

**Union County Board of Commissioners
October 27, 2010**

Present: Chairman Mark D. Davidson
Commissioner Steve McClure
Commissioner R. Nellie Hibbert

Call to Order

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

Public Comments & Concerns

Renewable Energy Grant Request – Cove High School

Sissy Bars, 1501 ½ Jasper St., Cove, was present on behalf of Cove High School to express their support for the Renewable Energy grant. Last year her Natural Resources class discovered that there is no insulation under the high school floor. Cove High School would like to access renewable energy funds to insulate the gym floor, which will help the high school run energy efficient.

Adrey Tyler-Hall, 60643 Sunday Dr., Cove, explained that they have estimated the cost of insulating the gym floor of about \$14,000 with an 8 year pay back period. After reviewing the bylaws for the Renewable Energy grant they feel this project falls under the building efficiency and boosting local economy criteria. Commissioner Hibbert asked whether they have any matching funds for this project. Ms. Tyler-Hall explained that they are still researching other funding options. Commissioner Davidson suggested they submit a grant application to the Renewable Energy Committee.

Renewable Energy Committee Update

Tim Wilson, 59000 Pierce Rd., La Grande was present to give the Commissioners an update on the Renewable Energy Committee's process in developing new grant criteria. Education, energy producing projects and feasibility studies are the three main areas the committee would like the money to be used for but need more clarification from the Commissioners on what types of entities can apply. Mr. Wilson suggested they develop a weighted system that defines the purpose of renewable energy funds; facilitates a more cohesive decision making process among committee members and the commissioners; elevates specific and well defined terms in resolution 2006-14; looks at community benefit, whereby large groups of peoples are benefited in equal or near equal proportions as opposed to the individual; educates, whereby educational programs are encouraged or facilitated that will promote the two before mentioned goals as well as educate both citizens and businesses on the benefits of embracing renewable energies; and expedites decision and funding process, whereby individuals interpretations of what defines economic development, community benefit and education are more narrowly defined and

promoted. Commissioner Davidson complimented Mr. Wilson on the progress he has made and requested a copy of his list of ideas. Commissioner Hibbert thanked Mr. Wilson for the work he has done. Commissioner McClure informed the Commissioners that the renewable energy committee will start working on formal documents for presentation.

Northeast Oregon Collaboration for Child Safety

Charlotte Dudley, 1700 Fourth St., Baker City, updated the Commissioners on the Northeast Oregon Collaboration for Child Safety program. This program is federally funded by a tri-county grant for Baker, Union, and Wallowa counties that provides substance abuse treatment for local families. Approximately 170 families per year are receiving services for drug and alcohol treatment, wraparound services such as transportation, medications, utilities, and mental health counseling. Commissioner Hibbert asked Ms. Dudley what the original grant amount was. Ms. Dudley explained that it was 2.5 million dollars for the three counties over a five year period. As they are entering year four they are looking at whether they should keep the three counties together or separate them.

ODOT Flex Fund Grant Application

Shelley Burgess, Administrative Officer, informed the Commissioners that Community Connection has asked the County to sponsor their FLEX grant application which they would use to update and purchase new transportation service vehicles.

Shelym O'Rourke, Community Connections, explained that this grant allows transportation systems to apply for funding for capital improvements on rolling stock and operational support. Community Connections is hoping that with these funds they can purchase a second trolley, a second hybrid sedan, replace their two ADA accessible minivans that are used for paratransit, and partially fund operational support. **Commissioner Hibbert moved to approve the ODOT Flex Fund grant application. Commissioner McClure seconded. Motion carried unanimously.**

Elected Official, Department Head & Employee Comments

CCF Intergovernmental Agreement Amendment #4

Vicky Brogoitti, Director of Commission on Children and Families, presented the fourth amendment to the Intergovernmental Agreement between Union County and the State of Oregon. This agreement reduces the amount of funds for Great Start program by \$1,567; Children Youth and Families by \$6,683; and Healthy Start by \$4,723 for a total reduction of \$12,972. Union County CCF has taken a funding reduction of \$34,120 since the beginning of the biennium. Commissioner McClure verified that Ms. Brogoitti is making these recommendations with the approval of her committee. **Commissioner Hibbert moved approval of**

Amendment #4 Oregon Commission on Children and Families 2009-2011 County Intergovernmental Agreement UNI0911. Commissioner McClure seconded. Motion carried unanimously.

