



S. John Collins/Baker City Herald, File

A Union Pacific freight train passing by South Baker Intermediate School.

## Zone

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Dixon, along with Mayor Kerry McQuisten and Councilor Johnny Waggoner Sr., voted against the motion to apply for a quiet zone.

Councilors Dean Guyer, Shane Alderson, Heather Sells and Jason Spriet voted for the motion.

Dixon, who along with McQuisten and Waggoner has argued that city voters should decide whether to pursue a quiet zone, initially said she hoped to ask voters to change the city charter in the May 17, 2022, primary, in effect overriding the Jan. 25 vote before the city had qualified for a quiet zone.

But City Manager Jonathan Cannon said on Monday, March 28, that the city's attorney, Dan Van Thiel, rejected both of the proposed charter changes Dixon submitted.

In an email to the city, Van Thiel wrote that because the Council's Jan. 25 vote to pursue a quiet zone was administrative rather than legislative, an initiative petition such as Dixon's proposed charter change "does not meet the requirements of the Oregon Statutes."

Although Cannon said he can't completely rule out the possibility of an initiative petition regarding the quiet zone qualifying for the ballot, it would be much more likely if the Council itself, rather than a citizen, sought the change.

Since the Jan. 25 vote, there has been one change on the Council, as Sells, who supported the quiet zone application, resigned because she is moving outside the city.

She was replaced by Kenyon Dam-schen, who will be sworn in April 12.

### Quiet zone fundraising

To qualify for a quiet zone, the city would need to upgrade the physical barriers at crossings to make it more difficult for vehicles to reach the tracks while a train is passing.

A citizens group has offered to raise the estimated \$150,000 to upgrade five crossings in the city.

The proposal that councilors passed 4-3 on Jan. 25 states that the city would install those safety measures "when sufficient external funds are available to improve each crossing." The motion doesn't commit any city dollars to the quiet zone.

In an email to the Herald, Emily Simko, a member of the group promoting the quiet zone, wrote that as of March 15 they had raised \$65,774 for crossing improvements.

That includes \$25,000 from the Baker 5J School District. The Baker School Board approved the contribution due to concerns about how the train whistles affect students and staff at South Baker Intermediate School, which is near the tracks, said Lindsey McDowell, public information and communications coordinator for the school district.

The plan that the Council approved Jan. 25 states that city administrators can "spend the time necessary to support the Quiet Zone as part of their City work, understanding that their time is already budgeted and need not draw on externally raised funds."

During the City Council's Oct. 12, 2021, meeting, a motion to put the quiet zone issue on the May 2022 primary election ballot failed by a 3-3 vote, with Dixon, McQuisten and Waggoner voting in favor, and Alderson, Spriet and Sells voting no.

A second motion during that meeting — to apply for a quiet zone — also failed by a 3-3 vote, with the same trios on opposite sides.

The voting balance tilted on Dec. 14, 2021, when the six councilors appointed Guyer to fill a vacancy created in August 2021 when Lynette Perry resigned due to health issues.

Guyer voted in favor of the city applying for a quiet zone.

## Local Briefing

### Weed control workshop scheduled for April 8

NORTH POWDER — A weed control workshop for interested landowners is planned April 8 from 1 p.m. to 2:30 p.m. at the North Powder Fire Station, 320 E. St.

The open forum is for landowners in Baker and Union counties who are interested in learning how to control broadleaf noxious weeds and invasive annual grasses. More information is available by calling Jeffrey Pettingill at the Baker County Weed Control District, 541-519-0240, or Brian Clapp at the Union County Weed Control District, 541-805-5539.

### Baker City preparing for cemetery clean up

Baker City's cemetery and parks contractor, HnT Lawn Care Inc., will soon be doing the spring clean up at Mount Hope Cemetery.

That includes removing deteriorated decorations, flowers and floral designs, as well as thatching, edging, fertilizing, and weed spraying, weather permitting. This work is scheduled for April 1-15.

The city is asking residents to remove decorative items from graves and headstones prior to April 1. Items that aren't removed will be col-

lected by the contractor and stored until Nov. 1, 2022. Items that conform to the city's cemetery rules can be placed on graves starting April 16. A copy of the rules is available on the city's website, www.bakercity.com.

More information is available by calling the city at 541-524-2047.

### 'Human Library' program April 9 at Baker library

A "Human Library" program will be held Saturday, April 9, from 4:30 p.m. to 7:30 p.m. in the Baker County Public Library, 2400 Resort St. This event is organized through a partnership between Neighbors of Baker and Baker County Library District. The library will be open after regular Saturday hours exclusively for participants of this special program, said Perry Stokes, library director.

