

**Morrow County Board of Commissioners Meeting Minutes**  
**April 6, 2022**  
**Bartholomew Building Upper Conference Room**  
**Heppner, Oregon**

**Present In-Person**

Chair Jim Doherty, Commissioner Melissa Lindsay, Commissioner Don Russell, Darrell J. Green, Eric Imes, Roberta Lutchter, Justin Nelson; Non-Staff: Dirk Dirksen, Blake Lawrence, Wendy Neal

**Present Via Zoom**

Erin Anderson, SaBrina Bailey-Cave, Kirsti Cason, Mike Gorman, Ann Jones, Tamra Mabbott, Aaron Moss, Jaylene Papineau, Linda Skendzel, Heidi Turrell; Non-Staff: Patrick Collins, Mike McCarter, Karen Pettigrew, Greg Sweek, David Sykes, Jonathan Tallman

**Order/Pledge/Roll Call:** 9:00

**City & Citizen Comments:** Mike McCarter, La Pine, Oregon, provided a brief presentation on the efforts and goals of the Move Oregon's Border initiative.

Boardman resident, Jonathan Tallman, talked about his concerns regarding work being done on Laurel Lane near his family business, The Farmer's Cup. Chair Doherty noted Eric Imes, Public Works Director, was present at the meeting and would look into the matter and report back to him.

**Open Agenda:** No items

**Consent Calendar:**

*Commissioner Russell moved to approve the following items in the Consent Calendar:*

- 1. Accounts Payable and Payroll Payables*
- 2. Minutes: January 26<sup>th</sup>, February 2<sup>nd</sup>, 9<sup>th</sup> 16<sup>th</sup> & 23<sup>rd</sup>*
- 3. Amendment 1 to Oregon Health Authority Intergovernmental Agreement #173145 for the Financing of Community Mental Health Services; and authorize the Administrator to sign on behalf of the County*
- 4. Independent Contractor Agreement with Wolfe Consulting, LLC; effective April 6, 2022 and will terminate October 21, 2022, unless terminated by the parties or contractor completes the required services (assistance with budgeting, new budget software, accounting and reporting and other finance services, as required)*

*Commissioner Lindsay seconded. Unanimous approval.*

**Business Items**

Update from Morrow County School District on Funds from Morrow County

Dirk Dirksen, Superintendent

Mr. Dirksen referenced the Intergovernmental Agreement for STEM (Science, Technology, Engineering and Mathematics) and STEAM (Arts and Music) Education signed in February 2021, which guides the funding to the districts from the Strategic Investment Program (SIP) Agreement between the County and Wheatridge Wind Energy, LLC and Wheatridge Solar Energy Center, LLC. One of the requirements has the districts reporting annually at the end of each school year to the BOC. COVID impacted many things, he said, and then went on to provide a breakdown of how the funding was allocated by the district. Various discussions.

Community Counseling Solutions Quarterly Report

Matt Bergstrom, Chief Operations Officer

Kimberly Lindsay, Executive Director

As Ms. Lindsay was detained elsewhere, Mr. Bergstrom stepped in until her arrival. Some of the topics covered by both representatives were: behavioral health housing grant update, mobile crisis funding update, warmline expansion, acute care funding, short session funding, and community mental health partnership housing funding.

Property Tax Refund to Gas Transmission Northwest LLC

Mike Gorman, Assessor/Tax Collector

Mr. Gorman explained the Department of Revenue performed the valuations of the Gas Transmission accounts and the Magistrate Division of Oregon Tax Court issued a Stipulated Judgement resulting in a \$279,059.10 tax refund to the company. By statute, the refund has to come from the Unsegregated Tax Account, which has a current balance of \$85,000. He proposed a partial payment now and then again when that tax account has built back up. Interest accrues monthly at 12% per year, he added.

*Commissioner Russell moved to sign the Application for Refund from Gas Transmission Northwest LLC in the amount of \$81,590.32. Commissioner Lindsay seconded. Unanimous approval.*

**Break:** 10:18-10:26 a.m.

Applications to Build on Right-of-Way from Windwave Communications – Numbers OSW, OSX and OSY

Eric Imes, Public Works Director

Blake Lawrence, Chief Executive Officer, Windwave Communications

Wendy Neal, Land Use Specialist, Windwave Communications

Commissioner Russell stated he had a financial interest in the applicant and by state statute, had a direct conflict of interest and would sit in the gallery and not participate.

