

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of February 19, 2020
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

Commissioners Present: Chair John Shafer, Vice-Chair George Murdock, and Commissioner Bill Elfering

County Counsel: Doug Olsen

Members and Guests Present: Dan Dorrان, Hermiston; Jack & Lucille Preston, Walla Walla; Jayne Clarke, Pendleton; Amy Ashton-Williams, Human Services Director; Garrett Sullivan, CRH America’s Materials, Tri-Cities; Capt. Thoren Hearn, Sheriff’s Office; Tom Fellows, Public Works Director; Matt Kenny, Public Works-Survey Supervisor; Bob Waldher, Planning Director; Gail Nelson, Economic Development Coordinator; Jonathan Lopez, Hermiston; Duane Thul, Weston City Council/Mayor

CALL TO ORDER: Chair Shafer called the meeting to order at 9:00 a.m. He reminded those present that the meeting is a public forum. It is being video and audio recorded and minutes will be taken. Comments will become part of the meeting record. If persons wish to speak before the Board, please come to the podium, identify yourself and state where you live in order to be heard on the record – also note if you are speaking on behalf of others. He noted there is a point for public input before business items for other than agenda items.

Pledge of Allegiance was led by Commissioner Shafer.

Awards/Correspondence/Recognition. Commissioner Elfering commended all county staff and citizens in responding to the flooding in the county. And Commissioner Murdock also recognized demonstration of tremendous public support at the spaghetti feed fundraiser the previous night.

Minutes – Commissioner Elfering moved to approve the Board minutes from the meeting of 02/05/20. **Seconded by Commissioner Murdock. Carried, 3-0.**

Additions to Agenda – Doug Olsen noted the addition of a letter of opposition to SB1530.

Public Comments – none.

Business Items

1. **Livestock Road Legalization – Public Hearing.** The staff report was presented by Matt Kenny, Public Works-Survey Supervisor. This is for the legalization of a portion of NW Livestock Road. The road is south of the Hermiston generation plant and north of stockyard. He elaborated on the description and history as well as aerial maps and diagrams projected on the monitors plus staff recommendation. The documentation has the road on the section line, but there is no evidence that it ever followed the section line. The road used has gone around the irrigation canal, and jogs off the section line. There was also discussion about right of way, Frontage and Westland Roads and future potential development. In addition, there is a possibility of a portion to be voided to eliminate that right of way on the section line that has not been used. Chair Shafer called the public hearing to order at 9:05 a.m. He asked for those in favor.
 - a. **Jayne Clark, 1325 NW Horn Ave., Pendleton,** owns a mining operation in the subject area and wants to be sure there is protection under Goal 5. She referenced the location of her property on the map projected on the monitors -- in the marked areas “red” and “blue” off I-84. She needs access to her mining operation. There was discussion about trucks access and that the corner is sharp to negotiate.

Mr. Kenny spoke to access, advising the official right of way will differ slightly, but the road as travelled will not change. Ms. Clarke noted she has future mining plans and needs to discuss road access. Mr. Kenny would need to research the piece to the east she is speaking of. The right of way runs North and South to her parcel. She spoke to expense of a bridge to cross the canal, which she doesn't want to incur. If there's no impact to her operation she is not opposed; however, she wants to know that impact. Chair Shafer spoke about Cottonwood Bend for possible access. Ms. Clarke advised she has no legal access there or on the other piece. Mr. Olsen talked about legal access and that it appears that the property will touch the road as legalized, though the canal may need to be crossed to access the north portion.

Commissioner Murdock noted the purpose of today's hearing is for discussion and, without an emergency need, he feels more research needs to be done with questions raised by Ms. Clark. It appears that access is the question at this point.

Mr. Kenny added access is there to that lot; however, the county would not likely build a bridge to go north for a single parcel. Public right of way exists and access wouldn't be changed -- it wouldn't affect access to Ms. Clarke's operations. As to Goal 5, that is for more discussion and could be addressed by the County Planning department.

Chair Shafer asked for any other comments. Hearing none, discussion was had about the next meeting to schedule a hearing based on availability and quorum. Chair Shafer recessed the public hearing at 9:25 a.m. **Commissioner Murdock moved to continue the hearing and table the matter until April 1, 2020. Seconded by Commissioner Elfering. Carried, 3-0.**

2. Clark Road Vacation - Public Hearing. The staff report was presented by Matt Kenny. The county received a petition from property owners to vacate Clark Road. He gave the history and location (showing a map on the monitors). Clark Road is used by local property owner as what appears to be a private driveway; it is not a regularly maintained county road. Staff recommendation is the road be vacated. Chair Shafer called the public hearing to order at 9:28 a.m. He asked for those in favor.

Jack Preston, 934 Mountain Park Dr., Walla Walla. He owns about 90-95% of the property. Years ago most of the road was vacated. If this additional part of Clark Road is vacated, it would be more secure for his property and would improve it.

There were no others to speak in favor. And, none were opposed. Chair Shafer closed the public hearing at 9:30 a.m.

Commissioner Elfering moved to adopt Order No. RD2020-05. Seconded by Commissioner Murdock. Carried, 3-0.