The Human Library is an event where readers can "borrow" human books and have open conversations about topics they usually do not have an opportunity to discuss. The goal of the program is to challenge preconceived biases and encourage honest and respectful dialog. Each "Book" is a volunteer who has unique experiences to share. Through a 30-minute conversation with readers, the human books challenge stigmas and stereotypes

in a safe, supportive environment. Book topics may include ethnicity, religion, physical/mental health, social status, occupation, LGBTQ+, immigration status, violence/abuse survivor, and past drug and alcohol addiction.

To participate in one or all three sessions, call the library to register at 541-523-6419. Advance registration is required since sessions are limited. For more details, visit www.bakerlib.org/news-events/lib-cal/human-library-program.

### Baker Rural Fire District plans open house

The Baker Rural Fire District will have an open house on Saturday, April 9, at its new station, 3855 23rd St., from 10 a.m. to 3 p.m.

The event features tours of the building, information about district services, tax levy information, and booths by LifeFlight, FireWise Community and Charlie's Angels Car Club. Representatives will be on hand from OTEC, Baker City Fire Department, Oregon Department of Forestry, BLM, Baker County Emergency Management, and the Oregon State Fire Marshal. Snacks will be provided by Elkhorn Grills and Campbell Vanderwiele.

For information, call Collin Kaseberg at 541-519-7257.

## Talks

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Alderson said he has been concerned about the city losing any control over aspects of the plan.

McQuisten said the state hasn't allocated money for all possible projects.

Dixon said there is money for changes along 10th Street, and along Cedar Street.

As for Hughes Lane, Dixon mentioned the possibility of widening the street to incorporate a bicycle/pedestrian path, rather than a separate pathway.

Councilor Dean Guyer said the 10th Street/Pocahontas-Hughes intersection remains a major concern.

He said he wants to prevent the state from using eminent domain to take some of Ingram's property.

Under eminent domain, the government can take public property for projects such as streets or highways, provided it pays the landowner for the land.

However, Ingram noted during the Council's March 8 meeting that a one-time payment wouldn't compensate him for the future loss of productivity from his field.

McQuisten pointed out during the March 22 work session that Ingram's irrigation pipeline is along his fence, so using any of the land for a redesigned intersection would require that he move the pipeline.

Ingram suggested during the March 8 meeting that the state, if it needs additional land, take it from the other side of Hughes Lane, property that the state already owns.

Councilor Johnny Waggoner Sr. asked about ODOT proposals to build concrete curb extensions at some corners on 10th Street intersections to shorten the distance pedestrians have to cross.

Michelle Owen, the city's public works director, told councilors the city doesn't support that proposal.

In a report to the Baker County Planning Commissioner this winter, Tom Fisk, the city's operations

supervisor, wrote that extensions would complicate street sweeping and snowplowing, leading to taller snow berms in the center of 10th Street.

Waggoner also talked about the gravel road that leads from Hughes Lane to the soccer fields at the north end of the Baker Sports Complex.

"Everybody's just been quiet because you don't want to talk about that because then somebody wants to close it off and restrict access. It's just like when they put the bridge across D Street. That took a lot of traffic off of Campbell," Waggoner said.

Waggoner said he agrees with Dixon about the need to encourage more businesses to locate along 10th Street, since it is a commercial area.

Dixon said she had clarified that ODOT will be replacing the sidewalks all the way along 10th Street from Broadway to Pocahontas/Hughes, to ensure there's a safe place for pedestrians.

## Ambulance

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The city, as has been the case for decades, spends more money to operate its ambulances than it collects from ambulance bills.

In calendar year 2019 the city collected about 32.7% of the amount it billed. That percentage rose to 50.8% in 2021, but Cannon said last week that without a new, sustainable revenue source, the city can't continue to operate as it has.

Ambulance runs are far more common than fire calls

for the fire department staff, who are trained to handle both types of emergencies. Over the past four years, ambulance runs have accounted for about 84% of the department's total calls.

The biggest problem, Cannon said, is that about 80% of the ambulance bills go to people who are covered by Medicare or Medicaid, and those federal programs pay only about 20% of what the city bills.

Yet although billing doesn't come close to covering the city's costs, ambulance runs do bring in enough revenue — about \$1.1 million in calendar 2021 — to allow the city to

have a much larger department than it would have without ambulance revenue.

