

## IN THE COUNTY COURT OF THE STATE OF OREGON

### IN AND FOR THE COUNTY OF GRANT

Access the County Court Agenda and approved Minutes on the Commissioner's page at [www.gcOregonlive2.com](http://www.gcOregonlive2.com)

**January 9, 2019**

Pursuant to notice made to the newspaper of general circulation throughout Grant County, the radio station, county website, and e-mail distribution list, a regular meeting of the County Court was held at the County Courthouse in Canyon City, OR.

9:00 am -- Call to Order. Present were Judge Scott W. Myers, Commissioners Jim Hamsher and Sam Palmer, Administrative Assistant Laurie Wright, Katy Nelson, Rick Minster, Doug Ferguson, Beth Spell, Jim Spell, Vicki Thompson, Leslie Stillwater, Jim Sproul, Billie Jo George, Dave Traylor, Frances Preston, Sheriff Glenn Palmer, Reporter Rick Hanners, Didgette McCracken, Judy Kerr, Reporter Logan Bagett and Pastor Al Altnow. A Pledge of Allegiance was given to the United States Flag. The invocation was given by Pastor Altnow.

9:02 am Angie Jones entered.

**HAND CHECK.** The court approved a hand check for banking fees on December 20, 2018. The court approved hand checks to the Secretary of State, North River Electric and the Department of Consumer & Business on December 28, 2018. The court approved a hand check to the Sheriff's Department from Title III funds on December 31, 2018.

**AGENDA.** MSP: Myers/Hamsher -- to accept the agenda as presented.

**ANNOUNCEMENTS.** Judge Myers welcomed Commissioner Sam Palmer to the court and said he expects they will have a good working relationship all the way around. Myers was sworn in on December 19th because he was out of town on the 21<sup>st</sup>. This is Myers 19<sup>th</sup> year on the county court. December 31<sup>st</sup> Myers performed a wedding in Long Creek. Myers met with Jessica Winegar to help her complete a public health survey for the state on December 26th. Myers also conducted two employee performance reviews on the 26<sup>th</sup> of December. Yesterday he drove to La Grande for a Northeast Oregon Housing Authority meeting.

9:04 am Dan Becker entered.

January 8<sup>th</sup> Myers signed a plot for lot line adjustment at Land Title for the public health building.

9:05 am Airport Manager Haley Walker entered.

January 10<sup>th</sup> Myers will attend a meeting at the Canyon City Community Hall regarding the torrefaction project. On Monday Myers will travel to Salem for an Association of Oregon Counties (AOC) legislative meeting where he will be appointed to that board and will remain in Salem to go to the Mass Timber Summit on January 15th. A tax foreclosure auction will be held on January 17<sup>th</sup>. Myers and Laurie Wright will assist Katee Hoffman with interviews for a department assistant in her office on the 18th. January 22<sup>nd</sup> Myers will participate in a joint facility meeting with the Forest Service at the Airport.

Commissioner Palmer advised he officially took office on Monday and prior to that was busy in meetings in Idaho with the Western States Land Council, state representatives and newly elected congressmen. Palmer has also been speaking with John Day City Manager Nick Green and Mayor Ron

Lundbom regarding the goals for the City of John Day and the plans they have moving forward. Those discussions led him to speak with Tammy Bremner from the Chamber of Commerce to discuss tourism. Palmer went to ESD and now has his county cell phone and iPad working. Last night Palmer attended a Search and Rescue (SAR) meeting that was extremely well attended. Palmer estimated 40 people were in attendance and reported he is very excited with the direction Deputy Dave Dobler is taking the SAR program. Doug Ferguson advised he is the president of the Air Search and Rescue and Dobler has been very helpful to them.

Commissioner Hamsher attended the Grant County Stockgrowers annual meeting where two good speakers discussed wolf issues. Hamsher went to the Elk's annual dinner honoring first responders and law enforcement and was happy to see a good turnout from the Sheriff's Department in attendance. Hamsher spoke with Representative Findlay yesterday about upcoming bills including one Findlay is sponsoring to raise the 911 tax. Hamsher plans on attending and testifying for the bill and the need for additional 911 funding. He is supposed to speak with Congressman Walden's Aide this afternoon to receive an update on upcoming federal issues. Hamsher spoke with Sally Bartlett at Economic Development about projects she is working on and talked with Fair Manager Mindy Winegar and said it sounds like the Fairgrounds has entered into a mutually beneficial 3 year agreement with the BMW Riders. Hamsher plans on attending the torrefaction meeting on January 10<sup>th</sup> and will participate in the AOC meeting via telephone on January 14<sup>th</sup>.

