

Morrow County Board of Commissioner Courthouse Town Hall
May 15, 2024
Bartholomew Building
Heppner, Oregon

Present In-Person: Chair David Sykes, Commissioner Jeff Wenholz, Commissioner Roy Drago Jr., Matthew Jensen, Valerie Ballard; Non-staff: Kelli Stewart, Austin Guitierrez, Doug Carl

Call to Order and Pledge of Allegiance: 6:00 p.m.

Introduction:

Chair Sykes requested everyone to introduce themselves. Matthew Jensen, Morrow County Administrator; Valerie Ballard, Executive Assistant; Austin Guitierrez, DLR Architects; Kelli Stewart, DLR Architects; Doug Carl, Alliance Construction Management; Commissioner Roy Drago Jr., Chair David Sykes, Commissioner Jeff Wenholz.

The current courthouse was constructed in 1903. While the building is historic and a Heppner icon, it no longer meets the needs of today's judicial system. The historic courthouse lacks space and doesn't allow for adequate security. The previous Board of Commissioners started working on solutions and conducted a study on how to revamp the courthouse, but the options provided still don't meet the needs of today.

The State of Oregon realized there are out of date circuit courthouses all over Oregon and is providing money for new construction. Morrow County applied for the grant with the current board testifying in Salem, securing funding in conjunction with Circuit Court Judge, Dan Hill. The State awarded Morrow County \$12.75 million, up to 50% of construction costs for the building and only covering costs directly related to the Circuit Court. The Justice Court, District Attorney, Juvenile Department, and Victim/Witness Advocate may be in the same building as they address similar matters.

From the beginning, it was the County's understanding that the new courthouse must be within Heppner city limits. The City of Heppner identified nine possible locations and with challenges such as space requirements, security, infrastructure, etcetera, it was further narrowed down to four options. Of those four options, the fairgrounds was deemed as the best option. The fairgrounds are county owned, within city limits, meet space requirements, and utilities are available.

After multiple town halls, possible impacts to neighbors and fairgrounds were raised. The State's Chief Justice sent a letter with new interpretation of the statute's requirements. With the new opinion, additional sites were taken into consideration.

- 1) Fairgrounds
- 2) Kinzua Mill Site owned by Port of Morrow
- 3) Lexington Schoolhouse
- 4) Lexington across from the Public Works building
- 5) County owned property in Boardman
- 6) Irrigon

Statutory requirements for the Justice Court and Circuit Court eliminated Irrigon as an option. The Lexington Schoolhouse would require demolition, the other Lexington location would need to be purchased, and both locations would require additional infrastructure eliminating them from selection. After commissioner review, it was decided to conduct site analysis to look at construction cost estimates and timelines for the Fairgrounds, Kinzua Mill site, and Boardman.

Site Review Presentation

Kelli Stewart and Austin Guitierrez, DLR Architects and Doug Carl, Alliance Construction Management

Kelli Stewart and Austin Guitierrez of DLR Architects presented a PowerPoint presentation with an overview of desired characteristics of a courthouse location and information on the three proposed locations.

Ideally, a courthouse location would have the following:

- Centrally located in the community with amenities and businesses available to staff, jurors, court participants, and support
- Visible location
- Not adjacent to factories or food processing facilities which emit odor or loud noise.
- Preferably outside residential areas, although there is precedent for it, i.e. Jefferson County.
- Meets the minimum facility guidelines of the Oregon Judicial Department
- Avoids natural hazards such as flood zones.
- Accessible to the public
- Connects to utilities.
- At least 2 acres in size to accommodate the building and parking needs.

The site referred to as the Fairgrounds is 2.2 acres, County owned, near local businesses and amenities, and it is set up for utilities. Travel to and from the location may be inconvenient for judges and court participants. As preparations have already been made for this location, the only additional costs are a reflection of the delay in schedule which are around \$100,000 per month and at this time total \$300,000.

While the Kinzua Mill site is not owned by the County, the Port of Morrow (POM) has offered to donate the land. It consists of over 100 acres with multiple possible locations for construction. Being a former mill, there is potential ground contamination. It will require geotechnical surveying (boring into the ground 12-20 feet deep. Analyzing layers of soil for contaminants and to see if the soil requires additional structural support design, arrangements for ground water, etc.) which would begin at \$90,000, and the cost for remediation is at this time unknown. Water and sewer development range from \$1.95 million to \$2.91 million, and the additional delays would be at least \$600,000. The estimated additional costs for the mill site range from \$3.6 million to an unknown dollar amount.

