

Board of Commissioners Meeting  
April 7, 2010

Present: Commissioner 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 Commission members present.

Public Comments

Renewable Energy Solar Fair

Howard Butts, Renewable Energy, 69873 Summerville Rd. Summerville, came to the Commissioners to give them an update on a Solar Fair. There is a steering committee that is composed of members of the Union County Renewable Energy Committee and Oregon Rural Action that is putting together the Solar Fair. This event will promote solar energy in Union County. The event has three main components designed to reach a broad audience. The first is a series of workshops for commercial and residential audiences. The workshops will cover the basics of going solar with an overview of solar system options, installation, costs, and financing. The workshops will be taught by experienced professionals from Solar Oregon. All of the workshops will be free to the public. The second component of the Solar Fair is a vendor fair. The participants will be vendors of solar power systems, energy efficiency systems and green building contractors. The steering committee is requesting that Union County provide \$5,000 for the event and other expenditures in the future.

Commissioner Davidson asked what the vendor fees were in the budget. Howard explained that they will be charging for the vendor spaces but since they are coming from far away they would like to keep the fee low.

Commissioner McClure asked if the request was for \$5,000 for the Solar Fair. Howard explained that it is for the Solar Fair and unforeseen expenses. Commissioner McClure stated that he would like to see a budget for the entire function. They will consider it once they have a more detailed budget.

Commissioner Davidson explained that the Commissioners need to see a budget for the Solar Fair and during the budget process the Renewable Energy Advisory Committee can request funds for the additional expenses in the next fiscal year.

Public Comments Continued

Donna Royal, 56727 Raymo Flat Rd. Union, asked Commissioner Davidson if any of his family will benefit from the construction of the Antelope Ridge Wind

Farm Project. Commissioner Davidson stated that to the best of his knowledge none of his family will benefit from the construction of the project.

Charles Gillis, 601 N Ave. La Grande, came to the Commissioners to ask what the Oregon Statute is for the SIP negotiations that will take place for the Wind Farm Project. Commissioner Davidson stated that he believes it is ORS 285(c).620. Commissioner Davidson told Charles that if the ORS is incorrect to contact him and he will get him the right ORS.

Dennis Wilkinson, 68287 Lower Cove Rd. Cove, explained to the Commissioners that he sent a letter about decommissioning wind turbines. There are no guidelines as to when a wind farm is to be decommissioned. He asked what the Commissioners are going to do in regards to the decommissioning to make sure the Antelope Ridge Wind Farm is decommissioned when the time comes. Dennis stated that it is something that the Commissioners need to think about because there are 14,000 unattended wind towers in the United States. If there is no plan the wind turbines could sit there for years even after being decommissioned. He also sent the Commissioners a letter regarding extra fees to be added to the SIP. He asked the Commissioners if the extra fees will be considered in the SIP negotiations.

Commissioner Davidson explained that he told Dennis that the letter requesting additional fees was forwarded on to Horizon Wind Energy. Dennis asked if they do not consider it if the Commissioners will then consider it. Commissioner Davidson stated that the negotiations with Horizon include impact mitigation fees. Dennis asked if the specific additional fees will be considered in the SIP negotiations. Commissioner Davidson explained that they may or may not be considered specifically but that is a detail he cannot discuss because of the confidentiality of the SIP negotiations.

Stephen Donnell, 2505 East L Ave. La Grande, came to the Commissioners to discuss the Wind Farm. He explained that it is State law that there must be a logging plan if timber is being taken out for the wind turbines. He asked the Commissioners if they are going to ensure that they will have a logging plan as required by State law filed with the State Forestry to protect the severance tax income from the timber in the area.

Commissioner Davidson stated that he believes that falls under the Energy Facility Siting Council's permitting process, but the Commissioners can inquire to see if a logging plan is in the permitting process.

Jed Farmer, 64884 Little Creek Lane, Union, asked the Commissioners if in the negotiating process for the SIP the Commissioners are making use of any professional negotiators. Commissioner Davidson stated that the Commissioners are not using professional negotiators to negotiate the SIP. Jed asked about the

public review of the SIP negotiation documents. Commissioner Davidson explained that when the negotiations are complete and a tentative agreement has been reached the Commissioners will hold a public hearing where the document will be made a public document for review. Testimony will be taken at the public hearing and the Commissioners will consider the testimony. The Commission will then take a vote in the public session to approve the document or not. Jed asked if it is not approved if it will go back to the negotiating process. Commissioner Davidson stated that it possibly could.