Myers announced it appears the Marijuana Ordinance passed in December does not meet statutory requirements and it is the intent of the county to rescind the ordinance and proceed with a new ordinance that complies with statute. While rescission of the ordinance is pending, the county will not be enforcing the ordinance. The county will return the taxes collected by Rocky Mountain Dispensary to them and it will be the duty of Rocky Mountain Dispensary to determine the appropriate distribution of those funds.

**MINUTES.** MSP: Myers/Hamsher -- to approve the December 19th minutes as presented.

**GRANT COUNTY TRANSPORTATION DISTRICT.** Angie Jones from the Grant County Transportation District updated the court on the new transit program and People Mover bus routes and presented a PowerPoint to the court. Jones reported there will be deviated fixed routes put in place for the John Day, Canyon City, Prairie City and Mt. Vernon areas which will offer free transportation to those areas. This came about due to the Statewide Transportation Improvement Fund and is intended to \*\*. The funding amount the transportation district will receive is \$50,000 for 2019 and then \$100,000 for 2020 and 2021. Jones reported the grant they have submitted has been checked and triple checked to ensure no fatal errors are in it. Jones presented a map showing the proposed routes. The buses will be running every 45 minutes from 7 am to 6 pm in John Day/Canyon City. Routes will be adjusted based on use. The approximate Mt. Vernon hours will be 7 am to 4:30 pm and the approximate Prairie City hours will be 8 am to 7 pm. Jones again reminded everyone that the routes will all be free of charge. The new routes are scheduled to start next Wednesday. Routes can also be adjusted for seasonal traffic to serve tourist areas. Jones advised the proposed routes will cost around \$108,000 a year so the transportation district will need to use \$8,000 of the general fund for this program. The cities have all agreed to assist with signage for the program. Demand response routes will continue for those out of the bus route areas, but this service does have a fee. Jones said the transportation district will continue to apply for additional grants and are working in conjunction with Baker and Malheur Counties to expand bus service into Malheur County. Katy Nelson thanked Jones for the work she has done on this and believes

once the routes are in place we will have the best rural public transit in Eastern Oregon.

9:33 am Justice of the Peace Kathy Stinnett entered.

**COMMUNICATION SITE LEASES.** The court reviewed communication site leases with the Grant County Fire Defense board for the Dixie Mountain site and with Blue Mountain Hospital District for the Dixie Mountain site and Fall Mountain site. The lease terms are from January 1, 2019 to December 31, 2021. **MSP: Myers/Hamsher -- to approve the communication site lease with the Fire Defense Board for Dixie Mountain and circulate for signatures. MSP: Myers/Hamsher -- to approve the communication site lease with the Blue Mountain Hospital for Dixie Mountain and circulate for signatures. MSP: Myers/Hamsher -- to approve the communication site lease with the Blue Mountain Hospital for Fall Mountain and circulate for signatures.**

9:36 am Victim Intervention Specialist Kimberly Neault entered.

**COMMITTEE VOLUNTEERS.** Volunteer applications were reviewed by the court along with member resignations.

Local Community Advisory Council and Regional Advisory Council: Chris Labhart submitted his resignation from these councils. He had served on both as County Commissioner and continued to serve after his term was over. **MSP: Myers/Hamsher -- to appoint Commissioner Palmer to the Local Community Advisory Council and Regional Advisory Council.**

9:38 am Frank Stinnett entered.

Airport Commission: Robert Watt and Robert Bagett both requested re-appointment to this commission. Ron Lundbom's term ended on December 31, 2018. Doug Ferguson and Charles McKenna submitted applications to volunteer. Myers advised he is currently on the Airport Commission as a court representative and is hoping in the future to pass this on to one of the commissioners. Myers reported the Airport Commission has recommended appointment of Charles McKenna, but the court does not necessarily have to follow the recommendation and both applicants are extremely qualified. Hamsher feels that Ferguson has more experience and supports his appointment. Palmer also believes Ferguson should be appointed.

9:41 am District Attorney Jim Carpenter entered.

