

Board of Commissioners Meeting
December 2, 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. with all three Commission members present.

Public Comments – MERA Trails Unit

A group of citizens came to the Commissioners concerned about the trees that will be harvested on the MERA Trail Unit. They expressed their concern for the amount of trees that would be cut by Forest Capital. The group asked the Commissioners for an opportunity to go raise funds through donations to purchase the trees from Forest Capital.

Commissioner McClure stated that the County tried very hard to come up with the money to buy the land and the timber so the timber could be logged on a different basis other than an industrial cut. Part of the problem was the exposure to borrow the money in this kind of a market. He explained that as Commissioners they feel that they need to maintain management of those forests.

Hanley Jenkins, Planning Director, explained that the County entered into a purchase sales agreement with Forest Capital. In the purchase sales agreement there were three options available to the County to buy the property. The most desirable option was to buy all of the land and all of the trees. It was a very high price tag and it was dependent on the County being able to find the grant dollars to meet that need. The second option allowed the County to buy all of the land and one-third of the timber value on the property. The County was successful at being able to fund the second option. The third option allowed the County to buy part of the remaining timber value that the County was not able to buy originally. The condition was that the timber value had to be purchased by unit, not by tree. It is in the purchase sales agreement that within a certain time period, generally nine months in advance of the potential harvest, the County has the option to make an offer to Forest Capital to buy the timber value per unit for those units that have not been harvested. Forest Capital did offer the County the opportunity to buy the two-thirds of timber value on the trails unit. That offer is still on the table but the time frame to exercise that option is very short.

Commissioner Davidson asked Hanley to explain how the purchase price is arrived at for the units. Hanley stated that there is a very complex formula that is in the purchase sales agreement that identifies timber value. It is based on a

National value for types of timber species. It starts with a value at the time the purchase sales agreement was negotiated and then it adjusts the value based on today's market for those trees.

Hanley stated that Forest Capital has given the County an estimate of around \$500,000 to purchase the timber in the trails unit. Commissioner Davidson explained that he had Forest Capital run a spreadsheet and it had the price ranging from \$533,000 to \$590,000.

Commissioner McClure stated that the Commissioners need to decide whether they want to have further discussions about this purchase option. He asked the other Commissioners if they had an interest to continue the discussion.

Commissioner Hibbert stated that she felt the Commissioners can explore the option but she wanted to remind everyone that when the County purchased the property it was to continue to provide recreation opportunities for the community. She does not feel that this unit could be a locked up parcel. She feels that it would have to be managed in a manner where it wouldn't endanger the other acres of the property. She is willing to look at the options.

Commissioner Davidson stated that he is willing to talk with an open mind but the final decision would be based on the details of the management plan that was developed. He would like to see a detailed plan and he would be willing to discuss the management plan.

Commissioner McClure stated that he would work with Hanley to have discussions and come to the Commissioners with a recommendation.

Recycling Computers

Kathie Powell, Computer Service Manager, came to the Commissioners to request the recycling of the old AS400 computers. The computers are out of production. Kathie contacted IBM and they stated that the computers are not viable for IBM because they are too old and cannot be upgraded. She explained that there is a recycling company in Boise that takes large machines. Kathie stated that the computers have no value to the County.

Commissioner Davidson moved to recognize that the computers have no value and authorize staff to dispose of the three computers. Commissioner Hibbert seconded. Motion carried unanimously.

Computer Quote Recommendation

Kathie Powell, Computer Service Manager, explained that she sent out a request for quotes for computers to five companies. She received two quotes: Mackley Computers for \$685 and Beaver State Computers for \$700. Kathie recommends that the Commissioners award the quote to Mackley Computers for \$685.

Commissioner Hibbert moved approval of accepting the quote of the lowest bidder; Mackley Computers. Commissioner Davidson seconded. Motion carried unanimously.

Consent Agenda

The November 5 and 12 claims journal; November 5 and 10 Public Works claims journal; and the August 5, June 3 and 30, July 15 and 23, September 2 and 17, October 7, 21 and 28 Board of Commissioners minutes were approved as presented on the consent agenda.

