

**Morrow County Board of Commissioners Meeting Minutes**  
**September 6, 2023**  
**Bartholomew Building Upper Conference Room**  
**Heppner, Oregon**

**Present In-Person**

Chair David Sykes, Commissioner Jeff Wenholz, Commissioner Roy Drago Jr., Matthew Jensen, Roberta Lutcher, Valerie Ballard, Justin Nelson, Tamra Mabbott, Sue Gibbs, Eric Imes, Mike Haugen, Bobbi Childers, Brian Snyder; Non-Staff: Karie Walchli, Tim Collins,

**Present Via Zoom**

Kirsti Cason, Robin Canaday, Mike Gorman, Ronda Fox, Deona Siex; Non-Staff: Jon Jinings, Jean Collins, Nathaniel Brown, Andrea Fletcher, Dawn Hert, Erika Lasater, Jessy Rose, Rose Kylo, Tess MacMorris, David Shiflett, Jessie Bristow, Bobby Hollis, Elaine Aldrich

**Call to Order & Pledge of Allegiance:** 9:06 a.m.

**City & Citizen Comments:** Chair Sykes said comments would be limited to three minutes. Comments will not become a give-and-take exchange with the Commissioners, he added.

Tim Collins, Heppner: Mr. Collins read a two-page letter citing the reasons he disagreed with the County's plans to locate a new Circuit Court building on County-owned property near the Fairgrounds. He also presented a petition he and 21 other residents in his neighborhood signed urging the Commissioners to change the location.

Chair Sykes said the County was "at the top of this process" and would continue to keep the public informed.

**Open Agenda:** No items

**Consent Agenda**

The following items were removed: August 2<sup>nd</sup> Minutes (not ready), and the Beneficiary Agreement with Heppner Day Care, Inc.

*Commissioner Wenholz moved to approve the following items in the Consent Agenda:*

- 1. Amendment 1 to Oregon Health Authority (OHA) Intergovernmental Agreement (IGA) #180024 for the Financing of Public Health Services. Amendment increased funding for Tobacco Prevention & Education Program; and for the Lower Umatilla Basin Ground Water Management Area Services*
- 2. Oregon Department of Transportation IGA with Morrow, Gilliam, and Wheeler Counties for Weed Spraying; effective when fully executed through December 21, 2025*
- 3. Request to Issue Credit Card to Deona Siex in the District Attorney's Office*
- 4. Out-of-State Travel Request from Administrator Matthew Jensen to attend the International County/City Manager Association Conference in Austin, Texas; September 30<sup>th</sup>-October 3<sup>rd</sup>*

*Commissioner Drago seconded. Vote: Unanimous approval.*

Beneficiary Agreement, Heppner Day Care, Inc. (American Rescue Plan Act of 2021/Coronavirus State & Local Fiscal Recovery Funds)

Commissioner Wenholz said he did not have a problem with the content of the agreement, however one paragraph was repeated and needed to be removed (6b).

*Commissioner Wenholz moved to approve the Beneficiary Agreement with Heppner Day Care, Inc., after the document has been corrected, as noted; effective August 16, 2023 to June 30, 2025; \$100,000 from County to recipient; first \$50,000 disbursement when agreement is fully executed; second \$50,000 disbursement June 1, 2024. Commissioner Drago seconded. Vote: Unanimous approval.*

**9:18 a.m. Continued Land Use Public Hearing of August 16, 2023:** Rowan Green Data, Applications AC-145-23; ACM-146-23 & AZM-147-23 & Ordinance No. ORD-2023-6  
Chair Sykes said this hearing was a continuation of the August 16<sup>th</sup> hearing. At the conclusion of that hearing, the Board kept the record open to allow the applicant time to respond to the issues raised on the record. The purpose today is to deliberate and make a decision, he said. The Board may ask questions of staff and persons in the audience and on Zoom, added Chair Sykes. He then called for the Staff Report.

Tamra Mabbott, Planning Director, recommended, after the decision, staff be directed to work with the applicant on the Final Findings of Fact. She said the Board's decision would be based on the written record but she wanted to point out the differences in the draft ordinance proposed by the applicant on page 47 of the Land Use Hearing Agenda Packet versus the draft ordinance on page 275 of the packet. She went on to summarize the differences. "Their language is acceptable to us," she stated. Depending on the decision, she said she would prepare documents for the September 20<sup>th</sup> BOC Meeting, including the second reading of the ordinance.

