

Morrow County Court
April 27, 2016
Heppner, Oregon
Bartholomew Building Upper Floor Conference Room

Present

Judge Terry Tallman
Commissioner Leann Rea
Commissioner Don Russell
Jerry Sorte, Administrative Officer
Justin Nelson, District Attorney/County Counsel
Karen Wolff, Human Resources Director
Roberta Lutcher, Court Executive Assistant

Audience

Melissa Lindsay, Heppner
Greg Sweek, Heppner

Call to Order: 9:01 a.m.

No Citizen Comments or Open Agenda Items noted

New Business

Presentation - Heppner High School Future Business Leaders of America (FBLA)

Taylor Hamby
Rhonda Hamby

Last year, three Heppner High students (Caitlynn Bailey, Taylor Hamby, Erica Nelson) asked the Court to assist them in their fundraising efforts to attend the FBLA National Conference in Chicago from June 26th-July 3rd. The Court awarded the group \$1,500 and requested a follow-up presentation. Ms. Nelson has since graduated, and Ms. Bailey is a counselor at Tupper Outdoor School this week, leaving Ms. Hamby to make the presentation. Her PowerPoint presentation offered many highlights from the trip. She thanked the Court on behalf of the group and said the trip was very worthwhile.

Department Reports

Public Health Department Update

Sheree Smith, Director, Public Health Department

- Electronic Health Records are working well for the Family Planning program, and may be expanded for use by the CARE Team.
- Immunizations – outreach efforts in the schools and the Ione Community Based Health Center.
- Communicable Diseases – Morrow County is seeing an increase in sexually transmitted diseases (STD), particularly Chlamydia. Staff are working closely with Umatilla County, which is also seeing an increase.

Ms. Smith also discussed the Student Based Health Center in Ione, the Healthy Families program, CARE Team, and Blue Mountain Early Learning Hub.

Contracts

Park Host Agreements

Commissioner Rea moved to approve the Morrow County Personal/Professional Services Contract with Mike Todd for services at the OHV Park; effective May 1-November 15, 2016; at the rate of \$60 per day. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the Morrow County Personal/Professional Services Contract with Terry Todd for services at the OHV Park as Assistant to the Park Host at Peak Times; effective May 1-November 15, 2016; at the rate of \$35 per day. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the Morrow County Personal/Professional Services Contract with Sandra McDonald for services at Cutsforth Park; effective May 1-November 15, 2016; at the rate of \$45 per day. Commissioner Russell seconded. Unanimous approval.

Commissioner Russell moved to approve the Morrow County Personal/Professional Services Contract with Bill Malone for services at Anson Wright Park; effective May 1-November 15, 2016; at the rate of \$35 per day. Commissioner Rea seconded. Unanimous approval.

Heating & Cooling Contractor

Jerry Sorte, Administrative Officer

Mr. Sorte explained the purpose of the contract is to have one company designated as the service provider when the need arises. He said four proposals were received and ranked by a committee and the recommendation is to award the contract to Eastern Oregon Heating and Air Conditioning, LLC. He clarified if major equipment purchases are necessary (over \$10,000), a separate process will be required. Discussion.

Commissioner Russell moved to approve the Morrow County Personal/Professional Services Contract with Eastern Oregon Heating and Air Conditioning, LLC; for a five year period, effective upon signing by all parties. Commissioner Rea seconded. Unanimous approval.

Grazing Agreements

Mr. Sorte said the revenue from the agreements covers the property taxes in Morrow and Grant Counties.

Commissioner Rea moved to approve the Agreement with Horseshoe Hereford Ranch, Inc. & Triangle Ranches to graze livestock at the OHV Park (Morrow County portion depicted in Exhibit A); effective June 1-November 1, 2016; at the rate of \$4,900 annually. Commissioner Russell seconded. Unanimous approval.

Commissioner Rea moved to approve the Agreement authorized by Grant County with Horseshoe Hereford Ranch, Inc. & Triangle Ranches to graze livestock at the OHV Park (Grant County portion depicted in Exhibit A); effective June 1-November 1, 2016; at the rate of \$3,793.02 annually. Commissioner Russell seconded. Unanimous approval.

