

MINUTES
UMATILLA COUNTY BOARD OF COMMISSIONERS
Meeting of July 19, 2022
9:00 a.m., Room 130, Umatilla County Courthouse
Pendleton, Oregon

Commissioners Present: Vice-Chair Dan Dorran and Commissioner George Murdock,
Chair John Shafer (attending virtually)

County Counsel Doug Olsen

Guests Present: Mark Tanner, Facilities Manager; Planning: Bob Waldher, Director,
Carol Johnson, Senior Planner; Brian Johnson, Public Works Assistant
Director; Sheriff’s Office: Capt. Paul Wolverton; Undersheriff Jim
Littlefield; Sgt. Dwight Johnson (Search & Rescue); Dave Price; Greg
Shannon; Granella Thompson; Suni Danforth; Richard Jolly; Robert
Pahl, Chief Finance Officer

Video link or Calling in: (+see list of attendance, copy on file)

CALL TO ORDER: Vice-Chair Dorran called the meeting to order at 9:00 a.m. (He noted Chair Shafer is traveling to Denver for a meeting and may join later). He reminded all that the meeting is a public forum and there is a call-in option provided. There is time on the agenda to provide input (or for hearings) to provide comment. The meeting is being video and audio recorded and minutes will be taken. Also, meetings are now live-streaming. Comments will become part of the meeting record. If persons wish to speak before the Board, please 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.

Pledge of Allegiance

Awards/Correspondence/Recognitions. Commissioner Murdock noted receiving many thank you notes from kids at the recent Milton-Freewater Jr. Show. Youth exhibitors as part of the process write thank-you cards to acknowledge and appreciate support of the BOC. This remind us some outstanding youth in America belong to 4H and FFA. Commissioner Dorran agreed and added cards are on display in the BOC office.

Minutes – Commissioner Murdock moved to approve the minutes of the 6/29/22 meeting. Seconded by Commissioner Dorran. Carried 2-0.

Additions to Agenda – none.

Public Comments

Dave Price, 80488 Zerba Rd, Athena, president of Blue Mountain. Alliance. He spoke from a document he prepared -- a summary of his comments, which he handed out to the Board. Again (the first time he was at the 7/6 BOC meeting regarding the same topic) -- Nolin Hills project, 2-mile set back ordinance requirement – DOE/EFSEC’s position is to not acknowledge the 2-mile setback. His hand-out listed six points and he elaborated. There is a Supreme Court decision regarding another case and DOE’s position statement. He reminded the Board it is the local special advisory group (SAG) and explained requirements and obligation of that group with legal standing. DOE’s position is not supportable based on his comments. Although the county submitted its letter/position, he reiterated and urged proactive response to DOE and EFSEC of the local requirements and position. In addition, BMA has hired a land use attorney for legal services in this matter. If the Board desires,

perhaps a virtual meeting can be scheduled with the BMA group on these issues, in hopes of avoiding a legal battle. He felt that the county is on firm standing.

Suni Danforth, 225 Maple Ave., Milton-Freewater, secretary of BMA. At the last Board meeting (7/6), she inquired if the Board would seek outside counsel (a land use attorney). Commissioner Dorran advised the county has not made a decision to do that, at this time. She reiterated/urged the Board to consider it to be sure EFSEC is following the county ordinances. Also, in 2011 when the Board made the decision, in 18 days, over 3,000 signatures were gathered to support following the ordinance.

Richard Jolly, 54462 Upper Dry Ck Rd, Weston. Also member of BMA and involved with the ordinance adoption in the county. He and other citizens (a number in attendance) encouraged the Board to seek an outside land use attorney. Secondly, he and many of his neighbors had received letters from the “state” regarding wildfire danger (he handed a copy to Vice-Chair Dorran). Our state is not in constant fire danger. Will that status cause insurance rate increases? Is it similar to rules regarding flooding? Chair Dorran commented about new legislation coming – in particular regarding set-backs for wildfires.

