

Union County Board of Commissioners
July 9, 2008

Present: Commissioner R. Nellie Bogue Hibbert
Commissioner Colleen MacLeod
Commissioner Steve McClure

Call to Order

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

Public Comments & Concerns

Surplus Property in Perry

Commissioner McClure stated that Dallas Armon contacted him concerned about the property in Perry that was put on the surplus property list. Commissioner McClure invited him to speak with all of the Commissioners about his concerns.

Dallas Armon, 62049 Lower Perry Loop, stated that he has an issue about the surplus property that is located in Perry, Oregon. Over the years it has been a public use area as a swimming hole. He estimated that between 2,000 and 6,000 people come to the spot in a year. It is an area that is unique and has no commercial value. It is not a residential site and is within the high water mark so it can not be built on. Many people use this area. Dallas is requesting that the Commissioners stop the sell of this property until there has been some public input on what the public would like to see happen with this property. Dallas explained that the property has an essential value as far as recreation is concerned. Dallas explained that he and his community do not want this property to become private. The Perry community has policed this property and kept the area clean of debris. The community also contacted City Garbage to place a dumpster at the site. There are signs posted on the property for no fires. Dallas stated that he does not want to see a great deal of improvement of the property but would like it to remain a public area. Dallas explained that it has been a swimming hole for many years and generations have gathered there.

Commissioner MacLeod was concerned that the activity on this property proposes a liability for Union County. Commissioner Hibbert asked Dallas since his community has taken on the initiative to making sure the area is clean and getting a dumpster placed there if they would be interested in buying the property. The issue Dallas has with the liability issue with any public agency is if they all viewed liability as an issue there would be no public lands. Commissioner MacLeod explained that she did not think that the liability would be an issue but wanted to make sure that the County is protected if something should occur. Commissioner McClure explained that the County's insurance carrier requested that there cannot be a charge into the County parks because there is a provision in State Statute that limits liability. That property belongs to the Union County Public Works Department and is an old rock site. It needs to be put into a park status and go through the steps with the insurance company to limit the liability if it is kept there.

The public works director was concerned because there was some liability the way it is currently set up. Commissioner MacLeod thanked Dallas for bringing the Perry property to the Commissioners attention. The Commissioners can withdraw the property from the surplus sale if there is public interest which they now know there is public interest.

Commissioner MacLeod moved withdrawal of Perry property from surplus. Commissioner McClure seconded. Motion carried unanimously.

Goode Road Property

Tony Rysdam Shorre, P.O. 755, Marble Falls, TX, 78654, came before the Commissioners to voice her concerns about the surplus property on Good Road. Tony explained that she has appealed the lot of record dwelling permit that was issued. She stated that this property has been excavated for aggregate removal. According to the County it was abandoned prior to 1972. Water collects in the hole and when water gets scarce the wildlife walk down and congregate in that area. Tony explained that the property is an Elk wintering area under the Big Game Management Plan. Her concern is to repair that property and bring it to a standard that can have a dwelling on it would be tremendous work. The property is less than four acres in an area that has large properties surrounding it and is a timber grazing zone. Tony feels that there needs to be more discussion before the property is sold.

Commissioner McClure explained that there was mining done on this property and it hasn't been used for many years. It was brought to the attention of the Commissioners that it hadn't been used and if they want to withdraw this property and review it some more it can be done. Commissioner Hibbert stated that because this is a place for the wildlife to come and feed that maybe Oregon Department of Fish and Wildlife (ODFW) would be interested in this property. Commissioner Hibbert asked if this rock pit would ever be used again by the County or if that can be ruled out as an area that will be excavated by Union County. Richard Comstock, Public Works Director, stated that he does not foresee Union County ever using that rock pit again. **Commissioner MacLeod moved withdrawal of surplus property for further discussion with ODFW on whether they would like to procure this property. Commissioner McClure seconded. Motion carried unanimously.**

Forest Service Dispatch & Cache Building Proposal Recommendation

This topic has been tabled for a later date.

Forest Service and Wallowa-Whitman National Forest Agreements

Bob Kelly, Union County Public Works, presented the Commissioners with an agreement between the U.S. Forest Service and Union County. This is for jurisdiction on County roads and Forest Service roads that join each other and the maintenance levels of those roads. Bob also presented the Commissioners with an agreement between Wallowa-Whitman National Forest and Union County Public Works Department to do some work on forest service roads. The Wallowa-Whitman National Forest will contract with Union County to do the patching on their roads in the Fall of this year. **Commissioner McClure**

moved approval of the two Cooperative Forest Road Agreements between the U.S. Forest Service and Wallowa-Whitman National Forest and Union County as presented by Bob Kelly. Commissioner MacLeod seconded. Motion carried unanimously.

Consent Agenda

The June 19, 26, and 27 claims journals and June 16 and 18 public works claims journals were approved as presented on the consent agenda.