Old Business

Ordinance Replacing the Economic Element of the Comprehensive Plan

Carla McLane, Director, Planning Department

Ms. McLane provided the second reading, by title.

Commissioner Rea moved to approve “An Ordinance Amending the Morrow County Comprehensive Plan, Specifically Replacing the Economic Element;” County Ordinance Number ORD-2016-2. Commissioner Russell seconded. Unanimous approval.

Planning Miscellaneous

Commissioner Russell asked Ms. McLane if a turn lane from Tower Road into the new Love’s Travel Stops & Country Stores was listed as a requirement in the approval documents because it appears one is not being installed. She said she would look into it and report back.

Public Hearing: Airport Safety & Compatibility Overlay Zone, AZ-100-16 and AZM-101-16

Ms. McLane

Mark Greenfield, Land Use Consultant representing the Port of Morrow (POM)

Melissa Lindsay

Ron McKinnis, Engineer, POM

Jay Papineau, Lexington

Ms. McLane’s memo to the County Court explains the Public Hearing as follows:

“The purpose of the Public Hearing is to amend the Morrow County Zoning Ordinance as it relates to airport safety. Specifically, the following two actions are proposed:

1. The current Airport Approach and Airport Hazard use zones are being amended to no longer apply to the Boardman Airport, only the Lexington airport.
2. The Airport Safety and Compatibility Overlay Zone is proposed as a new use zone to be applicable to the Boardman Airport.”

Judge Tallman opened the Public Hearing at 10:02 a.m. and called for abstentions or conflicts of interest. Hearing none, he clarified the parameters for offering testimony and evidence, and then called for the Staff Report. Ms. McLane provided the report and Judge Tallman called for proponents to speak. Mr. Greenfield, representing POM, spoke in support of the action. Judge Tallman called for opponents to speak, but there were no comments. He then offered an opportunity for comment from neutral parties or those with concerns. Mr. Papineau said he and others in Lexington were concerned that changes were being made to restrict the Lexington Airport. Ms. McLane said the restrictions have been in place and the amendments are a mechanism to protect the Lexington Airport from encroachment...because it is an important

economic asset to southern Morrow County. She said when the Federal Aviation Administration completes its review of the Lexington Airport Layout Plan (ALP), the Planning Department may pursue changes to bring it up-to-date. She said both the Boardman and Lexington Airports have adopted ALPs and those are the documents which direct activity and development. The proposed changes for the Boardman Airport create a better regulatory mechanism to implement uses, she said, and hopes the same will take place with the Lexington Airport in the future. Discussion took place about notifying more people in Lexington when changes are proposed to the airport. Judge Tallman called for rebuttal comments. Hearing none, he closed the hearing at 10:34 a.m.

Commissioner Rea moved to adopt the proposed changes to the Airport Approach and Airport Hazard Zones for the Lexington Airport; adopt the proposed Airport Safety and Compatibility Overlay Zone for the Boardman Airport; and direct staff to prepare the necessary adoption documents. Commissioner Russell seconded. Unanimous approval.

Claims

Mr. Sorte said even though the Finance Department is down one employee (Finance Director), Ronda Fox and Robin Jones have been doing a great job, and have made his job easier as he tries to take on some of those duties.

Commissioner Rea moved to approve the Accounts Payable, dated April 28th, in the amount of \$169,384.10. Commissioner Russell seconded. Unanimous approval.

Correspondence Reviewed

- Letter from the Heppner Chamber of Commerce thanking the County for supporting the Blue Mountain Century Scenic Bikeway as a State Designated Scenic Bikeway
- Notice from the Naval Weapons Systems Training Facility, Boardman, regarding the Environmental Impact Statement, Record of Decision (Preferred Alternative, #2)
- Summary of activity at Morrow County Parks (financial and visitor numbers)

New Business

County Assessment Function Funding Assistance (CAFFA) Grant Resolution

Mike Gorman, Assessor/Tax Collector

Commissioner Russell moved to approve the CAFFA Grant Application Resolution, which states Morrow County is applying to the Department of Revenue in order to participate in the Assessment and Taxation Grant; Resolution Number R-2016-8. Commissioner Rea seconded. Unanimous approval.

