

**Harney County Court Meeting
September 6, 2011**

→The Harney County Court convened September 6, 2011 at 10:00 a.m. in Judge Steve Grasty's office. Members attending were Judge Steven E. Grasty and Commissioners Dan Nichols and Pete Runnels. Also attending were Road Dept. Foreman Doug Bailey and Deputy County Clerk, Derrin (Dag) Robinson.

→Public attending were Tammy Downs of the Burns Times-Herald. Also attending portions of the meeting were Barbara Cannady, Chris Siegner and Bob Otley.

→Judge Grasty led all in the Pledge of Allegiance.

→Commissioner Nichols made a motion to approve the August 17, 2011 minutes as mailed. Commissioner Runnels seconded. Motion carried unanimously.

→Financial and statistical reports were reviewed by the court and vouchers approved by their signature.

→Judge Grasty presented the court with several documents and correspondence regarding sage Grouse Mitigation Framework that has been and is on-going.

→The Court discussed the Pine Butterfly infestation, and reviewed a press release from the Malheur National Forest. Judge Grasty explained that there is one pesticide labeled to use on the larvae according to Dustin Johnson, Harney County Extension Agent. The name is BACILLUS THURINGIENSIS (B.t) An applicators license may be necessary. The court will monitor the situation, as best they can, and will urge carriers to provide the insecticide for purchase.

→The County Court will hold a special meeting tomorrow, September 7, 2011 for the sole purpose opening and awarding the bids for Drilling and Blasting.

→Judge Grasty explained that due to the retirement of former County Surveyor Chris Palmer, the need existed for a temporary county surveyor. Commissioner Nichols moved to ratify the appointment of Michael C. Springer, Temporary County Surveyor as appointed on August 24, 2011, through November 30, 2011. Commissioner Runnels seconded, motion carried unanimously.

→The Court has a request for qualifications out currently, and plans to appoint a permanent County Surveyor on September 21, 2011.

→The Court discussed concerns shared with 6 other counties regarding Oregon Trail Electric Consumers Cooperative services being provided timely. The County Commissioners of the counties will be attending the Cooperative's next board meeting on September 20, 2011 to address the concerns.

→The Court discussed the drafting of a letter to Oregon Dept. of Fish and Wildlife in opposition to their purchase of private property, specifically an attempt to purchase agricultural land in Malheur County.

→Commissioner Runnels moved to sign an order in the Matter of the Appointment of Justice of the Peace Pro-Tempore, for the period of September 1, 2011 through December 31, 2011, Appointing Dewey Newton, Justice of the Peace Pro-Tempore. Commissioner Nichols seconded, motion carried unanimously.

→The Court reviewed a business request by Jay Winn to dismantle vehicles. If the court has to have a hearing in the matter, they want it scheduled for September 21, 2011. Judge Grasty will research the next step. The court feels this is about economic development, and getting regulation out of the way in order to keep this small business operating.

→The Court reviewed a letter from EP Minerals regarding requested repairs on the “Juntura Cutoff” road. The Court is sympathetic, but there simply aren’t resources for repairs of this nature, without grant funding of some sort. Judge Grasty and Road Master Eric Drushella will cooperatively draft a reply.

→The Court reviewed Notices of Water Use Requests and there were no objections to any requests.

→At 1:00 p.m., the Court held a Public Hearing in the matter of an application by Kiger Ranch, Inc. for a commercial Aggregate Rock Source and Mining Operation. Brandon McMullen, Planning Director presented the Staff Report. There was no opposition in attendance, the only concern was time of operation, but Mr. McMullen stated that has been addressed. At 1:20 p.m. Judge Grasty closed the public hearing.

→Commissioner Nichols moved to allow an amendment to goal 5 of the comprehensive plan, allowing for an aggregate rock source. Commissioner Runnels seconded, and the motion carried unanimously.

→Commissioner Runnels moved to approve a conditional use permit for a mining operation. Commissioner Nichols seconded. Judge Grasty asked if this application was appealable at this point. Mr. McMullen stated it was not. Judge Grasty called for the vote, and the motion carried unanimously.

→The Court had conference call with Union County Commissioner, Steve McClure regarding the Organization of the Eastern Oregon Counties Association, and attempts to have Payments in Lieu of Taxes (PILT) Reauthorized. The court will need to make a decision as to assisting with funding for this organization. Commissioner McClure explained that with Congressman Walden in a leadership position in the House of Representatives, it becomes a rare opportunity to influence this legislation, that’s why he’s in support of this right now. Commissioner Nichols asked how the administrative process of spending by this organization works. Commissioner McClure stated that there is a conference call monthly to discuss and approve funding. Union County serves as fiscal officer for the association. Judge Grasty moved to appropriate \$10,000 to

be contributed to the Eastern Oregon Counties Association, to help reauthorize the nearly \$1 million annually for PILT. Commissioner Runnels seconded, and the motion carried unanimously.

→At 2:00 p.m. Judge Grasty opened a Public Hearing in the matter of determining whether to initiate the process to vacate property under ORS 368.326 to ORS 368.366 in response to the petition of Barbara Cannady requesting vacation of county property extending east to west from the point where the easternmost portion of the section boundary line of sections 11 and 14, Township 27, Range 34 tax lot 1700 touches the westernmost edge of Highway 78, then westward along said boundary line up to the eastern boundary of Sections 10 and 15 at or near the division line of sections 10 and 15. Judge Grasty reviewed the Process. (The complete audio record of this hearing is included with the record for this county court meeting.) Judge Grasty discussed the discrepancy in the legal description as presented in Ms. Cannady's Petition to-wit; Township 27, not Township 24, and reiterated that this property is in fact in Township 27, not Township 24. Judge Grasty stated again, this hearing is in order to start a process, and the court will not be taking testimony today. They have accepted correspondence, and are including it in the record. Commissioner Nichols moved to sign the Order Directing the County Road Official to Prepare and File a Written Report by October 5, 2011. Commissioner Runnels seconded, and motion carried unanimously. Judge Grasty closed the hearing at 2:33 p.m. and the court recessed until 3:00 p.m.

→At 3:00 p.m. the court adjourned regular session to convene an executive session as authorized by ORS 192.660(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

→At 4:20 p.m. the court reconvened regular session, no action taken.

There, being no further business the court adjourned at 4:20 p.m.

Respectfully Submitted,



Derrin (Dag) Robinson, CRA, CEA,
Chief Deputy Harney County Clerk