

Morrow County Court
August 19, 2015
Heppner, Oregon
Heppner City Hall Conference Room

Present

Judge Terry Tallman
Commissioner Leann Rea
Commissioner Don Russell
Karen Wolff, Human Resources Director
Rick Worden, Finance Director
Roberta Lutcher, Court Executive Assistant

Excused

Justin Nelson, County Counsel/District Attorney

Judge Tallman called the meeting to order at 8:55 a.m.

City and Citizen Comments – Boardman

Commissioner Russell said he's received inquiries from people who said it would be nice to see the Commissioners at Boardman Chamber of Commerce monthly luncheon meetings when they're held on the same Wednesday County Court is in Boardman. He said he has explained to them that County Court meetings often go past the noon hour. Commissioner Rea said she lost some desire to attend last year when she hadn't pre-registered for a lunch and was discouraged at the door.

Commissioner Russell discussed an issue with Union Pacific Railroad (UPRR) and the Boardman Rural Fire Protection District (BRFPD). He said UPRR is the twelfth largest tax payer in the County, yet they pay no taxes to BRFPD even though they depend on their services. On average over the last 15 years, BRFPD has responded four times a year to UPRR incidents, he said. Commissioner Russell added he plans to meet with Representative Greg Smith and the Special Districts Association of Oregon in an attempt to change the Oregon Statute that states rural fire protection districts may not include certain territories, including railroad rights of way (ORS 478.010(d)).

In a related matter, Commissioner Russell noted BRFPD and the Irrigon Rural Fire Protection District sent four volunteers and a truck to the fires in the Baker area.

Open Agenda

Ms. Wolff said she has a personnel related matter to discuss from the Justice Court, and a few decisions need to be made regarding work being done at the Courthouse.

Department Report

Road Report

Burke O'Brien, Public Works Director
Sandi Putman, Public Works Management Assistant

Ms. Putman provided the Road Report:

- Work was completed at the Fairgrounds to widen the handicap parking area in front of the Wilkinson arena and to patch a few other areas. The mix left over from these jobs was used to level two sink holes on Gilmore Street in preparation of the overlay project.
- Overlay projects were completed on 8th Road, 4th Road, and Oregon Lane in Irrigon.
- Excavation and prep work on Gilmore Street began on August 13th for the overlay project scheduled to start August 18th.

Mr. O'Brien discussed the Wilson Road and Laurel Lane intersection project in Boardman and the problems meeting the federal match requirement. As this project evolved over the years and changed from state administered to federal administered, the requirements have caused the costs to escalate to the point of being unreasonable, he explained. The project went from a \$200,000 project to a \$483,000 project and now has nearly no options for in-kind matches. This means the County's 20% match would have to be cash, he said. Some of the work has already been done on the intersection, he said, and the remaining work would cost the County less than the 20% match. He said he's been in contact with the Oregon Department of Transportation to notify them the County doesn't want to work with the Statewide Transportation Improvement Program (STIP) on this project. ODOT appreciated Morrow County bringing this to their attention, he said.

Special Transportation Fund (STF) Program Update

Anita Pranger, STF Coordinator

- Ms. Pranger discussed the progress of satisfying the critical findings from the program's recent audit. She then requested approval to acquire cell phones for the drivers and staff (seven basic cell phones and one smart phone through U.S. Cellular, at a rate of \$336.37 per month).

On the recommendation of the STF Advisory Committee, Commissioner Rea moved to approve cell phones for the STF volunteer drivers and staff through U.S. Cellular, as outlined.

Commissioner Russell seconded. Unanimous approval.

- Ms. Pranger reported she expended all funds from an Oregon Department of Veterans Affairs grant prior to the deadline. New grant funds will not be available until October or November, she said.
- Ms. Pranger said a wheelchair lift on a van donated to the STF program by Patty Matheny cannot pass the necessary inspection to keep it in use. Because the lift is "after-market," it cannot be certified for public use. Additionally, the cost to bring it into compliance would be prohibitive. The van was heavily used by Special Transportation and Ms. Pranger said the best option would be to sell or trade it in on a used van with a pull-out ramp and a passenger van. There are funds available to purchase the two vans in a Vehicle Reserve Fund, as well as grant funds, she explained. Ms. Matheny will be notified by Ms. Pranger as to what is taking place with the donated van.

Commissioner Russell moved to declare as surplus the 2001 Ford BU EC3 van used by STF (Vehicle Identification Number 1FBSS31S21HB09328). Commissioner Rea seconded.

Unanimous approval.