New Audience Members

Justin Nelson introduced Boardman School Resource Officer, George Shimer, who just joined the meeting along with members of the Explorer Class. Mr. Shimer explained the students are exploring law enforcement related careers and visited the Justice Court this morning and plan to

observe the Morrow County Sheriff's Department dispatch center this afternoon. The County Court welcomed Officer Shimer and his students.

Public Hearing: Boardman Airport Zoning Amendment, AC-097-16, AZ-098-16 and AZM-099-16

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| Carla McLane | Kim Cutsforth | Noe Madrigal |
| Mark Greenfield | George Shimer | Ricardo Mendoza |
| Melissa Lindsay | Austin Thompson | William Simmons |
| Greg Sweek | Stephanie Gonzalez | Gayle Gutierrez |
| Ron McKinnis | Ivan Escobedo | |

The Planning Commission Final Findings of Fact, Summary of Application and Process states: "The Port of Morrow has submitted an application requesting that Morrow County adopt a new use zone authorizing uses compatible with the Boardman Airport, including light industrial uses and renewable energy projects. The request also asks that this new use zone be applied both north and south of the Boardman Airport, rezoning approximately 1,900 acres of the 2,700 acre tract..."

Judge Tallman opened the Public Hearing at 11:02 a.m. and called for abstentions or conflicts of interest. Hearing none, he clarified the parameters for offering testimony and evidence, and then called for the Staff Report. As part of her report, Ms. McLane said the County received written comment from the Navy, and from John Lehman with Meadow Outdoor Advertising.

Mr. Lehman's letter, in part, stated: "...Meadow Outdoor Advertising would like to ask the Morrow County Court if they would please consider adding language to this new Zoning Ordinance and Amendment that would allow outdoor advertising signs as an outright approved use in the new Airport Light Industrial Zone..."

Ms. McLane said statutory provisions, if zoned industrial before a certain date, give them a "pass," and there are three signs on the subject property, but the applicant may have comment. Discussion.

Judge Tallman called for proponents to speak:

- Mr. Greenfield spoke on behalf of the Port and requested Mr. Lehman's email be entered into the record. He discussed the Port's application, in depth. Regarding the request about billboards, Mr. Greenfield's memo to Ms. McLane stated: "...If outdoor advertising signs are not currently allowed under existing zoning, then I think this request should not be permitted at this time. This is a pretty significant change that goes well beyond what the Planning Commission considered. I think the County would have to delay everything because there may be people who do not oppose light industrial use at the site but would oppose billboards...Also, we have provided no evidence to support this type of use as part of our Goal Exception, and certainly this kind of use can be located elsewhere on lands not requiring Goal Exceptions..."

- Ron McKinnis, Engineer, POM, said in the past, clients have indicated the process for a conditional use permit in this area has been a deterrent. Instead they would like an across-the-board zoning approval. That motivated the Port to make this a more user-friendly process...our airport has been restrictive, he said.

Judge Tallman asked about the request from Meadow Outdoor Advertising. Mr. Greenfield said the three billboards in-place have gone through the necessary process with the Oregon Department of Transportation (ODOT), but we do not want to open the record and make any last second adjustments. Ms. McLane said the matter may be brought up in the future to make things more consistent, and proper notice would take place at that time, but it is not an appropriate request at this time.

Judge Tallman called for opponents – no response; neutral parties – no response. The hearing was closed at 11:42 a.m.

Commissioner Rea moved to adopt the Comprehensive Plan exception to Goal 3; adopt the proposed Airport Light Industrial Use Zone; Apply the proposed Airport Light Industrial Use Zone; direct staff to prepare the necessary adoption documents, assign the Airport Light Industrial Use Zone an appropriate Section number and format to fit within the Zoning Ordinance, including page numbers and titles, and prepare a map depicting the application of the Airport Light Industrial Use Zone. Commissioner Russell seconded. Unanimous approval.