**MSP: Hamsher/Palmer -- to appoint Doug Ferguson to the Airport Commission with a term to expire December 31, 2020 and to keep Charles McKenna's application on file. MSP: Myers/Hamsher -- to re-appoint Robert Watt and Robert Bagett to the Airport Commission with terms to expire December 31, 2020 and to send Ron Lundbom a letter of thanks.**

Budget Committee: Robert Stewart requested re-appointment to this committee. **MSP: Myers/Hamsher -- to re-appoint Robert Stewart to the Budget Committee with a term to expire December 31, 2021.**

College Advisory Board: Kris Beal and Chris Cronin requested re-appointment to this board. Bruce Ward submitted his resignation. David Kebler and Steven Baldwin submitted applications to volunteer. **MSP: Myers/ -- to re-appoint Kris Beal and Chris Cronin to the College Advisory Board with terms to expire December 31, 2021 and to accept the resignation of Bruce Ward and send him a letter of thanks. MSP: Myers/Hamsher -- to appoint David Kebler to the College Advisory Board with a term to expire December 31, 2021**

Extension & 4H Service District Advisory Council: Gail Enright's second term expired on December 31, 2018 and he could not be reappointed because membership is limited to one re-appointment. No applications to volunteer were received. **MSP: Myers/Palmer -- to send Gail Enright a letter of thanks.**

Fair Board: Jake Taylor and MT Anderson requested re-appointment to this board. **MSP:**

**Myers/Hamsher -- to re-appoint Jake Taylor and MT Anderson with terms to expire on December 31, 2021.**

Mental Health Advisory Board: Donna Johnston and Dale Stennett requested re-appointment to this board. **MSP: Myers/Hamsher -- to re-appoint Donna Johnston and Dale Stennett to the Mental Health Advisory Board with terms to expire December 31, 2021.**

Senior Citizens Advisory Council: No other volunteer applications were received.

Southeast Area Commission on Transportation (SEACT): Sally Bartlett, Haley Walker and Rick Minster requested re-appointment to this commission. Commissioner Hamsher agreed to serve on the commission as the court representative. **MSP: Myers/Palmer -- to re-appoint Sally Bartlett, Haley Walker and Rick Minster to the SEACT with terms to expire December 31, 2021. MSP: Myers/Palmer -- to appoint Commissioner Hamsher to the SEACT with a term to expire December 31, 2022.**

Wildlife Advisory Board: Rick Henslee, Shaun Robertson and Larry Burton requested re-appointment to the board. **MSP: Myers/Hamsher -- to re-appoint Rick Henslee, Shaun Robertson and Larry Burton to the Wildlife Advisory Board with terms to expire December 31, 2021.**

9:48 am Christie Timko entered.

Wolf Depredation Compensation Advisory Committee: Commissioner Hamsher agreed to serve on the committee as the court representative. Alec Oliver, Pat Holliday, James Driscoll and Rob Stewart all agreed to continue to serve. Two vacancies remain, one for a member representing wolf conservation/coexistence and one for a member representing business. Members of this committee do not have expiring terms and only meet when necessary. **MSP: Myers/Hamsher -- to appoint Commissioner Hamsher, Alec Oliver, Pat Holliday, James Driscoll and Rob Stewart to the Wolf Depredation Compensation Advisory Committee.**

**VICTIM ASSISTANCE.** Victim Intervention Specialist Kimberly Neault and District Attorney Jim Carpenter requested court permission to apply for the Office on Violence Against Women Rural Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program Grant (OVW). Carpenter advised Victim Assistance Director Andrea Officer has tendered her resignation and will be going to work at the hospital. Carpenter has promoted Neault to the Victim Assistance Director position. The OVW Grant would provide for .75 FTE of the Heart of Grant County Director Salary and 1.0 FTE of the Victim Intervention Specialist Position along with training & travel expenses and community education projects. The grant deadline is February 14<sup>th</sup> and is a competitive grant with no match required. **MSP: Hamsher/Myers -- to approve application for the OVW Grant.**