Appointment to Fair Board

Court Order 2009-42, In the Matter of Re-Appointment to the Union County Fair Board, was presented for consideration. This order will re-appoint Joe Davis to the Union County Fair Board. **Commissioner Hibbert Moved approval of Court Order 2009-42. Commissioner Davidson seconded. Motion carried unanimously.**

Appointment to MERA Motorized Advisory Committee

Court Order 2009-43, In the Matter of Appointment to the Mt. Emily Recreation Area Motorized Advisory Committee, was presented for consideration. This order will appoint Richard Weller to the MERA Motorized Advisory Committee. **Commissioner Davidson moved approval of Court Order 2009-43. Commissioner Hibbert seconded. Motion carried unanimously.**

STF Agreement

Shelley Burgess, Administrative Officer, explained that this agreement is between New Day Enterprises and Union County. She explained that the Commissioners reviewed the Special Transportation Fund recommendations at a previous meeting. The agreement is for \$14,962 that was recommended for funding from the STF committee. New Day Enterprises has to provide quarterly reports to Union County. The funds come from the State for the program and the County receives applications to request funding. This agreement would allow Union County to release the funds to New Day Enterprises. **Commissioner Davidson moved approval of the agreement with New Day Enterprises. Commissioner Hibbert seconded. Motion carried unanimously.**

Shelley Burgess, Administrative Officer, presented the Commissioners with another STF agreement between Community Connections and Union County. The agreement is for \$21,451 that was recommended for funding from the STF committee at a previous meeting. Community Connections also has to provide quarterly reports to Union County in order to receive the funding. **Commissioner Hibbert moved approval of the agreement with Community Connections. Commissioner McClure seconded. Roll call on motion: Commissioner Davidson – abstain, Commissioner Hibbert – yes, and Commissioner McClure – yes. Motion carried.**

UCLEA Agreement

Shelley Burgess, Administrative Officer, explained the agreement between Union County and the Union County Law Enforcement Association. The Law Enforcement Association has voted to accept the agreement so she is bringing it to the Commissioners for their consideration. It is a one year agreement, that would extend the conditions of the three year agreement with two exceptions. In the area of incentive pay there are increases in four categories. There is also a health insurance increase that will be paid for by the County.

Commissioner Davidson thanked Shelley for her work on this agreement and the agreement with the other union within the County. He also thanked the employees for recognizing the severity of the economic downturn and the effect it has on the community and the budget.

Commissioner Davidson moved approval of the agreement between Union County and the Union County Law Enforcement Association. Commissioner Hibbert seconded. Motion carried unanimously.

Commissioner Hibbert stated that the employees should be commended because this could have been taken in another direction and they chose to be loyal to the process and the County. She stated that the County appreciates the employees in both unions.

OSU/Union County 4-H & Extension Agreement

Shelley Burgess, Administrative Officer, brought an agreement between Union County 4-H & Extension Service District and Oregon State University to the Commissioners for consideration. The contract is a three year agreement for the extension services that are offered in Union County. It outlines the responsibilities of OSU and Union County 4-H and Extension Service District. OSU provides and pays for the extension agents. Union County provides through the district the funding of the staff that supports the programs, the facility and travel. There are no dollar amounts in the agreement because it is subject to the County's budget process each year. There is a thirty day termination clause in the agreement for either party to allow for any budget adjustments that would need to be made. **Commissioner Davidson moved approval of the agreement between the Union County 4-H & Extension Service District and Oregon State University. Commissioner Hibbert seconded. Motion carried unanimously.**

Elgin Rural Fire District Annexation – Yeo

Court Order 2009-40, In the Matter of Adopting an Amendment to the Elgin Rural Fire Protection District Boundary, was presented for consideration. Hanley Jenkins, Planning Director, received a fire district annexation application from Michael and Judy Yeo. They own property West of Elgin. They submitted an

application for rural fire district annexation into the Elgin Rural Protection District. They have completed the application for fire protection by a rural fire protection district form that goes to the Oregon Department of Revenue. A letter was submitted from the Elgin Rural Fire District signed by Pat McDonald who is the chief supporting the request to include the property into the Elgin Rural Fire Protection District. Notice was given and there was no written testimony received. A public hearing to consider the annexation petition was opened and then closed with no testimony presented. **Commissioner Hibbert moved approval of Court Order 2009-40. Commissioner Davidson seconded. Motion carried unanimously.**

