

## IN THE COUNTY COURT OF THE STATE OF OREGON

### IN AND FOR THE COUNTY OF GRANT

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**September 22, 2021**

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.

9:03 am -- Call to Order. Present were Judge Scott W. Myers, Commissioners Jim Hamsher and Sam Palmer, Administrative Assistant Laurie Stinnett, Human Resources Manager Laurie Cates, Frances Preston, Richard F. LaMountain, Marcia Christensen, Airport Manager Haley Walker, Kate Cueno and Ed Guzman USFS/PC, and Judy Kerr. A Pledge of Allegiance was given to the United States Flag. Judge Myers reminded the audience to please relinquish seats as needed for the presenters.

**CLAIMS.** The court had reviewed and approved claims and Extension District Warrants #36, 37, 38.

**AGENDA. MSP: Myers/Palmer -- to accept the agenda as amended.** Myers asked to amend the agenda to include a General Order "J" for phone acquisition for the jail sergeant.

**ANNOUNCEMENTS.** Judge Myers participated by phone in an Association of Oregon Counties (AOC) meeting on September 13<sup>th</sup>. These meetings occur on the second Monday of each month. On the 20<sup>th</sup> he met with FirePro LLC to go over the planned alarm, fire extinguisher, sprinkler and safety inspections taking place the 20<sup>th</sup>, 21<sup>st</sup>, and 23<sup>rd</sup>. The final wrap up will be Friday, October 1<sup>st</sup>. Myers attended a Zoom meeting on the 27<sup>th</sup> with other Eastern Oregon Counties Association (EOCA) members regarding current issues affecting the eastside counties.

Commissioner Palmer met with Sheriff McKinley, John Day City Manager Nick Green and Council Members Skye and Smith to discuss a grant to subsidize the police department. They are waiting for word on that grant. Palmer took part in the weekly conference call with Kimberly Lindsay, Grant County Public Health Administrator, regarding the current Covid conditions within the county. Palmer testified by phone on a call with Representative Owens about redistricting. He participated in the EOCA/Blues Intergovernmental Council (BIC) about the Starkey area forest health, and with Representative Owens on the River Democracy Act. He plans to visit with Commissioner Nash about the way the Act is going.

Commissioner Hamsher attended a claims day last week and two (2) meetings by phone: a NACO Public Land Steering Committee meeting and the weekly Covid briefing with Public Health Administrator, Kimberly Lindsay. The week before, Hamsher attended an Association of

Oregon Counties (AOC) Natural Resources Steering Committee meeting, a BIC Steering Committee meeting and an Eastern Oregon Drought Round Table meeting. He attended a Training and Employment Consortium Board (TEC) special meeting yesterday, visited with our Veteran Services Officer, Katee Hoffman, and talked with Senator Findley a couple of different times, regarding redistricting and drought relief. He is looking forward to the upcoming EOCA meeting. Hamsher had a chance to visit with Congressman Bentz at the Round-Up this weekend and will be taking part in a Regional Solutions commissioners call this Wednesday.

**MINUTES. MSP: Myers/Palmer -- to approve the minutes as presented.**

**PRAIRIE CITY RANGER DISTRICT.** Kate Cueno and Ed Guzman, of the Prairie City Ranger District gave a video presentation of the Cliff Knox Project. They are soliciting comment, as the project is currently in its forty-five (45) day comment period. Guzman stated that the purpose of the project is vegetation restoration aimed at making the forest healthier and able to resist the catastrophic fires occurring all over the west. Guzman said that a big part of this project would be to supply jobs in the woods, with (log) trucks and in the mills, as well as opening up grazing. Cueno gave an overview of the project, which began in 2018 and encompasses 40,000 acres of dry forest ecosystem involving the Prairie City and Emigrant Creek Ranger District in both Grant and Harney County. This area includes the Malheur Inventoried Roadless Area, the Malheur Wild and Scenic River Corridor, and the Malheur Potential Wilderness Area. These timbered areas have grown unnaturally dense and unhealthy and forested stands are encroaching on historically non-forested areas, including meadows. Proposed actions include the thinning of 19,000 acres commercially, 4,400 acres of small diameter removal and 4,300 acres non-commercially. The entire area is slated for prescribed burning. The road plan includes re-opening 4.7 miles, closure of 12.4 miles (storage), confirming closure of 19.48 miles (to be reviewed by interdisciplinary team to determine if they wouldn't be appropriate to remain closed), decommissioning 11 miles and reconstruction of 3 miles. Proposed amendments include old growth boundary changes, harvest of latent old structure (closed areas of older forest), increased maintenance of areas of connectivity, and reduction of big game cover in both summer and winter range. Another element of the plan is to increase elk security; this would be achieved through an additional 37 miles of road closure. Discussion afterward included questions about the type of road barriers to be used, the amount of sale vs. stewardship to occur, and whether the newly constructed roads will remain open. Guzman added that they are using the opportunity to make better sense of the road system, so that newly constructed roads will replace roads that do not make sense. Guzman responded to comment about prescribed burning, stating that the lack of low to moderate intensity fire, as is done in prescribed burning scenarios, contributes to the catastrophic fires that we have been experiencing. In answer to Judge Myers question, Cueno stated that there are no open houses taking place for comment due to Covid concerns. Written comment may be submitted by mail, email or hand delivered by October 12<sup>th</sup>.