The Boardman location is 2.85 acres, owned by the County, and is ready for utilities. Like any other site, it will require geotechnical surveys at around \$30,000, but no obstacles are expected. The total estimate of additional costs for the Boardman site begins at \$630,000.

Matthew Jensen, County Administrator said the three final locations could all be the right site for different reasons. The site referred to as the Fairgrounds is least expensive, the mill site offers potential for growth, and Boardman is less expensive than the mill and provides easier commutes for many. In 2023, only 20% of the caseload came from Heppner, Lone, and Lexington. The rest of the cases came from the north end of the county.

Public Comment

John Murray, Heppner resident and Port of Morrow Commissioner: Mr. Murray clarified that he is not speaking on behalf of the Port of Morrow Commission, other than to say where there has been support. The donation of land by the Port Commission has not been voted on, but there has been unanimous consent by members present. POM and past commissioners secured a grant from Business Oregon so there is intent to improve the mill site and it has gone out to bid with some interest. Several acres south of the road cannot be built due to flood hazards, excluding a parcel of land near the golf course.

Chair Sykes asked if POM would be willing to contribute financially to infrastructure.

Mr. Murray said it's been discussed as being mutually beneficial to develop that site, but there has been no discussion on financially supporting infrastructure development.

Molly Rhea, Heppner: Referring to current and previous business at the mill site with existing infrastructure, Ms. Rhea asked why these utilities aren't available now.

Mr. Murray explained that the water that is there isn't potable. That water can be used for fire suppression but isn't fit for consumption.

John Doherty, Heppner City Manager: Mr. Doherty voiced the City's support for keeping the courthouse within city limits and construction on the lot next to the fairgrounds. The city has met with members of the rodeo board to address parking concerns and believes we can work with neighbors and the Fair and Rodeo boards for a smooth transition. The Fairgrounds is the least expensive site and utilities are already available.

Jodi Ferguson, Lexington: Ms. Ferguson said she believes the presentation only showed the financial side of the project. The north end of the county has the Sage Center, Blue Mountain Community College, and the second largest port in Oregon. The north side is doing well and south side needs equality. While 80% of court cases come from the north end, traveling long distances is a part of living in rural Oregon. She isn't in favor of moving the fairgrounds to the mill site and thinks choosing the mill site will help the South end grow and "Put South Morrow County back on the map".

Sharon Inskeep, Heppner: Asking for clarification on the cost analysis and specifically for the Mill site, Ms. Inskeep asked if the estimate is based on the whole site, or if it had been broken down into 2-acre parcels.

Doug Carl of Alliance Construction Management said that's why a range of costs was provided. The closer to town the site is, the less expensive. Sites further from town will cost more.

Sherri Gentry, Heppner: Ms. Gentry said she couldn't see the presentation as asked if it would be published anywhere (The presentation is available on the Morrow County website).

Ms. Gentry then asked who pays for remediation if remediation is needed.

Mr. Jensen said that's not a known certainty. The County is considering the locations least likely to have extensive remediation needs, but these are still largely unknown factors which could be impactful. Kinzua isn't likely to be held liable for remediation. Generally, that falls to the current landowner. The Port of Morrow, City of Heppner, and Morrow County would need to partner together to find solutions for needed infrastructure.

Bob Mahoney, Heppner: Mr. Mahoney expressed the community's sentimental ties to the fairgrounds and doesn't think building the courthouse next to the fairgrounds is the right decision.

Richard Drake, Heppner: Mr. Drake asked if parking for the fairgrounds has been resolved.

Mr. Jensen said parking has not been resolved. The County has been in talks with the Fair and Rodeo boards and has many ways to work on parking. If the courthouse goes on the fairground site, there are things we look to mitigate, and the organizations are willing to work on them. He mentioned the idea of temporary stables and parking for events, but there are no answers at this time.

Stuart Dick, Irrigon: Mr. Dick said the courthouse is a commercial building in a residential zone. Doesn't that require a public hearing?

Mr. Jensen answered schools are also in a medium density residential zone (R2). The Courthouse can also be put in an R2 zone if approved for conditional use. In order to have a public hearing on the matter, a site plan, landscaping design, and parking plan must be completed. This has been worked on but hasn't gotten to the point of a public hearing because of the "curve ball" with analyzing additional locations. With conditional use permitting, sight, sound, and other barriers must be considered. Residents can't simply go to the hearing and say they don't want the building. It is legally allowed if conditional considerations are adhered to. Regardless of the location selected, a public hearing will be held for resident input. The City of Heppner's planning commission will make the decision. If the permit is denied, it can be appealed.