Commissioner Rea moved to authorize Anita Pranger proceeding with the purchase of two used vans for the STF Program – one with a ramp and one without a ramp. Commissioner Russell seconded. Unanimous approval.

- Ms. Pranger asked the Commissioners to start considering options for covered storage of STF vehicles, which is a requirement of the program. Discussion ensued.

New Business

Approval of Funding for Cultured Stone on New and Existing Additions to the Courthouse

Rod Wilson, County Contractor for Construction Services

Tony Clement, General Maintenance Supervisor

Mr. Wilson and Mr. Clement requested approval to proceed with purchasing the cultured stone to clad the existing cinderblock addition and the new airlock currently under construction, both at the back of the Courthouse. The estimated cost, including finish/trim work, is just under \$20,000. Discussion ensued.

Commissioner Rea moved to approve adding the cultured stone and special window trims on the airlock and cinderblock building on the Courthouse; this job will also include removing two windows and one door. The estimated cost for this work is \$20,000. Commissioner Russell seconded. Unanimous approval.

Mr. Clement discussed an existing flower bed immediately behind the Courthouse. He said there are problems associated with getting water to the flower bed and the new airlock may impact it further. Several options were discussed, but Commissioner Rea said she would like to visually inspect the area before reaching a decision.

Old Business

Sheriff's Office Executive Assistant Position and Emergency Management Position

- Judge Tallman explained the Commissioners have not had an opportunity for further discussion on this matter. Ms. Wolff added she was unexpectedly out of the office last week and did not have an opportunity to gather the information requested by the Commissioners.
- Sheriff Matlack then discussed his reasons for having the Emergency Management job duties as part of the Undersheriff's job description, as is currently the case. After some discussion, Commissioner Russell said the Court's role is to ensure the Sheriff stays within his budget and operates his department efficiently. Judge Tallman said he agreed, for the most part, but the Court needs to make sure there are funds to accomplish this. Commissioner Rea stated the placement of the Emergency Management position is a decision of the County Court – be it in the Sheriff's Office or a separate department.
- A tentative date to tour the remodeled dispatch center in the Sheriff's Office is Tuesday, September 1st, 9:00 a.m. A tour of the Umatilla County jail, where Morrow County inmates are incarcerated on a short-term basis, will tentatively take place the first week of October.

Contracts

Morrow County Fair Contracts

Commissioner Rea moved to approve Exhibit Space Contracts with Michael Reed and TyLynn Cimmeyotti, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the Entertainment Contract with Steve Higgs (A Walk on the Wild Side - exotic animals, mechanical bull, kid zone) for \$3,500 and an RV hook up for the week, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the Personal and Professional Services Agreement with Brendan Kelley to serve as Sheep & Goats Judge, flat rate \$600, and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Intergovernmental Agreement (IGA) #5130 with the Department of Corrections

Commissioner Rea moved to approve IGA #5130 between the State of Oregon and Morrow County regarding the operation of the Parole and Probation Program, with effective dates to be July 1, 2015 through June 30, 2017, and the biennial budget to be \$879,939.00; and authorize Judge Tallman to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Minutes

Commissioner Rea moved to approve the minutes of August 12th, as presented. Commissioner Russell seconded. Unanimous approval.

Claims

- Several service charges were discussed and Commissioner Rea reiterated her dislike of such charges.
- Mr. Worden said some departments are holding bills for several weeks and then turning in a large amount all at the same time. He said Treasurer Gayle Gutierrez has encountered the same situation related to deposits, also with the same departments. After a brief discussion, it was decided this will be a topic at the next Department Heads/Elected Officials meeting on September 1st.

Commissioner Rea moved to approve the Void AP Check, dated August 19th; and the Accounts Payable dated August 20th, in the amount of \$301,985.89 which includes the \$600 Add-On for the Fair Judge. Commissioner Russell seconded. Unanimous approval.

- The Commissioners reviewed a memo from Robin Jones, Accounting Clerk, explaining the Rodeo vendor contracts.

Public Hearing: Marijuana Activity Opt-Out

Carla McLane, Planning Director
Stephanie Loving, Associate Planner
Cindy Aylett, Morrow County resident
Doris Brosnan, Heppner
Kevin McCabe, Lexington

Ann Spicer, Justice of the Peace
Devin Stout, Morrow County resident
Shelley Wight, Public Health Department, Tobacco Educator/Communicable Diseases

Judge Tallman opened the public hearing at 11:01 a.m. and called for abstentions –
Commissioner Rea: none; Commissioner Russell: none; Judge Tallman: none.

Judge Tallman called for the Staff Report. Ms. McLane provided background information and discussed the legislation which lead to the opt-out options now being considered.

