

Board of Commissioners Meeting
November 12, 2014

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

Chairman McClure opened the meeting at 9:00 a.m. with all three Commissioners present.

Public Comments

Vehicle Bid Award

Boyd Rasmussen, Sheriff, brought a vehicle bid award to the Commissioners for consideration. He explained that one of the local bids did not meet the specifications for the bid. The other two bids are the State bid and local bid from Goss Motors. The local bid is significantly higher than the State contract. He is recommending awarding the bid to the Hubbard Chevrolet who is under the State contract because it is the low bid. This bid is for three vehicles.

Commissioner McClure asked if the Sheriff is budgeted for all three vehicles. Shelley explained that when she reviewed the budget request that the Sheriff's office submitted and the final budgeted amounts approved. The request initially had been for three vehicles. She is confused about the timing on this. She shows that there are currently four active leases. Boyd stated that he believes the leases end shortly. Cathie Falck, Office Manager of the Sheriff's Office, explained that one lease ended in July and another one ends in May. Cathie explained that there were three vehicles that were funded by the Elgin Contract. There was going to be a fourth one. The lease was expiring to purchase one and then the three with the Elgin contract. They gave up one of them for the Jail management software during the budget process. Commissioner Davidson thought that there were two vehicles eliminated during the budget process to fund the purchase of the Jail management software. He stated that there is no disagreement that the Jail software was prioritized over the replacement vehicles but the number of vehicles eliminated from the budget is not clear. Boyd stated that they are under budget and he feels that he can still cover all costs within their budget with the three vehicles. He is willing to accept two vehicles now and the third at a later time. Shelley explained that she feels that the budget is there for two vehicles as long as the timing for the vehicle lease expiring in May does not overlap with payments. These payments are about \$12,000 so to cover the cost of the software for the Jail it did take two payments and not just one. It is just a timing issue on when the lease payments are taken on. **Commissioner Davidson moved to authorize the Sheriff to lease two vehicles on the State bid from Hubbard Chevrolet, one immediately and one in May 2015 when the current lease expires. Commission Rosholt seconded. Motion carried unanimously.**

Vehicle Bid Award

Doug Wright, Public Works Director, explained that they went out to bid for two ½ ton pickups. He received three bids from Ron Tonkin Dodge for \$50,786, Wethnell Dodge for \$50,400 and Legacy Dodge for \$49,980. The bid amounts are for both vehicles. Legacy Dodge is the low bid so he is recommending the bid be awarded to Legacy Dodge of La Grande.

Commissioner McClure asked Doug to describe the vehicles that would be replaced. Doug explained that these vehicles would replace vehicles with 269,000 miles and 23 and almost 20 years old. The vehicles are for the North Powder and Union districts. There is only one vehicle with low mileage which was purchased recently. All of the vehicles have high mileage. They are trying to stick with the same brand so the maintenance is streamlined and more efficient. Commissioner McClure thought that they cannot specify brand when going out to bid. Shelley did not believe that the brand could be specified either. Commissioner McClure thought that it would need to be rebid. He asked Doug to have legal counsel review the specifications and see what should be done.

Consent Agenda

The October 14, 16 and 23 claims journals; and the October 15 and 22 Public Works claims journals; and July 16, August 6 and 20, September 3 and October 15 Board of Commissioners minutes were approved as presented on the consent agenda.

Appointment to the Ambulance Advisory Committee

Court Order 2014-46, In the Matter of Appointment to the Ambulance District Advisory Committee, was presented for consideration. This Court Order would appoint James Hesse to the Ambulance District Advisory Committee as the Union prefix representative. **Commissioner Rosholt moved approval of Court Order 2014-46 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Appointment to the Grande Ronde Model Watershed Board of Directors

Court Order 2014-47, In the Matter of Appointment to the Grande Ronde Model Watershed Board of Directors, was presented for consideration. This Court Order would appoint Nick Myatt, Larry Cribbs, Allen Childs, Ted Taylor, Jed Hassinger and Mark Davidson to the Grande Ronde Model Watershed Board of Directors. **Commissioner Rosholt moved approval of Court Order 2014-47 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Appointment to the Transportation Advisory Committee

Court Order 2014-48, In the Matter of Appointment to the Union County Transportation Advisory Committee, was presented for consideration. This Court Order would appoint Steve McClure, Doug Wright, Norm Paullus, Mike Buchannan, Dana Taylor, Andy Lindsey, Rob Lane, Jered Schwabauer, Tim Rynearson and Joe Valek to the Transportation Advisory Committee. **Commissioner Davidson moved approval of**

Court Order 2014-48 as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Commissioner McClure stated that times of declining revenue will be hard on the road department and he feels this Committee will be able to come up with some ideas and priorities on revenue.