9:28 am - Pat Voigt and Chris Labhart entered.

**SENIOR PROGRAMS.** Angie Uptmor, Seniors Program Manager, requested a wage increase for cook and assistant cook positions at the John Day, Prairie City and Monument Senior Centers. She stated that filling positions has been tough throughout the county. Similar local area jobs have upped wages to draw help and she feels that we need to be competitive to keep our valued staff. Angie worked two months filling in as head cook recently, and expressed appreciation for all the duties that the staff carries out. If approved, the yearly wage increase would total approximately \$7,972.86. However, as a result of recent changes in the department, Uptmor is operating with a decrease in her budget that would offset the amount requested, bringing the amount needed to around \$2,400. Commissioner Hamsher feels that these are worthwhile expenditures benefiting our senior community and that it's important to keep good staff, especially at 10 hours a week. Myers commented that it's tough to find them and tougher to keep them. Commissioner Palmer asked if an allocation of \$3,000 would cover the request; Uptmor said she believed it would. This would not be retroactive, but go into effect for the next pay period beginning in October. Palmer asked if they wanted to cap that out; Myers and Hamsher both agreed that we can't be fixed on those numbers and they will change with future cost of living adjustments.

**MSP: Myers /Hamsher – To increase wages as proposed for the positions of Head Cook from \$13.19 to \$15.00 and Assistant Cook from \$12.66 to \$14.50 per hour effective for the October pay period.**

10:00 am - The court took a two minute break to rotate seating in the room.

**ROAD DEPARTMENT.** County Road 62: Alan Hickerson, Roadmaster, came to discuss details of the overlay project on County Road 62 (CR62, also known as Summit Prairie Road) approved during the last court session. It is now out for bid and closes on September 28<sup>th</sup>. Joe Hitz, County Engineer, will advise Hickerson of the best bid for the county. He would like to forego the wait for the next court date, citing the weather changes, and get approval and signature from Judge Myers when the bidder is chosen. He will email all court members to confirm the bidder and approval.

**MSP: Palmer/ Hamsher -- To allow Judge Myers to approve and sign the bid award for CR62 overlay project.**

Dry Camp Road: Hickerson also discussed the legality of the Dry Camp Road, also known as Indian Creek Road. In April of 1942, during the war effort, three (3) miles was added to Indian Creek Road. Both Indian Creek and Dog Creek Road were used to access local chromium mines for the war effort. Dog Creek became a county road; Indian Creek never did. It was surveyed, but questions remain as to the legality of both the survey and its status as a county road. It's possible that the judge signed off on the resolution, rather than the full court. Hamsher added that there appears to be no county court minutes on record to show that this resolution even happened. Myers concurred that it appears that the judge signed off and the other two court members did not. It has been thought to be in the county road system for seventy-nine (79) years. In the thirty (30) years that Hickerson has worked for the county, no maintenance has been done and the plowing stops at the end of county road sign. Hickerson became aware of the situation 1 ½ years ago, as previous roadmasters had chosen to "kick it down the road." He

stated that the 1942 resolution should be made null and void. The court discussed the access of landowners and the proper legal action needed to confirm the road's status as being recorded in error and without a legal basis.

