

## IN THE COUNTY COURT OF THE STATE OF OREGON

### IN AND FOR THE COUNTY OF GRANT

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**January 22, 2020**

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 Kim Puckett, Katy Nelson, Jim Spell, Beth Spell, Luke Palmer, Frances Preston, Alan Hickerson, Kathy Gillam, Dan Becker, Donna Palmer, Hannah Hinman, Maria Bologna, Reporter Logan Bagett, Reporter Steve Mitchell, and Pastor Levi Manitsas. A Pledge of Allegiance was given to the United States Flag. The invocation was given by Pastor Manitsas.

**CLAIMS.** The court had reviewed and approved claims and extension district warrants # 67, 68, &69.

**HAND CHECK.** The court approved four hand checks #58809, 58811, 58812, 58813

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

**ANNOUNCEMENTS.** Judge Myers sat in on several Association of Oregon Counties (AOC) meetings on the 13<sup>th</sup>. On the 15<sup>th</sup> he attended a meeting at the Blue Mountain Hospital for Mental Health & Addictions. Sunday the 19<sup>th</sup> Myers traveled to Pendleton for Scott Fairley's Celebration of Life. He traveled to attend the District 60 meeting where Harney County Commissioner Mark Owens was appointed to the House of Representatives. Ontario the 21<sup>st</sup>. On the 22<sup>nd</sup> Myers attended a Department Head meeting. On the 24<sup>th</sup> he attended a meeting with Airport Manager, Haley Walker and the Forest Service to discuss the Airport terminal occupancy contract. On the 28<sup>th</sup> he traveled to Baker City for a Community Connections Board of Directors meeting.

Commissioner Palmer met with Ken Olson, Sheriff Glenn Palmer, and Undersheriff Zach Mobley on the 8<sup>th</sup> regarding the Strawberry Beef Building. On the 9<sup>th</sup> he had a phone conference with Washington DC on the National Environmental Policy Act, and Department of Environmental Quality (DEQ) regulations from the President. Palmer had a phone conference with Eastern Oregon Counties Association (EOCA) and Rocky Dallum on proposed legislation. On the 13<sup>th</sup> he had a phone call regarding Public Lands. He met with Economic Development regarding the Strawberry Beef Building. The 18<sup>th</sup> he went to Ontario for a Precinct Committee Person (PCP) meeting. Palmer traveled to Ontario on the 21<sup>st</sup> for the vote. On the 22<sup>nd</sup> he had a phone conference with Karen Budd-Fallen in Washington DC. He will attend a Department Head meeting later today.

Commissioner Hamsher attended a meeting at Blue Mountain Hospital regarding Chronic Disease and Pain Access to residents in the county. He attended the Association of Oregon Counties Federal Land subcommittee meeting by phone on the 13<sup>th</sup>, and attended the Natural Resource Steering Committee

meeting. Hamsher went to the Natural Resources Advisory Committee (NRAC) meeting at the Airport, the Forest Service presented on the Austin Project in hopes of gaining some ideas. He took part in some briefings with Eastern Oregon Counties Association (EOCA) and will attend the Blue Mountain Intergovernmental Council meeting. Hamsher took part on a NEPA conversation, he said it was a very informative meeting. Hamsher traveled to the appointment of Commissioner Mark Owens, now Representative Owens.

**MINUTES.** MSP: Myers/Palmer to approve the January 8<sup>th</sup> minutes as presented.

**ROAD DEPARTMENT.** Kathy Gillam spoke of her time working at the Road Department for the past 27 years as the Office Manager.

Laurie Wright, Julie Ellison, Shannon Springer entered 9:19 am

**TREASURER.** Julie Ellison, Treasurer, requested permission to present to the budget committee a 1.66% wage increase for fiscal year 2020-2021 after figuring the COLA from the Consumer Pricing Index report. The Sheriff union contract requires a minimum 1% increase and the Road union requires the follow the actual CPI-W is followed, up to 3%. **MSP: Palmer/Myers -- to approve presenting the wage increase to the budget committee.**

**PLANNING.** Planning Director, Shannon Springer requested approval to purchase a new desktop computer and transition the department's laptop to Human Resources. **MSP: Myers/Hamsher --to approve the purchase of a new computer.**

Vicki Bond & Kathy Smith entered 9:29 am

**LIBRARY.** Vicki Bond & Kathy Smith requested court approval to purchase additional bookshelves. The Bookmobile was sold and some of the money was allocated to purchase the new bookshelves. **MSP: Myers/Palmer --to approve the purchase using library funds in the amount of \$7,000 and the county general fund to assist with the additional cost of \$11,770.32**

**GRANT-HARNEY COURT APPOINTED SPECIAL ADVOCATE (CASA).** Hannah Hinman, Executive Director gave the court an update. Grant-Harney County Court Appointed Special Advocates (CASA) recruits, trains, and professionally supports volunteers who advocate for the best interests of neglected and abused children in the juvenile dependency system. Hinman requested Grant County contribute five percent of the budget as it did last year. The request is \$7,500 and they would ask the county to consider committing the same amount for the following two years, providing local match dollars for their foundation grants. **MSP: Hamsher/Myers --to table allowing additional time for research.**

Christine Ostberg, Delores Ostberg, Brad Marshall, Daryan Turner, Philip Wirth entered 10:10 am  
Tim Goffries, Rich Valette, Gregg Haberly entered 10:25am

**PUBLIC HEARING FOR APPEAL ACC-19-01.** Judge Myers called the hearing to order at 10:32 am  
**MSP: Myers/Palmer--** In the Matter of Public Land Use Appeal by Philip Wirth #ACC19-01, Application #AR219-11. Shannon Springer, Planning Director, read the statement of appeal.

