

# Local

## County Commissioners, railroad discuss lease

• COLUMBIA BASIN ATTORNEY FEES MORE THAN COUNTY EXPECTED

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The Baker County Board of Commissioners held a work session on Wednesday, April 6, 2016, 9 a.m., in the Commission Chambers of the Baker County Courthouse, in order to discuss a lease agreement between the County, and the Union Pacific Railroad Company (UPRR), for the Train Depot property, located just west of 10th, off of Broadway, in Baker City.

Present from the Board were Commission Chair Bill Harvey, Commissioners Mark Bennett and Tim Kerns, and Executive Assistant Heidi Martin.

Attendance also included Baker County legal counsel Dan Van Thiel, Baker County Sheriff Travis Ash, Baker County Parks and Recreation Advisory Board member Ed Elms, Tork and Wanda Ballard, Bruce Morrison, and Ed Hardt.

Harvey called the meeting to order, and the Board began a discussion with Van Thiel, regarding the Train Depot property lease agreement.

The core issue of the matter is that the original lease agreement, originally executed on June 21, 1995, between the lessor, UPRR, and the County, the lessee, for property grounds, was for a period of 20 years, with four, five-year renewals possible, however, a clause in the agreement stated that the lessee shall advise the lessor in writing, not less than 90 days prior to the initial expiration of the term of the intention to renew, which the County had failed to do.

Van Thiel said that he discussed the matter with UPRR attorney Peter Kenny, but the discussions were difficult, and Kenny replied that UPRR would require the County to pay the lease amount of \$4,500 per year (the County, per the original agreement, had paid \$1 per year). Further discussions resulted in UPRR settling for no lower than \$3,000 per year, which the County currently pays, plus an automatic increase of 3% annually.

According to an agreement executed on August 7, 2012, the County, the lessor, leases to UPRR, the lessee, a portion of the Train Depot building, including the use of at least six parking spaces, for



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Attorney Dan Van Thiel discusses the UPRR lease.

\$9,075.60 per year, with the agreement set to expire on December 31, 2017.

Van Thiel said that if the County, through the Parks and Recreation Department, had notified UPRR of the intention to renew the original land lease, there would still be the option of four, five-year renewals, or another 20 years. Harvey said he wasn't sure if a new lease could be negotiated, and Van Thiel said that the situation underscores the importance of keeping proper track of County departmental contract deadlines.

Harvey mentioned that the agreement requiring the County to pay \$3,000 per year wasn't included in a previous Contract Review segment during a Commission session, because the amount is less than \$5,000 per year. Harvey and Bennett discussed making the notification of department heads concerning contracts a priority. Harvey added that there is no desire currently to demolish the building, which was stated as a possibility at an earlier point, and that the Parks Department will be notified about lease renegotiation.

Kerns stated that the depot's historical aspects should be emphasized and publicized, and the community's involvement and support.

Elms voiced his concerns about the depot (he showed up later in the session), and Harvey explained the terms of the lease, and what was discussed earlier in the work session. Elms and Harvey discussed the lack of communication between the Parks Department, the County, and UPRR (Harvey stated earlier that

it's the Parks Department's responsibility to notify UPRR of a renewal), and Van Thiel encouraged renegotiation of the lease agreement with UPRR, including a clause restricting occupancy type.

Elms asked if the current designation of the depot as a Historic Building would aide in the avoidance of a potential demolition, and Harvey said that it might help.

Elms also discussed sanitation service contract issues in the Richland area, and he also said that he doesn't feel that the County isn't providing enough support to the Parks Department. Harvey said that he feels the County is providing that support, and that he makes trips when necessary to view issues for himself, and that he regularly communicates with Parks Department Director Karen Spencer.

Bennett asked for an update on the Baker County vs. David McCarty case, in which McCarty prevailed, leaving the issue of the amount the County will pay for McCarty's attorney fees. The original amount totaled around \$306,000, however, an additional amount of \$20,000 had been added in attorney fees, and the County had objected to that, resulting in a hearing on that objection, on Friday, April 15, 2016, at 1:15 p.m., via phone.

Van Thiel said the total amount to be paid will be up to the judge (Ron Pahl), and as soon as Van Thiel knows what that is, he'll inform the Board.

Bennett discussed budgeting and other issues with the Tri-County (Baker, Union, Wallowa) Cooperative Weed Man-

agement Area (TCWMA), stating that he's communicating with staff of TCWMA, and there will be a reconfiguration of the agreement between the organization, and the counties. He said there isn't any wrongdoing, but there needs to be more transparency, including a published TCWMA budget, and more oversight by the counties.

The possibility of a backup, ground ambulance service, an idea created by Chris Arvidson, of Med Transport, Inc., was discussed, for the sole purpose of inter-hospital transfers in Baker, Union, Umatilla, and Wallowa counties. This service would lighten the workload of local EMS resources, and provide patients with healthcare options, according to Arvidson. Harvey said that this would be a service for non-life-threatening situations, but that for now, the Board needs more information, in order to consider any implementation.

The Board also discussed a County-owned parcel, located in the Industrial Park area off of Pochahontas, assessed at a value of \$42,000, which an individual has approached the County about possibly selling. Harvey said that the property would be purchased by a manufacturing company, but he couldn't release the name for now, and the Board collectively sees it as a good opportunity to expand growth in the area.

The next regular session is scheduled for Wednesday, April 20, 2016, 9 a.m., in the Commission Chambers of the Baker County Courthouse.

