

Board of Commissioners Meeting  
June 1, 2011

Present: Commissioner Steve McClure  
Commissioner Mark D. Davidson  
Commissioner William D. Rosholt

Call To Order

Chairman McClure called the meeting to order at 9:00 a.m. with all three Commission members present.

Public Comments & Concerns

Jill Parsons came to give public comment to the Commissioners. Commissioner McClure explained that they have directed Brandon Erye, County Counsel, to draft an Ordinance for the buffalo. As soon as there is a draft it will be available to the public for comments. The Ordinance will be ran by the District Attorney and the Sheriff to make sure it is an Ordinance that is going to work.

Jill Parsons stated that a draft Ordinance was previously brought to the Commissioners by Becky from the Animal Control and it was tabled but did not go anywhere. Jill explained it started on May 16<sup>th</sup> when a heard of buffalo got loose. The owner of the buffalo came to her dad's house and said that his buffalo had all gotten out and he noted that they were in with their cows and wondered if he could go in there and get them out. He did not get them out. There were calls to the Sheriff's department and ODFW and no one knew what could be done with the buffalo. When the neighbor left he left the gate open on their property. On May 18<sup>th</sup> her Dad looked out the window and noticed something in the road by the corral next to their cattle bulls which turned out to be buffalo in the road. He called his kids and the sheriff's department. They saddled up their horses and got 4-wheelers. The buffalo headed North through their property. They spent most of the day trying to find the buffalo to see if they could get them out of their property. They were charged repeatedly by the buffalo. They called the sheriff's department and they told them there isn't anything that can be done. They called the owner of the buffalo to get the buffalo out. He was at the property later that day trying to get them out and the next day he took down the fence and put them in the adjoining neighbors land but still not the land they are supposed to be on. Their concerns are not only for their safety but their herd's safety as well. She has concerns that this buffalo herd has not been vaccinated properly or maintained properly. Their newly seeded crops have been damaged with buffalo tracks. She brought in pictures of the buffalo on their property as well as the damage that the buffalo have done. They have roughly estimated that it is 2 acres of damaged crops. It is hay ground that produces about 4-5 ton per acre depending on the yield. At \$150 a ton it would be a \$1400 loss on crop alone from the short time the buffalo were on the land. They have not checked all of

their fields yet. They also have fence damage which will cost quite a bit to fix as well.

Commissioner Rosholt asked how many buffalo there are in the herd. She stated that the owner told her he had 16 buffalo.

Jill explained that her concern is that there is nothing that is making him responsible for adequately containing buffalo. She has no complaint against someone having buffalo but they need to be adequately maintained and managed. She feels that the law enforcement needs to have some avenues and resources to deal with the buffalo on an ongoing basis. If someone is not getting fined they are probably not going to do too much about it. Jill showed pictures of the fencing and stated she was told by the owner that he has a buffalo approved fence, but it is a 4 foot cattle fence. There is an electric wire at the top of the fence but it is not hooked to any power.

Commissioner McClure asked if Jill has had any discussions with the District Attorney about civil recourse in this matter. She explained that her son talked to the D.A. and he said there may be some way for some civil recourse. She is not sure of it at this point but she hopes there would be. Commissioner McClure stated that if the damage is under \$5000 you can do it in small claims court. If a small claim is filed it could be a deterrent but the Commissioners are having an Ordinance drafted and it will be circulated. She stated that they do intend on trying to recoup their losses.

Rodney Terry, 71871 Palmer Junction Road, explained that he has adjoining property to this land that the buffalo have been getting on. He explained that the buffalo have been a problem for several years. He has pictures as well but they are from prior incidents from previous years. They do show that this has gone on for a long period of time. The fence is adequate for cows if the buffalo have not destroyed it but it is in no way adequate for buffalo. The buffalo have cost him a lot of money and hardships through the years. Other people who have buffalo in the area can keep them in. They build adequate fences and they keep them contained. An adequate fence needs to be required.

