

UNION COUNTY BOARD OF COMMISSIONERS
Joseph Building Annex Conference Room
Regular Commission Meeting Minutes
Wednesday, April 16, 2025

Present: Commissioner Paul Anderes, Chair
Commissioner R. Matthew Scarfo
Commissioner Jake Seavert

Commissioner Anderes opened the meeting at 9:00 a.m. and the Pledge of Allegiance was given with all three Commissioners present.

AGENDA REVIEW

Shelley Burgess, Administrative Officer requested to add Resolution 2025-08; Authorizing Emergency Repairs under Administrative Matters.

Commissioner Anderes requested to add several documents he would like to address under Good of the Order.

PUBLIC COMMENT

Commissioner Anderes reminded guests providing public comment that this is not a time for debate or to engage with the Commissioners.

On behalf of John Frieboes, City of North Powder Mayor, Midge Clause, 320 2nd Street, North Powder, presented the North Powder Spring Clean Up Day funding request to the Commissioners for their consideration, which is scheduled for April 26, 2025. She apologized for not providing the document beforehand as she is new to her role.

Don George, City of Union City Council, addressed the Commissioners regarding the Buffalo Flats Project. He identified what he feels are the core responsibilities of a person serving as an Elected Official. He also mentioned the city council meetings that were held to discuss the project among residents. There was no representation from the Soil & Water Conservation District to answer questions related to the project. Upon being sworn onto the Union City Council, he was made aware of the Buffalo Flats Little Creek Project. Due to numerous citizen complaints regarding the project, the council decided to form a committee and he was tasked with leading the committee. He takes this role very seriously and has been working diligently since February 2025 to resolve the concerns between the SWCD and the residents living near the project area. The committee made it a priority to engage with the community and have held several meetings over the last few months. The concerns were formerly submitted to the SWCD by the City Administrator. The city does not hold a position for or against the project, they are only speaking for the citizens.

Donna Beverage, Union, addressed the Commissioners in opposition to the Buffalo Flats Project. As a former Commissioner, she had attended many Soil & Water Conservation District meetings and is an adjacent landowner to the project. She does not believe this is a good project. The materials indicate partners that aren't informed. She feels the project has negative potential for landowners.

Celeste Tate, Union City Administrator, addressed the Commissioners regarding the Buffalo Flats Project. Ms. Tate read out loud a public comment submitted by an adjacent landowner Maureen Mack which discussed property ownership and selling of water rights. She also provided a brief update to the Commissioners regarding the 100 percent design phase not being ready for review which is necessary prior to a permit. The City is not taking a position for or against the project.

Commissioner Anderes closed the public comment period.

City of Cove Spring Clean Up Day

On behalf of Lana Shira, Cove City Recorder, Shelley Burgess, Administrative Officer, presented the Spring Clean Up Day funding request to the Commissioners for their consideration.

The 21st annual City of Cove Spring Cleanup day is scheduled for May 17, 2025. The purpose behind spring clean up day is not only to enhance the appearance of Cove neighborhoods, but also to assist in proper refuse disposal, promote recycling, and encourage community involvement. The event is completely run by volunteers, including heavy equipment operators who donate their time and machinery.

On behalf of the City of Cove, Ms. Shira is requesting financial support to offset the costs that go into the event. Last year the costs were approximately \$1,800.

Commissioner Scarfo asked if there is money set aside for this purpose. Administrative Officer Burgess indicated that there is funding in the Union County Solid Waste budget to include up to \$2,000 in matching funds for these types of requests.

Commissioner Scarfo then requested to add the City of North Powder funding request along with this request.

Commissioner Scarfo made a motion to approve the City of Cove and North Powder Spring Clean Up Day funding request not to exceed \$2,000 each in matching funds. Commissioner Seavert seconded.

All three Commissioners are pleased to be able to help with these events.

Motion carried unanimously.

ELECTED OFFICIAL, DEPARTMENT HEAD & EMPLOYEE COMMENTS

Resolution 2025-07: In the Matter of a Resolution Authorizing Participation in the Assessment and Taxation Grant

Cody Vavra, Tax Assessor, presented Resolution 2025-07 to the Commissioners for their consideration.

Union County is applying to the Department of Revenue to participate in the County Assessment Function Funding Assistance Program (CAFFA) which has been around since 1989.

This state grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312 and other laws requiring equity and uniformity in the system of property taxation.

This grant is applied for annually by the Tax Assessor's office. Expenditures for the assessment function are certified in the amount of \$1,535,079. Grant funds anticipated are approximately \$165,000.

Commissioner Scarfo made a motion to approve Resolution 2025-07; In the Matter of a Resolution Authorizing Participation in the Assessment and Taxation Grant as presented. Commissioner Seavert seconded. Motion carried unanimously.

Masticator Head Attachment Bid Award

Doug Wright, Public Works Director, presented the Masticator Head Attachment Bid Award to the Commissioners for their consideration.

Union County Public Works requested bids for one masticator head attachment that will be fitted to the 316E Caterpillar excavator. The following bids were received:

- Eagle Carriage & Machine – \$35,500
- PAPE – \$43,425
- Western States – \$48,313.61
- Eagle Cap Forest Management – \$49,195

Director Wright recommends awarding the bid to Eagle Carriage & Machine.