If the city ceases ambulance service, that revenue would go away, and the city could no longer afford the approximately \$2.3 million annual budget for the fire department.

Cannon acknowledged last week that ending ambulance operations would inevitably require layoffs in the fire department.

And now, after the Monday morning meeting with Cannon, Johnson said he and other fire staff know the extent of those cuts.

"Catastrophic," Johnson said.

He predicts that if the city does shut down its ambulance service, some fire department employees — himself included — will move rather than work under the constricted scenario that Cannon described.

"It would be a huge loss to the community, just in experience," Johnson said.

He said he believes the reduction in staffing would boost homeowner insurance rates, since the department's rating would drop.

Johnson urges city and county officials to try to reach an agreement that would allow

the fire department to maintain its ambulance service for at least one more fiscal year, through June 30, 2023.

In the meantime, he said the union's position is that Baker County officials should take the matter directly to voters, in the form of a levy that would increase property taxes to help cover the shortfall in ambulance revenue compared with cost.

Now, owners of property within the Baker City limits contribute to that service with their property taxes, which comprise part of the city's general fund, which in turn supplies more than half the fire de-

partment budget.

The county over the past four years has contributed \$199,000 to the city for ambulance operations, but there is no dedicated revenue source from the county.

Ultimately, Johnson said, the issue is what property owners are willing to pay for in terms of emergency response.

"Fire departments are inherently expensive operations," he said. "You will never pay for it with ambulance bills, but it's a service. And we care about the level of service in our community. We want to be able to provide that service to people."

## Hearing

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County commissioners started that process in June 2021, passing a resolution "declaring the necessity for the legalization of Pine Creek Lane."

In response, McCarty, who in September 2020 bought a 1,560-acre property through which the road runs for about 2½ miles, sought a preliminary injunction blocking the county from proceeding with its effort to designate the road as public.

The month he bought the property, McCarty installed a locked gate across the road at his property boundary, citing his concern that people

were trespassing and having campfires despite the high fire danger.

On July 29, 2021, Senior Judge Stephen P. Forte granted McCarty a temporary restraining order that prohibited the county from continuing its effort to "legalize" the road through McCarty's property and secure access to the public.

The county contested that ruling, and on Nov. 5, 2021, Senior Judge Russell B. West dissolved the restraining order. West also ruled that the county can survey the portions of McCarty's property that the Pine Creek Road crosses.

The county had the road surveyed last fall.

The next step is to have a

public hearing to collect comments about the potential designation of the road as public, said Heidi Martin, the commissioners' executive assistant.

The hearing has been set for Tuesday, April 19, at 9 a.m. at the Baker Community Events Center, 2600 East St.

Written testimony can be emailed by 4 p.m. on April 15 to hmartin@bakercounty.org or mailed to Baker County Commissioners, 1995 Third St., Baker City, OR 97814.

Martin said commissioners will consider comments from the public hearing, as well as a packet of material that County Roadmaster Noodle Perkins has compiled, in deciding whether to designate the road as a public right-of-way.

### Lawsuit against county continues

In the meantime, McCarty's lawsuit is pending in Baker County Circuit Court.

He is asking for either a declaration that the disputed section of the Pine Creek Road crossing his property is not a public right-of-way, or, if a jury concludes there is legal public access, that the limits of that access be defined and that the county pay him \$730,000 to compensate for the lost value of the land based on the legal public access and for other costs he has incurred as a result of the county's actions.

In his lawsuit, McCarty says that before buying the timbered property through which

the road runs, he reviewed the title report and other documents, none of which showed a public road through the land.

The existing road is steep and rough, but people have historically used it to access Pine Creek Reservoir, which is on the Wallowa-Whitman National Forest. The road, which is mainly traveled by ATVs and hikers, continues beyond the reservoir, and an unofficial trail crosses a ridge and drops to Rock Creek Lake.

In an Oct. 14, 2021, hearing, retired County Roadmaster Ken Helgerson testified that although the county does not have a deeded easement for sections of the Pine Creek Road that cross McCarty's

property, Helgerson believes the road is a public road under RS 2477, an 18th century federal law that has been superseded but is sometimes cited as proof of public access for a historic route.

In a motion filed Feb. 4, 2022, McCarty's attorney, Janet K. Larsen of Portland, asked a judge for a summary judgment requiring the county to pay attorney fees and other costs due to what Larsen contends is the county's failure to supply records that McCarty has requested under Oregon's Public Records Law.

A hearing on Larsen's motion on that matter has been scheduled for April 7 at 10 a.m. in Circuit Court.

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