Commissioner McClure thanked them for their comments and he reminded them that the Commissioners do have an Ordinance being drafted and as soon as it is available it will be circulated to make sure it is a document that is adequate, enforceable, and that it will do the job that needs to be done. Jill asked if there is a time frame for the Ordinance to be done. Commissioner McClure stated that he will expedite it and try to get it done so it can be done on the second meeting of this month which is the 15<sup>th</sup> or the first meeting in July. He will request an emergency clause so it can be done in just one meeting. There will have to be a public hearing and it will then be taken under consideration.

Century Ranch Estates

Rick Robinson, Bagett-Griffith and Blackman, brought a subdivision plat for Century Ranch Estates in Union to the Commissioners for approval. It is a 21 lot subdivision. It has gone through the other people that need to sign off on the plat. The Commissioners are the last signatures needed. **Commissioner Davidson moved approval of the Century Ranch Estates subdivision plat as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Emergency Declaration

Resolution 2011-05, In the Matter of a Resolution Declaring a Local State of Emergency Within Union County Due to Disastrous Flooding, was presented for consideration. J.B. Brock, Emergency Services Officer, stated that this is to serve as an update as well as to go through the formal declaration process that is required by Statute in order to receive State and hopefully Federal assistance. He explained that he submitted the first initial damage assessment last Thursday which was predominately focused on the public infrastructure piece. The initial damage assessment that was submitted was about \$650,000 of damage. He explained that is why this process is being followed to try and receive assistance. Since the time that the initial assessment was submitted there was a continuation of the event which was a pretty significant event in the City of La Grande. There was some heavy rain that predominately due to the saturation of the soils was flushed through the Southwest portion of La Grande. There was significant damage to individual homes. An estimate is about 50 homes that were affected. He explained that he is in the process of collecting that information now. There is a call center open to take down that information. The call center is being staffed by the City of La Grande. As it relates to disasters there are three areas that are addressed, public infrastructure, individual assistance, and agriculture. There is still ongoing damage for the agriculture side. Darrin Walenta and Jennifer Isley came to the Commissioners to update them on the agricultural damage assessment.

Commissioner Rosholt asked J.B. how many people have contacted the call center at this point. J.B. stated that there were about 12 calls the first day. He is not sure how well the word is out about the call center.

Darrin Walenta, OSU Extension Services, 10507 N. McAlister, La Grande, explained that this flood event has been happening about two weeks and there is no hard acreage data at this point. They don't know the extent of the damage until the water goes down a bit. They are trying to put some parameters around how many acres might be affected. A lot of annual planted crops have been under water for about two weeks so it is pretty safe to say those acres are gone. They are not sure how other crops such as Alfalfa are going to respond. There may be some survival but chances are that most are going to be lost or it will be a crop failure. He talked to the Bureau of Reclamation and comparing this event to the event back in the mid 90s, flows were a little higher at certain times. The

amount of water that got out during that period of time was more than what is being experienced now. With that in mind they could be looking at 5-10,000 acres of crop land being affected. He stated that about half of those will most likely be crop failure. Some growers have seen water decline a little bit but the upcoming warming trend that is expected is bringing concern that the water will come back up. It will take until harvest to determine the full magnitude of the damage.

Commissioner McClure asked for Jennifer's prospective on what the County needs to do to make sure that the disaster is recognized at the Federal level. Do they need to do another Declaration specifically for crops?

Jennifer Isley, Farm Service Agency, 1901 Adams Ave. Suite 5, La Grande, stated that she thinks that the Declaration should be due to excessive moisture and flooding with an early start date and be ongoing. In her opinion it is an ongoing event.

Commissioner McClure stated that he will get with J.B. and they will make sure the start and end date cover the entire event.

J.B. explained that the process is to pass the Resolution which declares the emergency and then a letter to the Governor and the Director of Emergency Management at the State level indicating the issues and the type of assistance being requested. The assistance that is being requested is not for the response phase but for the recovery phase and assistance in the form of financial assistance.