Pierce Road Reconstruction

Howard Perry, Anderson, Perry & Associates, explained that with the funding that was provided to the County the Public Works Department asked him to do a funding evaluation as to the assessment of the condition of the roadways on Pierce Road. He was to look at what needed to be done to bring the road up to standard and then to estimate what the cost would be to see how far the funds would go and what could be accomplished. He explained that he divided the project into three different segments. The first segment is from Hwy 82 to the Cove Hwy. That section of the road was reconstructed in 1987 and the pavement is reaching the end of its useful life. He recommends that a four inch overlay be placed in that section. Segment two is from the Cove Hwy. to the Union Hwy. This segment needs to have some shoulder widening to be able to provide a consistent roadway section throughout the length of the project. Based upon his observations it appears that the pavement structure is in pretty good condition so it does not warrant reconstruction. He would recommend a four inch overlay on this section as well. Segment three is from the Union Hwy. to the Interchange. It has been identified as a possible roadway section that would need to be reconstructed in order to provide a route for trucks to get off at the Ladd Canyon interchange and go on Pierce Rd. to Elgin Hwy 82. The problem is that the cost to reconstruct that road would exceed the available funds. The total cost for all three segments exceed the funding by \$3.5 million or less. It appears that the existing roadways in segments one and two would be where the funds would be best spent. There will be \$450,000 remaining out of the funds that are available. There was an alternative looked at of putting an overlay on Airport Way going East to the Airport Business Park. It would cost just about \$450,000 to do the overlay on Airport Way. Howard explained that there will be some sloping in the road, because ODOT recommends that there be a 3 to 1 slope in the road.

Commissioner McClure stated that this recommendation has to go through a few more processes before the project will start. He wanted the Commissioners to take a look at the preliminary project specifications.

The Commissioners agreed that it was a good project to submit for the funding.

12th Street Legalization – Public Hearing

Court Order 2009-41, In the Matter of Legalizing a Portion of South 12th Street, was presented for consideration. Hanley Jenkins, Planning Director, explained that the Commissioners initiated the legalization process and have followed the statutory process. Anderson, Perry and Associates did a survey of the property which was required by the ORS. Richard Comstock, Public Works Director, submitted a letter supporting the legalization of 12th Street. Hanley explained that there were a number of surveys done in the area and not all the surveys matched up. The current survey will set the outside boundaries of the right of way. He pointed out that all the legalization process does is set the outside boundaries that were found in the current survey done by Anderson, Perry and Associates. Hanley suggested an amendment to the Court Order to include a section 2 which if there is land outside of the boundary that was dedicated as a part of a subdivision or petition plat in the past that land would go to the land owners.

Commissioner Davidson asked Hanley if that situation exists. Hanley explained that there is a possibility that it does exist on the West side of the upper portion of 12th Street.

A public hearing was opened and then closed with no testimony given.

**Commissioner Hibbert moved approval of Court Order 2009-41.
Commissioner Davidson seconded. Motion carried unanimously.**

City of La Grande Urban Growth Boundary Amendment

Ordinance 2009-05, In the Matter of Amending the Union County Zoning, Partition & Subdivision Ordinance to Include the City of La Grande Comprehensive Plan & Zoning Map Amendments – Ordinance No. 3182 & 3183, Series 2009 & Declaring an Emergency, was presented for consideration. Hanley Jenkins, Planning Director, stated that this is a continuation of a process that was initiated by the City of La Grande. The City is proposing a number of changes to their comprehensive plan and their zoning ordinances. The process that was agreed to by the two jurisdictions is when the City of La Grande is interested in changing regulations that apply within the Urban Growth Boundary or if it effects the Urban Growth Boundary the City will first conduct their public hearings process and adopt the ordinance that is then submitted to the County. The County's process includes first going to the Planning Commission where there is a public hearing conducted and a recommendation is made to the Board of Commissioners. Hanley explained that because these changes would change local laws the Commissioners have to hold a public hearing and adopt an Ordinance to accept the changes.