Business Items

1. Development Code Amendment – Public Hearing. Vice-Chair Dorran called the meeting to order at 9:21 a.m. He read the opening statement and asked for the staff report. Carol Johnson, Senior Planner, presented. This is a post-acknowledgment process for Umatilla County proposed Text Amendment (#T-090-22), Exclusive Farm Use and Grazing-Forest Zoning Code Amendment. The proposed changes are the result of legislative changes to ORS and OARs governing resource zones. On May 26, 2022, the Planning Commission reviewed the proposed amendment and recommended approval by the Board of Commissioners. If approved, notification of the amendment and ordinance adoption would be sent to the ODLCD and the amendment process would conclude.

Regarding one change on page 206 -- one item will be removed after consulting with county counsel. She spoke to temporary hardship, wherein a hardship dwelling must be removed when the hardship has ended. This amendment has been clarified.

Vice-Chair Dorran asked for proponents. None were heard. He then asked for those in opposition. None were heard. Commissioner Murdock asked about the item regarding 250 vehicles, and 500 people present at a single event (page 177). She noted it is a threshold set by the state. At the local level, the county can't be less restrictive. It is the applicant's responsibility regarding their event – it is their burden. Commissioner Murdock spoke to good intent. Vice-Chair Dorran thanked her for spending time ahead of the meeting with a lot of discussion and answering a lot of questions. *[Commissioner Shafer joined on line at 9:30 a.m.]*

Vice-Chair Dorran noted no need to keep the record open and there were no public comments. He closed the public hearing at 9:32 a.m. **Commissioner Murdock moved to adopt Ordinance No. 2022 and to approve the findings. Seconded by Commissioner Shafer. Carried, 3-0.**

2. TGM Grant. Presented by Bob Waldher, Planning Director. Umatilla County Planning Department is preparing to submit a Transportation Growth Management (TGM) Grant application to the state. If awarded, the grant will assist with updates to the county's Transportation System Plan (TSP). The county's current TSP has surpassed its 20-year lifespan and updates are required to maintain compliance with state transportation planning rules and to maintain eligibility for state funded transportation improvements to county roads and infrastructure. This will also make the county's plan consistent with the Tribes, which is going through the same process at this time. The TSP grant requires a 10.27% local match and Planning staff proposes the match requirements be met through a combination of financial and in-kind contributions. Request is made to approve a letter of support/commitment for the county's TGM grant application, which will be submitted by Kittleson Assoc. by the July 28 deadline. A project schedule can be requested. If selected (award is to be

announced in September), project would start shortly thereafter and be 12-18 months in duration. **Commissioner Murdock moved to approve. Seconded by Commissioner Shafer. Carried, 3-0.**

3. Truck Purchase. Presented by Brian Johnson, Assistant Director, Public Works. The department would like to purchase a used International 4300 truck with service body available now at Oregon Surplus. This is not on the equipment replacement list, but would be an opportunity to upgrade the fleet of service vehicles specifically for use with the linier crusher program as well as improving the ability to do tire work in the field. Authorization is sought to purchase the used 2004 International 4300 truck with service body, welder, air compressor and crane for \$19,000. This is an outstanding find. **Motion was made by Commissioner Murdock to approve the purchase. Seconded by Commissioner Shafer. Carried, 3-0.**
4. Sheriff's Office Purchase - Bicycles. Dwight Johnson, Umatilla County Search & Rescue. He has been researching ways to enhance search & rescue with numerous narrow trails (he pointed out, in particular, the South Fork of the Walla Walla River), ATVs are too large. A good alternative is battery assisted mountain bikes. Approval is requested to purchase two mountain bikes plus trailer and hitch, lighting, two extra batters, and helmets from Scott's Cycle in the amount of \$9,223.88. **Motion was made by Commissioner Murdock to approve the purchase. Seconded by Commissioner Shafer. Carried, 3-0.**
5. Sheriff's Office Body Armor Purchase. Capt. Wolverton presented for the purchase of body armor. He noted replacements are needed. Authorization is requested to purchase from Curtis Blue Line in the amount of \$7,216.12. In response to Commissioner Dorrان regarding recycling old armor, Capt. Wolverton noted purchase back is about 50%. A federal grant is available, but it must be a specific match to the armor that was ordered. It will be requested after purchase. **Motion was made by Commissioner Murdock to approve the purchase. Seconded by Commissioner Shafer. Carried, 3-0.**
6. Sheriff's Office Key Fob at Athena Satellite Station. Capt. Wolverton presented for the addition of key fob upgrade to the Athena station. Unitech has performed the initial review for a fob entry/exit system. The estimate is before the Board for approval. **Motion was made by Commissioner Murdock to approve the installation as outlined. Seconded by Commissioner Shafer. Carried, 3-0.**
7. Maintenance Payable. Presented by Mark Tanner, Facilities Manager. Approval is sought to pay for windows at the new maintenance facility from C&H Glass in the amount of \$6,865.23. (It took three months to get them.) **Commissioner Shafer moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.**
8. Maintenance Payable - Lighting. Presented by Mr. Tanner. Approval is sought to pay for lights at the new maintenance facility from Double S Electric in the amount of \$7,880.36. This is more parts for lighting. **Commissioner Shafer moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.**
9. Investment Services Contract. Presented by Robert Pahl, CFO. Several weeks ago, a request for proposals was issued for investment services to better manage county funds for the best return on investment. Two proposals were received and, after review, he recommends Piper Sandler. Commissioner Dorrان agreed with his analysis. **Commissioner Murdock moved to approve the contract. Seconded by Commissioner Shafer. Carried, 3-0.**
10. DLR Group Planning Contract. Presented by Commissioner Dorrان. The Umatilla County Courthouse Planning & Needs Assessment Committee has reviewed potential consultants to assist in the planning for the needs of a courthouse. DLR Group has submitted a proposal for a needs and concept analysis for Umatilla County Courts. The committee is recommending that the Board enter into a contract with the consultant for the analysis. Funding for the contract would be from ARPA funds and potential grants. **Motion was made by Commissioner Murdock to approve the contract for up to \$100,000. Seconded by Commissioner Dorrان. Carried, 3-0.**