**MSP: Hamsher/ Myer – to create resolution nullifying previous 1942 resolution and have legal counsel prepare documents.**

Martin Leuenberger, a lawyer from Baker City, appeared on behalf of Teena & Charles Ballard. He asked that he be allowed to look at the proposed document before it is formally adopted and signed by the Ballards. Leuenberger would like it to contain language stating that it is not a public road, local access road or any other type of road that gives the public the right of use. Judge Myers affirmed that they would work cooperatively on the proposed document.

10:09 am - Dave Traylor entered.

10:16 am - Neil Ledgerwood entered.

**AMERICAN LEGION POST 106.** Ed Negus, Veteran and Commander of Post 106 of the American Legion in Prairie City introduced Neil Ledgerwood and Dave Traylor, fellow veterans. Dave Traylor, spokesman, shared that one percent of Grant County's population is made up of veterans. American Legion members participate in local funeral services, carrying out various duties such as the folding of the flag, rifle salute and bugler. This is done at their own expense, including the purchase of appropriate clothing for the event. They asked the County Court, as a gesture of their patriotism, to allocate a yearly \$1,000 fund. If \$300 dollars is used one year, that amount is replenished at the beginning of the next year. This fund would be overseen by Katee Hoffman, Veterans Services Officer, and disbursed as needed upon receipt. Judge Myers asked if the Legion currently funds these services; Traylor clarified that the Legion funds go toward the grave plots and markers. Traylor also commented that Harney County has "Salute Our Veterans" highway signs and that it would be nice to see that in Grant County.

**MSP: Hamsher/Palmer – to approve a fund that maintains a yearly beginning balance of \$1,000 for use by the American Legion to assist in the funeral services of county veterans.**

**JAIL SERGEANT CELL PHONE.** Discussion to purchase an additional county cell phone in order to remedy the situation in which, currently, both sergeants share a single phone.

**MSP: Hamsher/Palmer – To approve the purchase of a county cell phone for use by the jail sergeant.**

**FAIRGROUNDS.** Grant County Fair: Mindy Winegar, Fair & RV Park Manager, shared an overview of the 112<sup>th</sup> Grant County Fair, and confirmed that it was a huge success, with 8,000 people through the gates, 2,200 people at the concert on Friday and 100 extra campers at the 3<sup>rd</sup> Street extension. There were 30 parade entries and 47 fair vendors. The auction for the Grant County youth brought in just over \$505,000. The fairgrounds rented 20 rooms. Official thank you to all the courthouse departments and employees who helped at the Fair, as well as other community personnel and members. Judge Myers and Commissioners Palmer and Hamsher complimented Winegar with doing a great job; she replied that it takes a village and her goal is to make it better each year. Hamsher complimented the pavilion renovation and

Winegar said that they also received many comments on the bathroom renovation. Palmer asked if the fair received any interim funding from the state, to which Winegar replied they did not.

Seasonal Help: Winegar requested that her seasonal help work up to 10 hours a week September through April and go to 20 hours a week from May through June. Although she did not budget for this request, she has \$65,000 unused in her equipment line item. It was noted that a water truck could be an asset to their operation. Winegar agreed, but is also proposing to move the funds for the seasonal labor from material and services to the personnel budget for this request.

10:43 am – Treasurer Julie Ellison entered.

Treasurer Julie Ellison was asked to give input; she confirmed that the funds could be moved to the personnel budget as requested.

**MPS: Palmer/Myer – to approve additional help as long as it can be transferred from within the current Fair budget.**

Point of Sale System: Winegar requested a Visa Processor for the RV system. The current system is not compatible with the Point and Pay system that is also used at the park. The Fair staff must then call to obtain the credit card CVV# to complete the reservation, and invoice by hard copy if that contact fails. Under the current system, the guest is not charged in advance. Commissioner Hamsher noted that a compatible system would allow the park to implement a 24 hour cancellation policy and a first night charge for a reservation no-show. There are two systems under consideration that would be compatible.

**MSP: Palmer/Hamsher – to move forward with the purchase and authorize Judge Myers to approve and sign the contract for the new system.**

Master Plan: Winegar requested permission to have the camping and RV park master plan updated by Walker/Macy at a cost of \$2,500. After looking it for over the past year, her proposal is to replace the future tent camping sites with full RV hook up spaces. Hamsher commented that tent space fees are \$10 per night versus camper spaces for \$35. Discussion continued about a proposed road and parking on the east end of the Fairgrounds. Winegar was given the go-ahead to explore that option. Myers said that they missed the opportunity to get more state funding for fire rings and picnic tables and will have to wait for the next round for that. Winegar said that our lobbyist is working to help us with capital improvements. Myers and Hamsher discussed getting the \$2,500 out of the RV fund for use at this time, but Winegar stated that she has the funds within her current budget.

