes have been met. The applicant requested additional time, as well, she said.

Mr. Nelson provided additional details. He said the Planning Director was in charge of the application that came through the Planning Commission two weeks ago. When she recently resigned, staff worked to bring together all the necessary information regarding this application but they couldn't find a signed affidavit of mailing. He said having another date for the Public Hearing would be appropriate and was his recommendation even though staff believe the affidavit was actually sent.

Ms. Case said she had evidence it was completed but without the signed affidavit, she wanted to make sure moving forward that staff have done everything appropriately.

Chair Doherty said a lot of this information became known to him only yesterday. The danger, if the County moves forward, could be someone later saying we didn't follow the process. It could throw everything into turmoil. This may ultimately speed up the process as opposed to not taking the time now, he said.

Brief discussion of the Planning Commission timeline on the separate property partition request.

Ms. Case recommended the Public Hearing be continued three or four weeks to December 4th or 11th. She said she wanted to talk to the utility representatives who attended a utilities meeting with the former Planning Director in order to understand their requests.

Chair Doherty clarified the hearing be set aside or suspended, not continued.

Ms. Case said yes, postponing without opening it. Planning staff will do notices to the public and adjoining landowners, she said.

Discussion about dates with December 11th being scheduled.

Commissioner Lindsay moved to suspend the Public Hearing. Commissioner Russell seconded for discussion. Discussion: Commissioner Russell said he'd like to ask the applicant's representative, J.R. Cook if this might cause problems for his client that are insurmountable.

Mr. Cook, Cook's Land and Water Consulting (CLW), said he provides planning and project development assistance to the Port of Morrow and just communicated with the Port's Executive Director, Ryan Neal. Mr. Neal concurred it would be best to follow the recommendation of counsel and suspend for 21 days to meet the deadline, he said.

Commissioner Russell said the County received an eight page letter in the 11th hour from an outside advocacy group located 200 miles away. He said if they have an objection, they could turn it in more timely and could show up to the public meeting. He asked counsel how much weight he has to give something that comes in that late.

Mr. Nelson said comments at the last minute are not always from groups out of the area. There was a similar issue at the Planning Commission meeting from a local submitter. It's not something that can be corrected at a Public Hearing. When the Public Hearing is closed for deliberation, that's when new information cannot come in, he said.

Ms. Case said if someone wants additional time to comment, Planning staff typically request the comment period be left open with a follow-up meeting for the Board's deliberation. Submitters could present information at the public meeting, so it is a courtesy when it is submitted in advance of the meeting, rather than bringing it in and requesting it be read.

Commissioner Russell said the Board wants to do what's right for Morrow County within the laws of the State of Oregon. However, when an eight-page letter is submitted from an attorney that lists a number of laws that might be in violation and the applicant or legal counsel can't respond, it makes it difficult and appears to be a stall tactic at that point, he said.

Commissioner Lindsay said the public is told to show up at a meeting if they don't like something, so they show up with stuff to present at the meeting. It's how the process works, she added.

Vote: Unanimous approval.

Break

Business Items

Road Use Agreement with Orchard Shared Facilities, LLC

Darrell Green, Administrator

Mr. Green provided an overview of the Road Use Agreement for Public Works Director, Matt Scrivner, who could not attend.

Commissioner Lindsay invited representatives of Orchard Wind Farms to participate.

Bob Guertin with Orchard Wind Farms, the developer on the project, said the project is straightforward, having two main lines to turbines on Christenson property and Mader Rust property. The project will mostly run down major roads, won't cross any County roads, and all easements are on private property, he said. He noted approval was obtained from the State for the work on Highway 207.

Commissioner Russell moved to approve the Road Use and Maintenance Agreement with Orchard Shared Facilities, LLC; effective October 2, 2019. Commissioner Lindsay seconded. Unanimous approval.

Compensation Board Appointment and Update

Karmen Carlson, Human Resources Director

Ms. Carlson said after advertising to notify the public of vacancies on this board, she received one letter of interest. She asked the Commissioners to review the letter from Marie Cain. If Ms. Cain were to be appointed, she said it would bring the membership to three as she received an email from Lisanne Currin requesting not to be reappointed.

Chair Doherty thanked Ms. Currin, and the other Compensation Board members, for their service to the County and said he hated to lose someone with Ms. Currin's experience. Chair Doherty said he preferred a five-member board and asked if the vacancy announcement timeline could be extended. Both Commissioners Lindsay and Russell said that would also be their preference.