Chair Sykes said the Board will now conduct its deliberation.

Commissioner Wenholz said everything presented showed the land proposed to move out of EFU hasn't been farmed. They presented evidence it wasn't farmable, or they would have. He added he was prepared to move forward.

*Commissioner Wenholz moved to approve the applications, direct staff to work with the applicant to draft the Final Findings of Fact for adoption, and to read the Ordinance by title only. Commissioner Drago seconded.*

Ms. Mabbott interjected the hearing needed to be closed.

Chair Sykes said he agreed with Commissioner Wenholz on farming use. There were reports from experts on that, and, he added he read all the testimony from the Planning Commission. He continued by saying it was on the record and there were letters from the Department of Land Conservation and Development and 1,000 Friends, as well as the response from the applicant. He closed the Public Hearing at 9:25 a.m.

Ms. Mabbott said if it was the Board's desire to replace the language in the draft ordinance with that suggested by the applicant, she would read it into the record. She said the applicant's

proposed condition 4 allowed the Board to approve the ordinance. It replaced the current 4, 5 & 6 in the draft ordinance with the following:

- “The project will require delivery of electricity and water from third-party providers, as described in the application record. Such services shall be delivered substantially as described in the record and the County shall require that all third-party infrastructure serving the project will receive all necessary local, state, and federal permits and approvals.”

*Commissioner Wenholz moved to approve the applications, and to direct staff to work with the applicant to draft the Final Findings for adoption, and to read the Ordinance by title only. Commissioner Drago seconded. Vote: Unanimous approval.*

Chair Sykes provided the First Reading of the Ordinance, by title only: “An Ordinance Amending the Morrow County Comprehensive Plan to Change the Plan and Zone Designation of a 274-Acre Parcel from Exclusive Farm Use to General Industrial, and Adopt a Limited Use Overlay Zone to Limit Use to a Data Center, and Adopt Exceptions to Statewide Planning Goals 3, 11 & 14 to Allow the Establishment and Operation of a Data Center Use – County File Numbers AC-145-23, ACM-146-23 and AZM-147-23.”

## **Business Items**

### 2023 Fair & Rodeo Overview

Sue Gibbs, Fair Manager

Ms. Gibbs provided the following:

- About 4,500 people attended the Fair
- 134 auction animals
- 181 4-H and FFA (Future Farmers of America) exhibitors
- 184 open exhibitors and 1,360 entries
- 22 dairy animals
- Auction sale exceeded \$650,000 (without add-ons). Amazon added \$20,000 and Graybeal Insurance Group, Inc. added \$6,700 to bump each auction
- \$109,660 was raised for community projects, such as the Back Pack Project for all FFA groups
- Wednesday night appreciation dinner served 175 people
- Sponsors: cash to-date is \$16,350
- Material Sponsors: \$5,000 in straw, chips and truck hauling

### R-2023-21: Declaring a Drought Emergency

Justin Nelson, County Counsel

Mr. Nelson reviewed the documentation in support of a drought declaration that was submitted by Kevin Payne, Morrow Soil & Water Conservation District, and Larry Lutcher, Oregon State University/Morrow County Extension. Discussion.

*Commissioner Wenholz moved to approve Resolution No. R-2023-21: In the Matter of Declaring a State of Drought Emergency in Morrow County. Commissioner Drago seconded. Vote: Unanimous approval.*

OHA Triennial Review Action Plan – Morrow County Public Health Department

Matthew Jensen, Administrator

Robin Canaday, Public Health Director

Mr. Jensen said the item was informational only. The review found several items the County needed to tighten processes on and efforts continue to be made to come into full compliance. The County had to account for \$600,000 in grant monies, so adjustments in policies and processes were made, he explained. This is an update to inform the Board that the Finance Director, Kevin Ince, is implementing new processes and Ms. Canaday and new employees are getting those in line, he added. Mr. Jensen said OHA approved the County's plan of action and were grateful the County was coming into compliance.

Intent to Award Bid & Contract – Airport Fiber & Electric Infrastructure Work

Sandi Pointer, Public Works Administrative Manager

Ms. Pointer explained one bid, from Silver Creek Contracting, LLC, was received for the project. Discussion.