**MSP: Myers/Palmer -- to authorize payment to Walker/Macy to have the RV Park Master Plan re-evaluated and to explore options with the proposed road and report back to the court.**

**ECONOMIC DEVELOPMENT.** Tory Stinnett, Economic Development Director, shared that the department had been awarded the Housing Rehab/Community Development Block Grant (CDBG). The contract needs to be reviewed by County Counsel and then signed with Oregon Business Development Department (OBDD) and Community Connections of North East

Oregon (CCNO). Hamsher asked about the uses of the grant. It is for low income and elderly community members who live within certain financial thresholds. They can apply for home repairs for things such as roof, deck and ramp repairs or builds. It is a no-interest loan through CCNO and comes due should a homeowner pass away, or at the sale of the home.

**MSP: Myers/Hamsher – that upon approval of the grant from Housing Rehab and CCNO and final review of Council that Judge Myers be allowed to sign the grant.**

Stinnett also gave an update on the application for a Technical Assistance Grant through Department of Land Conservation and Development (DLCD). Josh Lombard from DLCD is assisting with the grant request amount and cost of a consultant to come out and work with our communities. The in-kind match will be met through staff hours and advertisement. Myers noted that a letter of support is needed, which Stinnett will write for the court to sign.

**MSP: Palmer/Myers – to approve the grant application.**

11:40 Rayme Lacey and Renee Updegrave entered.

**HEART OF GRANT COUNTY.** Rayme Lacey & Renee Updegrave, Advocates for Heart of Grant County, presented the court with an in-kind request to ask for use of the Grant County Fairgrounds for the Horse Therapy Program they sponsor. They are working with Stefanie McKinnon, an equine therapist, of Iron Cross Equine Connection of Boise. There are currently 7 adults and 15 children interested in this program. Commissioner Hamsher asked if they had approached the fairgrounds with the request. Manager Mindy Winegar stated that the Fairgrounds has given discounts to various organizations for the use of the facilities. However, as the fairgrounds is not on the tax rolls, the court does not have the authority to offer the use of the facilities. Judge Myers added that if this is being used as a soft match, it is a worthwhile opportunity, but they needed to first take their request to the Fair Board. Heart of Grant County's plan is to offer 1-2 sessions per month through the end of this year (2021), which would then allow them to obtain additional funding to continue the program for the next two to three years. They were directed to the October 11<sup>th</sup> Fair Board meeting. No motion was made and the Advocates were referred to the Fair Board as the first step in the process.

**9<sup>TH</sup> & 10<sup>TH</sup> AMENDMENT DISCUSSION.** Frances Preston asked the Court to define the meaning of the 9<sup>th</sup> and 10<sup>th</sup> Amendments and Oregon Revised Statute (ORS) 203.035. Judge Myers asked what Preston's intent was in the series of questions. Preston replied by urging the court to take their constitutionally granted rights to take local control of matters. Commissioner Hamsher shared that Baker County had issued an emergency proclamation in response to mandates issued by the Governor. If the Governor will not remove the mandate, the state should be obligated to fill the essential service vacancies created by the mandate.

**AIRPORT.** Haley Walker, Airport Manager, requested permission to apply for a Critical Oregon Airport Relief grant (COAR). This grant is to be used with a match to address a major runway engineering project at the airport. Because there will be grant-related time-sensitive documents, Walker asked that Judge Myers be allowed to sign them without waiting for the bi-monthly court date. The grant is in the amount of \$66,000; the project total is \$660,000. The

county will be responsible for \$6,600.

**MSP: Myer/ Hamsher: To authorize Haley Walker, Airport Manager, to apply for the grant and obtain related signatures as needed outside of the court meetings.**

11:48 am -- Adjourned.

Respectfully Submitted,

Laurie Stinnett  
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 the County Court at 541-575-0059 or [GCCourtAdmin@grantcounty-or.gov](mailto:GCCourtAdmin@grantcounty-or.gov) \*\*\*\****