

GEORGE MURDOCK

LARRY GIVENS

BILL ELFERING

**MINUTES**  
**UMATILLA COUNTY BOARD OF COMMISSIONERS**  
Meeting of December 20, 2017  
9:00 a.m., Room 130, Umatilla County Courthouse  
Pendleton, Oregon

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**Commissioners Present:** Chair Larry Givens, Vice-Chair Bill Elfering and Commissioner George Murdock

**County Counsel:** Doug Olsen

**Members and Guests Present:** Bob & Sue Keys, Hermiston; Matt Kenny, County Surveyor; Ron Linn, Stanfield; Herb Stahl, Stanfield; Mark Stahl, Stanfield; Bob Nooy, County Public Works-Shop; Scott Purswell, Hermiston; Chris Thomas, Hermiston; Roe & Marilyn Gardner, Hermiston; Debbie Brandt, Hermiston; Vern Frederickson, Hermiston; Kent Madison, Echo; Randy Bracher, Pendleton; Beth Paullus, Hermiston; Kim Weissenfluh, County Developmental Disabilities Program; Carol Johnson, County Planning; June Tassie, Hermiston; Robert Pahl, County Chief Finance Officer; Ron & Janet Stevenson, Pendleton

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**CALL TO ORDER**

The meeting was called to order at 9:00 a.m. Chair Givens welcomed all.

**Pledge of Allegiance** was led by Commissioner Murdock.

Chair Givens reminded those present that the meeting is a public forum. It is being video and audio recorded and minutes will be taken. Comments will become part of the meeting record. If persons wish to speak before the Board, please come to the podium, identify yourself and state where you live for the record. He noted there is a time for public input before business items for other than what is on the agenda.

**Awards/Correspondence/Recognition.** The Commissioners' office receives thank you cards throughout the year from 4-H'rs and FFA kids showing livestock at auctions who receive "bumps" to equalize sales. Commissioner Elfering noted thank you cards from Taylor Hamby and from Haylee Tomlinson (Pendleton Jr. Livestock Show).

**Minutes of Previous Meeting** Commissioner Elfering moved to approve the 11/1/17 Board meeting minutes. Seconded by Commissioner Murdock. Carried, 3-0. Commissioner Elfering moved to approve the Board minutes from 11/22/17. Seconded by Commissioner Murdock. Carried, 3-0.

**Additions to Agenda.** Ballot Readers Purchase.

**Public input for those items other than on agenda.** Chair Givens advised this is the time for public input (for other than a scheduled item on the agenda) and also for recognition of visitors. It appeared probably roads would be a topic of conversation – Feedville/Edwards and also McKinney Road (all in Hermiston). He asked guests to come to the podium and identify themselves and provide their address.

**McKinney Road**

Chris Thomas, 280 E McKinney Ave., Hermiston. The issue is the road is 200-300 yards long and connects 4<sup>th</sup> Street with 1<sup>st</sup> Street. Last winter was bad. When he talked to the Road Master, he was advised it is a privately owned road with public access. He and Scott Purswell went to a title company after talking to County Planning and GIS (for maps). Records of the title company say the road is owned by the County – McKinney is primitive, therefore, the County is not directly responsible for maintaining the road. Tom Fellows advised him

that, by law, County Publics/Works is not allowed to direct funds to McKinney unless it is an emergency. The road is still terrible with use by residents and heavy use by county and other citizens (it is a short cut from the east side to get to Feedville). Mr. Fellows advised him residents on that road are to maintain the roads; however, Mr. Thomas noted the County has done some maintenance in the past, but the road is used more by the public (a majority) vs. by road residents. He suggested the status of the road could be changed, which would allow direction of funds for the County to regularly maintain the road.

