

Board of Commissioners Meeting Minutes
January 3, 2019
Bartholomew Building Upper Conference Room
Heppner, Oregon

Present

Chair Jim Doherty

Commissioner Melissa Lindsay

Darrell Green, Administrator

Kate Knop, Finance Director

Karmen Carlson, Human Resources Director

Richard Tovey, County Counsel

Roberta Lutcher, Executive Assistant

Excused

Commissioner Don Russell

Call to Order & Pledge of Allegiance: 9:00 a.m.

City and Citizen Comments: None

Open Agenda: Chair Doherty added an audit letter as the first Business Item.

Consent Calendar

Commissioner Lindsay moved to approve the following items in the Consent Calendar:

1. *Two Accounts Payable - December 27th, \$337,437.30 and January 3rd, \$33,857.43; Two Payroll Payables, Immediates & Electronic – December 13th Employee Final, \$369.38 and December 18th, \$157,772.08; Two Manual Check Runs dated December 26th - \$246.43 and \$1,288.68*
2. *Minutes: November 28th & December 5th*
3. *Letter of Support for continued funding of two Public Health programs: Community Access for Resource Effectiveness (CARE) and Students Providing Understanding and Respectful Support (SPURS)*

Chair Doherty seconded. Unanimous approval.

9:02 a.m. Public Hearing – Port of Morrow/Columbia Mill Rezone: Request by the Port of Morrow to rezone the Columbia Mill Site from Resource Related Industrial to Port Industrial, and to change the Comprehensive Plan and Zoning Map designations from Agricultural to Industrial

Commissioner Lindsay asked that the record reflect Commissioner Russell as absent and not voting.

Chair Doherty called for abstentions or conflicts of interest.

Commissioner Lindsay said she attended the Planning Commission Work Session regarding energy projects that was held prior to the regular Planning Commission meeting where this item was on the agenda. She said she stayed for the regular meeting as well. She said she did not believe this hinders her decision. She also said one item was handed out that night that is not in today's meeting packet and asked how that could be added.

Chair Doherty said he listened to the recording of the same Planning Commission meeting and visited with Planning staff, the Assessor and folks at the mill site relative to this.

At this point, Chair Doherty asked if any members of the participating audience had concerns with Commissioner Lindsay's or Chair Doherty's declarations. No response.

Chair Doherty called for the Staff Report.

Ms. McLane reviewed the information contained in the meeting Agenda Packet for the Public Hearing. She said while she hadn't had direct conversation with the Commissioners, there were some second-hand conversations. She went on to relay the zoning history of the 50 acres at issue for this Public Hearing. Ms. McLane also brought up the question of placing a well on the property since it's in the LUBGWMA (Lower Umatilla Basin Ground Water Management Area), saying there is a need to be aware of the impact to land and water in the County. Ms. McLane explained the application requests exceptions be taken to Goals 3, 11 and 14. The exception to Goal 3 takes it out of farmland; the Goal 11 exception would authorize availability or delivery of public services; and the Goal 14 exception makes it urbanizable land.

There was then discussion about Oregon Revised Statute (ORS) 197.719 (Industrial use of abandoned or diminished mill sites; amendment of comprehensive plans and land use regulations; sewer facilities) because it is central to the Port's application. Ms. McLane said the legislature saw an issue and created a path to make sure old mill sites didn't languish. This ORS makes the application unique and is the mechanism to get to the Goal exceptions. Discussion ensued on the current operating status of Columbia Mill and how that applies to the exact wording of ORS 197.719. Commissioner Lindsay pointed out Attachment 4 to the application was missing from the Agenda Packet materials provided for the Public Hearing.

Chair Doherty called for proponents to speak.

J.R. Cook, Cook's Land and Water Consulting, LLC

Mr. Cook said the Port asked him to review the project to see if there was an opportunity to rezone and purchase, which they would only do if there were options to do something with the land. Mr. Cook said the land was already taken out of agricultural production so this seems an appropriate use of the ground and will hopefully replace the jobs lost when the mill is closed. He discussed the specific conditions for using ORS 197.719 and said it's "a diamond in the rough" to justify the rezoning. He said this statute gives flexibility to make maximum use on already developed sites and is a good thing for the State of Oregon and land use laws. He encouraged approval of the application.

Ryan Neal, Port of Morrow, Executive Director

Mr. Neal said the veneer plant is closing in March and all equipment will be out by June. It will be abandoned at some point this year, he said.

Chair Doherty said ORS 197.719 was clear and he did not want to act outside what it specifies, so he saw that as a challenge.

Chair Doherty called for rebuttal. No response.

Significant time was taken by the Commissioners to pose questions of staff and Mr. Cook, which resulted in discussions to continue the Public Hearing.

Chair Doherty moved to continue the Public Hearing. Commissioner Lindsay seconded. Chair Doherty withdrew his motion.

Commissioner Lindsay asked if there were plans to revise the application.

Mr. Cook said his understanding was the Board wanted clarification of the Goal 9 section, and to see Attachment 4, the Port's infrastructure map.

Commissioner Lindsay asked that it be noted Attachment 4 was not in the packet reviewed by the Planning Commission. In addition, she asked that the signature page of the application be provided and ORS 197.719 be vetted further.