Myers offered public testimony as follows:

Proponent: Brad Marshall, Land Use Planner, representing Windy Canyon and Philip Wirth in the appeal. He has known Philip for 20 years and worked throughout the region for the last 30 years and is

familiar with the area. Marshall assisted with filing of the application and went before the Planning Commission with sound representations and sound facts. They believe the decision that was made by the Planning Commission was untested, and unfounded factually. They submitted an appeal document that is very lengthy and they believe very strong, for expediency they provided to the court a document that summarizes the statement of appeal. Marshall read the document stating that they are appealing the Planning Commission's decision dated November 26<sup>th</sup>, 2019. For the record they submitted the appeal on December 9, 2019. Marshall said that the decision made is not based on facts and they have done a great job in the appeal document providing the facts. Marshall asked that under our code the court reverse the decision of the Planning Commission and approve this request.

Opponent: Rich Valette owner of Monument Vista Ranch LLC for about 16-18years. Rich began to speak about spraying weeds on the property and the court members and planning staff indicated that was not part of the record and could not be relied upon in making a decision on the matter. He stated that a comment was made that he and his partner were not present at the Planning Commission meeting in November and this was due to the unfortunate event of his partner David Fields passing away. Valette said they support the Planning Department's decision 100 percent.

Opponent: Tim Goffrier spoke on behalf of Monument Vista Ranch and commented that the request for two dwellings would change the complexion of the area. He started to speak on matters not in the record and Commissioner Hamsher pointed out that the court can't take testimony unless it's in the record.

Hamsher commented that the process was frustrating but only information from the record can be provided and relied upon to make a decision. Planning staff explained there will be more opportunities to comment and provide summary information.

Neutral: None

Rebuttal Testimony was provided.

Proponent: Brad Marshall, representing Windy Canyon Ranch, questioned the validity of the email from Michael Keane. Planning staff clarified it is part of the record. He commented that the Planning Commission decision was not supported by evidence or facts. Marshall asked that the court review the appeal document and overturn the Planning Commission decision.

Opponent: Rich Valette, representing Monument Vista Ranch, referred to the letter from Michael Keane and started talking about weed spraying and that the parcel does not meet the minimum size for the MUR zone. He was informed by the court members that spraying can't be discussed because it wasn't part of the record. Valette stated that he supports the letter Michael Keane provided.

Neutral: None

An opportunity for summary testimony was provided.

Proponent: Brad Marshall reiterated that the request met the criteria and should be approved. He expressed concern that testimony about weed spraying tainted the record.

Opponent: Rich Valette mentioned helicopter spraying again and was directed by the court that it was not information that was included in the record and couldn't be considered in the decision. He said he had been property owner for years, and they want to protect the property, wildlife, and people. Judge Myers informed those in attendance that there would be opportunity for discussion and questions related to the appeal record. Comments and questions followed.

**MSP: Myers/Palmer -- to close the public portion of the hearing at 11:24am.**

**MSP: Myers/Palmer--to uphold the decision made by the Planning Commission on application AR2-19-11.**

**A date and time was set for the decision to be brought back for the court for signature Wednesday**

**February 5<sup>th</sup>, at 3:30pm.**

Rob Raschio entered 10:47am, Mindy Winegar & Dusty Williams entered 10:54am,  
Sheriff Glenn Palmer entered 11:04am

**FAIRGROUNDS.** Mindy Winegar, Fairgrounds Manager asked the court to come up with a decision on the heating system and explained the fair board recommendation. **MSP: Myers/Palmer --to accept the fair board recommendation and move forward with the oil heat system. Myers & Palmer voted yes and Hamsher voted no because he feels propane would be a better system.** Winegar reviewed the Oregon Fair Association Convention. She gave the court an update on building & ground improvements. Winegar requested approval to purchase a storage/picnic building. **MSP: Palmer/Myers--to approve purchase of the steel storage/picnic building.**

**UNION NEGOTIATIONS.** The court discussed retaining attorney Dominic Carollo for union negotiations. **MSP: Myers/Palmer--to retain Dominic Carollo for union negotiations.**

**MEMORANDUM OF UNDERSTANDING (MOU).** The court discussed the MOU with Old West Credit Union. The consensus was to authorize Commissioner Palmer to move forward towards an MOU with Old West Credit Union.