11. Drilling Contract. Presented by Doug Olsen. This is part of the depot recharge project. An invitation to bid was issued for three borings and monitoring wells. Two bids were submitted which meet requirements and the recommendation is to go with low bid from Holt Services, Inc. in the amount of \$234,965. Commissioner Dorran noted a very limited number of vendors who can meet requirements for work on the depot -- two bids is good. Commissioner Shafer noted he spoke to J. R. Cook (NOWA), who advised that funds can come from two different sources. He is following up on the funding aspect. **Commissioner Shafer moved to approve the contract. Seconded by Commissioner Murdock. Carried, 3-0.**
12. Walla Walla River Trail Letter. Presented by Commissioner Dorran. The Board has been requested to document its support to a request for repair of the trail and access road to the South Fork of the Walla Walla River (above Harris Park). The road was destroyed in the 2020 flood. Senator Bill Hansell wrote a similar support letter. **Commissioner Murdock moved to approve and sign the request letter. Seconded by Commissioner Shafer. Carried, 3-0.**

Executive Session – none.

Commissioner Reports

Commissioner Murdock pointed out the Board apparently will be visited by the BMA representatives. The Board has reaffirmed support -- nothing has changed. The only thing is whether or not the county would engage the services of a land use attorney. Until an actual order is issued by the Department of Energy, there is nothing more to do at this time. Commissioner Murdock requested adding this topic to the upcoming Board's staff meeting for discussion. Commissioner Dorran suggested that Bob Waldher could address this topic as well. He noted that being proactive is one thing, otherwise we may be "in the way". It is up to Chair Shafer moving forward; the current policy has been stated. Chair Shafer noted the next staff meeting is August 1st. Commissioner Murdock wants to convey something back to the BMA folks.

Commissioner Dorran showed a water testing kit and advised that UCo Health is distributing kits, upon request, for testing nitrate levels in the LUBGMA area for the 97838 zip code area. Results are coming back (20), but kits are going out daily. About 25% are coming back with not extremely high but above federal standards. With this program, the Health Department is getting pretty in-depth information – it is helping map out information. In addition, the LUBGMA committee through OSU hired a candidate post-doc to perform services/study for gathering historical data and add this new data. Chair Shafer noted he talked yesterday to Joe Fiumara (Health Director), who noted that one person had submitted two samples – 1 filtered and 1 unfiltered, for good comparison.

Meeting adjourned at 9:57 a.m.

Melinda Slatt

Executive Secretary – Board of Commissioners