Cancellation of Uncollectable Property Taxes

Court Order 2014-52, In the Matter of Cancellation of Uncollectable Personal Property Taxes, was presented for consideration. This Court Order would cancel uncollectable personal property tax warrant from Blue Mountain Aircraft. **Commissioner Rosholt moved approval of Court Order 2014-52 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Eastern Oregon Workforce Consortium Ordinance – Public Hearing

Ordinance 2014-06, In the Matter of an Ordinance Ratifying the Creation of an Intergovernmental Entity Know as the Eastern Oregon Jobs Council (EOJC) and Declaring an Emergency, was presented for consideration. Shelley Burgess explained that because of all of the changes in the workforce program there has been a reorganization in the works. There was a previous Resolution to work with multiple counties. The Ordinance approves the Intergovernmental Agreement that will form the entity. Commissioner Rosholt explained the organization has been broken up to include six of the eight counties. There will be a board of the EOJC and a Board of Directors will be appointed. This is created under 190.110. One elected member from each county will be part of the board. The reauthorization made it possible to have a smaller group.

Bill Lindsley, 1297 S. 3rd, Union, stated that he didn't fully understand what this would mean to the residents of Union County. He asked if this will be part of the purpose of this organization to try and bring in more family wage income into the area. Commissioner Rosholt explained that the Board of Directors and the Executive Director will go out and work with different private sector people looking for things that they need in their workplace. There will be money for some of the dislocated workers and young adult workers. They will work with the businesses to help with things they need at their business and provide training to help employ more people. Bill asked for more information on this board. Commissioner Rosholt explained that he will email him the information.

The public hearing was then closed.

Commissioner Rosholt stated that he feels this is going to be a good thing for Workforce in Eastern Oregon. It is a smaller organization and it will be easier to focus more on the local economy than a larger area.

Commissioner Rosholt moved approval of Ordinance 2014-06 as presented. Commissioner Davidson seconded. Motion carried unanimously.

Commissioner Davidson moved approval of Ordinance 2014-06 as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Withdrawal from Union Fire District

Court Order 2014-45, In the Matter of Withdrawal of Territory from the Union Rural Fire Protection District, was presented for consideration. Hanley Jenkins, Planning Director, explained that they processed a Court Order in March at the request of Eagle Five RV Park property owner. At that time they requested that the entire property be included in the La Grande Rural Fire Protection District. As that Court Order was being processed through the Department of Revenue and the Assessor's office it was learned that the East 7.27 acres of the property was already in the Union Rural Fire Protection District. The land owner would have been responsible for paying into two rural fire districts for the 7.27 acres and they cannot have property in two different districts. This Court Order would correct that error.

The public hearing was opened for testimony.

Michael Rysavy, owner of Eagles Hot Lake RV park, thanked the Commissioners for their consideration.

The public hearing was then closed.

Commissioner Rosholt moved approval of Court Order 2014-45 as presented. Commissioner Davidson seconded. Motion carried unanimously.

City of La Grande Co-Adoption of Marijuana Facilities – Public Hearing

Hanley Jenkins explained that this was an application submitted by the City of La Grande as a result of the La Grande City Council adopting regulations for medical marijuana facilities. The City did not adopt a moratorium by May 1st so they wanted to make sure that they could regulate medical marijuana facilities inside the City limits. In doing so the City and the County have a joint management agreement that states that for the Urban Growth Area under the County land use regulations the County adopts the City's code requirements for land use activity. The County then delegates to the City the administrative authority to implement their codes. The City has come to the County since they have adopted these regulations for these facilities and is asking that the County include the same regulations they have inside the City limits for the urban growth area. The Planning Commission did hold a public hearing on October 27th and they recommended approval. They have prepared Ordinance 2014-07 for the Commissioners consideration. The County did adopt a moratorium before May 1st. In that moratorium there was language that said that the County prohibits any medical marijuana facilities in any areas subject to the jurisdiction of Union County. The County has not relinquished the jurisdiction for the urban growth area they have only delegated the administrative authority to the City. He has recommended language in the

Ordinance to change the moratorium to exclude the area within the urban growth boundaries for the City of La Grande.

