

# **Morrow County Court Meeting Minutes**

**November 2, 2016**

**Bartholomew Building Upper Conference Room**

**110 N. Court St., Heppner, Oregon**

## **Present**

Judge Terry Tallman  
Commissioner Leann Rea  
Commissioner Don Russell  
Jerry Sorte, Administrative Officer  
Karen Wolff, Human Resources Director  
Justin Nelson, County Counsel  
Kate Knop, Finance Director  
Roberta Lutchter, Court Executive Assistant  
Melissa Lindsay, Judge-Elect  
Jim Doherty, Commissioner-Elect

## **Audience**

David Sykes, Heppner Gazette-Times  
Gayle Gutierrez, Treasurer  
Burke O'Brien, Public Works Director  
Greg Sweek, Heppner  
Judy Healy, Heppner  
Camille Peck, Lexington  
Sandi Putman, Public Works Mgmt. Asst.  
Shelley Wight, Public Health Department  
Ann Jones, Fair Secretary

**Call to Order:** 9:00 a.m., followed by pledge of allegiance

**City and Citizen Comments:** No comments at this time (please see page 5 for comments later in the meeting)

**Open Agenda Requests:** Replat presented for signature by Assessor/Tax Collector Mike Gorman on behalf of the landowner.

## **New Business**

### The Loop – Morrow County Transportation

Anita Pranger, Coordinator, The Loop

### Purchasing Pre-Authorization

Ms. Pranger explained The Loop received a grant to purchase an ADA accessible van and she then sent out a Request for Qualifications to three vendors; two responded. She requested the Court authorize the purchase from the low bidder.

*Commissioner Rea moved to approve The Loop – Morrow County Transportation's Purchasing Pre-Authorization for an ADA accessible van from Schetky Northwest Sales in the amount of \$41,375, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.*

### Declare Vehicle as Surplus

*Commissioner Rea moved to declare the following 2002 Freightliner 26-passenger bus as surplus: Vehicle Identification Number 4UZAAL22CJ77242, License Plate Number E223114. Commissioner Russell seconded. (Discussion: Ms. Pranger will establish a fair market value*

and report back to the Court prior to the bus being offered to all public entities in Morrow County.) *Unanimous approval.*

Ms. Pranger reported the following ridership numbers:

- September 2015: 209
- September 2016: 362
- Total January-September 2015: 2,593
- Total January-September 2016: 3,177

Commissioner Rea commented the numbers are an indication of how successful Ms. Pranger has made this program.

Ms. Pranger also reported there are new volunteer drivers in Heppner, Irrigon and Boardman. Commissioner Rea asked if the \$25 a day stipend the drivers receive has been an incentive. Ms. Pranger replied it has been a way for some drivers to supplemental their income. She also said a driver in Heppner is available on Sundays for local transportation needs.

**Public Hearings**  
**Oregon Department of Transportation (ODOT) Donaldson Canyon Quarry**  
**Goal 5 Aggregate: AC-105-16, ACM-109-16, AZM-106-16**  
**And**  
**ODOT Threemile Canyon Quarry**  
**Goal 5 Aggregate: AC-107-16, ACM-110-16, AZM-108-16**

Carla McLane, Planning Director

Patrick Knight, Senior Planner, ODOT Region 5

Judge Tallman opened the hearing for the Donaldson Canyon Quarry site at 9:21 a.m. and called for abstentions or conflicts of interest. Commissioners Rea and Russell and Judge Tallman expressed there were no conflicts of interest. Judge Tallman discussed the guidelines for offering testimony and called for the Staff Report.

Ms. McLane explained ODOT is both the applicant and owner of both quarry sites. She said there was a problem with ownership for Donaldson Canyon Quarry in that ODOT filed the deed in 1939 but it was never recorded, but the process to correct that has taken place. As background, she said ODOT previously identified 17 quarry sites in Morrow County that they requested go through the application process to seek Goal 5 protection. To date, the County has completed five or six of those processes, she said. Donaldson Canyon Quarry is located three miles south of Heppner on Highway 206/207 and is a 3.67 acre aggregate (gravel) site. She said this site is inactive, as is the site for the next public hearing (Threemile Canyon Quarry), but ODOT is seeking to protect its stock piles for future use.

The Morrow County Planning Commission reviewed the requests for both sites, said Ms. McLane, and recommended the County Court approve them. She noted ODOT would be

required to obtain operating permits from the Oregon Department of Geology and Mineral Industries (DOGAMI) if either site becomes active.