Communication Agreement with Grande Ronde Hospital

An agreement between Grande Ronde Hospital and Union County was submitted. This agreement allows Grande Ronde Hospital to become a part of the countywide emergency communications system. J.B. Brock, Emergency Services Officer, explained that this would have a cost benefit to both entities and increase communication between Grande Ronde Hospital and ambulance providers. Commissioner McClure questioned what benefits Grande Ronde Hospital would have by using this communication system. Mr. Brock explained that this will increase communication efficiency in the rural areas when the ambulance providers are giving patient updates directly to the hospital. Commissioner Hibbert pointed out that the investment of the tower and building is allowing this to happen. **Commissioner McClure moved approval of the Union County Radio System Agreement between Grande Ronde Hospital and Union County. Commissioner Hibbert seconded. Motion carried unanimously.**

Consent Agenda

The September 29, October 6, October 14, and October 20 public works claims journals; September 28, September 30, October 7, October 14, and October 21 claims journals; and August 25 and September 1 commission meeting minutes were approved as presented on the consent agenda.

Administrative Matters

MERA Update

Shelley asked the Commissioners if they are ready to schedule public hearings on the Mt. Emily Recreation Area Draft Management Plan. Commissioner McClure explained that the advisory committees had one issue regarding the eastside access to MERA and decided to let the Commissioners resolve that issue. He suggests that they allow the public to review the draft plan, schedule public hearings, allow public comments and then make their decision on the eastside MERA access issue. Commissioner McClure also suggests these hearings be held separate from Commission hearings and in the evenings to allow more of the public to be present. Commissioner Davidson and Commissioner Hibbert concurred.

Public Hearing – Plan Zone Amendment – Hamptons

Hanley Jenkins, Planning Director, presented a recommendation from the Planning Commission that would allow Hampton Business Properties to add 43.5 acres to an existing 30 acre significant basalt aggregate site. If approved the Surface Mining Impact Area Overlay Zone, County Land Use Plan and Land Use Plan/Zoning Map would be amended. The Planning Commission recommends

this application with the requirement that the applicant will apply some form of dust control from their pit down to the end of the pavement on Fox Hill Road when the amount of truck loads of rock on a given day exceeds 30.

Commissioner Hibbert asked Mr. Jenkins what the effect water application by the applicants will have on the water-soluble dust abatement the County applies every year. Hanley explained that once the dust palliative has set up, adding water actually enhances its effectiveness. Commissioner McClure commented that the main purpose of the dust palliative is to stabilize the road surface. Commissioner Hibbert suggested that because of the increase in traffic on Fox Hill Road it may be advisable to apply the dust palliative more than twice a year.

Peggy Browne, Browne Consulting, 1940 Valley Street, Baker City, was present on behalf of the applicants, Hampton Business Properties. Ms. Browne suggested the application be modified under the condition of approval to say that "the applicants will apply some form of dust control on Fox Hill Road from their pit down to the end of the pavement on Fox Hill Road when more than 30 truck loads of rock per day are hauled if dust control is necessary and dust abatement has not recently been applied". This will address the issue that water is not added after the County or rock pit owners apply dust abatement, or if we have received adequate precipitation. Commissioner Davidson was concerned that the definition of "recently applied" leaves these conditions open to interpretation and suggested giving "recently applied" a time frame. Commissioner McClure suggested the language be modified to show that the applicants will apply dust abatement in consultation with Union County Public Works Department.

With no further testimony, Commissioner Davidson closed the hearing.

Hanley amended the approval conditions to say the applicants will apply some form of dust control on Fox Hill Road coordinated with Union County Public Works Department, from their pit down to the end of the pavement on Fox Hill Road when more than 30 truck loads of rock per day are hauled, if dust control is necessary and dust abatement has not recently been applied. Shelley performed the first reading of Ordinance 2010-03, In the Matter of Amending the Union County Land Use Plan & Zoning Map and Expanding an Existing Surface Mining Zone by 43.5 Acres (Hampton), which includes Exhibit C an illustration of the property, Exhibit A, Findings from the Planning Commission, and the amended approval conditions. **Commissioner McClure moved approval of Ordinance 2010-03 as amended. Commissioner Hibbert seconded. Motion carried unanimously.** The second reading is scheduled for the December 1st Board of Commissioners meeting at 10:00 a.m.