Debbie Brandt, McKinney property owner 29 years in 2 residences. She advised that she was a property owner, but does not live there at this time. Over 29 years, the County did some maintenance (chip sealing and potholes) and asked if that would be considered legal precedence. As a property owner, replatting was done by she and her husband and there were letters of communication (which she couldn't locate); however, she had the plat map with notation - #1998-15 replat, which referenced an additional 5 feet of right-of-way dedicated on SE 4<sup>th</sup> Street and McKinney. That meant property owners had to give 5 feet of their land to the County. Chair Givens pointed out that 5 feet is actually for public use. In her opinion that was not fair and she didn't feel it was clear (regarding the 5-foot piece). She also had a letter from the City of Hermiston dated 10/3/2010 with a notation (after the agreement to replatting) stating the property owners must maintain their property to the county road, which she assumed is McKinney. She is concerned with nice homes there that the road is in bad shape and it affects their property values. She would like the County to take over the road and maintain it. In addition, there is a lot of use by the railroad using large vans to transport employees from a hotel to the railroad station multiple times a day. She asked the County to please help straighten out the issues.

In response to a question by Chair Givens to Doug Olsen, he noted it is a public or local access road. The public road is for public use but owners and users are to maintain it. The eastern portion is clearly a public road; the western portion has no declaration. Until it is brought into the County system, the County legally cannot maintain it. He explained that a requirement from land use standards for replatting includes a requirement to make sure there is adequate access, thus the granting of 5 feet of property (public use) was required. The road wasn't granted to the City of Hermiston or County.

Chair Givens advised he will work with Mr. Fellows (Public Works) and Planning (Bob Waldher, Director) to see what can be done; perhaps an LID would be needed, but it depends on frontage as to what dollar amount is required. Improvements for road standards would be paid through an LID. Commissioner Elfering noted familiarity with that road. He suggested perhaps contract with the County Road department to take care of some urgent need – a possibility – but that is up to Mr. Fellows. Mr. Olsen advised there are road categories under state statute; a Public Road is for public use.

Scott Purswell, 310 McKinney Ave. He understands local roads and use by residence up to their driveway. However, High School students use the road; the railroad all shifts use it with shuttle busses (over 60 trips/day). The road use has changed. It needs to be fixed and cost is understandable. There are nine property owners on McKinney – he felt it could be divided even though frontage portions are different. He agreed the status of the road has changed and is asking the County to look at fair and reasonableness.

Chair Givens talked about road improvements and traffic must also be considered (type of road and speed is also a factor). He reiterated as liaison Commissioner to the Road Department as well as Board Chair – he will follow-up (after Christmas).

Mr. Thomas spoke about LID landowner responsibility and the process (he had spoken to an attorney). The issue on McKinney is they (residents) use 1-2% of road, why are they responsible for 100% of the cost?

June Tassie, 101 E. McKinney Ave. She lives on the corner. She agreed with Mr. Thomas regarding cost to landowners and that wear and tear is more by the public (97-98%). The road has been paved, but it has a lot of potholes and the County has done some maintenance.

Chair Givens thanked citizens for coming to speak to the Commissioners.

### Second road issue – Feedville and Edwards

Ron Linn, 36030 Despain Gulch Road. For 45 years it has been a through intersection at Feedville and Edwards. It is a dangerous place. He is a lifetime agriculture proponent. His concern is with adding a stop sign in that intersection. On the North/South they run the stop sign, probably somewhat due to the berm where the wind blows dirt and weeds on top of that causing poor visibility. Now there are red flashing lights. He would support continuing conversations about the intersection. Lawful people are being burdened by those unlawful people running a stop sign. He noted extensive use of road by ag producers (he noted Stahl people who were also present). They feel a 4- way stop is not necessarily the answer for the function of that intersection.

Herb Stahl, 36345 Despain Gulch Road, Stahl Ranches. He had hoped that Feedville/Edwards Roads could be improved without adding a stop sign. It is located just off the Stahl Farm; approximately 3,000 to 3,500 semi loads of produce come off their farm alone. His hope after sitting down with other trucking companies in that area that they are willing to privately fund lighted signs. The long-term use for that area is the road needs to be larger and better to handle the large volume of truck traffic. They totally understand the safety aspect. It was his feeling (and maybe others) that those running the sign are the same people. Going forward, they would like a continuing conversation; he suggested maybe trial periods to try different signs/warnings and etc.