Sheila Miller, Lexington: Ms. Miller voiced skepticism regarding temporary parking and stalls for the fair and rodeo, citing lack of space. She was also concerned about the proximity of the proposed courthouse location by the fairgrounds and the football field, saying the football field isn't just used for football; sports and activities for younger children happen earlier in the day.

Molly Rhea, Heppner: Ms. Rhea asked if infrastructure plans for the mill site just meet the needs of the courthouse, or if it will be built "as overkill" in anticipation of future growth.

Mr. Carl said these are things that haven't been decided. If it's built for future growth, for example water pipes would be 14" and wouldn't be paid for by the State's grant. The State will only pay for what the courthouse would need (8" pipe). Sometimes latecomer agreements are made where the first build is overbuilt, and newcomers pay back a portion to recoup costs.

Stuart Dick, Irrigon: Mr. Dick asked why if the Mill site has over a hundred available acres and only two acres is needed, how is there not two acres of untouched ground without hazardous material.

Ms. Stewart explained that we only have anecdotal evidence of what has been done on-site and where. Because of this, it's considered an unknown.

Mr. Dick replied if you ask any of us who live here, we can tell you nothing was ever there.

Ms. Miller responded yes, there has been. Oil had been dumped for years and buildings down there flood.

Mr. Jensen said it has been confirmed that asbestos is buried on the mill site and there is a boneyard. The south side has a history of stacked lumber and downed lumber emits chemicals that get into the soil. There are lots of unknown challenges.

Patrick Collins via Zoom asked what is going on with bridge updates or expansion that may be needed at the Fairgrounds?

Mr. Jensen said the bridge by the school would be the main entrance and is more than sufficient. Civil engineers have looked at it and it meets the needs of the project. The other bridge on Elder Street is slim but doesn't require improvements as it wouldn't be the main entrance. Sidewalks and curb additions aren't required either.

Kirstin Espinola of Lone via Zoom: Ms. Espinola said she lived in a community before Morrow County that had a mill site shut down. They were able to build a variety of things on it, including the high school. She doesn't understand why this is such a big issue.

Mr. Jensen explained that this is a usable site. The Port of Morrow wouldn't hold on to it and market it if it weren't. Unknown variables lead to unknown costs. The remediation could be as simple as carving out a couple cubic feet worth of soil, or it could be much bigger. If it were too

scary to touch, the County would have said no thanks to the port, but it's a very considerate offer with a strong partner for the County.

Ms. Espinola said she comes from a construction background, and everyone knows there are unknowns. It feels like you guys are counting it out because of costs.

Mr. Jensen replied that the County isn't counting it out or inflating the costs. The estimates in the presentation are strong estimates for the required studies and costs to add infrastructure.

Janet Greenup, Heppner: Heppner is the County Seat and pioneers came here because it's wonderful with fresh water and mountains. Why are we trying to change things? I haven't heard anyone complain about the Mill site. But with the fairgrounds, how many people does it affect?

Richard Drake, Heppner: Mr. Drake asked if a seismic survey has been done in Boardman.

Ms. Stewart explained geotechnical reports define seismic risk. If you look at a map of Oregon, there are seismic zones that tell the risk and what needs to be built for.

Trevor Rhea, Heppner: Mr. Rhea asked why a sewer line is needed to pump uphill. Technically, you only need to pump a septic tank every 3-5 years. With the cost of pumping a septic tank you could save money versus installing a pump system. He then provided a rough estimate for a septic system and a water treatment system.

Commissioner Drago pointed out estimates for a septic system and well were included in the presentation. Mr. Carl added that POM has given strong suggestion any well in the mill site area would require treatment.

Stuart Dick, Irrigon: Mr. Dick is of the opinion that moving the fair and rodeo grounds to the mill site would be foolish and that location is the only industrial zoned land in South Morrow County. He said the County has lots of money and money is not the issue.

Corey Sweeney, Heppner: Mr. Sweeney reviewed numbers presented, saying approximately \$12.5 million has been allocated by the State with an equal match by the County, totaling approximately a \$25 million budget. If it cost \$4.5 million for development of the Mill site, would the County be willing to go that far over budget?

"Would it be worth it to the rodeo committee and fair board to go over \$4.5 million to keep it in Heppner?"

Chair Sykes proposed a city, county, port agreement to foot the bill of additional development costs. Mr. Sweeney said he thought that was a great idea.

