

Union County Board of Commissioners
August 19, 2009

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

Call to Order

Chairman McClure called the meeting to order at 9:00 a.m.

Public Comments & Concerns

Animal Shelter Update

Jane Sabin-Davis, Board Chair, Blue Mountain Humane Association was present to give an update.

Ms. Sabin-Davis was approached by two co-trustees for a sizable estate in Baker County to determine how to use the money from the deceased for pet animals. They are looking at using the money primarily in Baker County, but also would like to see Union, Wallowa and Grant counties benefit from the donation. The Trustees have already agreed to compensate Animal Shelter staff for the next five years, although they have not designated how much the amount is they have assured Ms. Sabin-Davis that she should look at the amount as unlimited. Ms. Sabin-Davis has decided to perform a regional assessment on the four counties pet animal needs. Ms. Sabin-Davis has started this process by sending out 6,000 surveys to random households in the four counties and will hold a community meeting Thursday, August 20 in La Grande. She has already received input from police chiefs and animal advocates who come into contact with strays, and is putting all the information she collects into a spreadsheet. This spreadsheet will designate what problems each individual city and county face. Upon completion of her research Ms. Sabin-Davis will make a recommendation to the Trustees. Some of her current ideas are to establish another shelter in the four county regions; integrate a transportation system for strays; or possibly set up adoption centers. Ms. Sabin-Davis has confirmed that all counties agree that feral cats are an issue and is looking at options to resolve this. Ms. Sabin-Davis would appreciate input from the Commissioners for her assessment. She also reminded the Commissioners about the dog days of summer fundraiser that will be occurring. Commissioner Hibbert requested that Ms. Sabin-Davis keep her updated with the results of her survey and suggested that a regional consortium be formed. Ms. Sabin-Davis says that she plans to give her synopsis to all county and city officials upon completion.

Mt. Emily Recreation Area (MERA) Feedback

Darren Larvik, 1801 Foley, La Grande, wanted to compliment the commissioners on how great the new MERA signs look and is glad to see the Commissioners following the plan for the development of MERA that got the majority votes. Mr. Larvik has taken his family up there and thinks it looks great and is a great asset to the county. Commissioner Hibbert was curious what Mr. Larvik thought of the ATV Park. Mr. Larvik stated that it looks great and he has enjoyed it. Commissioner Davidson commented that it's the planning staff that deserves the credit for the success of MERA.

Representative Greg Smith Update

Phil Shoyers, director for Greg Smith, informed the Commissioners that Representative Greg Smith has established an office in La Grande and is willing to provide assistance to the Commissioners whenever possible.

Elected Official, Department Head & Employee Comments

2009-2010 Commission on Children & Families Performance Agreements

Vicky Brogoitti presented the commissioners with eight performance agreements that were approved for funding at a previous commission meeting. Although the organizations were awarded funding for the biennium, Commission on Children & Families opted to adjust the funding to a 1 year contract due to allocations made by the Oregon State Legislature. Performance agreements are entered into between Union County and the following providers:

1. After the Storm (\$17,430.00)
2. School Base Day Treatment (\$4,935.00)
3. Healthy Start (\$20,745.00)
4. Community Youth Action Project (\$17,111.00)
5. Kid Skills (\$2,090.00)
6. Court Appointed Special Advocates (\$16,250.00)
7. Kids Club (\$8,240.00)
8. Girls Circle & Boys Counsel (\$13,463.00)

Vicky clarified that the contract with healthy start is only three months and is based on the work that is taking place at this time to re-design the way healthy start services are delivered. The old service will continue to take place until September 30, 2009.

Commissioner Hibbert moved to approve all eight performance contracts and the amounts as presented. Commissioner Davidson seconded. Motion carried unanimously.