Jeff Bond, 57899 HWY 237 Union, explained to the Commissioners that he talked to Commissioner Davidson at the Union City Council meeting. He asked the Commissioners if they were going to consider property value loss in the SIP negotiations. Commissioner Davidson stated that they could use an estimated figure for property value loss. Jeff suggested that they do use a figure for the estimated property value loss during the SIP negotiations using the loss in the surrounding areas that have Wind Farms in place.

Anita Metlen, 65208 Hull Lane, Imbler, came to the Commissioners requesting a letter of support from the County for a scenic bikeway proposal that was submitted to Oregon State Parks the end of January. Part of the process to receive funding for the project is to receive letters of support from all the jurisdictions that come under the road that is proposed to be the scenic bikeway. Union County roads are Lower Cove, Market Lane over to Hwy. 82. This is a tourism generated thing. Cycle Oregon comes back on a regular basis which is very much an asset to the County.

Doug Osburn, 222 East Chestnut St, Union, asked if there is a detailed usage map for the Mt. Emily Recreation Area. Hanley Jenkins, Planning Director, stated that on April 19<sup>th</sup> there will be a public information meeting at the La Grande Middle School Commons from 6:30 p.m. to 8:30 p.m. where current conceptual maps for the motorized and non-motorized sections of the recreation area will be presented. There are some maps available now in the Union County Planning Department office.

#### MERA Trail Unit Management Goals, Objectives and Criteria

Commissioner Davidson explained that the deadline has passed that Forest Capital has set for purchasing the timber on the Trails Unit, but Sue Miller approached him and had talked to Forest Capital. Forest Capital reportedly stated that if a group raised money that was sufficient to purchase the timber they would perhaps consider it at that time. Sue Miller asked for the Commissioners to consider some amendments to the County's Goals, Objectives and Criteria.

Hanley Jenkins, Planning Director, explained that a letter was received from Sue Miller asking the Commissioners to make an amendment to the Goals,

Objectives and Criteria document that was developed. There was one recommendation that was to agree to include a sentence that reads, "Each stand of the trails unit will be maintained between the upper and lower management zones recommended by Powell 1999." A work session was scheduled for March 31<sup>st</sup> and invited representatives from State Forestry, Extension Service and a private forester. At that meeting the proposal was discussed and the recommendation from those foresters was that instead of using Powell 1999 to use a document that is based on Powell but is easier to understand. The document that was recommended was the Ecology and Management of Eastern Oregon Forests, by OSU. The focus didn't change but there were also a few word changes which focused around the work session recommendations from the foresters. They recommended that the focus be on a sustainable healthy forest not a preset standard. The changes have been prepared and submitted to the Commissioners for approval.

Commissioner Davidson asked Hanley to go through the changes that were made to the document. Hanley explained that the last sentence in the introductory paragraph was changed to read, "These Goals, Objectives and Criteria will remain in force until the Board of Commissioners pursue amendments through an announced public hearings process." He explained that the first Goal was changed to include language that included sustainable healthy forest. The first Goal now reads, "To honor community commitments providing sustainable resource management for a sustainable healthy forest and meet financial grant assurances." That Goal was the only one that was suggested to be changed. There was a new objective that was proposed. That objective reads, "The Trails Unit will be maintained for maximum forest health and vigor using OSU Extension Service Ecology and Management of Eastern Oregon Forests, May 2005 for stocking guidelines in cooperation with Oregon Department of Forestry and OSU Extension Service". Hanley explained that this is a replacement for the request that was received from Sue Miller. There was also a word added to Objective number 2. Instead of it reading "to manage the forest" it now reads "to actively manage the forest". There was a change in Criteria number 2 which now reads, "The most vigorous large trees will be retained in general as conditions warrant." Criteria 4 was changed to now read, "Trees with poor vigor, damage from insects or disease attack or natural mechanical impacts may be selectively removed." Hanley explained that this Criteria was changed to recognize that there are natural conditions that will impact the health of the forest. Criteria number 7 had an addition of the term, "trees with old growth qualities".