Judge Tallman called for those who wish to speak in favor of the Opt-Out Ordinance, as presented.

Judge Spicer said during Justice of the Peace trainings, she's learned that marijuana in use today is much stronger than the marijuana used in the 1960s, for example. She explained in the 1960s, THC levels (psychologically active component of marijuana) were at 3.7%; today's THC levels are at a minimum of 10% and as much as 90%, depending on the concentrates involved. She said the way this affects people is now much different, she said, and most people aren't even aware of this fact. She said she anticipates an increase in driving under the influence charges, other traffic related issues, and crime, in general, because marijuana lowers one's inhibitions. Someone who wouldn't ordinarily commit a crime, may do so under the influence of marijuana, she said. She also discussed instances of people who used legal medical marijuana in front of children and did not lock it away properly.

Ms. Wight said as a member of the County's Marijuana Taskforce, a lot of time and effort was put into understanding the impact of the legalization of marijuana. Morrow County voters spoke when they voted against Measure 91 by 66%, she said. There is already an issue with youth tobacco use in the County and this is an opportunity to curtail extra access to marijuana, she said. Counties in Washington and Colorado have reported an increase in marijuana use by their youth, she said. She said opting out is a good choice for Morrow County.

Judge Tallman called for those who wish to speak in opposition to the Opt-Out Ordinance.

Ms. Aylett said she is not interested in the recreational use of marijuana but would like to open a small medical marijuana dispensary on her property. She said her property is out of the city limits in a farm area and is not located near schools, churches or children. She discussed her husband's advanced Parkinson's disease and said he found relief from tremors using CBDs. *[Excerpt from the University of Washington, Alcohol & Drug Abuse Institute website: "...CBD may actually have anti-anxiety effects and lessen the psychoactive effects of THC..."]* She went on in greater detail to discuss her plans for a dispensary. Various questions were asked by the Commissioners and answered by Ms. Aylett.

Judge Tallman asked if anyone would like to speak under the following options:

To modify: no response

To speak from a neutral position: no response

Opportunity for rebuttal: no response

Judge Tallman asked if there is anything to indicate the inclination of the Court. Commissioner Rea said she would like more information regarding the rules/requirements/parameters of a medical marijuana dispensary. Ms. McLane recommended the public hearing be continued so she can report back with the requested information. Brief break: 11:41 a.m. Because a location for continuing the public hearing on Wednesday, August 26th was pending, Ms. McLane offered to notify the audience members via email. The hearing was recessed at 11:46 a.m.

Planning Update

- Ms. McLane reviewed Senator Ron Wyden's letter to the Secretary of the U.S. Navy in support of the west of Bombing Range option for the Boardman to Hemingway Transmission Line Project (B2H).
- Ms. McLane requested an Executive Session as a cooperating agency in the IGA with the Bureau of Land Management relative to B2H to review privileged documents.

Resumed Public Hearing at 11:49 a.m.

Ms. Wolff reported the Public Hearing will be continued to:
Wednesday, August 26th, 11:00 a.m.
SAGE Center Conference Room
101 Olson Road, Boardman, Oregon

Planning Update, continued

- Ms. McLane discussed her letter to the Oregon Department of Agriculture (ODA) outlining her concerns about a dairy seeking to relocate and expand in the County (the applicant is Greg Te Velde for a facility on Homestead Lane). Her concerns are:
 1. The addition of 30,000 cows to the Lower Umatilla Basin Groundwater Management Area has the ability to significantly contribute to its nitrogen loading.
 2. The proposed area is within one or more Critical Groundwater Areas, as designated by the Oregon Water Resources Department for declining groundwater.
 3. There is significant concern this activity, including the exempt stock water provision, will do further harm to groundwater, negatively impacting other farming and ranching activities using the limited water supply.

Ms. McLane's letter went on to request a public hearing be held by ODA and she recommended an Individual Permit be considered rather than participation in the General Permit.

- Ms. McLane discussed the progress on updating the Morrow County Comprehensive Plan, in particular, the Natural Hazards Element and the Economic Element.

Planning Commission Appointment

On the recommendation of the Planning Department, Commissioner Rea moved to appoint Sue Oliver to the Morrow County Planning Commission, to replace Jerry Breazeale whose term expires December 31, 2016. Commissioner Russell seconded. Unanimous approval.

- Ms. McLane mentioned the work being done by County Surveyor, Stephen Haddock, to make survey records viewable and available in Lexington (Public Works) and Irrigon

(Planning Department). She said she supports this, but wondered how it will be implemented since large format documents can't be printed in the Planning Department. Judge Tallman said Mr. Haddock will implement it and the details will be worked out at a later date.