## American Legion

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He discussed Post #41's issues with meeting attendance, which has been a problem, whether the meetings were held at the post, or the Sunridge Inn. He said it's difficult to expect many members, especially younger ones, to sit for an hour or so to attend the meetings, because it's not as appealing as including another activity. He suggested ideas, like holding meetings in conjunction with a catered or potluck meal, and he said that if the programs and activities are worthwhile, people will attend. He gave some examples of these ideas working in the past.

Millar was introduced, and he said that issues with the post include having enough individuals for a quorum at monthly meetings (there were enough at this meeting), in order to make decisions, and whether the post is viable. He also mentioned the need to recruit and retain more members, and that a minimum of four programs should be implemented. He said the Department wants to see the post remain active.

Jones said that the e-board (Executive Board) needs to be organized properly, and that the post needs to remain autonomous. He said he's not concerned whether or not there's a post bar (it's currently closed), but the atmosphere needs to be accommodating and appealing, with activities for families. He mentioned potential issues with operating a for-profit business out of a non-profit-associated post building.

Jones commented on the covers (garrison hats) and other organizational clothing attendees wore, and he said to continue to wear the brand proudly and with respect, because the group is the American Legion.

Willis was introduced, and he said that the trip to Baker City from Leavenworth, Washington was worth the trip, if the result is that Post #41 will remain operationally viable. He said visits should be made to the membership, and to recruit more members, including from the local Army National Guard, if possible. He echoed the comments regarding the need to implement activities for families, and he mentioned that this includes assisting with babysitting issues, so more attendance is possible.

Willis mentioned several program examples, and he said that the post needs at least a couple, and to do a great job with them. He cited a major event, called Philomath Frolic and Rodeo, held in Philomath, Oregon, in July, as an example of a time during which the American Legion spread the word about the organization, and recruited members.

He said he and the other officers were not at the meeting to dictate what the members of Post #41 should do, but members need to attend the meetings, and to make decisions regarding the post. He said that when the post is involved in programs and other activities in the community, the media could be made aware, and these efforts could be publicized.

Williams was introduced, and he spoke about the issues with the declining membership, and with getting membership dues paid fully for the past three years. He said if new life is breathed into the post, including recruiting at least 10 new members, he would see how the post is operating in a year.

Terry McQuisten suggested that, if the building were to be sold, there may be some sort of trade negotiated, and Jones responded that it would be acceptable, if legal, and if two thirds of the post membership (50 of 75 paid members) agree.

Dave McQuisten said he wants to get involved, to give back to veterans, and to help bring communities together. He said he appreciates and respects veterans, and through his research, he found that he would like to put forth his efforts through the American Legion (he hasn't served, however, his father, Terry, is a Navy veteran, and Dave said he's been involved with other organizations that benefit veterans and others). He said many people don't understand the Constitution, and guaranteed rights, and he would like to help increase knowledge about those topics.

Bishop said that members don't attend the monthly meetings, and that those with dual membership--who are also with the Veterans of Foreign Wars (VFW), or the Elks, for example--have migrated to those organizations' clubs.

Jones responded with suggestions, including printing notice cards about meetings and events, to send to every member, each month. He said that the meeting room could be set up for a fee (Bishop mentioned, pre-meeting, that the Sunridge Inn allowed Post #41 to use the room for free for the meeting), with hot dogs, or some other meal, before the meeting.

This prompted him to cite a prime example, that of Post #63, in Burns. He said the post had seen issues with attendance, until a Navy veteran cook decided to prepare meals in conjunction with the meetings. Jones jokingly told him he'd like to see a steak dinner at the next one. He said, not only was there steak, but the meal was above and beyond what he could have hoped for. He said that there is a meal for every meeting prepared by the veteran and others, and the post building is now packed each time (he said the membership is around 106).

Jones emphasized the importance of the American Legion Auxiliary, and he said that the Legion family, which includes the Auxiliary, SAL, and the Legion, has to always remain united, as a group, to accomplish the organizational missions.

Jones asked for a motion to give the e-board the authority to ascertain the value of the post building, including the impacts of the property tax, and this motion was made, and seconded. With a majority vote, the motion passed. Jones said he'd like to see the asset and tax information presented at the next monthly meeting.

## Accident claims life near La Grande

Oregon State Police (OSP) Troopers are continuing the investigation into Monday evening's fatal crash on Interstate 84, near La Grande (milepost 256 eastbound).

Preliminary information indicates on April 11, 2016, at 5:46 p.m., a 2008 Toyota Solara, operated by Melissa Book, age 19, from La Grande, with passengers Alexis Browning, age 18, from La Grande,

and Hanna Doig-Cashell, age 18, from La Grande, was traveling eastbound and attempting to pass a vehicle, when for unknown reasons, lost control, left the roadway and overturned.

Doig-Cashell suffered fatal injuries and was pronounced deceased at the scene. Book received serious injuries and was flown by life flight to Providence Saint Mary Medical Center

in Walla Walla, Washington.

Browning received serious injuries and was transported to the Grande Ronde Hospital in La Grande.

Both eastbound lanes of Interstate 84 were closed for approximately three hours following the crash.

One lane was opened for two hours until both lanes were reopened.

OSP is being assisted by

the Union County Sheriff's Office, La Grande Police Department, La Grande Rural Fire District, La Grande Fire Department, Life Flight, and Oregon Department of Transportation (ODOT).

This is an ongoing investigation and more information will be released when available.