

**Morrow County Court
January 6, 2016
Boardman, Oregon
Port of Morrow Riverfront Center**

Present in Boardman

Judge Terry Tallman
Commissioner Don Russell
Richard Tovey, County Counsel/Deputy District Attorney
Sheriff Ken Matlack
Carla McLane, Planning Department Director
Hank Pieper, GIS Technician

Via Telephone Conference

Commissioner Leann Rea (La Grande)
Jerry Sorte, Administrative Officer (Heppner)
Karen Wolff, Personnel Director (Heppner)
Rick Worden, Finance Department Director (Heppner)
Roberta Lutchter, Court Executive Assistant (Heppner)
Burke O'Brien, Public Works Director (Heppner)
Matt Scrivner, Assistant Road Master (Heppner)
Sandi Putman, Public Works Management Assistant (Heppner)

Judge Tallman called the meeting to order at 10:05 a.m. (start time delayed due to inclement weather).

City and Citizen Comments – Heppner

No comments

Open Agenda

Ms. Wolff said a discussion of Oregon's new Paid Sick Leave Law was added to the agenda.

Department Report

Road Report

Matt Scrivner, Assistant Road Master

Mr. Scrivner provided the following report:

- Shoulder building completed on Frontage Road from the County line to the intersection with Paterson Ferry Road.
- Spur Loop – cattle guard repaired, including new side rails, concrete block supports, and wooden wings; fence also repaired.
- Pot hole patching – the Stepp Manufacturing machine was used to repair pot holes on McNab Lane, Ella Road and Ione-Gooseberry Road. The machine will be returned to the vendor for demonstrations in other areas of Oregon.
- Coal Mine Hill – closed December 20th per the agreement with the Forest Service to extend the original December 1st closure date. The extension allowed a contractor to finish a logging contract.

- Division Road – an abandoned camp trailer was removed.
- Bombing Range Road – shoulder work started at the intersection with Homestead Lane. When this area is completed, work will continue on the west side of the road between Cascade Specialties and the Finley Butte Road.
- Sid Britt Rock Pit – work is being done to prep the pit for hauling material to the shoulder building work on Big Butter Creek Lane.
- Ione-Gooseberry Road – material and equipment moved to this site to start work on widening, new steel decking, and guardrail for the bridge project. The site is near the intersection with Dry Fork Road.
- Road grading – blades have been out on Homestead Lane, Lindsay Feedlot Lane, Melville Lane, Strawberry Lane, and Spur Loop.
- Winter operations – snow and freezing rain have kept the crew busy on multiple days and weekends. Coal Mine Hill had almost three feet of snow before Christmas, and Sunflower Flat Road area was almost the same.

Sheriff Matlack asked if the Sheriff's Office had been notified about the abandoned camp trailer removed from Division Road because his office could have "tagged" it. One of the Public Works representatives said the camp trailer did not have wheels and was hauled away with a great deal of other garbage in that area (south of Depot Lane, not far from the water tank). Mr. O'Brien said the area was cleaned up in response to a call from a local resident. Sheriff Matlack explained when his officers respond to calls like this, it gives them the opportunity to look for evidence as to who might have left the litter.

Public Works Request to Maintain Lewis and Clark Drive during Snow Events

Mr. O'Brien said there is a significant amount of truck traffic on Lewis and Clark Drive and it would be a worthwhile use of County resources to plow it from the intersection at Columbia Lane to Highway 730 and back. He stressed it would only be during snow events and the County already has a plow nearby to maintain Columbia Lane. He said the County plows Ulman Boulevard as a goodwill gesture to the Port of Morrow for allowing us to store sand at the former Kinzua Mill site in Heppner. In addition, noted Commissioner Russell, the Port leases an area to the Sheriff's Office for \$1 a year for boat storage. Discussion resulted in agreement by the Commissioners to Mr. O'Brien's request. Mr. Sorte then suggested an Exchange of Services Agreement be drawn up and after additional discussion, he said he would work on a draft with Public Works.

Permits from Umatilla Electric Cooperative (UEC) to Reroute Power Lines

Mr. Scrivner said there were several meetings with UEC regarding this project and Public Works recommends approval.

On the recommendation of Public Works, Commissioner Rea moved to approve Application #OJP from UEC to install an overhead power line on County Road #746 (Big Butter Creek Lane). Commissioner Russell seconded. Unanimous approval.

On the recommendation of Public Works, Commissioner Rea moved to approve Application #OJQ from UEC for an underground encroachment to bury electric line underneath the edge of

the asphalt on County Road #746 (Big Butter Creek Lane). Commissioner Russell seconded. Unanimous approval.