Mark Stahl, 36345 Despain Gulch Road. He is a truck driver and mechanic. It is hard to stop large trucks on a dime. However, they are careful of that; he talked about several stop signs on that stretch of road at different intersections. It is a shame lawful people have to pay for the unlawful few. He noted the road is very narrow with large trucks. He agreed with Herb Stahl's comments about the need for good access roads for 60,000 large trucks in ag production and hauling. They are very safety minded; however, the stop sign at Feedville adds more cost from their perspective. Also, regarding another intersection, Hwy 395 and Feedville, he talked about truck traffic/ turning and other vehicle traffic – visibility is not good with that intersection as well. Chair Givens noted that is a State highway issue and he suggested they should contact State Highway for that particular intersection.

Herb Stahl asked about possibly taking out a stop sign that has been already placed; he understood it may be hard to take out. Again, he agreed it is dangerous and they understand the County's actions.

### Business Items:

1. Pine Creek Road Vacation – Public Hearing. Chair Givens called the hearing open at 9:40 a.m. and asked for the staff report. Matt Kenney, Public Works-Survey Section Supervisor, presented. The location is near Weston and Tollgate. He gave the history and use of road and went through location maps and specifics of property owners and who was (or was not) part of the petition. He also spoke to utilities – they had no additional comments. In addition, he also talked to the East Umatilla Fire District as well as the Ambulance District. They want/ need an access route to continue through. Funks want the County to maintain the road -- they do not want it vacated. Also Judy Weidert, Athena Civic group, wants the road kept opened for emergency access. He read a letter from Bob Waldher, Planning Director, who had reviewed the proposal. Planning remained neutral regarding vacation or not; the letter went on to note land uses, EFU and GS zones under County Code. At least six parcels have the ability to partition in the future if desired. Legal access is important. Mr. Kenny also read Hancock Forest Management's letter (by Steve McLelland): they are in agreement with vacation contingent upon items they set out. Conditions: 1. Non-exclusive permanent easement across the entire length of road and be able to handle all uses. 2. No expense in document preparation other than obtaining signatures. 3. If gates are to be erected and locked, they want access and their own lock.

In response to Commissioner Elfering's question about maintenance, Mr. Kenny advised to his knowledge it is 1-2 times a year (but it would best be confirmed by the Road Department). He also noted there is logging and Narkus Lane through Pine Creek Road is used.

Proponents. Ron Stevenson and Janet Stevenson, they are petitioners of the vacation. Mr. Stevenson commented about Peterson and Athena Civic -- it was his error they weren't included. Petersons have access without going through a gate. Today, he received an email from Rietmann (who lives in Lone and was unable to come today). Since 1982, pasture has been rented. There has been vandalism regarding pond water; fences are routinely cut; cattle have escaped; and people do not respect the land.

Stevenson's are mainly concerned with vandalism. Many people trespass and they also damage the road. Narkus Lane was vacated and a gate was placed -- all have a key that need one. As condition of vacation, all property owners for that area are to have permanent egress and ingress. With that condition, issues are resolved by property owners.

Commissioner Elfering asked if the intent would be to gate the road; Mr. Stevenson responded yes; with individual locks for all who need access -- including utilities and emergency as well as property owners. Mr. Stevenson noted the Narkus gate was recently moved for better access.

Randy Bracher, 80318 S. Cold Springs Road, Pendleton. Some reasons to close the road include all private owners, it is a dead end road with no room for turn-around; and damages are caused. Gates are being left open. His family has homesteaded from 1878; they run cattle there and he rents pasture from Peterson and Athena Civic as well as some off Narkus Lane. Equipment and fence as well as property are damaged winter and summer. There is also a lot of garbage left that they have to clean up. He talked about some county road maintenance but some is not. He is proud of landowners maintaining the forest and multi-use for grazing but all need to be careful of fire especially with dry summers. Water is big issue and when people are off road, it messes up the pond and causes drainage issues. County Road 388 is now non-existent (it was a stagecoach road used in late 1800s). He further explained his property, gates and access according to the map.

