

Morrow County Board of Commissioners Meeting Minutes
June 16, 2021
Morrow-Grant County OHV Park
Heppner, Oregon

Present In-Person

Chair Don Russell, Commissioner Jim Doherty, Darrell J. Green, John A. Bowles, Greg Close, Kate Knop, Roberta Lutcher, Tamra Mabbott, Ken Matlack, Matt Scrivner, Brian Snyder; Non-Staff: Mike Mahoney, John Patterson

Excused: Commissioner Melissa Lindsay

Call to Order, Pledge of Allegiance & Roll Call: 10:01 a.m.

City & Citizen Comments

Mike Mahoney

John Patterson

Mr. Patterson had questions about the permit for a temporary fence issued to Jim Kirkpatrick:

1. Was there any determination whether the fence was truly in the County right-of-way (ROW)?
2. Was the permit obtained lawfully?
3. Does the County truly own the 21 Road and have the authority to issue that permit?

Public Works Director Matt Scrivner said from his measurements, it appeared to be off the County ROW and he offered to meet with Mr. Patterson to view the fence.

Mr. Patterson said the temporary fence was attached to a gate on his property, making that part of it outside the County ROW. He also said while the County has a maintenance agreement on the road, the Forest Service actually owns the 21 Road.

Commissioner Doherty offered the following: I get nervous when County Counsel isn't in attendance to offer guidance but I think it's safe to say Mr. Patterson has a barrister on tap working his side of the equation so I don't want to go on at length for something that might come back; it's important to bare that in mind. I've learned more about the 21 Road than I ever wanted to and it's quite interesting. I'm moving forward with the assumption it's our ROW but the more I look at it, the more gray area there is. Short of someone in a black robe saying this is construction in the ROW...this ultimately will come down to the definition of that. We have one assumption, maybe Mr. Patterson has another. One challenge as we move forward, this road and Sunflower Flat Road and others, are similar...we talk about keeping livestock off the road. The Road Master has the ability to say we don't want livestock on the road but one of the detriments if the County doesn't want them on the road, is the County has the privilege of building that fence and maintaining it. Another struggle, I revisited the minutes when former Public Works Director, Burke O'Brien was still here, we discussed whether the County will maintain this road and Burke said he hated to over-extend the County but taking on the 21 Road opened up the ability to get federal funds and make it a really nice road for everyone, as opposed to the Forest Service grading it once a year, maybe. I was the one who made that motion, Commissioner Lindsay asked within the motion about walking this back if it didn't work or if we were putting more manpower into this road when the Road Crew should be elsewhere. Since that day, I've heard from multiple people and none of their comments have been positive about the County

having done this. For me, if we wind up in this angst and discussion then I don't know why we'd want to continue this way and next week we could make a motion to direct staff to let the Forest Service know it's going back. This doesn't alleviate any of Mr. Mahoney's cattle guard issues or Mr. Patterson's ROW issue or his issues with his neighbors, but it eliminates the County being in the middle of it. You'd then all have the same struggles but they'd be with the Forest Service. I'm weighing it pretty hard...having never heard anything positive with what we've done here, I don't know what my motivation is to move forward in the fashion we are. I'm inclined to walk back our motion instead of winding up in a court case to get to the bottom of it, or in a court case with the Forest Service to get to the bottom of it. The Surveyor, Matt Kenny, has spent more time on this in the last two weeks to get to the core of everything. He sent 11 attachments to me on this. This isn't a normal County road and it's leading to more gray areas and questions, quite frankly. There are a lot of moving parts.

Mr. Patterson said he appreciated Commissioner Doherty's comments and the fact he was looking into this. He said he was willing to accept the outcome, whatever it was. However, because of this gray area, the County should be very cautious about the permits it issues and things it does, and look further down the road and how it impacts every landowner. This temporary fence impacted him very negatively and changed his plans for things he had in the works, he said.

Commissioner Doherty asked him how this gets resolved without going to court.

Mr. Patterson said to come talk to him. We as a community and the County can come to a resolve on this by involving the County and the landowners to determine an agreement or a future going ahead and avoid going to court. If it comes down to that, maybe it's what is has to be. He said he thought there could be a win-win for everybody on this. He added he appreciated the County and the way it grades the road and keeps up the ditches. He said only an idiot wouldn't appreciate that, but there were some things that go on that people question why the County does that. He said he'd be willing to meet with any group the County wanted and talk about things going forward with this.