On the recommendation of Public Works, Commissioner Russell moved to approve Application #OJR from UEC for an underground encroachment to bury electric line underneath the edge of the asphalt on County Road #746 (Big Butter Creek Lane). Commissioner Rea seconded. Unanimous approval.

On the recommendation of Public Works, Commissioner Russell moved to approve Application #OJS from UEC for an overhead crossing on County Road #746 (Big Butter Creek Lane). Commissioner Rea seconded. Unanimous approval.

On the recommendation of Public Works, Commissioner Rea moved to approve Application #OJT from UEC for an overhead crossing on County Road #746 (Big Butter Creek Lane). Commissioner Russell seconded. Unanimous approval.

Public Works Miscellaneous

Ms. Putman reported:

- Requests for Qualifications have been issued on contracts for mowing and brushing; fencing; and general building contractor.
- Janitorial contracts are to be renewed in March and Department Heads have been asked for their input.
- Solid Waste Advisory Committee will meet Tuesday, January 26th, in the lower conference room at the Bartholomew Building.
- Road Committee will meet Thursday, February 4th, in the upper conference room at the Bartholomew Building.

Sheriff's Office Update

Sheriff Matlack reviewed the report for December 2015:

- December 8th – at least three vehicles damaged in Irrigon with baseball bats. Investigations led to three youths, who later confessed. The parents had to pay for the damage.
- December 9th – Veteran's Administration Hospital in Walla Walla requested a welfare check on an individual at Blake Ranch. The Sheriff's Office and Heppner ambulance responded. The person had minor injuries and neighbors will check on the individual.
- December 9th - the wind knocked a tree down across a road near Blake Ranch.
- December 12th – a pony was attacked in Irrigon and had to be put down. Dogs were suspected in the attack.
- December 22nd – cougar sighting reported in Irrigon; unconfirmed.
- December 28th – in a three hour time period, 10 weather-related accidents were reported on the freeway.
- Unconfirmed report of a wolf sighting in Heppner. (Commissioner Rea requested the Sheriff's Office notify Oregon Department of Fish & Wildlife Biologist, Steve Cherry, when wolf sightings are reported. Sheriff Matlack said they would do so.)

Sheriff Matlack discussed the current stand off in Harney County between militia members and law enforcement. He said if it is not resolved by next week, and they receive a request for assistance, he will send one or two dispatchers and officers to relieve local law enforcement personnel.

Minutes

Commissioner Rea moved to approve the minutes of December 23rd, as presented. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the minutes of October 21st, with correction. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the Executive Session #1 minutes of October 21st, as presented. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the Executive Session #2 minutes of October 21st, with corrections. Commissioner Russell seconded. Unanimous approval.

Claims

Commissioner Rea moved to approve the Payroll Payables, Immediate & Electronic, dated December 22nd, and the Accounts Payable, dated January 7th in the amount of \$235,676.13. Commissioner Russell seconded. Unanimous approval.

New Business

Nurse Family Partnership Intergovernmental Agreement (IGA) between Umatilla County Public Health and Morrow County Public Health

Commissioner Rea moved to approve the Nurse Family Partnership IGA between Umatilla County Public Health and Morrow County Public Health, effective October 1, 2015 – June 30, 2016, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Planning Commissions Appointments

Carla McLane, Planning Department Director

Commissioner Russell moved to reappoint Melissa Lindsay and Clint Carlson to the Morrow County Planning Commission, terms to be January 1, 2016 – December 31, 2019. Commissioner Rea seconded. Unanimous approval.

Old Business

Navy Final Environmental Impact Statement (EIS) Staff Summary and Discussion

Ms. McLane said a Record of Decision will occur at the end of January but comments can be submitted through January 19th. She asked if the County is interested in making comment. She then mentioned an inconsistency she noticed in the EIS. Commissioner Rea said she noticed enough inconsistencies that it appeared no one conducted an overall review of the final document. Ms. McLane and Commissioner Rea decided to meet to compile a table of the

inconsistencies and it will be submitted with the County's brief comment letter. Ms. McLane said she would have the draft ready for next week's Court meeting.