Ron Allred, 57029 Narkus Lane. He has worked for Reitmanns and Dodge and he helps Brachers when they are not there. He explained the locked gates and location. At the third cattle guard, leaving Dodge's is a locked gate. Emergency vehicles should have access as well as Forest Service and the electric co-op. Vandals have shot off some locks. He keeps an eye on property there and keeps locks maintained/ replaced as needed. It is a constant problem of trespass, stealing and damage; however, the Sheriff's Office responds when called. Trespassers have a lot of parties wherever and whenever they want. In spring, it is muddy and in summer, property is torn up and they have bonfires, a huge potential for fire. He talked about grading -- what part of road is/is not graded. However, it hasn't been graded 3 years come spring.

Tim Rogers, represented Dodge Land and Blue Mt. Investments, 44112 Reith Road. He agreed the road has not been maintained. A lot of property owner maintenance is done to help them with logging; biggest concern is road is ruined and is not possible to be fixed for their management purposes. He is also concerned with trespassing and is in support of vacation.

Opponents. None noted. Chair Givens then asked for comments from State agencies; from Federal agencies? None noted. He closed the public hearing 10:22 a.m.

Deliberation. Commissioner Murdock is very familiar with the road and that are; his questions had been answered. Commissioner Elfering is concerned and is bothered when having to close roads -- some

individuals have no respect for those who live and work there. He noted some provisions were made last year regarding 4-wheeler use, but only two permits were issued county-wide. No maintenance appears to be provided to the road at this time; in light of that, he agrees with vacation. Commissioner Murdock spoke to his 4-wheeler comment -- the area in question today was not part of the allowable area. Chair Givens agreed private property is destroyed by irresponsible individuals. **Commissioner Murdock moved to approve road vacation response to the petition. Seconded by Commissioner Givens. Carried, 3-0.**

2. Land Use Hearing – 3R Valve Application. Chair Givens opened the public hearing and continued the land use hearing on 3R Valve's application to 1/16/18 at 10 a.m. based on Commissioner schedules for a quorum. **Commissioner Elfering moved to continue the hearing as noted to be held in Room 130. Seconded by Commissioner Murdock. (Mr. Madison was present and had been notified by his attorney the hearing today was to be continued). Carried, 3-0.**
3. Livestock District. Commissioner Murdock asked Mr. Keys to comment, if desired. Bob Keys, 18478 Salmon Point Lane, Hermiston – near the Columbia River, West of Hat Rock. He is the main petitioner. There is a community of seven houses there. The petition is to change the property (2,000 acres) from open range to a livestock district. Grazing is on their property, which requires temporary fences. He has had property damage in the last three years, several thousand dollars' worth. Mr. Olsen explained the first step of this item is to schedule a public hearing– 30 days is required for notice; which would be February 7, 2018. Order No. BCC2017-081 would schedule the public hearing and move the petition forward. The property is familiar to the Commissioners. **Commissioner Murdock moved to approve/adopt Order No. BCC2017-081; the hearing date is 2/7/18, 9 a.m. at a regular board meeting in Room 130 of the courthouse.**
4. Snowplow Purchase. Bob Nooy, Public Works -Shop Supervisor, presented. Oregon State surplus property has a used Autocar 4X4 snowplow with a wing and sander broom. It is a great price at \$8,500. They have one unit now, which is great for snow removal. It fits a 4-wheel drive with big tires and efficient with one pass. **Chair Givens moved to approve the purchase. Seconded by Commissioner Elfering. Carried, 3-0.**
5. Creation of Positions – Developmental Disabilities Program. Kim Weissenfluh, CDD Program Manager, presented. The request is to add two positions – Service Coordinator Supervisor with carry-over funds for year 1 then to be included in annual budget. And, a program Specialist to be paid out of revenue in excess of what was originally budgeted. **Commissioner Murdock moved to approve. Seconded by Chair Givens. Carried, 3-0.**
6. Ballot Readers Purchase. Dan Lonai, Administrative Services Director, presented. Elections currently has a scanner bought in 2007 and then another one (used equipment from Harney County) in 2015. Lane County replaced its machines and have two machines available at a cost of \$25,000 vs. \$80,000 - \$100,000 if purchased in a year or two; equates to \$12,500 for each. Lane County's units are only a couple of years old and this is a great opportunity to purchase. It is a better scanner and software. The newer of the two would be kept for backup. The Records Archiving Fund has money to pay the \$25,000. Since there was no November election, it was a savings of \$40,000. In addition, there is expected to be another reimbursement from the State for current elections. All equate to cost savings and efficiencies.