Commissioner Scarfo made a motion to approve Masticator Head Attachment Bid Award to Eagle Carriage & Machine as presented. Commissioner Seavert seconded.

Commissioner Anderes is happy to see that the County is shopping local, and considers the other companies to be local or close to it.

Motion carried unanimously.

2025 Noxious Weed List

Brian Clapp, Weed Supervisor, 10507 N. McAlister, Rm. 3, presented the 2025 Noxious Weed List to the Commissioners for their review and consideration.

He is here to update the weed list that was approved by the weed board. Two new weeds have been added. "Tree of Heaven" has been added to the B List because it is everywhere and can be cost shared. Also added is "Palmer amaranth" to the A List.

Commissioner Anderes appreciates the explanation of the weeds on the list. It is quite a process.

Commissioner Seavert made a motion to approve the 2025 Noxious Weed List as presented. Commissioner Scarfo seconded. Motion carried unanimously.

IGA for Permitting and Onsite Wastewater Treatment

Inga Williams, Planning Director, presented the Intergovernmental Agreement for Permitting and Onsite Wastewater Treatment to the Commissioners for consideration. Also present is Jessie Barnes with Harney County to answer any questions the Commissioners may have.

This Intergovernmental Agreement (IGA) sets forth the roles and responsibilities of DEQ, Harney and Union Counties with respect to the Onsite Wastewater Management Program services in Harney and Union Counties that will be provided by Harney County.

Onsite program services include, but are not limited to permitting and regulating septic system siting, design, installation and ongoing operation and maintenance. Contract counties are also responsible for complaint investigations and conducting enforcement.

Commissioner Scarfo asked if the motion should be made in two motions authorizing Director Williams as a signer and to also be able to engage in the agreement. Administrative Officer Burgess indicated one motion could be made to approve the agreement and authorize Director Williams as a signer.

Commissioner Scarfo made a motion to accept the intergovernmental Agreement for Permitting and Onsite Wastewater Treatment program and signatory authorization for Inga Williams as presented. Commissioner Seavert seconded.

All three Commissioners are happy to see this partnership in place. It will also help speed up the local process.

Motion carried unanimously.

PUBLIC HEARING: First Reading of Ordinance 2025-01 – Revisions to the Union County Zoning Partition and Subdivision Ordinance

Staff Report

Inga Williams, Planning Director, presented Ordinance 2025-01 along with a brief staff report to the Commissioners for their consideration.

The Department of Land Conservation and Development (DLCD) adopted new Oregon Administrative Rules (OAR's) on December 6, 2024 to be effective by January 1, 2025. Since the land use regulation changes are strictly to conform to new requirements in statute and rule, these housekeeping amendments will be processed without a public hearing per ORS 197.612. This allows Director Williams to bring the changes directly to the Board of Commissioners for consideration.

Director Williams read out loud the list of articles in the Union County Zoning, Partition, and Subdivision Ordinance proposed for amendment.

Director Williams noted that a detailed memo was mailed to the Planning Commission notifying the members of the proposed amendments. To date none of the members have responded. She

is happy to bring the documents to the Planning Commission for review if the Commissioners would prefer.

Commissioner Scarfo asked for clarification on the ordinance not going in front of the Planning Commission beforehand. Director Williams indicated that she received two responses; one member was open to reviewing the amendments and the other member was either way. Commissioner Scarfo asked if it would be beneficial if it went before the Planning Commission first, he hates to waste their time. Director Williams will go over the amendments with the Planning Commission at the next meeting so they have a better understanding.

Commissioner Anderes has similar concerns with the Planning Commission not reviewing the amendments first. He understands Union County is getting these changes from Salem, and would like to pump the brakes a bit to review in greater length. This is a state legislature and agency making rules to fix a problem in one place and make it a blanket policy, which he finds disturbing. He also knows there are multiple pieces of legislation going through right now that may change this.

Commissioner Seavert echoed Commissioner Scarfo and Commissioner Anderes. There is a lot to go through. He only got 12 pages into the document and will need a little more time to study up.

All three Commissioners recommended the document go to the Planning Commission for review. Administrative Officer Burgess indicated because the ordinance was advertised as a public hearing, an action should be made to refer back to the Planning Commission. Once that happens another public hearing can be scheduled for the ordinance to go before the Commissioners for consideration.

Public Comment

There were no public comments.

Discussion/Action

Commissioner Seavert made a motion to refer Ordinance 2025-01 back to the Planning Commission for further evaluation. Commissioner Scarfo seconded.

Commissioner Scarfo asked if there was a timeline. Director Williams indicated that there is not because it won't go before the Planning Commission until next month.

Motion carried unanimously.

CONSENT AGENDA

Commissioner Scarfo moved approval of the consent agenda which included April 2, 3 & 10, 2025 claims journals as presented. Commissioner Seavert seconded. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Staff Update on Buffalo Flats Project

Shelley Burgess, Administrative Officer, indicated that Wyatt Baum, Legal Counsel, was invited to speak regarding the Buffalo Flats Project.