New Business

CARE Team Coordination Discussion with the Morrow County School District (MCSD)

Dirk Dirksen, Superintendent, MCSD

Mr. Dirksen presented graphics that showed which agencies participate in coordinated care, or wrap around services, for students and families. They are:

- The Morrow County Court
- Morrow County Public Health
- InterMountain Education Service District
- Boardman Police Department
- Morrow County Sheriff's Office
- Greater Oregon Behavioral Health, Inc. (GOBHI)
- Community Counseling Solution (CCS)
- Morrow County School District
- Department of Human Services (DHS)
- Ione School District
- Local Community Advisory Council (LCAC)
- Blue Mountain Early Learning Hub
- Advantage Dental

He said together, these agencies now provide the following services, and he then reviewed the agency contributions:

- Two School Resource Officers – MCSD: \$100,000; Boardman: \$25,000; Morrow County Sheriff's Office: \$25,000
- DHS Social Service Employee – MCSD: \$50,000; DHS: \$25,353
- Two Care Coordinators – MCSD: \$75,788; IMESD: \$20,000; GOBHI: \$20,000; Ione School District: \$7,000; Morrow County Court: \$10,000
- One Early Learning Care Coordinator – MCSD: \$28,333; Early Learning Grant: \$36,666; possible additional support from other entities
- Three CCS Counselors – MCSD: \$76,000; CCS, GOBHI, and grant: \$89,600
- One School Nurse – Transformation Grant: \$56,942; Morrow County Court: \$29,236
- One Dental Hygienist – Grant funded: \$7,000

Mr. Dirksen said his current request of the Court is \$28,588 to cover the benefits of the second Care Coordinator position for one year. It was noted six months remain in the current fiscal year, therefore, the amount needed is 50% of the \$28,588. Discussion ensued.

Commissioner Rea moved to approve an expenditure of \$14,250 for benefits for the second Care Coordinator/Wrap Around Services Position for the remainder of the current fiscal year (2015-2016), with the understanding \$28,588 will be available in fiscal year 2016-2017.

Commissioner Russell seconded. Unanimous approval.

New Business

Discussion Prior to 1:30 p.m. Meeting (BLM Actions & Requests Concerning Agency Preferred Route)

Commissioner Rea said there may be a possibility of a joint comment letter for both Morrow and Umatilla Counties, if both Counties can come to agreement. This was an option discussed during the Governor's Advisory Committee on Agriculture and Energy Development meeting on Monday, in which she participated by phone. She said it appears Umatilla County's preferred route is much farther south than Morrow County's preferred route. Ms. McLane added both Counties agree the Environmentally Preferred Route should not become the Agency Preferred Route but both Counties support different entry points. Umatilla County favors Lena/Highway 74 and Morrow County supports Butter Creek Junction.

Discussion - Oregon's New Paid Sick Leave Law

Ms. Wolff said the changes will affect temporary employees only because Morrow County's Sick Leave Policies for the other employees already exceed the requirements of the new law. Ms. Wolff said she needs direction from the Court on several matters and after she consulted Mr. Sorte, Rick Worden, Finance Department Director, and Ronda Fox, Finance Management Assistant, they recommended:

- The "year" should be considered as the calendar year since all other employee benefits are based as such.
- Front-load or accrue Sick Leave? Ms. Wolff said the recommendation is to accrue based on hours worked, in order to remain consistent with other employees. The new law requires an accrual rate of one hour of sick leave for every 30 hours worked; this is lower than Morrow County's rate for first year employees, but not significantly. The recommendation is for temporary employees to accrue at the same rate as other first year employees.
- Recommended effective date: January 1, 2016.
- New law states employees may be required to be employed for 90 days before Sick Leave can be used; Morrow County's Policy is 30 days. Ms. Wolff said she recommended 30 days, for consistency.

The Commissioners concurred with every recommendation and Ms. Wolff said she would return to the Court with the new draft policy for review.

Break for lunch: 12:50 p.m.

Reconvene: 1:30 p.m.

**Public Community Meeting
Boardman to Hemingway (B2H) Transmission Line Project
Bureau of Land Management (BLM) Actions and Requests
Agency Preferred Route
Boardman, Oregon**

Present in Boardman

Judge Terry Tallman
Commissioner Don Russell
Richard Tovey, County Counsel/Deputy District Attorney
Carla McLane, Planning Department Director
Hank Pieper, GIS Technician

Via Telephone Conference

Commissioner Leann Rea (La Grande)
Jerry Sorte, Administrative Officer (Heppner)
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Roberta Lutchter, Court Executive Assistant (Heppner)
Burke O'Brien, Public Works Director (Heppner)
Matt Scrivner, Assistant Road Master (Heppner)