*Commissioner Drago moved to award the contract for the power and fiber installation at the Lexington Airport to Silver Creek Contracting, LLC; and to authorize Chair Sykes to sign the contract after the expiration of the seven-day protect period. Commissioner Wenholz seconded. Vote: Unanimous approval.*

Intent to Award Request for Proposals (RFP), Project Management Services, New Circuit Court Building Near the Fairgrounds

Matthew Jensen, Administrator

Mr. Jensen said four submittals were received. A committee of four staff members reviewed the proposals, interviewed the firms and scored each proposal based on the parameters in the RFP. Mr. Jensen asked to issue the notice to award to Alliance Management & Construction Services and, if approved, develop a contract after the 14-day protest period.

During the ensuing discussion, Mr. Jensen said he anticipated the next steps would include creating stakeholder meetings and reaching out to the neighbors about design components. He said staff attended this year's rodeo and checked out the parking with the County's drone. There will be issues that will impact the rodeo and fair but there are several options, however, he said he needed to develop those further before addressing them in a public meeting. Since we are developing a County-owned property, we don't need to set-up a referendum on it but we want to listen to the issues and address as many as we can, he stated. The current Courthouse doesn't meet the modern requirements of a state Circuit Court, as seen by the late start to today's BOC Meeting because the Circuit Court was using the Upper Conference Room in this building – there's not enough space and security levels are not the rates they need to be so we need to make some changes. As the County brings in its project manager and then an architect or construction manager/general contractor, there will be public meetings on the design of the building for the community. This will be a big project for Heppner and a name needs to be determined for the new building, and possibly for the old Courthouse. As the design team comes together, we'll get boots on the ground and talk with people and start taking note on which direction we need to go, he concluded.

*Commissioner Drago moved to approve the intent to award contract to Alliance Management & Construction Solutions, LLC, in regard to project management services for the new Circuit Courthouse near the County Fairgrounds. County Manager is instructed to complete negotiations and present the contract to the Board for final approval after the required contest period is completed. Commissioner Wenholz seconded. Vote: Unanimous approval.*

#### Semi-Annual Report from Morrow County Tourism Consultant

Karie Walchli

Ms. Walchli reviewed her PowerPoint presentation on activities she's undertaken related to tourism on behalf of Morrow County.

#### **Department Reports**

The following reports were provided:

- Sheriff's Office Monthly Report by Undersheriff Brian Snyder. Commissioner Drago asked if the Sheriff's Office finalized the contract with Morrow County Health District (MCHD) for dispatch services. Undersheriff Snyder replied he was not sure and couldn't answer that question today.
- Road Department Monthly Report by Mike Haugen
- Clerk's Quarterly Report by Bobbi Childers
- Local Public Safety Coordinating Counsel Quarterly Report by Jessica Rose
- Accounts Payable Monthly Report provided as informational only by Kevin Ince

#### **Correspondence**

- Mr. Jensen said the County was cc'd on a letter from OHA to MCHD regarding OHA's findings from the inspection of MCHD's ambulance services in Heppner and Irrigon. He said he spoke to MCHD's Chief Executive Officer, Emily Roberts, this morning and she said she would forward the email saying they resolved all the deficiencies except the item related to an IGA for dispatching (Deficiency #2: OAR 333-250-0290 (1) The licensed ambulance service is responsible for: (b) Having a 24-hour-a-day telephone answering, or 24-hour-a-day telephone and text-to-911 answering, and dispatching capabilities or having a signed agreement or contract with a recognized primary or secondary Public Safety Answering Point (PSAP), that will provide telephone answering, or telephone and text-to-911 answering, and emergency dispatching services.")

Commissioner Wenholz asked where things were in the process of creating a new Ambulance Service Area Plan (ASA). Mr. Jensen said the County's attorney was finalizing a modification to the map. Rather than providing an update on September 20<sup>th</sup> when the Board will be meeting at the OHV Park, it's been schedule for a work session on October 4<sup>th</sup>. When a draft is available, he said it would be shared with the parties.

#### **Commissioner Reports**

Brief reports were provided.

**Break:** 11:04-11:13 a.m.

Chair Sykes read the following Executive Session citation, noting the Board would return to open session in 15 minutes: Pursuant to ORS 192.660(2)(a) – To consider the employment of a public officer, employee, staff member or individual agent.

**11:16-11:29 a.m. Executive Session**

**11:30 a.m.: Open Session**

*Commissioner Wenholz moved to authorize the Sheriff's Office to offer the position of Emergency Manager up to a cap of Step 10 on the pay scale. Commissioner Drago seconded. Vote: Unanimous approval.*

**Signing of Documents**

**Adjourned:** 11:32 a.m.