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

Airport Commission: Cheryl Berry and Barbara Smith requested re-appointment to this board. **MSP: Myers/Palmer--to reappoint Cheryl Berry and Barbara Smith with terms to expire December 31, 2021.**

Budget Committee: Amy Kreger requested re-appointment to this board. **MSP: Myers/Hamsher-- to reappoint Amy Kreger with a term to expire December 31, 2021.**

College Advisory Board: Tracey Blood requested re-appointment to this board. **MSP: Myers/Hamsher-- to reappoint Tracey Blood with a term to expire December 31, 2022.**

Extension & 4H Service District Advisory Council: Lorie Croghan and Yaohui Huang requested re-appointment to this board. **MSP: Myers/Hamsher--to re-appoint Lorie Croghan and Yaohui Huang with terms to expire December 31, 2022.**

Fair Board: Donna Palmer, Lucas Moore, and Jonna Radinovich requested re-appointment to this board. **MSP: Myers/Palmer--to reappoint Donna Palmer, Luca Moore, and Jonna Radinovich with terms to expire December 31, 2022 and to accept the resignation of Shanna Northway and send her a letter of thanks. MSP: Myers/Palmer--to appoint Doug Cox with a term to expire December 31, 2020.**

Mental Health Advisory Board: Mike McManus, Scott Myers, and Cathy Currey requested re-appointment to this board. **MSP: Myers/Palmer--to re-appoint Mike McManus, Scott Myers, and Cathy Currey with terms to expire December 31, 2022.**

Planning Board: Ron Burnette, Rod Kuhn, Sue Porter, and Haley Olson requested re-appointment to this board. **MSP:--to reappoint Ron Burnette, Rod Kuhn, Sue Porter, and Haley Olson with a term to expire December 31, 2023 and send Hailey Boethin a letter of thanks. MSP: Myers/Palmer--to appoint Kelly McGirr and move her from the alternate to a regular position with a term to expire December 31, 2022.**

Road Department: Mary Walker and Ron Greb requested re-appointment to this board. **MSP: Myers/Hamsher--to re-appoint Mary Walker and Ron Greb with terms to expire December 31, 2022.**

Southeast Area Commission on Transportation (SEACT): Nick Greene requested re-appointment to this board. **MSP: Myers/Palmer—to re-appoint Nick Greene with a term to expire December 31, 2022.**  
Wildlife Advisory Board: Andy Day and M. T. Anderson requested re-appointment to this board. **MSP: Myers/Palmer--to re-appoint Andy Day and M. T. Anderson with terms to expire December 31, 2022 and to send Mike Kilpatrick a letter of thanks. MSP: Myers/Palmer--to appoint John Guthridge with a term to expire December 31, 2022.**

**FALL MOUNTAIN COMMUNICATIONS.** The court reviewed the Fall Mountain Communications Site Agreement. **MSP: Myers/Hamsher--to approve and sign the agreement.**

**TREASURER.** The court reviewed Budget Resolution # 19-33 in the matter of intrafund transfers, general fund elections department. The Elections Department has to buy a new compatible scanner out of Capital Outlay and has funds available in Materials and Services that can be transferred to the expenditure, from Materials & Services \$307.00 to Capital Outlay \$307.00 **MSP: Myers/Palmer--to approve Resolution #19-33 and circulate for signatures. \*\*\*The court members resigned resolution #20-01 after the meeting to reflect the correct resolution number of 20-01.**

**SENIORS.** Angie Uptmor, Senior Programs Manager, asked the court for approval to purchase a printer through the general fund for Senior Programs. Uptmor received three quotes: Staples \$269.99, Connection \$269.00, and Amazon \$268.90. **MSP: Myers/Hamsher--to approve the purchase of a new printer.**

**COUNTY COURT DEPARTMENT LIAISONS.** The court reviewed a proposed department liaison policy. The County Judge and County Commissioners will act as liaisons to different departments within the county. The objective of the liaison is to meet regularly with their assigned departments for the purpose of providing assistance and to better serve the needs of the departments and to receive feedback on county policies and procedures, facilitate requests and/or explain court actions, understand departmental challenges, and to seek new innovative ways to meet the needs of Grant County citizens. The County Court will assign departments to court member liaisons. The department liaison will supervise and conduct annual performance evaluations of non-elected department heads/managers in their assigned departments. When a liaison is assigned to a department, or a change in liaison occurs, the department affected will be notified as soon as possible. A current department liaison list will be kept in the County Court office. **MSP: Hamsher/Palmer to adopt the policy.**

**COMMUNITY ADVISORY COUNCIL.** The court reviewed the Community Advisory Council applications. **MSP: Myers/Hamsher --to appoint Kim Randleas and Sabrina Howard.**

**PUBLIC COMMENT.** None

12:17 Adjourned

Respectfully Submitted,

Kim Puckett

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 Kim Puckett at 541-575-0059 or [puckettk@grantcounty-or.gov](mailto:puckettk@grantcounty-or.gov) \*\***