New Business

Funding Request, City of Heppner

Kim Cutsforth, Manager, City of Heppner

Ms. Cutsforth requested financial assistance from the County to help pave Chase Street near the Heppner Masonic Cemetery. She said the City received a \$50,000 grant from ODOT, but during the lengthy grant application process, the road deteriorated significantly. This means the chip seal necessary at the time of the application, has now become a more costly paving project (\$68,000). She reminded the Court that last year they contributed \$4,000 toward the bathroom remodel project at City Hall. However, when a plumber was recently brought in, the City learned there is not a sewer line on the side of the building where they would be placing the new bathroom. The City will now make improvements to the existing bathroom rather than add a new one. She asked two things – could the \$4,000 now be used for paving, and would the County provide an additional \$5,000? She said she would seek the remaining \$9,000 from other community sources. After discussion, the Court decided it would be better to leverage the \$50,000 grant with a \$5,000 contribution rather than lose the grant entirely if the balance can't be raised.

Commissioner Russell moved to approve an allocation of \$5,000 from the Court Discretionary Fund from this fiscal year, to the City of Heppner for the paving of Chase Street near the Heppner Masonic Cemetery, provided they find the remaining funding for the project. If not, the

funds will be returned to the County. In addition, the \$4,000 allocated for the restroom project may be applied to the paving project. Commissioner Rea seconded. Unanimous approval.

Transportation Investment Generating Economic Recovery (TIGER) Grant Support Letter
Commissioner Russell moved to approve signing the letter of support for the Port of Morrow's TIGER Grant application. Commissioner Rea seconded. Unanimous approval.

Administrative Officer Report

Mr. Sorte reported:

- North end facilities planning – a meeting was held with Ms. McLane and Judge Ann Spicer to discuss space-related needs. This will be brought forward as an agenda item in the near future.
- A sewer back-up occurred at the bus barn owned by Mid-Columbia Bus Company and the problem was traced back to a “T” connection in the line on Fairgrounds property. Mr. Sorte said a portion of the line under the new asphalt may need to be regraded.
- Landscaping for the Bartholomew Building – a landscape plan is being created to accompany a request for quotes.

Circuit Court and Justice Court Facilities and Security Update

Justice of the Peace Ann Spicer

Judge Spicer appeared to respond to concerns expressed in a memo titled “Courthouse Security – Immediate Action and Proposed Modification of Courthouse Security Plan (June 30, 2015)” from Circuit Court Presiding Judge Daniel J. Hill, Sixth Judicial District, to Mr. Sorte, Sheriff Ken Matlack, Justin Nelson, and the Advisory Committee on Court Security and Emergency Preparedness.

Judge Spicer made the following points:

- She has been unable to locate a copy of the Courthouse Security Plan referenced in the memo. Further, she and the other members of the Advisory Committee would have had to sign a Courthouse Security Plan in order for it to be adopted, and she did not do so. Judge Tallman, also a member of the Advisory Committee, said he was not aware that any such plan had been adopted. Judge Spicer added the last meeting took place over a year ago and she received no notice of additional meetings. Mr. Nelson said a meeting was held a few months ago.
- Circuit Courts have no statutory authority to direct anything related to Justice Courts.
- Judge Spicer said she uses the court room in Heppner on Mondays and Tuesdays and in the last six years, there have been approximately six times the Circuit Court needed the court room on a Monday or Tuesday.
- Comments suggesting she is acting improperly by seeing defendants in her office are of great concern, and she is contacting an attorney to deal with these alleged ethical complaints.
- Circuit Court claims there are security issues, but the door between the Circuit Court Clerk's office and Judge Spicer's office can be locked, but they choose not to do so.

- On the issues raised concerning jury assembly, Circuit Court claims the jury room is too small – Judge Spicer said the room has an over-sized conference table in it and switching to a small conference table would easily accommodate 12 jurors, plus alternates.

Commissioner Russell asked about the procedure necessary to create a new judicial district. Judge Spicer said a state legislator would have to initiate it through the legislative process. The idea of creating a new district to include Morrow, Gilliam, Wheeler and Sherman Counties was then discussed, as were other options.

Commissioner Reports

- Commissioner Rea said she learned at the most recent meeting of CAPECO that the Chief Executive Officer, Donna Kinnaman, resigned.
- Commissioner Rea relayed the most recent unemployment statistics for Morrow and Umatilla Counties.
- Commissioner Russell discussed this week's Parks Committee meeting.
- Judge Tallman reported on this week's Local Public Safety Coordinating Council meeting.

Adjourned: 12:45 p.m.