2009-2011 Medicaid Intergovernmental Agreement

Vicky Brogoitti presented the 2009-2011 Medicaid Intergovernmental Agreement to the Commissioners for approval. This agreement is between Union County and Oregon Commission on Children and Families. Every year Healthy Start participates in Medicaid studies and in return receives additional Medicaid funding for the delivery service at the County level. For each Medicaid dollar earned the State and County both receive 50% to put towards their general fund that pays for Healthy Start. Ms. Brogoitti reminded the Commissioners that Healthy Start will have a change in their delivery service system but she is not sure what all that will entail. **Commissioner Davidson moved approval of the Intergovernmental Agreement with Medicaid. Commissioner Hibbert seconded. Motion carried unanimously.** Commissioner McClure was curious as to what the changes with the Healthy Start would be. Ms. Brogoitti explained that she is not exactly sure but has until September 28, 2009 to submit her RFA to the state commission. Ms. Brogoitti has met with Wallowa and Baker County Commission on Children & Families representatives and healthy start providers to look at putting together a regional program if the need arises. Union County CCF is projecting a possible 40% reduction in funds for their healthy start program. Vicky will know more after August 24, 2009.

Environmental Study

Solid Waste District Matter (see separate minutes).

Recycling Containers

Solid Waste District Matter (see separate minutes).

Consent Agenda

The August 13 claims journal; July 27 and 30, August 6 and 13 claims journals; July 30 and August 6 public works claims journals and August 5 and 12 public works claims journals were approved as presented on the consent agenda.

Administrative Matters

Discretionary Fund Committee Recommendation

An application for transient tax monies was received from the City of La Grande for the Crossing the Blues event. This application was received last fiscal year but because there wasn't any money left over they are reconsidering it this fiscal year. Commissioner McClure reported that a meeting of the Discretionary Fund Committee was held and 2 members approved the application while 1 member opposed it. Colleen Johnson, Mayor of the City of La Grande and Judy Hector were at the meeting to answer any questions regarding the application. **Commissioner Hibbert moved to grant \$1,000 to the Crossing the Blues Event. Commissioner Davidson seconded. Motion carried unanimously.**

Building Inspection Agreement with the City of La Grande

Hanley Jenkins II, Planning Director, presented a revised agreement between the City of La Grande and Union County related to the Building Department. The new agreement identifies the responsibilities of both parties, the process for reviewing violations, and sets up a city/county appeal board made up of three members appointed by the county and three members appointed by the city. **Commissioner Hibbert moved approval of the Building Inspection Agreement with the City of La Grande. Commissioner Davidson seconded. Motion carried unanimously.**

4-H & Extension Service District Building Loan

Shelley Burgess, Administrative Officer, presented the Commissioners with a request for approval to apply for a loan from Community Bank regarding purchasing and upgrading the 4-H & Extension Service District Building. The Soil & Water Conservation District is willing to sell the building for \$350,000. 4-H & Extension Services currently have \$100,000 to put towards the purchase of the building. Community Bank is willing to give them a secured loan in the amount of \$249,000. The 4-H & Extension Service District is also seeking 4 grants in the amount of \$50,000 each to go towards improvements to the building. At this time the 4-H & Extension Service District is seeking a motion from the Commissioners to authorize the loan application to Community Bank. **Commissioner Davidson moved to authorize the 4-H & Extension Service District to make an application for a loan from Community Bank. Commissioner McClure seconded. Motion carried unanimously.**

Public Hearing – Dog Kennel Revocation Appeal (Boltz)

Becky Maddock, Union County Sheriff's Deputy, presented the commissioners with some history on Mr. Boltz. Mr. Boltz currently has a kennel license for two residences, one in La Grande and one on Palmer Junction Road outside of Elgin. In April 2007 he received a citation for dog barking nuisance at his La Grande residence, which was later dismissed because the complainant and Mr. Boltz came to an agreement. Deputy Lani Blaylock began to get complaints from neighbors regarding dog barking when Mr. Boltz and his family relocated to the Palmer Junction area. Deputy Blaylock cited Mr. Boltz in 2008 for dog barking nuisance. Judge Dall gave Mr. Boltz the option of dropping the citation fine \$100.00 if Mr. Boltz built an inside/outside bark proof kennel within 60 days. At the end of the 60 days Mr. Boltz had not complied and was therefore convicted of the dog barking charge. In the summer of 2009 Deputy Maddock was approached by Sherriff Rasmussen regarding a letter he received from Jim Hutton who resides near Mr. Boltz on Palmer Junction Road. After some research Deputy Maddock determined that according to the ordinance after a kennel owner is cited for public barking nuisance their kennel license shall be revoked. At that time Deputy Maddock served Mr. Boltz with a letter stating that his kennel license is up for revocation.