Un-muffled Exhaust Brake Discussion

Commissioner McClure received a request from citizens on Middle Road in Elgin for an exhaust brake prohibition. The State of Oregon Department of Transportation has tentatively approved the implementation of a 45 mph speed

limit on Middle Road. Brandon Eyre, county counsel has concluded that the State of Oregon does have a ban on un-muffled exhaust brakes and a generic sign has been used throughout the State in an effort to address this issue. Outright prohibition of exhaust brakes is covered under State Statutes, but Attorney Eyre has some concerns about whether it can be prohibited under the Environmental Protection Agencies federal regulations. Rich Comstock, Director of Public Works recommended a reduced speed limit be posted and signs that state un-muffled exhaust brakes prohibited be placed along Middle Road.

Commissioner Hibbert remarked that while recently traveling through Lane County she saw a sign that had been posted stating "un-muffled exhaust brakes prohibited" and listed a maximum fine.

Sheriff Rasmussen expressed the difficulty of proving in a court of law that someone was driving a vehicle with un-muffled exhaust brakes without a decibel meter. Deputies are prepared to enforce the law but fears that it may have repercussions without a conviction in court. Commissioner McClure asked what the criteria are to make a determination whether something is muffled or un-muffled. Sheriff Rasmussen stated he believes it's based on a decibel level. Letters from Dan Breshears, Ken Eberhard and William Chandler were submitted and read for the record. Commissioner Hibbert asked Sheriff Rasmussen whether he has been in contact with any other counties regarding how they've handled this situation. Sheriff Rasmussen responded that he has not but will do so. Commissioner Davidson concurred with the incremental approach and suggested Sheriff Rasmussen look into the price of a decibel meter.

Commissioner Davidson opened the meeting to public testimony.

Kay Aniker, 71628 Gordon Creek Road, Elgin, explained that un-muffled exhaust brakes have been a problem on Palmer Junction Road for approximately three years. On Friday, October 22, she got a visit from George Hagedorn, who is the Contractor the drivers work for. He informed her that he held a meeting with his truck drivers that morning and hopes that this will solve the problem. Since he has met with his employees it has been quieter but Ms. Aniker fears that this will only last for a short time. This problem needs to be addressed on Palmer Junction, Gordon Creek and Middle Road. Commissioner Davidson asked Ms. Aniker what occurred 3 years ago that seemed to create the problem. Ms. Aniker assumes that the "red truck" may have begun working for Mr. Hagedorn around that time.

Elsie Williams, Palmer Junction Road, Elgin, concurred with Ms. Aniker that there is a lot of truck traffic in that area and they have never had the inconvenience they've had the last 3 or 4 weeks. Only two truckers feel it is necessary to use their "jake brake."

Nick Pallis, Middle Road, Elgin, understands that the Commissioners are trying to fix the problem, but noticed that in other areas the “no un-muffled engine braking” sign caused the braking and noise to become worse. The only way this problem can be solved is if a no engine braking zone is implemented. The log trucks that they are having problems with are only running a straight turbo charger or a can and are not legal.

Shannon Pallis, Middle Road, Elgin, stated that she feels their situation is extraordinary because of the high volume of truck traffic on their road. The World Health Organization released an article regarding the effects that noise has on sleep, which references some of the symptoms she is suffering from. She has also received information on a truck maintenance engine task force which gives information on how citizens can combat this problem. Ms. Pallis submitted 12 letters from Middle Road citizens that feel this problem needs to be addressed but were unable to attend today’s meeting.

Tom Collins, Middle Road, Elgin, stated that he has been a logger his whole life and has never had to use his jake brake on Middle Road.

Jeannie Collins, Middle Road, Elgin, stated that Mr. Collins confronted the driver of the “red truck” and the driver replied that he can’t make him stop using his jake brake and questioned whether he wanted them to just stop logging. Boise Cascade has signs posted at their weigh shack asking drivers to not use their jake brakes. She suggested the Commissioners may want to look into how Clatsop County has solved this problem.

Commissioner McClure asked the other Commissioners if they would like to see a draft ordinance addressing this problem. Commissioner Hibbert suggested that they may want to use the Clatsop County Commissioner’s as a resource. Sheriff Rasmussen informed the committee that he has had contact with the company owner who stated his drivers are not using their jake brakes. A deputy has also made contact with the “red truck” driver and was informed it would no longer be a problem.

Executive Session

An executive session was held under ORS 192.660(b) and (f).

Adjourned

Meeting was adjourned at 11:24 a.m.

Respectfully submitted,

Kylee J. Ingerson
Department Specialist