During the March 19, 2025 Commission meeting several constituents and residents of Union came to speak on the project. At that time, Administrative Officer Burgess was asked to obtain a consultation from legal counsel with regard to whether or not the county had jurisdiction and the advisability on taking a position for or against it.

Wyatt Baum, Legal Counsel, 709 Adams Avenue, La Grande, addressed the Commissioners with his advisement on the Commissioners stance of the Buffalo Flats Project. Administrative Officer Burgess updated Mr. Baum on the situation and he provided an opinion letter to her on April 9. His advice to the Commissioners at this point in time is to not take a position for multiple reasons. The first reason is there is a Union County Planning Commission and Planning Department that is going through the processes, the first process being a counter permit due to a hydrological engineering survey that was issued as a part of the permitting process. There are processes in place to let the system work. The other reason, is if anything changes in the project are required to come to the County Commissioners for approval, and the Commissioners had already taken a position on it, it becomes appealable. For example, if the Commissioners were to overstep potentially the Planning Director's issuance of a permit and coming in to say they don't approve the project – undermines the process in place. Because there are so many unknowns at this time of the project, the possibility of this actually coming before the County Commissioners, is unknown. Taking no position would be the safest bet should it need to be reviewed further down the road in the process.

Commissioner Anderes asked if Mr. Baum has ever come in to a position like this with former Union County Commissioners. Mr. Baum indicated by private party, not that he recalls.

Commissioner Anderes asked if there needs to be a specific action. Administrative Officer Burgess indicated the Commissioners talked about having a work session, however, in further discussion, legal counsel opinion was requested before moving forward. Unless there is an action desired, she doesn't believe it is required.

Resolution 2025-08: In the Matter of a Resolution Authorizing Emergency Repairs to the Joseph Building

Shelley Burgess, Administrative Officer, presented Resolution 2025-08 to the Commissioners for their consideration.

Administrative Officer Burgess read the resolution out loud for the record. The resolution would authorize emergency repairs to the Joseph Building located at 1104 K Avenue where a fire caused damage to the 4th Street, First Floor entrance and adjacent rooms and offices. The fire damaged the control unit for the 4th street area elevator leaving it inoperable which also provides the ADA access to that section of the building. The fire also caused smoke damage throughout the Joseph Building causing an interruption of services and constitutes an emergency that was unforeseen and unpredictable.

Administrative Officer Burgess is requesting approval of the resolution to remediate and get things functioning again. In order to appropriately address the situation, a declaration of emergency is required.

Commissioner Anderes asked if there has been any legal action taken. Administrative Officer Burgess indicated there is a legal investigation in process with no charges filed as of yet.

Commissioner Scarfo made a motion to approve Resolution 2025-08; In the Matter of Emergency Repairs as presented. Commissioner Seavert seconded.

Commissioner Seavert said it is no different than a business rectifying damage quickly.

Commissioner Anderes indicated the staff that have been displaced from their offices have been out for over two weeks.

Motion carried unanimously.

GOOD OF THE ORDER

Commissioner Anderes noted for the record public comments submitted by email and mail from Cat Utopia – Union County Cat Rescue, Forest Access for All regarding the Qapqapa Land Acquisition from ODFW; and Union County Soil & Water Conservation District regarding the Buffalo Flats Project. He also discussed the previous discontinuation of Mayor Meetings which he will be starting up again beginning next Wednesday during the noon hour. He is also planning to provide a report on the NACo RELM project at a future meeting.

Commissioner Scarfo reported that it was a busy weekend that started with the Joint Ways and Means Roadshow on Friday evening. Union County now and hold the record for the number of testimonies that were submitted. He thanked the committee for doing this to travel around the state instead of having to travel to Salem to testify. He also went to Salem and thanked Senator Brock Smith for going above and beyond to say a little bit about the Union County Fairgrounds Wastewater project. He also noted that Stu Spence, La Grande Parks and Recreation Director was nominated by the Governor for State Parks Board.

For the record, Commissioner Anderes thanked the Oregon Cattle Women for providing steaks for the legislator's dinner on Friday. Very much appreciate their support.

Commissioner Seavert reported that he was fortunate to spend some time with Senate President Wagner and Senator Todd Nash to tour the newly opened Grande Ronde Hospital Surgical Center. He spent time with Representative Levy in the afternoon touring Baum Industrial Park where he is currently working on a project that he cannot elaborate on at this time. Unfortunately, he was unable to attend the Ways and Means event on Friday, but was able to participate with other Commissioners to tour EOU and finish at the Union County Fairgrounds with a tremendous response. Lastly, he will be attending county college beginning tomorrow.

Commissioner Anderes also noted he had the opportunity to discuss the proposed airport fuel pilot project with Senate President Wagner.

NEXT MEETING DATE

The next regular Commission meeting is scheduled for May 7, 2025 at 9 AM.

ADJOURNMENT

Commissioner Anderes adjourned the meeting at 10:02 AM.

Respectfully submitted,



Allison Moore

Senior Department Specialist