Mr. Carl said that there have been numerous meetings with POM representatives and financial participation hasn't been indicated in any meetings. There could be more negotiations in the future, but he doesn't know if POM has the funds or inclination to participate.

Trevor Rhea, Heppner: Addressing Mr. Sweeney and Mr. Doherty as City of Heppner representation, Mr. Rhea said that sewer development for Heppner has been in the works for years. He asked if it could be put in "Mac's field" or part of the mill zone if the Port was willing to provide land for lagoons.

Mr. Doherty responded that the plan is to revamp the current wastewater system, possibly building some additional systems at the plant. The Anderson Perry studies do not include the three lagoons taking 30 acres.

Richard Drake, Heppner: Mr. Drake asked for the cost to build, ignoring any infrastructure development that may be needed.

Ms. Stewart and Mr. Carl explained that they are working with the budget they were provided and there is no exact cost as of yet since there is no design. The design will work with the budget at hand and as things are finalized cuts may be made. This is an end point question for which there isn't a solid answer at this point.

Molly Rhea, Heppner: Ms. Rhea asked if the intent is to max out the budget given, or plan frugally.

Mr. Jensen said he has already asked the team to make cuts. Clarifying, he explained that they're not looking to max out the budget for extravagance. There are specific requirements for a circuit court and certain departments that are best suited nearby.

Stuart Dick, Irrigon: Mr. Dick said that the courthouse is adding up to be over \$1,000 per square foot.

Ms. Stewart said that is a realistic number for construction and Mr. Guitierrez said this is to meet standards defined by the State.

George Nairns, Heppner: Ms. Nairns said if citizens want the courthouse at the mill site, they should be asking commissioners to speak with POM. Mr. Murray has said there is a consensus, and she would like a vote. If the project could support infrastructure and bring in more business, let's do that. The Port has been giving the mill site "lip service" for thirty years.

She added she supports putting the courthouse at the fairgrounds. As it is, no one makes sure their kids don't walk by the courthouse. When a defendant comes to court, they are chained to a wood bench. How secure is that? The current courthouse has residential neighbors next door, and the school is down the street. She doesn't fear the courthouse being by the football field or next to a school. Ms. Nairns' concern is that the project is already seeing cuts. Referring to the

Bartholomew Building, she said it hadn't been occupied for a year before it was remodeled to accommodate space needs. There are already talks about remodeling the Irrigon Government Center. We're building a new building and we're already cutting it, stagnating growth. Morrow County is growing, and we need to be able to grow. I want it in Heppner. I have no issue with it [by] the fairgrounds. I like the mill site, but I see a lot of obstacles. I want to invite the Port of Morrow with their checkbook to help us.

Sheila Miller, Lexington: Ms. Miller noted this is the second meeting. She asked how many people want the courthouse at the mill site, rather than the fairgrounds.

Commissioner Drago kept tally, saying a couple individuals wanted it in Boardman, a couple said the mill site, and one thought the fairgrounds was best.

Mr. Rhea said if POM is gracious enough to donate the land, it would be great to have infrastructure available at the mill site for expansion.

Ms. Inskeep said if we are talking expansion, we're going to be limited at some point (at the fairgrounds). The [mill site] offers unlimited growth opportunities.

Kirsten Espinola, Ione: Ms. Espinola asked how school pick-ups would be affected.

Ms. Nairns said the school has to answer that.

Mr. Jensen explained that technically, the school is using County owned property for pick up and drop off. We would have to ask them to reconsider shutting down the road.

After further discussion, a vision meeting between the County, City of Heppner, and Port of Morrow was proposed.

John Doherty, Heppner City Manager: Providing clarification, Mr. Doherty explained that the City met with DLR and the Department of Justice when the mill site was first considered two months ago. A City, County, Port meeting was held not much later, and the City has been working with the County's Planning department to figure out what needs to be done. While the City is waiting to hear back from DEQ, there have been preliminary discussions about zoning. Lisa Mittelsdorf, Executive Director of POM advised once more information on the site is available, there are goal 9 exceptions to be addressed, discussions with the Department of Land Conservation and Development will be needed, and zoning issues to work out. He reminded the room it's not a simple process and preliminary work began two months ago.

Closed public testimony

Commissioner Consideration

After discussion about further meetings, Commissioner Wenholtz suggested a meeting of Mr. Jensen, Chair Sykes, Mr. Sweeney, Mr. Doherty, Mr. Murray, and Ms. Mittelsdorf.

Adjourned