Pavement Maintenance Agreement

Shelley Burgess, Administrative Officer, presented a Pavement Maintenance Agreement between Union County and the Oregon Department of Aviation. This is an offered agreement that would have the Oregon Department of Aviations involvement in pavement maintenance at the La Grande/Union County Airport. The Department of Aviation identifies the airports in which they will participate in pavement maintenance improvements each year. They will contribute \$52,226.68 and Union County will match 10% which is \$5,222. This agreement allows for repairs to the runway at minimal cost. Dennis Spray, Director of General Services, recommended that the Commissioners approve this agreement. **Commissioner McClure moved approval of agreement between Oregon Department of Aviation and Union County for pavement maintenance at Union County Airport. Commissioner MacLeod seconded. Motion carried unanimously.**

Lease Agreements

Shelley Burgess, Administrative Officer, presented two lease agreements between the Oregon Soil and Water Conservation District and the 4-H and Extension Service District. These are lease agreements for the office space and the conference room that the Extension office has currently been using. This would be a renewal of the existing lease for a one year term starting July 1, 2008 and terminates June 30, 2009. **Commissioner MacLeod moved approval of the lease agreements between the Oregon Soil and Water Conservation District and the 4-H and Extension Service District. Commissioner McClure seconded. Motion carried unanimously.**

Appointment to Weed Board

Court Order 2008-36, In the Matter of Appointment to the Union County Weed Control Advisory Committee was presented for consideration. There is an available position in North Powder and an applicant has been found to fill the position. **Commissioner MacLeod moved approval of Court Order 2008-36. Commissioner McClure seconded. Motion carried unanimously.**

Elgin Health District

Shelley Burgess, Administrative officer, stated that County Clerk, Robin Church explained there is a Statute that calls for a security deposit to accompany a petition for election and under that Statute it charges the County Commissioners of the task of setting

the fee that any organization filing would be filing for. It allows for either a bond or cash deposit. It can be in the amount determined by the Board of Commissioners not to exceed \$100 for each precinct in the effected district or territory. There are two precincts in the area that involves this ballot measure so the Clerk needs a formal decision from the Commissioners as to what amount would be appropriate. Commissioner McClure stated that because it is in a general election they wouldn't have to pay for it. Commissioner Hibbert explained that it is a statutory requirement that has to be followed and it can be refunded. **Commissioner MacLeod moved the charges be set at \$1 per precinct for the Elgin Rural Health Clinic Election. Commissioner McClure seconded. Motion carried unanimously.**

Discretionary Fund Recommendation

Commissioner McClure explained that the Discretionary Fund Committee met and reviewed two applications for funding. The first application was from Terry Edvalson on the Union Rural Health District and the Committee recommended approval of \$1,000 funding for their election. Robin Church, Union County Clerk, stated that the school district elections in that area did not exceed \$1,000 so it should be covered. The other application was from Fred Bell for the V. A. Clinic for part of their LID cost. The Committee did not recommend funding the \$8,000 requested. Commissioner Hibbert asked what the objections were to funding this project out of this account. Commissioner McClure explained that part of the problem is that the project is done and they are asking for money after the project is completed. Commissioner McClure stated that Union County made a commitment with the Bells when the negotiations were underway to build the clinic here. **Commissioner MacLeod moved approval of the funding requests for \$1,000 for the Union Rural Health District formation and \$8,000 for the assessment for the 12th Street LID for the Bell project. Commissioner McClure seconded. Motion carried unanimously.**

Union County Zoning, Partition, & Subdivision Ordinance Amendment

Hanley Jenkins, II, Planning Director, explained that this is the second reading of Ordinance 2008-02. There was a hearing held on June 25th where the record was open for testimony and none was received. Hanley summarized what the Ordinance will do. There will be three changes to the partition and subdivision portion of the Union County Land Use Regulations. This will require all properties that are divided will now be platted. The parcels greater than 80 acres in size did not have to be platted in the past. The Assessors and the Union County Surveyors have stated that there is no additional cost in doing this. The second item is to implement recent legislation that was adopted during the special session this year that allows for boundary line adjustments for parcels that are already less than the minimal lot size of the zone. The third item is to create an opportunity to create a hammerhead turn around instead of requiring that all dead end roads be cul-de-sacs. Hanley stated that none of these changes result in greater restrictions to the partition and subdivision ordinance therefore there was general notice given rather than individual notice to every effected land owner in the County. **Commissioner McClure moved**

approval of Ordinance 2008-02. Commissioner MacLeod seconded. Motion Carried Unanimously.

Model Watershed Update

Jeff Oveson, Model Watershed Executive Director, presented a letter in response to the Commissioners request for their assistance in developing the natural hazard planning for flooding. The Model Watershed board did agree that it is within their mission statement to provide assistance in this process. Jeff gave the Commissioners a draft outline that was a starting point for discussion as the project moves ahead. It is important that everyone understands that this project will be a significant undertaking. Jeff included the information that will need to be gathered over the next couple of years as well as a partial list of agencies that should be involved. There is money available at the State level in the area of assessment of need for storage and water conservation. What needs to be determined is how much water is in the basin, what is the range of availability, what form does it come in, and when does it normally come. The same should be done on the water leaving the basin. There needs to be ways developed on how to capture the big flows. It needs to be researched on what is the most practical ways to store some of those flows and opportunities for conservation. Jeff stated that he believes that Union County's proposals for funds will be accepted. Jeff explained that there are several grants that can be applied for to help with the cost of the project. Commissioner McClure believes that this is something that needs to be done by the Model Watershed District because they have already done studies that tie into this project. The other counties in the region are doing this as well. Commissioner McClure will work with the Model Watershed to create a plan and bring it back to the Board of Commissioners.

Adjournment

The meeting was then adjourned at 10:31 a.m.

Respectfully submitted,

Ashley Wilhelm
Department Specialist