Commissioner McClure asked if other counties are doing the same thing. J.B. explained that the State sent out a request for initial damage assessments. They are in the process of collecting those now. The damages are predominantly in Grant County, Harney County and Malheur County.

**Commissioner Davidson moved approval of Resolution 2011-05 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

#### Revising Transient Tax Ordinance

Ordinance 2011-03, In the Matter of an Ordinance Revising the Union County Transient Tax Ordinance 2010-02 and Declaring an Emergency, was presented for consideration. Shelley Burgess, Administrative Officer, explained that the original Ordinance indicated how the funding could be spent from the Transient Room Tax. It gave categories and a maximum percentage that could go to certain identified agencies. Last year during the review of the Transient Room Tax the Blue Mountain Conference Center was removed from the Ordinance so they were no longer listed as a direct recipient. As the proposals were reviewed this year the motion was made to again fund the Blue Mountain Conference

Center in the upcoming fiscal year. This Ordinance would put back the Blue Mountain Conference Center allowing up to 7% of the net amount of tax collected to go to them. In order to allow this to happen the Tourism Promotion amount has been reduced from up to 42% to up to 35%.

Commissioner McClure opened the public hearing for testimony. There was no testimony received. The hearing was then closed.

**Commissioner Davidson moved approval of Ordinance 2011-03 as revised. Commissioner Rosholt seconded. Motion carried unanimously.**

**Commissioner Davidson moved approval of Ordinance 2011-03 as revised. Commissioner Rosholt seconded. Motion carried unanimously.**

#### Consent Agenda

**The May 19 and 26 claims journals; the May 25 Public Works claims journals; and the February 16 Board of Commissioners minutes were approved as presented on the consent agenda.**

#### Community Dispute Resolution

Shelley Burgess brought the 2011-13 Community Dispute Resolution Grant to the Commissioners for approval. She explained that the County received notification from the University of Oregon School of Law that Union County was eligible for funding for the upcoming biennium for the grant. The Commissioners adopted a Resolution indicating that Union County did want to participate in the program. The County put out a Request for Proposals. There was one application received from the Eastern Oregon Mediation Center. The application was reviewed by the University of Oregon School of Law and they indicated that they were an eligible applicant. She is recommending approval of the award of the grant to the Eastern Oregon Mediation Center working with the Sheriff's Department. **Commissioner Davidson moved approval of grant award to Eastern Oregon Mediation Center as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

#### Transferring Appropriated funds – Solid Waste District

Court Order 2011-29, In the Matter of Transferring Appropriated Funds, was presented for consideration. Shelley explained that this is coming to the Commissioners in their role as the Union County Solid Waste District Board. In preparing the budget she noticed that in the Household Hazardous Waste fund a transfer needed to be requested from Materials and Services of \$35,000 to Capital Outlay of \$35,000. When the budget was adopted last year it was anticipated that the Household Hazardous Waste Facility would have been more complete by the end of June, but there were some delays in the actual completion of the facility. **Commissioner Davidson moved approval of Court**

**Order 2011-29 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Appointment to Fair Board

Court Order 2011-34, In the Matter of Appointment to the Union County Fair Association Board of Directors, was presented for consideration. Shelley explained that this Court Order would appoint Sharron Dykes in place of Jessica Fisher who left the area. **Commissioner Davidson moved approval of Court Oder 2011-34 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Signature Authority Resolution

Resolution 2011-06, In the Matter of a Resolution Authorizing Signature Authority for 2011-13 Intergovernmental Agreement Amendments for Public Health, Mental Health, Developmental Disability and Addiction Services Agreements, was presented for consideration. Shelley explained that Union County has an agreement with the Center for Human Development that authorizes them to provide public and mental health services on behalf of the County. There is a financial assistance award that comes to the County through the Oregon Department of Human Services. Those agreements tend to be amended frequently because as funding becomes available they amend the agreements. Since CHD assumes all of the responsibilities for the programs and signs the agreement, the Commission needs to authorize someone to sign those agreements. Veronica Wood is the Financial Assistance Administrator for CHD. This Resolution would give her the authority to sign those agreements. **Commissioner Davidson moved approval of Resolution 2011-06 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Discretionary Grant Recommendation