In response to Commissioner Elfering's question about longevity, Mr. Lonai advised the current machines have lasted 10 years and he felt the newer machines would probably last at least seven years. He recommended the purchase. Commissioner Murdock as liaison Commissioner met with Mr. Lonai

as well as Robert Pahl, CFO, agreed it makes economic sense and funds are available. The County wants to take advantage of good opportunities to find equipment that meets needs at good costs. **Moved by Commissioner Murdock to approve the purchase. Seconded by Commissioner Elfering. Carried, 3-0.**

7. Echo Community Benefit Plan Grants. Commissioner Elfering presented. The ECBP Board recommended grants of \$8,000 to maintain Fort Henrietta Park Blockhouse and \$17,000 for VFW Hall Rehabilitation. He noted a lot of discussion by the Board about the projects submitted. **Commissioner Elfering moved to approve Order No. BCC2017-080. Seconded by Commissioner Murdock. Carried, 3-0.**
8. Board Meetings Schedule. Mr. Olsen advised two upcoming meetings do not have a quorum due to other commitments. Alternate dates were proposed – 3/8/18 in place of 3/7/18 and 4/17/18 in place of 4/18/18. **Commissioner Elfering moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.**
9. Wildlife Services. Mr. Olsen presented. USDA APHIS requests that the County contribute \$7,500 for its aerial hunting operation. The last time County contribution was made was \$10,000 in 2013. Chair Givens noted the service is based on need and complaints. Commissioner Murdock noted Dave Williams, Wildlife Services Director, came to the office and they had conversation – it has to do with availability of pilots for aerial operation. **Commissioner Elfering moved to approve. Seconded by Commissioner Murdock. Carried, 3-0.**
10. Hospital Facility Authority Appointments. The request is to reappoint two members to the Hospital Facility Authority Bord. **Commissioner Elfering moved to approve Order No. BCC2017-082. Seconded by Chair Givens. Carried, 3-0.**
11. Local Public Safety Coordinating Council Appointments. Commissioner Elfering reported as member of the committee; action is to bring the committee up to date as outlined in **Order No. BCC2017-083; Commissioner Elfering moved to approve the Order. Seconded by Commissioner Murdock. Carried, 3-0.**
12. Supplemental Budget – Public Hearing was called to order at 10:35 a.m. by Chair Givens. Staff report was given by Robert Pahl, CFO. Order 2018-12 (Courthouse Facility Improvements) requires an appropriation to increase Capital Outlay \$180,000 and a decrease in Contingency in same amount. 2018-13 (Milton-Freewater Facility Improvements) requires appropriation of increases in Materials & Services \$75,890 and Capital Outlay \$27,110; also requires decrease in Contingency \$103,000. 2018-14 (Fair Improvements) requires appropriation of increase in Materials & Services \$28,800 and a decrease in Contingency in same amount. 2018-15 (Public Works Fund) requires an appropriation of increases in State Revenues \$500,000, Materials & Services \$150,000 and Contingency \$350,000. 2018-16 (Wellness Hubs) requires appropriation of increases in State Revenues \$95,500, Personnel Services \$36,250 and Materials & Services \$59,250. 2018-17 (General Fund – BOR Contract/ Watermaster) requires appropriation of increase in Materials & Services \$700 and a decrease in Contingency \$700. Order 2018-18 (General Fund – Watermaster) requires appropriation of increase in Local Revenues \$1,600, State Revenues \$100, Materials & Services \$500 and Contingency \$1,200.