Commissioner McClure asked if the urban growth boundary is excluded why is the City asking the County to adopt this. Hanley explained that the Moratorium Ordinance 2014-02 adopted a moratorium and no facilities could be identified in areas that the County has jurisdiction of. The new Ordinance would exclude the Urban Growth Area for the City of La Grande so that facilities could be included based on the City's standards that they have adopted at the City Council level. Commissioner McClure clarified that this would modify the moratorium Ordinance that was adopted. Hanley explained that would have to be done in order to adopt the City's regulations for facilities that could be sited inside the Urban Growth Area. The City's regulations identify three sites within the Urban Growth Boundary that could be candidates for marijuana facilities. Because of the exclusion areas and the zoning requirements there are only three sites that could potentially be candidates for facilities in the Urban Growth Area. Commissioner McClure asked how long the moratorium was adopted for. Hanley stated that it is until April 30, 2015. Hanley explained that the City will now have to have the discussion about recreational marijuana in addition to medical marijuana facilities because of the election results.

Mike Boquist, City Planner, anticipates that the City will renew their conversation about this issue in less than six months. It was not a unanimous vote on the part of the City Council and there are members that would like to revisit the whole issue. There was an issue that was raised on the Planning Commission. The concern was that because the City's Ordinance has identified exclusion areas based on certain kinds of uses such as schools what happens if a marijuana facility is sited on an authorized site and a new school moves in next to an established facility and then causes the exclusion boundary to include the marijuana facility. Mike's response at the Planning Commission was that the marijuana facility could become a non-conforming use at that point but it could continue. It would be a legally established non-conforming use. The problem would be if they were to expand the City's regulations for non-conforming uses are strict and make it difficult for a business to expand if they are a non-conforming use. The Planning Commission and Mike Boquist had a discussion about ways to remedy that. The Planning Commission did recommend approval of the Ordinance.

Commissioner McClure stated that he is not sure why this is coming before the Commissioners after the election. They will have to deal with recreational marijuana. He thinks the whole thing is a moot point. The counties and cities will have to deal with the marijuana issue differently now that recreational marijuana will become legal. There is seven months left on the County moratorium so he does not know why the City is continuing down this path. He would like to table this Ordinance until there is more clarification on where the legalization of marijuana will go. He believes that in light of what has happened the process will have to be gone through all over again.

Mike Boquist stated that recreational marijuana is in the proposed Ordinance. Commissioner McClure asked why recreational marijuana was put in the Ordinance before the election. Mike explained that was an amendment the City Council made through the process. They did not want to go through the process a second time. The Ordinance was modified to include both recreation and medical marijuana in the standards for siting facilities within La Grande. Right now the standards apply to both recreational and medical. Commissioner McClure stated that he feels it is Union County's responsibility in the Urban Growth Boundary to allow those citizens to hear it from the County's perspective. He is not willing to take the City's decision on recreational marijuana before it even passed and put it into the County's Ordinance. The County voted on the moratorium and told the people of the County that there would be a moratorium. Mike explained that the request to modify the moratorium is not the City's request. That is an option that can be considered. His hopes would be that the County would consider the co-adoption so that the Ordinance would apply throughout all of La Grande's jurisdiction. As long as the County's moratorium was in place the City could not entertain any permits within the Urban Growth Boundary until the moratorium was lifted or modified. Commissioner McClure asked if this Ordinance includes any tax implications for marijuana or if it is strictly land use. Mike explained that this is strictly land use.

Commissioner McClure stated that he has a problem with the lack of time given to the Commissioners to have the discussion.

Commissioner Rosholt stated that he does not feel he has enough information to make a decision today.

Commissioner Davidson explained that he does not feel compelled to hear this issue today.

Commissioner McClure stated that this issue should be rescheduled and the Commissioners need to spend more time on it to understand the Ordinance to a better degree and the implications based on what happened in the election with recreational marijuana. He knows that the OLCC is in the process of doing rules and regulations that will apply. He thinks that the City of La Grande is ahead of the curve on this. How the regulations can be adopted with OLCC has not adopted theirs is beyond his understanding. He is sure that OLCC will adopt things that the City has not considered. He thinks that the County needs to pause and take time to see what the regulations from the State will be. There is no emergency and he doesn't understand why the City of La Grande feels that this is an emergency to push this forward. Mike explained that the City's push is for the medical side. The recreational piece was added through the process. The City has taken a lot of time and has been working on this since April. Commissioner McClure asked Mike to bring the medical piece back and leave the recreational piece out of the Ordinance. It was the City's convenience to add recreational marijuana because they felt like it would pass in the election without knowing what the regulations will be in his opinion does make sense. Unless the