A Discretionary Fund recommendation was presented to the Commissioners for approval. Shelley explained that there were two applications received for remaining Discretionary Funds for the 2010-11 Transient Room Tax budget. The applications were from Union County MERA for some assistance with fencing and trails and from Jerry Matthews for a Remember When Car Show. The committee reviewed the applications and the recommendation is to award \$1,000 to the MERA fencing and trails project and no funding for the Remember When Car Show.

Commissioner Davidson explained that the committee reviewed both of the applications and whole heartedly supports the fencing reconstruction on MERA. They find that it is an important attraction to the community and a good investment of the Transient Room Tax funds. The application for the car show was confusing because when the totals are run on the revenues verses expenses without any donation from the grant fund it already cash flows positive so the committee couldn't find a reason to support a project that already

appeared to be sufficiently funded. **Commissioner Rosholt moved approval of the funding as recommended. Commissioner Davidson seconded. Motion carried unanimously.**

Appointment to Ambulance Advisory Board

Court order 2011-33, In the Matter of Re-Appointment to the Union County Ambulance District Advisory Committee, was presented for consideration. This Court Order would re-appoint Tracy Christopher and Steve Henderson to the Ambulance District Advisory Committee with terms to expire June 30, 2015.

**Commissioner Davidson moved approval of Court Order 2011-33 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

STF Discretionary Grant Agreement

Shelley presented the Commissioners with Agreement #27779 between Union County and the Oregon Department of Transportation Public Transit for consideration. This agreement is for the 2011-13 biennium of STF Discretionary Funding. The Commissioners previously received a recommendation from the STF Advisory Committee regarding this allocation. It is \$30,000 for the biennium. The applicant that was selected by the local Advisory Committee is Community Connections. This is funding that the County will receive and will contract with Community Connections for the transportation services. These are funds that are earmarked for transportation for seniors and people with disabilities.

**Commissioner Rosholt moved approval of agreement #27779 as presented. Commissioner McClure seconded. Roll Call – Commissioner Rosholt; yes, Commissioner Davidson; abstain, and Commissioner McClure; yes. Motion carried.**

USFS Apron Temporary Repairs

Shelley explained that the Forest Service has closed the Fire Center at the Airport this year. The County has been working with them to try and come up with a temporary solution to fix the apron so that they would continue to operate out there this Summer. The County has utilized the consultant which is Precision Approach Engineering to meet with the Forest Service engineers and come up with a temporary fix for the apron so it could be utilized this year. The Commissioner have the recommendation from Terry Kessler who is the engineer on what he believes would be a satisfactory temporary fix. This would then be shared with the Forest Service engineers to see if they would approve it. The County would then consider these changes in order to keep the Fire Center operational.

Commissioner McClure pointed out that the Commissioners were also given an email from Richard Comstock that estimates it would cost \$10,000 to \$15,000 to do the construction. Commissioner McClure stated that he needed to know if the other Commissioners are willing to do the project if there is an agreement with the Forest Service to do the project. This would be a temporary patch for only

one year. The Forest Service intends to reconstruct the apron in the Fall. They are in the process and have received the funding.

Commissioner Rosholt asked if there is a chance if it is not done if they will move the Fire Center and it won't be placed in La Grande again. Commissioner McClure explained that he doubts that they would site a temporary piece here. They would probably go to Pendleton and they have some areas where they can do it. It would be expensive for them to do it but they could.