3. Architectural Services Contract. Capt. Thoren Hearn, Sheriff's Office, presented. The selection committee met last week with Scott Rogers, Wenaha Group, to review architect proposals for the jail renovation project. The recommendation is for the Lombard Group who gave ideas after an on-site visit and suggested some plans (the other business was a no show). The Lombard Group built the original jail. Commissioner Murdock noted significance of Capt. Hearn's comments; they reached out for advice of counsel for the project – this group was quick on the spot and interested. **Commissioner Murdock moved to approve (give notice of intent to award contract for architectural services to Lombard Conrad Architects and authorize negotiation for contract terms). Seconded by Commissioner Elfering. Carried, 3-0.**

4. Airport/Ott Road Improvement Contract. Tom Fellows, Public Works Director, presented. Upon issuing an invitation to bid for the planned improvements to E. Airport Road and Ott Road, six bids were received. Tapani, Inc. was low bidder. The review committee recommends accepting that bid and potentially award the contract. In response to Chair Shafer’s question, Mr. Fellows noted he believes current construction would begin by the end of March. Completion is scheduled for June, well in time for the Fair in August. **Commissioner Elfering moved to approve notice of intent to award contract to Tapani. . Seconded by Commissioner Murdock. Carried, 3-0.** Commissioner Murdock asked Mr. Olsen about moving forward with property owners – any further Board action to take? Mr. Olsen responded he will work with Tom Fellows on this.
5. Development Code Amendment - Public Hearing. The staff report was presented by Bob Waldher, Planning Director. The department is recommending some changes to the development code. This is related to simplify replacement dwelling process in a “resource zone” (EFU and grazing farm zones). This came about with recent flooding. He believes the change will provide relief to those landowners affected by flooding and expedite the process of permits for structures destroyed by flood (or fire or other natural disasters) vs. having to go through the public hearing process. The applicant will still have to follow the state statute, but would provide additional relief for flood victims. This goes along with waiving permit fees for one year for flood victims. This amendment to the Development Code requires public hearing. Chair Shafer called the public hearing to order at 9:38 a.m. He asked for any in favor? None were heard. He asked for any against? None were heard. Chair Shafer closed the public hearing at 9:38 a.m.

Commissioner Elfering moved to adopt Ordinance No. 2020-01. Seconded by Commissioner Murdock. Carried, 3-0.

6. Creation of Position – Human Services. Presented by Amy Ashton-Williams, Human Services Director. This request is for the creation of a position (Substance Abuse Counselor) for limited duration of one year in the Milton-Freewater area to allow better service to clients. Funding was requested and approved from GOBHI incentive dollars. There would be no impact on the General Fund. **Commissioner Murdock moved to approve creation of position. Seconded by Commissioner Elfering. Carried, 3-0.**
7. Bridge Repair Contract. Mr. Fellows presented. This contract is for repairs to the Dorothy Bridge, which was damaged during the flood (on the Walla Walla River) and is not usable. Repairs needed to be done on very short notice. Hopefully, work can be done by the end of next week. The request is to authorize the emergency contract for bridge repair to Don Jackson Excavation in the amount of \$91,996. **Commissioner Murdock moved to approve. Seconded by Commissioner Elfering. Carried, 3-0.**
8. Gravel Pit Drilling & Blasting. Presented by Mr. Fellows. As a result of the flood, the county is in need of rip rap for road repair. Through ODOT, approval was given to use one of its pits for the rip rap needed. Ryno Works does a superb job and they were able to do provide drilling and blasting on very short notice – within 24 hours of call for the emergency. The rate is \$3.15/yard for total of \$47,250. Product is scheduled to be completed very shortly. **Commissioner Elfering moved to approve contract with Ryno Works. Seconded by Commissioner Murdock. Carried, 3-0.**
9. Letter in Opposition – SB1530. Commissioner Murdock presented. Eastern Oregon Counties Association asked member counties to take action on SB1530 (HB 2020). He feels the breadth of the proposed bill is of concern and feels actions should be narrowed in focus. A letter is drafted in opposition at this time, in part since an economic study has not been done; it is premature legislative action with negative impact on eastern Oregon. In addition, there is concern about the fact trying to pass such landmark legislation in a short session denies the participation of Oregon’s citizens. Further, it is believed that inclusion of an emergency clause effectively denies future input from Oregon citizens. **Commissioner Murdock moved to approve the letter**

opposing SB1530 for the chair's signature as outlined. He feels it is prudent to speak to the specific items outlined. Seconded by Commissioner Elfering. Carried, 3-0.

Executive Session – none.

Commissioners' Reports

Commissioner Elfering reiterated appreciation for the hard work of employees and citizens as well as time given to Umatilla County from other counties. There is tremendous work to start recovery. A full 1/3 of emergency managers from around the state came to help with flood relief on an emergency basis.

Commissioner Murdock spoke about Bingham Road, which is now passable for residents there thanks to our county public works. Unfortunately, Harris Park is not passable as yet due to a missing bridge. And, Mill Creek is also not passable with a bridge out.

Commissioner Shafer noted damage to county roads and bridges at this point is about \$25 million. Public Works crews have been working a lot of extra hours since February 6. In, addition Columbia County sent a Public Works crew right away and is still here. And many other emergency management personnel from around the state as well as tremendous help from local volunteers, business owners, etc. – incredible sacrifices for those affected the worst. And, there are many other stories of generosity and support.

The meeting adjourned at 9:50 a.m.

Respectfully submitted,

Melinda Slatt

Executive Secretary, Umatilla County Board of Commissioners