Chair Doherty moved to continue the Public Hearing to January 9th immediately following an already scheduled 9:00 Public Hearing at the Irrigon Branch of the Oregon Trail Library District, Community Room, Irrigon. Commissioner Lindsay seconded. Unanimous approval.

Break: 10:55-11:03 a.m.

Business Items

Review Audit Letter from Barnett & Moro

Kate Knop, Finance Director

Ms. Knop reviewed the letter, after which a few questions from the Commissioners were fielded.

Commissioner Lindsay moved to approve and authorize the Chair to sign the Management Representation Letter on behalf of the Board. Chair Doherty seconded. Unanimous approval.

Second Reading & Adoption, Ordinance No. ORD-2019-1: Heppner Transportation System Plan

Stephen Wrecsics, GIS Planning Technician

Mr. Wrecsics provided the second reading by title as follows: "An Ordinance Adopting the Heppner Transportation System Plan, Applied Solely within the Heppner Urban Growth Boundary"

Commissioner Lindsay moved to approve Ordinance ORD-2019-1, adopting the Heppner Transportation System Plan. Chair Doherty seconded. Unanimous approval.

Vehicle Purchase Pre-Authorization Request, Planning Department

Ms. McLane

Ms. McLane noted the Building Permit Fund had \$27,500 identified for a replacement vehicle during the last budget process. She proceeded to review the bids solicited by her department.

Commissioner Lindsay moved to authorize the purchase of a 2019 Jeep Cherokee at a purchase price of no more than \$24,200 from the Building Permit Fund. Chair Doherty seconded. Unanimous approval.

Chair Doherty brought up the need for further discussions surrounding Code Enforcement and in which department it would be best placed. Commissioner Lindsay suggested a Work Session in the near future, to which Ms. McLane agreed. Further, Ms. McLane said several code enforcement discussions are taking place and involve several departments.

Budget Officer Nomination

Darrell Green, Administrator

Mr. Green reviewed the ORS pertaining to the appointment of a Budget Officer and said he recommended Ms. Knop be appointed since budget season has begun.

Commissioner Lindsay moved to appoint Finance Director Kate Knop as the Budget Officer for the 2019/2020 fiscal budget. Chair Doherty seconded. Unanimous approval.

Resolution R-2019-1 – Approving an Agreement between the Columbia River Enterprise Zone (CREZ) II and Vadata Inc.

Mr. Green

Greg Sweek, CREZ II Manager

Mr. Green said the CREZ Board completed negotiations and the next step is for the three sponsor entities (Morrow County, City of Boardman, Port of Morrow) to pass resolutions in support of the agreement.

Commissioner Lindsay moved to approve Resolution No. R-2019-1 – In the Matter of Approving an Agreement between the Sponsors of the Columbia River Enterprise Zone II and Vadata Inc. Chair Doherty seconded. Discussion: Chair Doherty said as Chair, he would like to have discussion after a motion has been seconded. He went on to ask what might happen after the Enterprise Zone sunsets in 2020. Mr. Sweek said he assumed the CREZ II Board will ask to be re-upped, but that decision has not been made yet. The composition of the CREZ II Board is an agreement between the three entities that can be amended, he said. Commissioner Lindsay asked what might happen if another entity, for example Heppner, requested to be a part of a new Enterprise Zone. Mr. Sweek said it currently can only be the existing three entities because it's where the property is located. If the zone stretched to Heppner, he said, it could mean another city wanting to be a sponsoring entity. Vote: unanimous approval.

Department Reports

Fair Office Quarterly Report

Ann Jones, Fair Secretary

After Ms. Jones reviewed her report, the Commissioners talked about an effort in Oregon to increase funding for county fairs. Chair Doherty explained the Association of Oregon Counties was asked to join the effort. Commissioner Lindsay suggested the Fair Board provide the BOC with a list of funding ideas so the Commissioners can pass them on to others who might further the cause.

Sheriff's Office Monthly Report

Administrative Lieutenant Melissa Ross

Communications Lieutenant Kristen Bowles

Lt. Ross reviewed the report and said the format will change starting next month. Commissioner Lindsay asked that the report include insights as to what's going on, trends, concerns from a safety perspective, etc. Lt. Ross said she would pass that on to the Sheriff and Undersheriff.

Lt. Bowles discussed the nationwide CenturyLink outage that occurred December 27th. She said some entities around the country were severely impacted, but there was minimal impact to the Sheriff's Office. CenturyLink is not sharing what happened, she added.

Road Department Monthly Report

Eric Imes, Assistant Road Master

Mr. Imes reviewed the report.

Referring to the earlier Public Hearing, Commissioner Lindsay said she would like to see Public Works respond to Planning Department notices. Continuing, she said Public Works should weigh in especially on the major ones.

County Counsel/District Attorney Quarterly Report

Justin Nelson, County Counsel/D.A.

Mr. Nelson reviewed his report of activity in the D.A.'s office.

Administrator's Monthly Report

Mr. Green, Administrator

Mr. Green reviewed his report of activity for December.

Treasurer's Monthly Report

The written report was reviewed in the absence of Treasurer Gayle Gutierrez.

Commissioner Reports

Deferred due to time.

12:53 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

12:56 p.m. Closed Executive Session: No decisions

Signing of documents

Adjourned: 1:10 p.m.