**AIRPORT.** Airport Manager Haley Walker presented a request to partner with Oregon Aviation Industries (ORAVI) to develop a rural air service program. Walker reported she was approached by ORAVI about a week and a half ago and they requested partnership with the Grant County Regional Airport and the Newport Airport to provide rural air service. ORAVI is a big proponent of providing commercial rural air service. Walker explained ORAVI intends to apply for a Rural Oregon Airport Relief Grant (ROAR). The ROAR grant funds would be used to subsidize commercial air service to rural areas in order to keep costs down for consumers. Walker said this will not cost the county anything other than her time. Doug Ferguson serves on the Oregon Department of Aviation Board and his appointment to the Airport Commission will complement this. Ferguson said that projects such as this are the type the aviation board is looking for. **MSP: Palmer/Hamsher -- to approve partnership with ORAVI.**

**JUSTICE OF THE PEACE.** Justice of the Peace Kathy Stinnett requested appointment of a Pro-Tem for 2019. Stinnett explained a Pro-Tem is simply someone who can sit in her place if she is unavailable or if

she has a conflict. Stinnett recommended Attorney at Law Christie Timko for this position and submitted a contract for court review along with Resolution 19-03 along with Hon. Chris Patnode from Gilliam County and Hon. Vicki Clemens from Harney County. County Counsel Jim Carpenter had reviewed the contract prior to court. Stinnett explained undertaking requirements. **MSP:**

**Hamsher/Palmer -- to appoint Christie Timko with an undertaking amount of \$2,600, Hon. Chris Patnode and Hon. Vicki Clemens as Justice of the Peace Pro-Tems for 2019 and circulate the contract and Resolution 19-03 for signatures.**

10:14 am The court took a short break. 10:27 am The court returned to session.

**INTERGOVERNMENTAL AGREEMENT WITH HARNEY COUNTY.** The court reviewed an Intergovernmental Agreement (IGA) with Harney County to share the services of an onsite sanitarian for septic inspections. The sanitarian would be employed and supervised by Harney County. Myers reported we have need for septic inspections and this will be a great partnership to enter into.

**MSP: Myers/Hamsher -- to approve the IGA with Harney County and circulate for signatures.**

**TAX REFUND & ORDER 2019-01.** The court reviewed Tax Refund #03 and Order 2019-01 to refund \$53.74 to Byron Haberly. The tax refund was due to improvements being destroyed by fire. **MSP: Myers/Palmer -- to approve tax refund #03 in the amount of \$53.74 and Order 2019-01 and to circulate both for signatures.**

**INTERNET STIPEND.** The court members discussed an internet stipend for Commissioner Palmer. Palmer does not currently have internet at his home, but will need internet access in order to conduct county business. Palmer lives in a location where it is difficult to get internet service. Myers advised now that the court will be going to electronic court books it is imperative that Palmer have internet service at his home. Palmer said when he first purchased the property he found out he couldn't get internet through the telephone company. Palmer spoke with Tammy Bremner who has V\*\* and is very happy with the service. Palmer also spoke with Ortelco and the installation fees are nearly the same for each company. Palmer said he would look at this internet stipend in lieu of payment for acting as the Public Health Administrator. Palmer would prefer to use Ortelco as the provider. **MSP: Myers/Hamsher -- to approve an internet stipend for Commissioner Palmer with Ortelco as the provider. Palmer abstained from voting.**

**RESOLUTION 19-01.** Treasurer Julie Ellison had prepared budget Resolution 19-01 for court approval. The resolution transfers funds in the Veteran Services budget from materials & services (\$6,259) to personnel services (\$6,259) to fund a Department Assistant. Myers read the resolution to those in attendance. **MSP: Myers/Hamsher -- to approve Resolution 19-01 and circulate for signatures.**

**RESOLUTION 19-02.** Treasurer Julie Ellison had prepared budget Resolution 19-02 for court approval. The resolution transfers \$34,723 from general fund non-departmental contingency to district attorney personnel services to fund a Deputy District Attorney. Myers read the resolution to those in attendance. **MSP: Myers/Palmer -- to approve Resolution 19-02 and circulate for signatures.**

**DISTRICT ATTORNEY.** District Attorney Jim Carpenter sent a written request to the court for approval to purchase a new laptop computer. Carpenter advised the screen of his current Microsoft Surface Pro 4 is warped and beginning to come apart and is no longer under warranty. Carpenter will attempt to repair the machine and repurpose it in his office if possible. Carpenter received an estimate from Donna Becker at ESD for the purchase of a Microsoft Surface Pro 6 in the amount of \$1,890.56 which includes

a 3 year warranty and accessories. The DA budget – capital outlay has funding for \$1,500 of this and \$390.56 would need to be paid from the general fund. The computer would be used as the primary computer for the District Attorney and County Counsel. **MSP: Myers/Hamsher -- to approve purchase of the Microsoft Surface Pro 6 in the amount of \$1,890.56 from ESD to be paid from DA capital outlay (\$1,500) and general fund capital outlay (\$390.56).**