Commissioner Doherty said it sounded like Mr. Patterson and Mr. Scrivner were started down that path. We'll keep going and Commissioner Doherty said he'd keep peeling away at the multiple layers of this situation.

Open Agenda

Chair Russell said the contractor working on the Morrow County Government Center Building in Irrigon needed a decision on the naming of the conference rooms, so he would add this discussion as the last Business Item.

Consent Calendar

Chair Russell moved to approve the following items in the Consent Calendar:

- 1. Accounts Payable & Payroll Payables*
- 2. Contract with Helion Software, Inc., for Assessment and Taxation Computer Software Services; effective July 1, 2021 to June 30, 2022; not-to-exceed amount to contractor is \$52,892; and authorize Chair Russell to sign on behalf of the County*

- 3. Amendment #1 to Department of Revenue Intergovernmental Services Agreement #DOR-136-20, Map Maintenance and Related Activities; increasing Estimated DOR Staff Hours from 330 to 380 and from \$19,800 to \$22,800*

Commissioner Doherty seconded. Unanimous approval.

Legislative Updates

Chair Russell said there was a new attempt to change the voting in Oregon to allow a ballot to be mailed up until the deadline. He said this was problematic for county clerk offices and the people responsible for counting ballots.

Business Items

Department of Administrative Services Grant Agreement #2625, CARES Recovery Fund Grant, Vaccine

Kate Knop, Finance Director

Ms. Knop explained the County could receive up to \$164,052.50 in additional Coronavirus Relief Funds (CRF) but further discussion was needed on where the funds will be received and appropriated. She outlined the specific details of the grant and the reporting requirements.

Commissioner Doherty moved to approve DAS Grant Agreement #2625 and authorize Chair Russell to sign on behalf of the County. Chair Russell seconded. Discussion: Commissioner Doherty said last week Commissioner Lindsay asked about the breakdown of previous CARES dollars and wanted the funds used and not sent back. Was this something different, he asked. Administrator Darrell Green said this was separate. The other money was funding the Health Department was spending relative to COVID, this is incentive to get people vaccinated and improve vaccination rates. Unanimous approval.

Bombing Range Road Overlay Project

Matt Scrivner, Public Works Director

The project will make repairs to Bombing Range Road for approximately five miles from I-84 to the entrance of the Naval Weapons Systems Training Facility Boardman. Four bids were received and reviewed with Anderson Perry & Associates, he said.

Commissioner Doherty moved to approve Granite Construction award in the amount of \$1,305,009.60. Chair Russell seconded. Unanimous approval.

Energy Facility Siting Council (EFSC) Comment Letter, Boardman Solar Energy Facility, Request for Amendment 1

Tamra Mabbott, Planning Director

Ms. Mabbott said EFSC previously approved the Boardman Solar project in the northwest portion of the County but the developer has asked for an extension to the permit. The Board of Commissioners acts as a Special Advisory Group appointed by EFSC, she said. This was a standard letter that states the County does not disagree with the request to extend the permit.

Commissioner Doherty asked if the developer approached the County about a tax abatement program; Ms. Mabbott replied, not to her knowledge. Discussion.

Commissioner Doherty moved to approve the comment letter to EFSC. Chair Russell seconded. Unanimous approval.

Building Project Updates

- Sheriff Station 2 Building – concrete complete, except for a few small pads. Structural framing completed and interior work is ongoing; plumbing rough-in completed. There are some problems getting materials but the project should still be done by the end of July.
- Morrow County Government Center Building – getting into more decisions on the design details now. The move out/move in project needs to get finalized. Meetings will take place with the electrical contractor and others about the audio/visual capabilities in the courtroom and large conference room.

Naming of Conference Rooms in the Morrow County Government Center Building

Commissioner Doherty moved to allow Chair Russell, Mr. Green and their team to work with the contractor and move forward with naming the conference rooms. Chair Russell seconded. Discussion: Chair Russell said this gives flexibility to name some rooms now and another later. Unanimous approval.

Correspondence – None

Commissioner Reports

Reports of activity were provided by Chair Russell and Commissioner Doherty.

Signing of documents

Adjourned: 11:05 a.m.