Brandon Boltz, 71618 Palmer Junction Rd., Elgin, stated that there is a provision that states you do not need a kennel license in a resource zone area, which he resides in. Mr. Boltz is not contesting his kennel license in La Grande because he does not need it. He's met all provisions for his business in La Grande by having only two dogs on the property. After receiving the conditions from Judge Dall, Mr. Boltz began work on the sound proof kennels and had moved the dogs into the kennel within the 60 day time-frame given him by Judge Dall. However, he did not tell Judge Dall that the kennels were completed because he was and still is making improvements to the dog kennels. Mr. Boltz feels that he has complied with every law and ordinance involving his dogs while the neighbors have not followed through with the stipulation that Judge Dall made requiring the neighbors to contact Mr. Boltz if his dogs are barking. At this time Mr. Boltz has four dogs on his property and does not feel that getting rid of one dog is going to make a difference to the neighbors. Commissioner McClure reminded Mr. Boltz that the La Grande kennel license was also up for revocation.

Kay Aniker, 71628 Gordon Creek Rd., Elgin, explained that they have had dog barking problems since Mr. Boltz moved in. Upon moving to Palmer Junction Mr. Boltz introduced himself to her husband and told him about his dogs. Mr. Aniker told Mr. Boltz that they wouldn't have a problem as long as they didn't have to put up with a bunch of dogs barking. After two weeks of Mr. Boltz and his family moving into the Palmer Junction residence the Anikers called and complained to the Sheriff's office about the constant barking. The Anikers were notified at that time that this was the second complaint they had received but no formal complaint had been filed. The Deputy on call stated that he would go and talk to Mr. Boltz regarding the dogs. When the barking didn't cease Mr. Hutton, another neighbor, submitted a letter to the Sheriff's office requesting assistance with the situation. Mr. Hutton has attempted to talk to Mr. Boltz regarding the barking numerous times but the problem still exists. During the time period of July 9, 2008 and August 18, 2008 Ms. Aniker was awoken by the dogs barking for all but 14 days. During that time frame, Mrs. Aniker, along with numerous neighbors, called in to report the barking. Over Memorial Day Weekend the

Boltz family left town, leaving the dogs in the kennel. Mr. Hutton attempted to call Mr. Boltz during that time, unaware that there was no one at the residence. Upon learning that the dogs had been left alone, Ms. Aniker called Deputy Blaylock expressing concern over the dogs possibly being without water or food. When Deputy Blaylock responded to the Boltz residence she did note that they were making loud noises and barking which seemed to echo throughout the kennel Mr. Boltz had built. Ms. Aniker has also talked to Mr. Bodean, the building inspector, and was informed that Mr. Boltz never obtained a permit to build the kennel. Upon receiving a stop work order from the building inspector Mr. Boltz's wife went in and purchased a permit for Brandon to build a pole building. Ms. Aniker has also spoken with Scott Hartell, of the planning department, and was informed that Mr. Boltz has never obtained a conditional use permit for his kennel business.

Elsie Williams, 71724 Palmer Jct. Rd., Elgin remarked that Mr. Boltz's dogs bark constantly and are consistently waking her and her visitors up at night. Ms. Williams has called Animal Control numerous times to report the dogs barking. Ms. Williams informed the Commissioners that Mr. Boltz has a website in which he sells puppies and shows pictures of his dogs and their pups. His website says he is raising bull mastiff pups. In the past Mr. Boltz attempted to blame Ms. Williams' cat for making his dogs bark, but Ms. Williams does not own a cat.