Commissioner Davidson asked Shelley Burgess, Administrative Officer, how to manage the collection of funds for the timber purchase.

Shelley suggested that there be a Resolution adopted that would outline how and where the funds would be accepted and how the County will hold the funds until

the goal is reached. If the group was not successful how the funds would be returned to the donors. It will be necessary to make an adjustment to the budget because the adopted budget did not include an appropriation that would allow for the purchase. That would take an action to add a significant appropriation of \$600,000 or more.

Commissioner Hibbert asked if the County would run the financial piece by Forest Capital to look at because they are the agent that the County would purchase the trees from.

Commissioner Davidson stated that he called and talked to John Warness of Forest Capital to confirm the conversation with Sue Miller as it was related to him. John explained that if the money was raised and offered that they were not making any promises but he would have to run it up the chain of command for their consideration. The harvest is scheduled for July 2010.

Commissioner Hibbert stated that she is fine with the document but she is uncomfortable because those that are raising money have no definition as to a deadline. Forest Capital has no definition as to a deadline and they have obligations they need to fulfill. It is unfortunate that there is no deadline from Forest Capital because they own the trees that the group is trying to raise money to purchase.

**Commissioner Hibbert moved approval of the MERA Trail Unit Union County Board of Commissioners Goals, Objectives and Criteria as amended. Commissioner McClure seconded. Motion carried unanimously.**

CAFFA Grant Application

Resolution 2010-03, In the Matter of a Resolution Authorizing Participation in the Assessment & Taxation Grant, was presented for consideration. Linda Hill, Assessor/Tax Collector, came to the Commissioners with a Resolution for the CAFFA Grant. This grant is for funds from the State that help fund Assessment and Taxation which is prepared annually. This grant includes the Assessment and Taxation budget as well as a small portion of the Treasurers budget, a portion of the Computer Services budget and a portion of the Clerks budget.

**Commissioner Hibbert moved approval of Resolution 2010-03 as presented. Commissioner McClure seconded. Motion carried unanimously.**

Bid Award for North Cabin Creek Bridge and Culvert

Joe Valek, Public Works Road Superintendent, and Richard Comstock, Public Works Director, came to the Commissioners to review the bids for the North Cabin Creek Bridge and Culvert project. Grande Ronde Model Watershed requested that Union County Public Works replace three culverts along the North fork of Cabin Creek. They decided that replacing two of the existing culverts with metal bridges and a driveway approach would be more fish friendly. Quotes were

requested from Roscoe Bridge, Eagle Cap Steel and Supply and Big R Bridge for the bridge steel. For the culvert Pacific Corrugated Pipe Company, Big R Bridge and Contact Construction Products were contacted for the culvert replacement. Two out of three quotes for the bridges were returned and all three quotes for the culverts were returned. For the bridges Eagle Cap Steel and Supply came in at \$80,386.07 and Big R Bridge came in at \$64,644. Pacific Corrugated Pipe Company came in at \$56,765, Big R Bridge came in at \$36,053 and Contact Construction Products came in at \$29,638.58. The recommendation is that Big R Bridge is awarded the quote for the metal for the bridges and Contact Construction be awarded the quote for the culverts. **Commissioner McClure moved approval of recommendations for the bid awards for the bridges and culverts on Cabin Creek as presented. Commissioner Hibbert seconded. Motion carried unanimously.**

#### 12<sup>th</sup> Street Bid Award

Shelley Burgess, Administrative Officer, explained that the Commissioners received a summary and a recommendation for the 12<sup>th</sup> Street project by Howard Perry, Anderson, Perry and Associates. There were three bids received, Mike Becker General Contracting at \$1,523,060, Hamptons Paving at \$1,552,208.26 and High Desert Aggregate and Paving at \$1,754,435. There is a bid break down for the Commissioners. At this time the recommendation is to award the first phase to Mike Becker General Contracting in the amount of \$746,722. The reason for the phased recommendation is that currently there is funding of \$1,121,000. The remainder of the funding to complete the full project is JTA funding that is waiting for approval.

