

## **Harney County Court Meeting**

October 19, 2011

The Harney County Court convened on Wednesday, October 19, 2011 at 10:00 a.m. in Judge Steven E. Grasty's office. Members attending were Judge Steve Grasty, Commissioner Dan Nichols and Commissioner Runnels. Also attending were County Road Supervisor Eric Drushella and County Court Secretary Sharon Johnson. Public attending were Tom Sharp, County Natural Resources Attorney Ron Yockim, Barbara Cannady and Debbie Raney of the Burns Times Herald. Clackamas County Commissioner Jamie Damon was present for a portion of the meeting.

Judge Grasty led all in the Pledge of Allegiance.

Commissioner Runnels made a motion to approve the October 5, 2011 minutes, Commissioner Nichols seconded, motion carried unanimously.

Statistical and Financial reports were reviewed and vouchers approved by Court's signature.

Judge Grasty provided an update on the Sage Grouse issue. Discussion followed.

Mr. Yockim provided an update to the Court on projects he has been working on.

An application by Vern Brown for an approach to Airport Lane was reviewed. County Road Supervisor Eric Drushella recommended approving the application. Commissioner Nichols made a motion to approve the application, Commissioner Runnels seconded, motion carried unanimously.

The Court then reviewed the DEQ Materials Recovery and Waste Generation Rates Report for Harney County.

Judge Grasty noted that there will be a meeting in Burns on November 2 at the Community Center at 7:00 p.m. to discuss with ODFW its proposed acquisition of the McDaniel Ranch (also known as Blaylock Ranch) in Malheur County. An Environmental Project Fund Agreement associated with the proposed acquisition was reviewed.

Tom Sharp was present to provide an overview of a recent Oregon Emergency Management Association conference that he attended. At the end of Mr. Sharp's overview he presented Judge Grasty with a plaque from Oregon Emergency Management that acknowledges Judge Grasty's efforts during the spring flood fights. Mr. Sharp accepted the plaque on behalf of Judge Grasty at the conference.

Judge Grasty informed the group that authorization has been received for the publication of the North Steens Environmental Impact Statement and said that this is a huge success for Harney County. Discussion followed.

Clackamas County Commissioner Jamie Damon stopped by the meeting to suggest a “sister” relationship between Harney County and Clackamas County. She noted that the Association of Oregon Counties is excited about the possible pairing and that it would be the first of its kind in the State. She presented a draft resolution from Clackamas County for the Court members to review. Judge Grasty suggested discussing the possibility at the next County Court meeting.

The meeting recessed at 12:10 for lunch and reconvened at 1 p.m.

The Public Hearing in the Matter of the Vacation of a Public Road was opened by Judge Steve Grasty at 1 p.m. A record of the proceeding is available in the County Clerk’s office.

Road Supervisor Eric Drushella presented his report on the matter and recommended that the road not be vacated. Judge Grasty then opened a sealed envelope containing a letter that was presented to the County Court at the September 21 County Court meeting by a representative for Barbara Cannady. He explained that the letter was put in an envelope at that time and sealed by the Deputy County Clerk to be held until today’s hearing. County Court members did not read the letter when it was presented on September 21<sup>st</sup> due to Ex Parté contact laws.

Tyler Smith, Attorney for Barbara Cannady, presented his case to the Court. He noted that they are only looking for vacation of the East/West route; they are not interested in the North/South route. He focused on the benefits to the public in vacating the East/West section of road. He pointed out that vacating the road would eliminate confusion about the road and who has access. He then turned his focus to the Road Supervisor’s report.

Testimony was heard from: Debbie Peckham, Gary Marshall, Linda Neale, Rod McAffe, Dr. Richard Kimball, Robert Corson, Ken Thomas, Conley Marshall, Tom Sullivan Attorney for Neales & Marshalls, Mark Neale and Paula Thomas.

The proceeding was recessed for 10 minutes and reconvened at 3:05 p.m.

Judge Grasty asked Ms. Neale to clarify what property she owned and when each piece was purchased. He then asked what her purpose was for buying the additional land. She responded that they bought the additional land because they were being locked out of their property.

Mr. Smith was given an opportunity to rebut previous testimony given. Further testimony was given by Robert Corson, Linda Neale, Conley Marshall and Barbara Cannady.

Commissioner Nichols asked for the Neales, the Marshalls and Ms. Cannady to explain the legal access they use today to get to their property. Linda Neale, Gary Marshall and Ms. Cannady explained their access was currently across the east west road subject to this vacation, showing it on the map provided.

Judge Grasty recommended continuing the hearing until November 2, 2011 at 1 p.m. No new testimony will be taken.

The Hearing was recessed at 3:40 p.m. The regular County Court meeting resumed at 3:45 p.m.

Tyler Smith, representing Roaring Springs Ranch, was present to discuss the BLM's decision to deny grazing use within Tombstone Pasture of the South Steens Allotment (#06002) until after the 2013 growing season. The issue was discussed at length. The Court decided to comment to BLM on the denial.

A discussion was held regarding the request by Wallowa County for a \$1000 donation to be used toward Wallowa County's amicus on wolf litigation. Judge Grasty made a motion to contribute \$1000 to Wallowa County for the stated purpose, Commissioner Nichols seconded, motion carried unanimously.

Barbara Arnold, Drewsey Postmaster, stopped by to alert the Court that the Drewsey Post Office closure public meeting has been postponed until December. She said that for now Drewsey has been removed from the closure list.

It was the consensus of the Court to move the second County Court meeting in November to November 21 due to the fact that the regular meeting date of November 16 falls during the annual Association of Oregon Counties conference.

Commissioner Nichols provided an update on the Commission on Children and Families meeting that was held earlier in the day.

Commissioner Runnels informed the Court that the Housing Authority is looking at purchasing the Marylhurst Apartments.

There being no further business the meeting adjourned at 4 p.m.

Respectfully Submitted

A handwritten signature in cursive script that reads "Sharon Johnson".

Sharon Johnson  
Secretary, Harney County Court