Tim Thompson, District Attorney, stated that the animal ordinance says you must have a kennel license if you have four or more dogs, but a kennel license is not required if the property that the kennel is located on is in a resource zone, which Mr. Boltz's is. Because the determination of a resource zone is broad it encompasses nearly 80% of Union County.

Hanley Jenkins II, Planning Director was present to explain the Union County land use ordinance. Mr. Jenkins explained that the current animal control ordinance borrowed language from the land use ordinance, which says that you do not need a kennel license if you are located in a resource zone, which Mr. Boltz is, but he is in, what the state refers to as, an A3 resource zone which is an agriculture/forest use zone. To determine what resource zone a property is part of an evaluation must be done on the soil. Mr. Boltz resides on a parcel that has been determined to be made up of high value soil, therefore, categorizing it as an A3 resource zone. Under state law you may only expand or do a continuation of an existing kennel on an A3 resource parcel. You are not allowed to develop a new kennel on this parcel; therefore, according to the land use ordinance, Mr. Boltz is not allowed to have a dog kennel on his land and must limit the number of dogs on the property to no more than three.

District Attorney Thompson clarified for the Commissioners that Mr. Boltz would have had to go through the land use process to get a permit to have a kennel and the permit he did receive was for a pole barn storage. Upon visiting the property District Attorney Thompson and Deputy Maddock observed that the pole barn building is not being used for storage but rather as a kennel. If the Commissioners would like him to he can pursue the violation of the permit itself.

Mr. Jenkins reiterated that there are a total of three issues: the barking dog issue which would be resolved through the Justice Court, the building violation and the zoning violation,

both which would be resolved through the Circuit Court. Today the Commissioners just need to look at whether or not to revoke Mr. Boltz's kennel license.

Mr. Boltz asked to respond to some statements that have been made that are not accurate. Mr. Boltz states he is not running a business out of his Palmer Junction residence but rather out of his La Grande residence. The pole building was originally intended to be used for storage and at this time the building is only half way completed. Commissioner Davidson asked Mr. Boltz to clarify if he was boarding dogs at this time. Mr. Boltz stated that he is not boarding or training other people's dogs. The dogs at his Palmer Junction residence are his pets. He does own two dogs in the Tri-Cities and two dogs in Georgia. The litters that are listed on his website are not at his Palmer Junction residence. Commissioner Davidson asked Mr. Boltz whether he was breeding or selling from either location in Union County. Mr. Boltz responded that he is not selling or breeding in Union County.

Commissioner Hibbert questioned Mr. Boltz about any solutions he may have to stop his dogs from barking. Mr. Boltz responded that there are actions he can take to stop the barking but that the opposing parties are lying about how much his dogs bark. Mr. Boltz's dogs only bark when someone or something is on his property. Mr. Boltz acknowledged that he did receive a call from Mr. Hutton over Memorial Day weekend and corrected the issue as soon as he received the message. He has been very willing to work with the neighbors on this issue but feels that he is getting blamed for dogs barking that aren't even his. Mr. Boltz pointed out that another Palmer Junction resident, Mr. Beam, owns hound dogs that are continuously barking and are partly to blame for the constant barking.

Allen Williams, 71724 Palmer Jct. Rd, Elgin, stated that he has lived at his residence since 1971 and this is the first time he has ever had an issue regarding barking dogs or anything for that matter. He feels that Mr. Boltz just keeps pushing at the neighbors. All the neighbors have talked to the sheriff regarding the barking dogs and he feels that this has been going on long enough and needs to be resolved.