Audience

Todd Adams, Idaho Power	Jeff Maffuccio, Idaho Power
John Luciani	Ralph Morter
John Kilkenny	Kevin Green
Shane Matheny	Mr. & Mrs. McLaughlan
Craig Coleman	Kyle Barclay
Kevin Meenaghan, Navy	Brandon Christensen
Larry Carroll	Ivar Christensen
Karen Pettigrew, City of Boardman	Tyler Carroll
Clint Carlson	Don Rice, Boardman Tree Farm
Casey Ashby	Tony Ashbeck
Jeff Bosma	Curt Perkins
Gary Rhinhart	Homer Peterson
Don Gonzalez, BLM	Jerry Rietman, via telephone conference
Shannon Rust	
Bob Walder, Umatilla County Planning Department	
George Murdock, Umatilla County Commissioner	
Thomas Wolff, Columbia Basin Electric Cooperative	
Ginny Gustafson, Oregon Department of Energy (ODOE)	
Max Woods, ODOE	
Robert Echenrode, Umatilla Electric Cooperative (UEC)	
Brian Salois, Bonneville Power Administration (BPA)	
Joe Cottrell, BPA	
J.R. Cook, Director, Northeast Oregon Water Association (NOWA)	

Ms. McLane provided the Staff Report. She said the County Court's objective, as a Cooperating Agency, is to hear comment so they, in-turn, can provide comment for the decision of the Agency Preferred Route. She provided a history of the process, to date, and reviewed the five proposed routes. She said the Final Environmental Impact Statement is expected this summer.

[A Planning Department map was provided for all in attendance which listed the five routes as follows:

- Route A: Environmentally Preferred Route
- Route B: West of Bombing Range Road Route
- Route C: Longhorn Alternative
- Route D: East of Bombing Range Road Route
- Route E: Morrow South]

Judge Tallman then opened the floor for comment.

Don Gonzalez, BLM

Mr. Gonzalez said he attended this meeting to hear comments and answer questions. In addition, depending on the discussions today, another meeting may be necessary.

BPA Representatives

Declined comment

Idaho Power Representatives

Said they were in attendance to listen to comments.

Max Woods, ODOE

He said much like Morrow County, ODOE is a Cooperating Agency. He said the recent announcement of the Environmentally Preferred Route along I-84 was the first time ODOE heard about that possibility. The current application doesn't include the I-84 route...it lists the Morrow South route. ODOE is currently working with Idaho Power on an amended application. He also said he was there to hear the comments.

Kathleen Cathey, Field Representative for Senator Ron Wyden

Ms. Cathey said when Senators Ron Wyden and Jeff Merkley learned of the Environmentally Preferred Route, they wrote to the BLM to request an extension for input, which was granted. She said Senator Wyden is interested in keeping the line off irrigated agriculture land, as much as possible, and this has been a consistent concern expressed throughout the process.

Kevin Meenaghan, Navy

No comment

Umatilla County, Commissioner George Murdock

No comment

Brandon Christensen, Hermiston Resident/Morrow County Farmer

He said his farm land is along Alpine Lane and he is concerned about the electrical lines affecting machinery. He said another concern is the unknown consequences of living/working under powerlines. He said he believed the I-84 Route (Route A) would be the simplest and everyone travelling I-84 would share in the view of the transmission line down the middle of the freeway.

J.R. Cook, Director, NOWA

He said over the last four years, he and others have been involved in a compromise route that they determined was best for everybody, and that route is West of Bombing Range Road. He then encouraged others at the meeting to comment so the Cooperating Agencies (Morrow and Umatilla Counties, and the State of Oregon) can take it under consideration for their comment to the BLM. He concluded by saying the Environmentally Preferred Route will take up additional irrigated agriculture land and his agency works to protect groundwater. Groundwater is a large asset to the region, he said.

Commissioner Russell clarified the Environmentally Preferred Route would not go down the center median of I-84; it would be to the north of the freeway, and in some areas shift south of the freeway. He also noted the BLM website had the map of the Environmentally Preferred Route on its website for a short time and then it was taken down.

John Luciani, Farmer

Mr. Luciani said Route B (West of Bombing Range Road) goes through his farm land and he prays this will not happen. He asked about dryland farms and said nobody seems to worry about the dryland farms. He said he participated in Umatilla County's meeting but Morrow County didn't listen to the dryland farmers. He said for him, this could be the difference between going out of business or not. He said Route A (Environmentally Preferred Route) is where it should be. He also said a meeting took place recently with the Navy and he questioned why he and others weren't made aware of it.

John Kilkenny, Farmer

Mr. Kilkenny said from a landowner perspective, the process has been frustrating. He said BPA has been a poor communicator and Idaho Power has outdone itself in not listening, but things have improved at Idaho Power since Jeff Maffuccio came on board. He said he's never been involved in a business transaction where someone wants to use your land but never discusses compensation. He also said he preferred the West of Bombing Range Road Route and was pleased the Navy listened and agreed. He said it doesn't make sense to go through circle irrigated land (Route A) as opposed to going through the former Chemical Depot.