Ordinance is revised he has no interest in discussing this Ordinance as this time. He wants to see what the State of Oregon does. It is their requirement to give the counties and the cities the regulations. Mike disagrees and feels that OLCC deals with the permitting process of a business not where the business can locate. Commissioner asked if Mike believes that the State will only talk about permitting and they will not talk about distance from schools and other regulations. Mike stated that if they follow the ballot measure that was just approved than yes.

Plan Map Amendment (R.D. Mac) – Public Hearing – Second Reading

Ordinance 2014-05, In the Matter of Amending the Union County Land Use Plan & Zoning Map to Include a 207.89 Acre Significant Aggregate Site and Place it in a Surface Mining Zone, was presented for consideration. Hanley Jenkins explained that the Commissioners asked that Doug Wright, Public Works Director, contact FAA and see if there were any concerns. Doug did that by email on October 15th. On October 16th there was a response asking whether or not the County was going to adopt that there would be reasonable measures to ensure the reduction of bird strike hazard potential and the second issue was how the property would be reclaimed. Hanley sent Doug Wright a letter on October 27th which was sent to the FAA. Hanley stated in the letter that the application included a new bird strike study that committed the operator into taking all reasonable measures to avoid bird attractants to their excavation site. The bird strike study will become a part of the land use plan amendment that is being proposed for adoption. The reclamation plan is a combination of backfilling smaller excavation sites and turning larger sites over to the Oregon Department of Fish and Wildlife for habitat benefits. There was no response back from the FAA. **Commissioner Rosholt moved approval of Ordinance 2014-05 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Scenic Waterways Presentation

Resolution 2014-13, In the Matter of Recommending Denial of State Scenic Waterway Designation for a Segment of the Grande Ronde River, was presented for consideration. Hanley Jenkins explained that the Commissioners held a hearing on October 15th to take testimony on the scenic waterways proposal from Hilgard to Tony Vey Meadows. The Oregon Parks and Recreation Department is soliciting input on whether that segment of river should be considered for scenic waterways designation. **Commissioner Rosholt moved approval of Resolution 2014-13 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Commissioner Davidson stated that the input that was received from the citizens were universally in agreement that it doesn't meet the criteria and that the existing land use protections that are in place do a more than adequate job of protecting the rural resource based uses that are predominantly in effect up there on the privately owned land. This type of designation is another layer of intrusion into the private property owners use of their property that is a step too far given the situation. He is encouraged that the County is given an opportunity to have a voice in this.

Commissioner Rosholt pointed out that the Resolution was not read but section one suggests that the scenic river criteria was not met and the section two recommended denying the scenic river designation.

Commissioner McClure thanked Commissioner Davidson for his leadership. He is disappointed that the State Parks didn't come out to the County's public hearings. He feels that the County needs to make a strong statement that the County opposes the project.

Union County Dog Ordinance – Second Reading

Ordinance 2014-03, Union County Dog Control District Ordinance, was presented for consideration. Shelley Burgess explained that the first hearing was held on October 1st and the first reading was October 15th where testimony was received. **Commissioner Rosholt moved approval of Ordinance 2014-03 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Dog Control Fee Resolution

Resolution 2014-14, In the Matter of a Resolution Setting Fees for the Violation of Union County Dog Control District Ordinance 2014-03, was presented for consideration. Shelley Burgess explained that when the group met that proposed the changes to the Ordinance there were some suggestions that some of the fees that are currently in effect need to be adjusted. There were some suggestions made for update to the fee schedule. The Animal Control staff had looked at the current fees that were adopted and some other fees. There was input from citizens that felt that some of the fees were low enough that they weren't impacting the behaviors that were being cited for. The Resolution is the result of those recommendations. She explained that there is a graduated system where the first offense is a lower fee and rises from there. There is a maximum fine set in each of the categories. These citations go into the Justice Court. **Commissioner Rosholt moved approval of Resolution 2014-14 as presented. Commissioner Davidson seconded. Motion carried unanimously.**

Executive Session

An executive session was held under ORS 192.660(h) pending litigation and 192.660(e) real property transaction.

Adjournment

The meeting was adjourned at 1:42 p.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II