Ms. McLane said a comment letter was received from Patricia and Greg Maben who live near the Donaldson Canyon Quarry. Their concern was for motorist safety on the “dangerous corners and curves within ¼ mile in both directions of the boundaries of the rock pit,” according to their letter. Ms. McLane said the Planning Commission’s view was ODOT is aware of road safety matters and would deal with those issues if they mine it in the future.

Ms. McLane continued to review the Donaldson Canyon Quarry packet for the Court (list of agencies notified; maps, etc.). The analysis was nearly identical for the Threemile Canyon Quarry, she said.

Judge Tallman called for proponents. ODOT Senior Planner, Patrick Knight offered to answer questions. Regarding the Mabens’ concerns, Mr. Knight said in the event the site becomes active, ODOT would install signs in the area to warn motorists of the activity at the quarry. Commissioner Russell asked if ODOT had plans to straighten the “S” curves on that road. Mr. Knight suggested District 12 Manager, Marilyn Holt, be contacted about that. Ms. McLane said it possibly could be added to the Morrow County Road Committee’s project list, but she would make a note in the Transportation Safety Plan, as well.

Judge Tallman called for opponents; no response. He called for rebuttal; no response. The hearing was closed at 9:44 a.m.

*Commissioner Rea moved to:*

- 1. Order the Donaldson Canyon Quarry site be listed in the Comprehensive Plan’s Inventory of Natural Resources Aggregate and Mineral Resources, and be added to the Comprehensive Plan Map Inventory of Natural Resources Aggregate and Mineral Resources;*
- 2. Amend the Comprehensive Plan Goal 5 Analysis text to add the following: The Donaldson Canyon Quarry (ODOT) aggregate operation is located on tax lot 1502 within the SE ¼ of the SE ¼ of Section 9 of Township 3 South Range 26 East of the Willamette Meridian, Morrow County. The impact area is a 1500 foot buffer outside of the ODOT parcel. The site has been deemed significant, based on the quality (stamped by ODOT Engineer), the quantity is over 500,000 tons of material, and location is such that there are no Class I, Class II or unique soils present at the site. The conflicting uses at the site and within the impact area are farming operations and residential uses. No ESEE (Economic, Social, Environmental and Energy) analysis was done, as all conflicts could be mitigated. Mining will be allowed, and will fully allow new uses within the impact area with criteria set forth in the Significant Resources Overlay zone. The post mining use will be Range/Open Space based on the DOGAMI Operating and Reclamation Plan.*

3. *Order the Aggregate site and 1500 foot impact area be mapped on the Morrow County Zoning Map with the Significant Resources Overlay Zone.*

*Commissioner Russell seconded. Unanimous approval.*

Judge Tallman opened the hearing for the Threemile Canyon Quarry site at 9:46 a.m. and called for abstentions or conflicts of interest. Hearing none, he called for the Staff Report.

Ms. McLane said the Staff Report is basically the same as for Donaldson Canyon Quarry. There were no issues with ownership and no comments or testimony were received. The quarry is at the Threemile interchange in ODOT's right-of-way, and as stated earlier, ODOT would be required to obtain DOGAMI permits if mining were to commence, she said. The nearest resource is the Willow Creek Wildlife Area to the southwest, but it is not listed as Goal 5 in our Comprehensive Plan, said Ms. McLane. If the site becomes active, ODOT would need to manage traffic at the aggregate site, she noted.

Judge Tallman called for proponents. Mr. Knight once again offered to answer questions. Commissioner Russell inquired when the site might be used again. Mr. Knight said he was not aware of any plans, but it is a very good location for work near I-84 because it helps keep ODOT's costs down.

Judge Tallman heard no response to his call for opponents or neutral parties to speak and closed the hearing at 9:54 a.m.

*Commissioner Rea moved to:*

1. *Order the Threemile Canyon Quarry site be listed in the Comprehensive Plan's Inventory of Natural Resources Aggregate and Mineral Resources, and added to the Comprehensive Plan Map Inventory of Natural Resources Aggregate and Mineral Resources;*
2. *Amend the Comprehensive Plan Goal 5 Analysis text to add the following: The Threemile Canyon Quarry (ODOT) aggregate operation is located on tax lot 110 within the SE ¼ of the SW ¼ of Section 21 of Township 4 South Range 23 East of the Willamette Meridian, Morrow County. The impact area is a 1500 foot buffer outside of the ODOT parcel. The site has been deemed significant, based on the quality (stamped by ODOT Engineer), the quantity is over 500,000 tons of material, and location is such that there are no Class I, Class II or unique soils present at the site. The conflicting uses at the site and within the impact area are farming operations and residential uses. No ESEE analysis was done, as all conflicts could be mitigated. Mining will be allowed, and will fully allow new uses within the impact area with criteria set forth in the Significant Resources Overlay zone. The post mining use will be Range/Open Space based on the DOGAMI Operating and Reclamation Plan.*
3. *Order the aggregate site and 1500 foot impact area be mapped on the Morrow County Zoning Map with the Significant Resources Overlay Zone.*

*Commissioner Russell seconded. Unanimous approval.*

Ms. McLane said she would return with the adopting ordinances in December.