Commissioner Russell said he was sorry to see both Andy Fletcher and Lisanne Currin leave.

Commissioner Russell moved to appoint Marie Cain to the Compensation Board; term to be January 1, 2020 through December 31, 2023. Commissioner Lindsay seconded. Unanimous approval.

Request to Temporarily Extend Hours for Two Part-Time Employees in the Planning Department

Karmen Carlson

Ms. Carlson reviewed the request to extend the hours for the Office Assistant and the Outreach Coordinator from 19 hours per week to either 24 hours per week or 29 hours per week, and the financial impact of both options. Brief discussion.

Commissioner Lindsay moved to approve the Office Assistant and Outreach Coordinator in the Planning Department to work extended hours of 58 hours per pay period until new personnel are in place or it is decided by the Administrator that there is no longer the need. Commissioner Russell seconded. Unanimous approval.

Budget Committee Appointment

Kate Knop, Finance Director

Ms. Knop explained the vacancy was created when long-time member Larry Mills retired from the Committee. Any interested Morrow County residents were asked to submit letters of interest to the Finance Department no later than November 6th, and two letters were received, she said. Discussion took place on the desire for regional representation and that both applicants were more than qualified.

Commissioner Lindsay moved to appoint Kim Cutsforth to the Budget Committee, Position 1; term to be July 1, 2019 through June 30, 2022. Commissioner Russell seconded. Discussion: The Commissioners asked staff to contact Debbie Radie to ascertain her interest in serving on the Compensation Board. Unanimous approval.

Courthouse Facility Use

Judge Daniel J. Hill, Incoming Presiding Judge for the Sixth Judicial District

Roy Blaine, Trial Court Administrator

Commissioner Lindsay said her involvement with Court Security meetings led to heading up efforts to apply for funding from the State for Courthouse improvements in Heppner. She explained the application was ultimately unsuccessful as the legislature did not put money toward that program. She said things are “back to the drawing board” and she decided it was time for input from the full Board.

Judge Hill outlined some of the challenges with areas on the second floor of the Courthouse, focusing on the office currently shared with the Justice of the Peace (JP).

Mr. Blaine reviewed the history of the shared spaces.

Discussion continued on the space issues, the responsibilities of the County to provide space for the Justice Court, the likelihood of Morrow County having a resident Circuit Court judge (not likely), and how often personnel from Circuit Court and Justice Court are in the space at the same time (not often).

District Attorney Justin Nelson suggested the JP work Mondays in Heppner and Tuesdays-Thursdays in Irrigon. The JP's current schedule is Monday-Tuesday in Heppner and Wednesday-Thursday in Irrigon. Circuit Court hears cases in Heppner on Thursdays, for the most part.

Commissioner Lindsay said it might be time to look at conducting a space study of the Courthouse, as well as looking at space options outside the Courthouse. She commented some funds were set aside in the budget to use as a grant match, in the event the application for Courthouse improvements had been successful.

Irrigon Building Update

Darrell Green, Administrator

Mr. Green said interviews were conducted with the four Design-Build teams vying for the contract with Morrow County to build the north end government building. The selection will be announced on November 20th.

Department Reports

Veterans Services Office Quarterly Report

Linda Skendzel, Veterans Services Officer

Ms. Skendzel reviewed her report and discussed upcoming veteran outreach events. They include: sponsoring a table for veterans at the Heppner Chamber's Annual Town & Country Community Awards Event in February; coordinating the "Gold Nugget Hunt" during Heppner's Wee Bit O'Ireland celebration in March; and continuing to host community roundtables for veterans in both north and south County.

Commissioner Reports

- Commissioner Russell participated in the Design-Build team interviews; discussed last night's City-County-Port workshop; and said he had an exit interview with former Planning Director Carla McLane.
- Commissioner Lindsay attended meetings related to vaping in schools; suicide awareness and prevention; and forest issues.
- Chair Doherty talked about an upcoming meeting with a person conducting interviews about the Port's long range vision. He then relayed some of the points he planned to make during the interview.

Cancelled: Executive Session: Pursuant to ORS 192.660(2)(e) – To conduct deliberations with persons designated by the governing body to negotiate real property transactions

12:03 p.m. Executive Session: Pursuant to ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed

12:21 Closed Executive Session

Signing of documents

Adjourned: 12:30 p.m.