**Commissioner Davidson moved to authorize the expenditure of up to \$15,000 to repair the apron at the tanker base at the Union County Airport. Commissioner Rosholt seconded. Motion carried unanimously.**

#### Pierce Road Project

Shelley explained that the County is currently working on the Pierce Road project through some funding that was received. There was \$5 million for the project. As the bids have come in and work has begun on the project the engineer who is Howard Perry has gone back and made some recommendations to improve the project with some additional funding that was available. The recommendation is to increase the pavement thickness from 4 inches to 5 ½ - 6 inches for segment 2. Segment 1 would have 8 inches of pavement. Segment 3 would have a minimum of 8 inches of pavement. The belief is that the additional depth will increase the strength and the life of the road. That estimated cost is \$270,000 to \$360,000. The second improvement would be to reconstruct Airport Lane with a new base and HMAC rather than to overlay the existing roadway. He felt this would be a better repair and the road would last longer. That additional cost would be \$350,000. The two improvements together would cost between \$620,000 and \$710,000. Currently the estimated amount available within the budget is between \$680,000 and \$750,000. It is within the project funding but it is a rather significant adjustment so she wanted to bring it to the Commissioners for approval before those improvements are negotiated with the contractor.

Commissioner Davidson stated that it appears that improvement 2 would widen the roadway width by 4 feet to 28 feet which is a significant improvement as well.

Commissioner McClure stated that when the industrial park was built there was no money to do any major improvements on the roads. The Airport Lane segment needs to be rebuilt because of the traffic that uses that road. It was part of the original application. He has run these additions by Doug Wright at ODOT and he has no problems with the additional improvements.

**Commissioner Davidson moved approval of modifications on the Pierce Road project. Commissioner Rosholt seconded. Motion carried unanimously.**

Gekeler Slough Improvement Project

Shelley explained that the Commissioners have a summary prepared by Anderson Perry and Associates on some proposed work that would be done to improve the Gekeler Slough situation. There are permits that are needed through the Army Corp of Engineers and the Division of State Lands. The summary discusses the costs for those permits.

Commissioner McClure stated that if the County stays out of the wetlands there is no Army Corp of Engineers permit needed which is the most difficult permit there is to acquire. Anderson Perry and Associates have done the initial assessment. There has been interest from ODFW to partner with the County on this process. They also want to do some work on Gekeler Slough on the East side of I-84. He would like to talk to the City of La Grande to see if they would like to partner with the County on this project as well. There is an estimate of \$4700 for the permit from Anderson Perry and Associates. He would like to have the other Commissioners permission to sit with the three agencies to see what the cost would be to do the project. If the County, City and ODFW sponsor the permit then they could allow the private property owners to do some of the work themselves. They are in the process of doing the transportation plan for the new industrial lands and it will be an issue that will have to be addressed at some point in the discussions.

Commissioner Davidson stated that he feels the County has to proceed with it. The issues with the land that has been added to the Urban Growth Boundary is right on and he would hope that the City of La Grande will see the benefit to them as well and share in the cost.

Commissioner McClure stated that he believes the City of La Grande is aware and the indications are that once there is a plan that meets the needs out there the County can get some assistance to fund the project.

ESD Lease

Shelley brought the commercial lease between Union County and Intermountain ESD to the Commissioners for consideration. She explained that Commissioner Rosholt had been negotiating this lease. This is the final lease. There were a few changes from the draft lease that the Commissioners reviewed prior. The parking has been addressed in the lease. They will be purchasing parking permits for 15 employees in the County lot. It also spells out that they are responsible for the janitorial in their areas which was an area that wasn't covered in the lease before. It more clearly defines who is responsible for alterations. It also allows a review of the utility use after the second year so that if their utility use is more than anticipated and the rent isn't sufficient to address it the County can implement a surcharge to make sure it covers the costs.

Commissioner Rosholt stated that the building will be ready by July 1<sup>st</sup>.

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**Commissioner Davidson moved approval of the commercial lease as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Adjournment

The meeting was adjourned at 10:35 a.m.

Respectfully Submitted,

Ashley Wilhelm  
Sr. Dept. Specialist