Mike Boquist, City of La Grande Planning Director, explained that the Commissioners received a map. This map shows the current and new Urban Growth Boundaries within La Grande. He pointed out the Goal 9 Urban Growth

Boundary expansion areas on the map. All of the land within the Urban Growth Boundary amounts to about 314 acres. There is another phase that the City of La Grande has to go through before that land can be rezoned. The State requires the City to update their transportation plan and identify the internal street routes that will reduce the driveway access off the State highway before they can continue the process.

Hanley explained that this is the normal process between the City and the County. When the City expands its urban growth boundary the County adopts their zoning for the area within the urban growth area. The administrative authority is then delegated to the City to administer that zoning. It is done this way so the area is not developed first, under the County zoning and then have to redevelop under the City standard through City zoning. As the City's Urban Growth Boundary expanded the County would allow them to administer City zoning so the land is developed just once. This project is being done in two phases. The first phase is to get approval for the Urban Growth Boundary expansion leaving it in County zoning. Most of the property is in an agricultural zone which will prevent it from developing. Once the public facilities plan is done the land will be rezoned and the County will allow the City of La Grande to administer its zone designations within that area.

Commissioner Davidson asked who would continue to administer the zoning. Hanley stated that the County and the City of La Grande have not had that discussion, but it is still under the County's jurisdiction.

A public hearing was then opened for comments on the proposed ordinance.

Dave and Sharon Larson, 72714 Good Lane, Elgin, Oregon, 97827, explained to the Commissioners that their property is on Foothill Road and Gekeler Road. Their property has the high transmission lines going through it. The upper part is rural residential and they are wanting to get the bottom part of the property into the Urban Growth Boundary. Sharon stated that they are in favor of some kind of industrial development on their land.

Commissioner Davidson stated that that property is not part of the proposal to be added to the Urban Growth Boundary.

Dave and Sharon asked why it is not being added to the Urban Growth Boundary when the property around it is all being added.

Mike stated that the process for the expansion area is strictly to address large acreage industrial land. As the City of La Grande went through the current buildable land inventory and the projection of economic growth, the consultants found that the City had more than enough land to satisfy the land needs. The areas that were identified were areas where there was a combination of land

owner and acreage size so the land owners were in support and the acreage size will achieve the need. Mike stated that including the Larson's piece of property would have put the City over the limit allowed in the Urban Growth Boundary. It was a combination of the City and the consultant's recommendation not to include the property in the Urban Growth Boundary at this time.

Dave Larson would like to have their property included in an Urban Growth Boundary.

Hanley stated that the process did not look at all of the development needs for the City of La Grande. It only looked at the large industrial land on the South side of La Grande. The acreage that the Larson's were talking about did not fit the need of the current process. Hanley stated that the Larson's property will have to be in the Urban Growth Boundary eventually because it is a window.

Commissioner Davidson moved approval of Ordinance 2009-05. Commissioner Hibbert seconded. Motion carried unanimously.

Commissioner Davidson moved approval of Ordinance 2009-05 by emergency clause. Commissioner Hibbert seconded. Motion carried unanimously.

Five Year Day Forest Zone Investment Program

Nils Christoferson and Jessie Abrams, Wallowa Resources, came to talk to the Commissioners about the Five Year Day Forest Zone Investment Program. They gave the Commissioners an overview of the project and explained that he is there to set priorities and manage expectations about the new programs. Nils explained that there was \$200 million put into a congressionally designated endowment called the U.S. Endowment for Forestry and Communities. That endowment is supporting a variety of initiatives and projects that support the forest areas and communities that were hurt by the importation of the low cost lumber from Canada. Nils explained to the Commissioners the initiatives involved in the endowment and how it could effect Union County. Nils can be contacted with potential project ideas that fit within the program.

Adjournment

The Meeting was adjourned at 11:53 a.m.

Respectfully Submitted,

Ashley Wilhelm
Department Specialist