### **City and Citizen Comments**

Bob Stevens, Hardman

Mr. Stevens requested road work be done in several areas near Hardman. He mentioned Hardman Ridge Road, and the Porcupine Canyon area to the top of Rood Hill. He said the roads have been in bad shape and in need of gravel for several years. Conditions become worse when it rains and they have to be avoided, which is difficult, he said. Commissioner Rea asked staff to notify Mr. Stevens of the next Road Committee meeting.

### **New Business**

#### Solar Energy Payment in Lieu of Property Taxes Option, House Bill 3492 (2015)

Ms. McLane

Mike Gorman, Assessor/Tax Collector

Justin Nelson, County Counsel

Ms. McLane said the Planning Department has been contacted by solar companies interested in opportunities provided through HB 3492, passed during the 2015 legislative session. As a result of those inquiries, a staff workgroup consisting of Ms. McLane, Mr. Gorman, Mr. Nelson and Mr. Sorte met to discuss the tax implications to the County and review potential draft agreements.

Mr. Nelson said the question is whether or not the County wants to do these agreements because the rate of \$7,000 per megawatt was already established by the legislature. Mr. Gorman added the only piece that is negotiable is the term, which can be up to 20 years. He also said these solar projects have not started yet, so there's no way to do an analysis of what the County is giving up. If we don't give up something, the companies won't locate here, he concluded. Various discussions.

Mr. Gorman explained the land where the solar projects will locate is most likely low value range land. The value of that land will increase because it will be valued as industrial land, so there will be a benefit to the County, he said.

Commissioner Rea discussed the advantages as 1.) Payment-in-lieu-of monies don't have as many restrictions and can be used to fund roads and, 2.) The payment of \$7,000 per megawatt is based on the nameplate capacity of the project, not what is actually produced, if anything.

Commissioner Russell said he didn't see a downside as long as the County looks at each application on a case-by-case basis. This doesn't mean Morrow County has to enter into an agreement if it doesn't work for the County, he added. Mr. Nelson agreed, but added the County would have to articulate the reasons why it would be different from a project that may have been given approval.

Ms. McLane said she'd let developers know the Court is willing to have a conversation but the attitude of the Court could change in January when new Commissioners are sworn in. Mr. Sorte outlined the process to follow if a developer is interested, and said an application fee for the Assessor's Office should be considered when fees are evaluated in the near future.

#### History and Current Values of the Columbia River Enterprise Zone

Mr. Gorman

Mr. Gorman provided hand-outs of information pertaining to Enterprise Zone (EZ) agreements and Strategic Investment Program (SIP) agreements. The EZ hand-outs included information on payments to the current Columbia River Enterprise Zone II Board and the original Columbia River Enterprise Zone Board, as well as, Bond Payments and Exempt Values. The SIP hand-outs included information on Community Service Fees amounts and Minimum Revenue Amounts. Discussions ensued as Mr. Gorman reviewed each hand-out in greater depth.

Commissioner Russell pointed out the most recent wage data for the State of Oregon shows Morrow County offers the third highest average wage in the State, behind Washington and Multnomah Counties. He also said the average wage in Morrow County is 35% higher than in Umatilla County. If a person is willing to improve his/her skills, there are good jobs in Morrow County, however, we do still have a problem with people who work here but do not live here, said Commissioner Russell. Judge Tallman said the favorable wage statistics can be directly attributed to the agreements just reviewed by Mr. Gorman.

#### Sandlin Replat

Mr. Gorman

Mr. Gorman said the replat is of lots in the City of Irrigon, and it now needs the signatures of the Court before going to the Clerk's Office.