**LETTER TO LEGISLATURES.** The court discussed the letter requested by Sharon Livingston at the last court meeting. Commissioner Hamsher created the letter with the assistance of Laurie Wright. The letter will be sent to state and federal legislatures and regards the economic and agricultural issues facing the county. Myers expressed concern that with the government shutdown the letter might not be viewed and suggested sending it twice. Hamsher agreed sending it twice was a good idea. The letter will be sent to President Trump, Secretary of the Interior Zinke, Secretary of Agriculture Perdue, Senator Wyden, Senator Merkley, Representative Walden and Regional Forest Glenn Casamassa. **MSP: Myers/Hamsher – to approve the letter and send it now and again once the government re-opens.** The letter will also be sent to Senator Bentz, Representative Findlay, Chris French and to the AOC Natural Resource Steering Committee.

10:46 am The court took a break.

11:00 am The court returned to session.

**PUBLIC HEARING – AMENDMENT TO COMPREHENSIVE PLAN ORDINANCE 2019-01.** Attorney Dominic Carollo and Attorney Stacy Posegate were in attendance via telephone conference call. Judge Myers called the hearing to order at 11:02 am. Ordinance No. 2019-01 – An Ordinance Providing for an Amendment to the Grant County Comprehensive Plan, Codified September 8, 1999, and Declaring an Emergency. Myers asked Planning Director Hilary McNary to conduct the hearing and pointed out that Posegate had written a letter to the court which they all have. McNary explained this ordinance codifies the decision made by the Grant County Court in October on Application ZC-17-01, filed by Oregon Department of Transportation for establishment of a significant aggregate site in Township 7 South, Range 31 East, Sections 10, 14 and 15 WM in Grant County Oregon. The decision made by the Grant County Court approved this as a significant aggregate site with a 5c level of protection under OAR 660-023-0040, which allows the identified conflicting uses fully, notwithstanding the possible impacts on the resource site. McNary read Ordinance 2019-01 by title. Myers offered public testimony as follows:

Proponent: No testimony was received.

Opponent: No testimony was received.

Neutral: No testimony was received.

Judge Myers offered another round of testimony and advised that this included those appearing by phone.

Proponent: No testimony was received.

Opponent: No testimony was received.

Neutral: No testimony was received.

McNary read Ordinance 2019-01 to those in attendance in its entirety. Myers advised he is not convinced from any written or public testimony that the court should change their position regarding this site. **MSP: Myers/Hamsher -- to close the public hearing. MSP: Myers/Hamsher -- to adopt Ordinance 2019-01 as an emergency and circulate for signatures.** McNary advised once the Ordinance is signed her department will send copies to all parties with standing. Posegate asked McNary if she would notify the Oregon Department of Transportation once the Ordinance is sent to the Department of Land Conservation and Development. McNary said she would.

**PUBLIC COMMENT.** Frances Preston asked how the process differentiated in the adoption of the marijuana ordinance from the county it was borrowed from. Hamsher said he believes the language was changed and the other county did present this to their voters. Myers said he doesn't want to lay blame anywhere, but adopting the ordinance was apparently not done correctly. Myers added he isn't sure how wires were crossed, but the court is moving forward to adopt this correctly in the future. Jim Sproul asked if the court has heard anything regarding the lawsuit filed by Mark Webb against the county. Myers believes this is still under advisement and he is sure with the holidays Judge Cramer has been busy. Preston said she was told by the Circuit Court that the decision could take up to 60 days. Billie Jo George asked Myers if he had talked with Susan Roberts, Wallowa County Commissioner, and Myers advised he has spoken with Roberts about a natural resource committee.

11:20 am -- Adjourned.

Respectfully Submitted,

Laurie Wright  
Administrative Assistant

**\*\*\*\* Please note the court minutes are a summary of the court proceedings. An audio recording of each court session is available, after approval of the minutes, by contacting Laurie Wright at 541-575-0059 or [wrightl@grantcounty-or.gov](mailto:wrightl@grantcounty-or.gov) \*\*\*\***