Chair Givens asked about Fair Improvements, Order 2018-14. Mr. Pahl noted this was budgeting in Materials & Services in cost of services, needed for fair transition. This is fair improvement which was the fair moving fund. Chair Givens asked about the BOR contract, Order 2018-17. Mr. Pahl advised at the end of the fiscal year, there were some carryover items not budgeted for BOR or Watermaster –

some expenses had to be taken care of. The \$100,000 for Watermaster is in General County as a contribution – not Watermaster. There is a balance owing for the rest of the fiscal year; this adjustment is not related to the \$100,000. He added that revenues are ahead of expenses at this time in Watermaster.

Chair Givens opened the meeting for public comments. Kent Madison commented about the mission statement of County (“to serve the citizens effectively and efficiently) – he was very encouraged by the Board’s process, especially in regard to good deals on expenditures, i.e. the snow plow and the ballot reader. Chair Givens closed the hearing at 11:01 a.m.

**In the matter approving Supplemental Budgets pursuant to ORS 294.471 for FY ending 6/30/18: Commissioner Elfering moved to adopt Budget Order 2018-12 (Program 9089 – Courthouse Facility Improvements). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-13 (Program 9088 – Milton-Freewater Facility Improvements). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-14 (Program 4023 – Fair Improvements). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-15 (Program 4530 – Public Works). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-16 (Program 5640 – Wellness Hubs). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-17 (Program 4075 – BOR Contract/Watermaster). Seconded by Commissioner Murdock. Carried, 3-0.**

**Commissioner Elfering moved to adopt Budget Order 2018-18 (Program 4072 – Watermaster). Seconded by Commissioner Murdock. Carried, 3-0.**

Executive Session. None.

#### Commissioner Reports.

Commissioner Murdock asked when the next Board of Commissioners’ staff meeting was scheduled as he would like to discuss a couple of things regarding organization for action at a near future Commissioners’ meeting. Mr. Olsen noted the staff meeting is planned for January 2<sup>nd</sup>.

Commissioner Elfering attended a recent telephone conference with the Eastern Oregon Counties Association where there was a lot of discussion about the Blue Mountain Forest Plan and grazing issues; there was not a discussion of dues. He suggested Umatilla County provide a letter of concerns about dues paid and how they are spent for EOAC consideration.

Commissioner Givens shared a letter with Jim Pena, Forest Supervisor, regarding the Blue Mountain Forest Plan and communities and regulatory agencies involved – they looked at concerns by Union, Harney and Baker Counties – mainly grazing and timber. The November 27 letter was prepared after an October meeting with involved parties in Pendleton. There will be an objection process and time period to address concerns. He is more concerned with the relevant group of counties and issues with NIMS and US Fish & Wildlife.

Back to the EOCA discussion, he did not feel Umatilla County is getting much benefit for the amount of dues contributed. He felt there is better representation through the Association of Oregon Counties (dues are paid) and NACo (dues are paid as well). He sits on relevant Boards/committees where conversations are being had.

He also noted he had heard PILT and SRS have not been authorized as yet in the upcoming year. It is not automatic in the federal budget. They are looking at offsets for ways regarding upcoming tax cuts. He also talked about Waters of the US – and the effects moving forward.

Regarding EOCA, Commissioner Murder felt other counties are driving the bus, but Umatilla County is paying the bill without its agenda being advanced. Grazing allotments is a big issue moving forward and somewhat dependent on Bundy's trial in Nevada regarding government over-reach.

Commissioner Murdock commented about the hearing at ODF&W in Salem where he testified regarding wolves. The chair of the group talked about a single matter covering both public and private lands – when separated based on decisions that encroach on private lands, the State needs to provide adequate protections.

Commissioner Murdock suggested Chair Givens send EOCA a letter that Umatilla County is revisiting membership. Commissioner Elfering noted the conference call was mainly about EOCA representatives' trip to Washington DC; Jay Sullivan felt it was a good opportunity and went well.

The meeting adjourned at 11:25 a.m.

Respectfully submitted,

*Melinda Slatt*

Executive Secretary, Umatilla County Board of Commissioners