- Comment is due to the Department of Energy on the Wheatridge Wind Energy Facility by August 31st and on the Redhawk Memorandum of Understanding by September 8th. She said she will draft letters for review by the Court.

Estimate to Coordinate Move to the Bartholomew Building

The Commissioners discussed an estimate submitted by Lancaster Logistics - Move Coordination. The estimate includes:

1. Review furniture inventory information
2. Obtain specific layout information from Wenaha Group
3. Develop a layout for each office
4. Submit to Wenaha Group for review
5. Print layouts and plans for posting on-site during installation
6. Examine each of the storage locations, locate product needed and label for appropriate office
7. Work with moving company to pull product and transfer to appropriate office
8. Supervise installation
9. Travel and mileage

Fee Estimate: \$7,400

Commissioner Rea moved to approve hiring Melanie Russell with Lancaster Logistics to coordinate the move of the furnishings to the Bartholomew Building and the relocation of excess furnishings to a central location. Commissioner Russell seconded. He then commented this seems like a lot of money. Discussion ensued. Unanimous approval.

Correspondence Reviewed:

- The Commissioners signed letters of support to the Baker and Grant County Courts expressing concern for their residents during the wildfires. The letters also offered assistance during the recovery and offered to make resources available.
- Memo from Sheree Smith, Health Department Director, requesting the Court appoint members by name and not just by agency to the Eastern Oregon Coordinated Care Organization Local Community Advisory Council. The Commissioners agreed by consensus to appoint the following:
 1. Morrow County Court – Judge Terry Tallman
 2. Good Shepherd Pharmacy – Henry Zitterkob, Pharmacist
 3. Morrow County Health District – (Chief Executive Officer position vacant), Nicole Mahoney, Interim CEO
 4. Morrow County Health Department – Sheree Smith, Director
 5. Columbia River Community Health Services – (CEO position vacant), Marta Barajas, Interim CEO
 6. Community Counseling Solutions, Kimberly Lindsay, Director
 7. Advantage Dental – Mary Ann Wren, Regional Manager, Community Liaison
 8. Murray's Drug – John Murray, Pharmacist

9. Department of Human Services, State of Oregon Administration – Heidi Zeigler, Community Development Coordinator
 10. Umatilla-Morrow Head Start, Inc. – Dan Daltoso, Associate Director of Operations
 11. Morrow County Community Health Improvement Partnership – Andrea Fletcher
 12. Morrow County School District – Dirk Dirksen, Superintendent
 13. Ione School District – Henry Ramirez, Principal
 14. Morrow County Veterans – Linda Skendzel, Veterans Representative
 15. Veterans Administration – Kelley Holland, Registered Nurse at Telemedicine Clinic
 16. Community Representative – Donna Eppenbach
 17. Oregon Child Development Coalition – Nora Kramer, Program Director
 18. Consumer Representatives:
 - Dan Daltoso (dual representation)
 - Amy Sandy (moved since original appointment by County Court, February 2015)
 - Misty Petzoldt (new member, yet to be appointed)
- Letter from Wind Erosion District requesting appointment of two Inspectors. The Commissioners were unfamiliar with this district and requested more information before making the appointments.
 - Letter from Greater Eastern Oregon Development Corporation relaying changes to their articles and bylaws.
 - Notice of public meeting to discuss the Hanford Site Radioactive Waste Schedule.
 - Notice of the Morrow County Road Department’s Road Committee meeting on August 25th, 1:00 p.m. at the Columbia Basin Electric Coop conference room.
 - The Commissioners signed “thank-you” certificates for Fair Board volunteers which act as vouchers for a free meal at the 4H Snack Shack.
 - Short Interval Schedule for the Bartholomew Building – Ms. Wolff mentioned the new parking lot was paved prior to the paving project on Gilmore Street, which was the goal.

New Business

Justice Court Request to Adjust Pay Step for New Hire

Ms. Wolff said she received a request from Judge Spicer to hire Anne Alleman as the Justice Court Clerk I at Step 3 rather than Step 1. After discussion, it was determined Step 2 could be an option if Ms. Alleman passes the LEDES (Law Enforcement Data System) certification.

Commissioner Rea moved to start the Justice Court Clerk I position at the advertised rate (Step 1, Pay Range 4) with the ability to move to Pay Step 2 upon completion of LEDES certification. Commissioner Russell seconded. Unanimous approval.

Miscellaneous

- According to Ms. Wolff, one of the top eight applicants for the County Administrator position withdrew after accepting another job.

Adjourned: 1:20 p.m.