Howard Perry added that the contract is set up that once the other portion of the funding is received than it can be added to the contract. If the funding is received before July 15<sup>th</sup> than the funds can be added and the other phases can be completed at the bid prices in the contract. If it is after that period of time than there will need to be a provision for a negotiated amount for some costs that might occur because of the delay.

**Commissioner McClure moved approval of the bid award to Mike Becker General Contracting for the first phase of the 12<sup>th</sup> street project as presented. Commissioner Hibbert seconded. Motion carried unanimously.**

#### 12<sup>th</sup> Street Agreement

Shelley Burgess, Administrative Officer, brought the JTA Agreement # 26444 between Union County and the Oregon Department of Transportations to the Commissioners for consideration. This Agreement is for the \$1,300,000 and the agreement will be amended. She explained that the reason she is asking the Commissioners to consider it now is because ODOT has advised that if the County has an agreement in place as the County incurs the expenses, they can be billed against the grant as long as it happens after the date of signature.

**Commissioner McClure moved approval of the JTA Agreement #26444 as presented. Commissioner Hibbert seconded. Motion carried unanimously.**

**Commissioner McClure moved approval of the additive contract for 12<sup>th</sup> Street if the funding becomes available. Commissioner Hibbert seconded. Motion carried unanimously.**

Hampton Business Properties Easement

Hanley Jenkins, Planning Director, came to the Commissioners with an easement request. He gave the Commissioners maps of the landfill area. Hanley explained that the County closed out Fox Hill landfill two years ago and in the process of doing that soil material was borrowed on site to cover the landfill based on the EPA and DEQ requirements. The soil borrow area is in the Northwest corner of the Fox Hill Landfill property with a joint boundary with Hampton Business Properties. There was an agreement negotiated with Hampton Business Properties to be able to excavate on the slope that is between their property and the County's. The angle of the slope was maintained so there was no impact to their operation which is an excavation and processing operation. Part of the agreement was that the County would allow them to use the soil borrow site which is now a flat floor. There is an existing access road to the borrow site that comes off of Fox Hill Road. They are requesting an easement across the Fox Hill property to continue to use the access road to the excavating site. The easement is property specific so if they were to sell their property the easement will continue with the next owners. **Commissioner Hibbert moved approval of the Hampton Business Properties Easement as presented. Commissioner McClure seconded. Motion carried unanimously.**

Consent Agenda

**The March 17, 23, 25 and 31 claims journals; and the March 17, 24 and 31 Public Works claims journals; and the March 2 Board of Commissioners minutes were approved as presented on the consent agenda.**

Declaration of Surplus Property

Shelley explained that during the current budget year the County had allowed for the Assessment and Taxation office to purchase a new plotter that they use for mapping purposes in that office. The existing plotter which is an HP750C had a \$1,000 rebate as part of the purchase agreement but the vendor does not want the equipment. Because of the rebate it makes the equipment have a value. There is a potential that some of the schools that do some GIS and graphing might be able to benefit from the piece of equipment. The request is for the County to declare it surplus and Linda would make it available at no cost to the School Districts if they would like to have the equipment. **Commissioner Hibbert moved approval to authorize the declaration of surplus property as presented. Commissioner McClure seconded. Motion carried unanimously.**

Postage machine lease agreement

Shelley brought a five year lease for a postage machine for use by all of the County offices to the Commissioners for consideration. Proposals were requested to replace the existing lease which expires July 1, 2010. There were four proposals received from two vendors. The two vendors are Pitney Bowes and Mountain Lion Business Systems. The recommendation is the lowest proposal which is \$302 a month from Pitney Bowes. This is almost 50% savings on what the cost is for the current machine. **Commissioner Hibbert moved approval of the postage machine lease agreement as presented. Commissioner McClure seconded. Motion carried unanimously.**

National Child Abuse Prevention Month Proclamation

Proclamation 2010-01, In the Matter of a Proclamation Declaring April 2010 National Child Abuse Prevention Month, was presented for consideration. Minnie Tucker, Chairman of the Child Abuse Prevention Committee, requested that the Commissioners consider this Proclamation. **Commissioner Hibbert moved approval of Proclamation 2010-01. Commissioner McClure seconded. Motion carried unanimously.**

Adjournment

The Meeting was adjourned at 10:23 am.

Respectfully Submitted,

Ashley Wilhelm  
Department Specialist