*Commissioner Rea moved to approve the signing of the Sandlin Replat, A Replat of Lots 1, 2, 3, 4 & 5 and Lots 11, 12, Block 38, Town, Now City of Irrigon, Located in the SE ¼ of Section 24, Township 5 N., Range 26 East of the Willamette Meridian, from Doug C. and Grace M. Sandlin, Irrigon. Commissioner Russell seconded. Unanimous approval.*

#### Staffing Request – Fairgrounds Maintenance and General Maintenance

Jerry Sorte, Administrative Officer

Mr. Sorte said the re-evaluation of the Fairgrounds Maintenance position was spurred by a need to examine the overall maintenance requirements of the County prior to the next budget process. He said Public Works contracts for some construction services, and perhaps that could be refocused toward hiring a full-time maintenance person instead of the 19 hour per week Fairgrounds Caretaker. The renamed General Maintenance Assistant position would focus on the Fairgrounds but be a part of the General Maintenance crew, he explained. The recruitment would be for a temporary position, and if it makes sense and can be justified, it would be made full-time in the next budget cycle, said Mr. Sorte. Discussion took place on the history of maintenance positions at the Fairgrounds.

Judy Healy, Rodeo Committee Secretary/Treasurer, said she would like assurances the Rodeo Grounds will be as much a maintenance priority as the Fairgrounds so their volunteers no longer have to be responsible for it. She also said the Rodeo Committee is working with County staff to establish its own County-appointed board that will be on the same level as the Fair Board.

After several people expressed concerns that the timeliness of maintenance issues may suffer, Burke O'Brien, Public Works Director, said the change to the job description mainly addresses supervisory responsibilities but it still retains existing Caretaker duties.

*Commissioner Russell moved to replace the Fairgrounds Caretaker position with the General Maintenance Assistant position, and approve the provided General Maintenance Assistant job description and wage, and authorize staff to recruit for and fill the temporary General Maintenance Assistant position at 19 hours per week. Commissioner Rea seconded. Unanimous approval.*

#### 2017 Holiday Schedule

Karen Wolff, Human Resources Director

Ms. Wolff said the schedule is for holidays recognized in Morrow County Personnel Policy. Our schedule is the same as the State of Oregon's schedule, she added.

*Commissioner Rea moved to approve the Holiday Schedule for 2017 as presented. Commissioner Russell seconded. Unanimous approval.*

#### Award Bid for Rock Crushing Contractor

Mr. O'Brien

Sandi Putman, Public Works Management Assistant

Ms. Putman explained Public Works determined several years ago it was more cost-effective to contract for rock crushing services than to perform the work in-house. She said Requests for Proposals were sent out in early October, and one response was received. That proposal was scored by a review committee, and she said she now recommends the Court award the bid to 4R Equipment LLC.

*Commissioner Russell moved to award the bid for a Rock Crushing Contractor to 4R Equipment LLC, with the contract to follow. Commissioner Rea seconded. Unanimous approval.*

#### Rodeo Committee Update

Judy Healy, Rodeo Committee Secretary/Treasurer

Ken Bailey, Rodeo Committee member

Ms. Healy reiterated that the general consensus of the Rodeo Committee is to make it a County appointed board with equal standing to the Fair Board. She also said the County should appoint a volunteer Rodeo Board Secretary, issue a County credit card, and set up a trust account to replace the Rodeo Booster account. She added the name should be Oregon Trail Pro Rodeo not

Morrow County Rodeo, and that invoices will be mailed to OTPR and processed through the County.

Both Ms. Healy and Mr. Bailey voiced concerns about liability and insurance issues severely limiting usage of the facility. Ms. Healy asked if County Counsel could shed some light and be of assistance. Various discussions.

Mr. Sorte said he, Finance Director Kate Knop, Treasurer Gayle Gutierrez, Mr. Nelson, the Fair Board and Rodeo Committee will continue to work through the details and report back to the Court on their progress.

### **Contracts**

#### Wilson Construction Services, LLC – Cutsforth Park Visitor Restroom/Shower Improvements

Mr. Nelson

The bid for this project was approved by the Court last week, and the contract has been reviewed by County Counsel, explained Mr. Nelson.

*Commissioner Rea moved to approve the Morrow County Personal/Professional Services Contract with Wilson Construction Services, LLC, for work to be done at Cutsforth Park. Commissioner Russell seconded. Unanimous approval.*

#### Aha Consulting, Inc. – Website Services

Mr. Sorte

The total contract amount over the course of five years is \$24,150, and Mr. Sorte said he recommended the County Court sign the contract.