Tyler Carroll, Farmer

Mr. Carroll said he farms south of the former Chemical Depot and is opposed to Route A (Environmentally Preferred Route). He said the route comes within a few hundred yards of his house, a water recharge area, and a migratory area.

Jerry Rietmann, Chief Executive Officer, Wheatridge Wind Energy

Mr. Rietmann said for a long time, he has been working with UEC on a map to get wind energy from south Morrow County to the north. He said it took a long time for Idaho Power to listen to the West of Bombing Range Road Route as a viable option. The same effort needs to be made to include dryland farmers in south Morrow County as was made for irrigated farmers. A path needs to be determined that runs along property lines and has logical placement in fields. He explained when the project is completed, it will offer the lowest cost of power in the area through the Port of Morrow. This will mean additional tax base for the County and more server farms for the Port.

Craig Coleman, Farmer

Mr. Coleman said he grows blueberries across from the SAGE Center and helicopter spraying already can't take place under existing power lines, which leaves some of the fruit unsprayed. There will be a lot of high value irrigated crops affected by the routes. He said every time he goes underneath power lines in a blueberry field, he can feel it. He asked if there is a route that could be considered that wouldn't impact high value crops.

Jeff Bosma, Sage Hollow

He said he submitted numerous documents to the State of Oregon, Morrow County and Idaho Power concerning the Longhorn Route and Confined Animal Feeding Operation (CAFO). He said he wanted to remind everyone a third dairy will now be on the route.

Shane Matheny, Farmer

Mr. Matheny said he farms in the Sand Hollow/Alpine Lane area and doesn't want to know what it feels like to farm under transmission lines. He said the installation of the transmission line will greatly tear up the ground and he hopes it will smooth out without too much soil compaction. He added the ground will never be the same after that. He said the line will be close to his house.

John Luciani, Farmer

Mr. Luciani said the line will be 305 miles long and he doubts it will actually be built because it impacts so many people. He asked Idaho Power representatives why the line is needed and who came up with the idea. [Judge Tallman suggested Mr. Luciani speak with the Idaho Power representatives after the meeting.]

Don Rice, Boardman Tree Farm

Mr. Rice said many hours were spent to determine Route B (West of Bombing Range Road) as Morrow County's preferred route, and to have a new route put forth at this stage, with limited opportunity for review and comment, is unfair to those it affects.

Ivar Christensen, Farmer

Mr. Christensen said he researched compensation rates paid around the Pendleton area on past projects and heard what Idaho Power might offer on this project, but he feared eminent domain will occur. He said if someone offered him \$1,000 an acre he would reject the offer because it's his livelihood that's being impacted. He discussed several safety concerns about living and working near transmission lines. He said he preferred Route C (Longhorn Alternative) but that is no longer under consideration.

Shane Matheny, Farmer

Mr. Matheny wanted to know the answer to questions about parking trucks and combines under transmission lines and static electricity.

John Luciani, Farmer

Mr. Luciani asked if anyone would answer the questions posed by his nephew. Judge Tallman explained the Court is hearing testimony and this is not a question and answer session. If people have questions, they should talk to the appropriate representatives after the meeting, said Judge Tallman. Mr. Luciani asked a few more questions and said nobody has explained to him exactly how the line will impact farming.

Commissioner Russell

Commissioner Russell said Morrow County is a Cooperating Agency and the purpose today is to listen to constituents in Morrow and Umatilla Counties. He said nobody wants a power line through their back yard, but we all expect something to happen when we flip a light switch. He said the goal is to figure out how to weave the line through the Counties in the least intrusive way possible. He added the line will be built and now is the time to offer comment.

Aaron Palmquist, Veteran (letter submitted)

Ms. McLane read Mr. Palmquist's letter, which said I-84 is also designated as Vietnam Veterans Memorial Highway and placing transmission lines along this beautiful byway does not make sense.

Homer Peterson, Farmer, Morrow and Umatilla Counties

Mr. Peterson said more information is needed because the routes are all over the board. He said he preferred Route A (Environmentally Preferred Route) that goes along the freeway and not through agricultural land.

Gary Rhinhart, Pendleton

Mr. Rhinhart said he is a member of the Umatilla County Planning Commission and he believes the best route is Route A, along the freeway. He also said wind power should not drive where transmission lines are placed, it should be based on which is the most environmentally friendly. He said existing corridors should be used because wind power will create even more power lines.

Judge Tallman closed the Community Meeting and thanked the individuals who commented. He said a letter will be written in consultation with the Court's counterparts in Umatilla County.

Adjourned: 2:54 p.m.