Mr. Imes explained the permits exceeded the 200' longitudinal distance, thus requiring BOC approval. He noted the rights-of-way were beginning to fill up with utilities, necessitating the need for some of the installations to be under the asphalt instead of in the shoulder. Discussion.

*Chair Doherty moved to move forward with Applications for Necessity to Build on Right-of-Way, #OSW (locate within County Road Right-of-Way or cross Kunze Lane at Miller Road) and #OSY (locate within County Road Right-of-Way or cross Miller Road at Kunze Lane). Commissioner Lindsay seconded. Discussion: Chair Doherty said he appreciated Mr. Lawrence's honesty and candor during the discussion regarding some of the challenges with the data center site on Paterson Ferry Road. A Commissioner suggested the challenge was because folks were tied into, or had, agreements. The Commissioner suggested he didn't but there was audio of Mr. Lawrence's meeting with Carla McLane the month before when he was honest with her and said he did have a contract to service the data center on that road. It's discouraging but he appreciated his honesty and candor. Vote: Aye: Chair Doherty, Commissioner Lindsay. Motion carried. (Commissioner Russell recused.)*

Chair Doherty suggested suspending Application #OSX to better understand how the 30' easement got dedicated to the County and what the process should be moving forward.

*Chair Doherty moved to table Application for Necessity to Build on Right-of-Way #OSX (locate within County Road right-of-way or cross Kunze Lane, Extension, at Miller Road) and have Tamra Mabbott, Planning Director, and Justin Nelson, County Counsel, and Mr. Lawrence and Ms. Neal work their way through it. Commissioner Lindsay seconded. Vote: Aye: Chair Doherty, Commissioner Lindsay. Motion carried. (Commissioner Russell recused.)*

#### Comment Letter to the Oregon Department of Energy on Carty Generating Station, Request for Amendment 3 to Site Certificate

Tamra Mabbott, Planning Director

Ms. Mabbott said Portland General Electric filed an amendment to the Site Certificate to extend the construction and completion deadline on the Carty Solar Farm to February 4, 2028.

*Commissioner Russell moved to approve and sign the letter to Kathleen Sloan, Oregon Department of Energy, on comments on the application from PGE to extend their time period. Commissioner Lindsay seconded. Discussion: Chair Doherty said in the initial one, they were in a hurry and bypassed some of the things to go through and we're now on extension number three. Those things are always curious, he added. Vote: Unanimous approval.*

#### Building Project Updates

- Morrow County Government Center: Administrator, Darrell Green, said the concrete work started on the curbs and sidewalks and will be completed by April 26<sup>th</sup>. Working on light pollution issues and putting the final touches on the furniture items. The blinds were ordered for the Planning Department, and the audio-visual will be delayed to late June. A ribbon cutting ceremony needs to be scheduled soon.

Commissioner Russell said he talked to Irrigon City Manager, Aaron Palmquist, about the light pollution. The County met the City's code requirements but the neighbors didn't care for it. Mr. Palmquist told Commissioner Russell the County was in compliance and the neighbors were not, with regard to their 10' setback of a platform on their property. Commissioner Russell told Mr. Palmquist that wasn't the answer – the answer was to be a good neighbor and not light up their backyard. Commissioner Russell said he and Tony Clement, General Maintenance Supervisor, decided to build a shroud on the fourth side of the light and have UEC install it when they were in the area.

#### **Department Reports**

- The written Sheriff's Office Monthly Report was reviewed
- The Fair Office Quarterly Report was provided by Ann Jones
- A verbal report by Justin Nelson was provided as the District Attorney's Office Quarterly Report
- The Administrator's Monthly Report was reviewed by Mr. Green

Miscellaneous: Finance Director Job Description JobMeas™ Evaluation

*Commissioner Russell moved to post the Finance Director position at JobMeas™ 25. Commissioner Lindsay seconded. Vote: Aye: Commissioner Lindsay, Commissioner Russell. Nay: Chair Doherty. Motion carried.*

**Correspondence**

- Notice from Kellington Law Group, PC, of Intent to Appeal to the Land Use Board of Appeals on behalf of Jonathan Tallman

**Commissioner Reports**

Brief reports provided.

Chair Doherty said the Board would take a break and move into Executive Session. He then read the Executive Session citation.

**12:18 p.m. Executive Session:** Pursuant to ORS 192.660(2)(e) – To conduct deliberations with persons designated by the governing body to negotiate real property transactions

**12:50 p.m. Closed Executive Session**

**Lunch Break**

**1:30 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

**4:10 p.m. Closed Executive Session**