Kay Aniker re-approached the Commissioners with some additional information regarding Mr. Boltz. She has witnessed puppies at Mr. Boltz's residence from a litter that he had in August, 2008, and has pictures of the Boltz's photographing the puppies. During that time they heard pups whining and have recorded several incidents when the dogs were barking. At court Mr. Boltz stated that the reason one of his male dogs was barking on June 28, 2008 was because he had a female in heat. Doing the time calculations there is a chance that Mr. Boltz did breed that female on his property at Palmer Junction resulting in the litter that she witnessed.

The hearing was then closed to further testimony.

Commissioner Davidson believes that it is largely decided that Mr. Boltz does not have to have a kennel license under the resource zone, but he would like to see staff pursue the other three issues at hand. **Commissioner Hibbert moved to revoke the kennel license issued to Mr. Boltz at his Palmer Junction residence. Commissioner Davidson seconded. Motion carried unanimously.**

Public Hearing – Building Code Ordinance

Hanley Jenkins II, Planning Director, presented the Commissioners with a request from the City of La Grande for Union County to adopt the international building code requirements. This gives the building department the opportunity to apply a relaxed code to older buildings as they are remodeled or upgraded. The City of La Grande has already adopted this ordinance and is asking the County to adopt it so that it can be applied to both the unincorporated and the incorporated areas of the county.

An opportunity for public testimony was offered with none given.

The hearing was then closed to further testimony.

Commissioner Davidson moved to adopt Ordinance 2009-04 In the Matter of an Ordinance Adopting the 2006, Edition of the International Existing Building Code; Repealing all Other Ordinances or Parts of Ordinances in Conflict Herewith; and Declaring an Emergency. Commissioner Hibbert seconded. Motion carried unanimously.

MERA Fire Prevention Agreement

Hanley Jenkins II, Planning Director, presented a fire prevention agreement between Union County and Oregon Department of Forestry (ODF) for the Mt. Emily Recreation Area (MERA). This agreement extends the period for motorized use activities on MERA beyond what state law normally allows. This gives ATV users an opportunity to continue use on MERA, as long as they meet the conditions required in the agreement, during regulated use closures. When fire season is elevated to extreme, MERA would be closed for all ATV users. In the agreement the county is required to provide additional education and enforcement during the regular use closure, which is generally August 1 to Labor Day.

Commissioner Hibbert moved to approve the Oregon Department of Forestry and Union County Fire Prevention Agreement. Commissioner Davidson seconded. Motion carried unanimously.

May Park Ditch Company

Planning Director, Hanley Jenkins II, updated the Commissioners on the planned dissolution and liquidation of the May Park Ditch Company that was approved at the August 5, 2009 Commissioner's meeting. Part of the dissolution plan requires pursuit of payment of property taxes and liquidating funds at Sterling Savings Bank and property owned by the May Park Ditch Company. Mr. Jenkins is asking the board to take action and instruct someone, probably him, to go ahead and pursue completion of these tasks.

Commissioner Hibbert excluded herself from the discussion. Commissioner Davidson moved to have Hanley Jenkins complete the final steps to dissolve the May Park Ditch Company which involves pursuing payment of taxes, liquidating funds at Sterling Savings Bank and transferring the property currently in May Park Ditch Company's name to Union County. Commissioner McClure seconded. Roll call on motion: Commissioner Davidson – yes; Commissioner McClure – yes; Commissioner Hibbert – abstain. Motion carried.

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CHD Signature Authorization

Shelley Burgess, Administrative Officer, presented resolution 2009-19 which authorizes signature authority to the Center for Human Development to make amendments to the Intergovernmental Agreement with the State Department of Human Services.

Commissioner Hibbert moved to adopt Resolution 2009-19 Authorizing Signature Authority for 2009-2011 Intergovernmental Agreement Amendments for Public Health, Mental Health, and Developmental Disability & Addiction Services Agreements. Commissioner Davidson seconded. Motion carried unanimously.

Meeting adjourned until 3:00 p.m.

Executive Session

An Executive Session was held under ORS 192-660(1)(e) Real Estate Transaction discussion.

Adjournment:

The meeting was then adjourned at 3:17 p.m.

Respectfully Submitted,

Department Receptionist