*Commissioner Russell moved to approve the contract for website services with Aha Consulting, Inc., effective date November 2, 2016 through November 2, 2021, in the amount of \$25,150, and authorize Judge Tallman to sign on behalf of the County. Commissioner Rea seconded. Unanimous approval.*

### **County Counsel Report**

Mr. Nelson said examples of recent work by the County Counsel Office include projects for Public Works, such as grazing permits, the Rock Crushing contract and other projects.

### **Administrative Officer Report**

Mr. Sorte referred to his written report, and said he continues to work through the projects listed, as well as day-to-day business. He said performance evaluations are a primary focus at the moment, but he plans to follow-up on an estimate for planning services received from LKV Architects to provide size and cost estimates for a north County facility. He said quotes from other architecture firms may be necessary, and he will make north County facility planning one of his top focuses.



**Claims**

*Commissioner Rea moved to approve the Void Check dated October 27<sup>th</sup> and the Accounts Payable dated November 3<sup>rd</sup> in the amount of \$111,431.44. Commissioner Russell seconded. Unanimous approval.*

**Lunch Recess:** 11:54 a.m.

**Resumed:** 1:15 p.m.

**Present**

Judge Tallman, Commissioner Rea, Commissioner Russell, Mr. Sorte, Ms. Wolff, Ms. Knop, Ms. Lutchner

**Minutes**

*Commissioner Rea moved to approve the minutes of October 26<sup>th</sup>, as presented. Commissioner Russell seconded. Unanimous approval.*

**Correspondence Reviewed**

- Letter from Collins Management Corporation to provide an update on the closure of the Upper Columbia Mill – a portion of the sawmill plant will continue to operate under new management, effective January 6, 2017 (log yard, debarker, whole log chipper and merchandiser).
- Minutes of the October 4th meeting of the Morrow Soil and Water Conservation District. Agenda for the November 1<sup>st</sup> meeting also included.
- Boardman Chamber of Commerce flyer for its Community Awards Banquet and Casino Night on Friday, February 10, 2017.
- Agenda for the November 3<sup>rd</sup> Port of Morrow Special Commission meeting.

**Commissioner Reports**

- Commissioner Russell said Judge Steve Shaffer from Gilliam County asked him to serve as an elected official on an AOC (Association of Oregon Counties) Board related to Emergency Management issues. He said he would do so but may rely on the knowledge of Morrow County's Emergency Manager, Undersheriff John Bowles. Commissioner Russell also discussed the status of the Port of Morrow's and Boardman Parks and Recreation District's attempts to obtain 30 acres between the POM office and Marina Park for a ball field. It continues to be held up over jurisdictional wrangling by several entities, he said.
- Commissioner Rea said she attended last week's CAPECO (Community Action Program of East Central Oregon) meeting, and the new Chief Executive Officer, Paula Hall, is doing a great job. Commissioner Rea relayed an incident to the Court which took place at the Hermiston CAPECO office. She said someone came into the office who was upset and staff noticed he had a concealed weapon, which was later determined to be legally licensed. She said appropriate staff safety procedures were not followed once a threat was perceived, but CAPECO continues to review the matter.

### **Comments Prior to Executive Session**

Following a brief discussion, the Court decided to allow the Commissioner Elects to remain and participate in the Executive Session. Ms. Wolff, Ms. Knop and Ms. Lucher were excused from the room for the duration of the Executive Session.

**1:43 p.m. Executive Session Pursuant to ORS 192.660(2)(i)** – To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

### **2:37 p.m. Regular Session**

#### **Miscellaneous**

Mr. Sorte discussed scheduling a Long Range Planning session at the end of November or early December.

#### **Consideration of Compensation for the Administrative Officer**

After discussion, the Court agreed to a one-step increase effective on Mr. Sorte's anniversary date of hire. Commissioner Rea said after the Commissioner Elects will take office January 9, 2017 the new Court should re-evaluate the Administrative Officer job description because it will have added duties upon the retirement of Judge Tallman. The Court also suggested a County Administrator salary comparison take place; Ms. Wolff said she would gather the information.

*Commissioner Russell moved to approve a salary increase for Jerry Sorte, Administrative Officer, from Step A to Step B of the Managers and Supervisors 2016-2017 Wage Scale, to be effective on the one-year anniversary date of hire. Commissioner Rea seconded. Unanimous approval.*

Mr. Sorte thanked the Court, and said he was happy to have the opportunity to work for Morrow County.

Commissioner Rea said the Administrative Officer job description specifies that person reports to the County Court, but that should be updated to reflect the imminent change from a County Court structure to a Board of Commissioners. Ms. Wolff said other revisions may be needed to match what is being asked of him.

**Adjourned:** 2:57 p.m.