

HARNEY COUNTY COURT MINUTES
November 6, 2013

The Harney County Court convened November 6, 2013 in Judge Grasty's office. Members attending were Judge Steven E. Grasty, Commissioner Peter Runnels, Derrin (Dag) Robinson, County Clerk; Brandon McMullen, Planning Director and Eric Drushella, Road Master. Commissioner Nichols' absence was excused, as he was attending a meeting in Prineville regarding juniper utilization.

Public attending were; Samantha White and Barbara Cannady.

Judge Grasty led all in the Pledge of Allegiance.

Commissioner Runnels made a motion to approve the October 16, 2013 County Court minutes as mailed. Judge Grasty seconded, the motion carried unanimously.

Financial reports and Accounts Payable were reviewed and approved by signatures of the Court.

There were no comments offered from the public.

Brandon McMullen, Planning Director; was present for the second reading of the Wireless Tower Ordinance adoption process. Judge Grasty moved to read proposed Ordinance In the Matter of Amending the Harney County Zoning Ordinance Adding Section 41.140, Wireless Telecommunications Facilities by title only, for the second time, Commissioner Runnels second. Judge read the Ordinance by Title Only.

Judge Grasty expressed concerns regarding a letter in today's edition of *The Burns Times-Herald* written by Barbara Cannady. He mentioned that she stated in her letter, "...*(she) had proposed that a sign off by the land owner be required on the building permit for any additions to telecommunications towers....*" Judge Grasty stated that he had stated previously, that it makes good sense, and is simply a procedural matter in the Building Dept. Operations Plan. Judge Grasty questioned an answer in the letter, quoting Commissioner Nichols as stating "*This ordinance is at the request of the telecommunications companies.*" Judge Grasty stated "that is 100% erroneous. It exists because I encouraged the county planner to inquire as to what other counties were doing on this topic, and if it made sense." He continued, quoting the letter, "*The County is giving permission to sublease structures on private property.*" Judge Grasty stated that too, is not true, the county does not have authority to do that, nor will they. Judge Grasty finished by quoting the letter again, "...*all without land owner input.*" He expressed again, "not true, no land use application can come forward without land owner approval and sign off." Judge Grasty went on to explain that he has visited with County Counsel, who advised this is

good policy, and can be a revenue generator for land owners. He believes the intent of this ordinance is good, and the more folks he talks to the more he feels it is the right thing to do. Currently there is an application by a state agency to install another tower, not far from an existing tower, coincidentally being applied for as this ordinance is being adopted, and he is vehemently in opposition to the location of that tower.

Judge Grasty recognized that he has compromised himself and the court, if that particular land use application comes to appeal, but there are processes in place that allow the court to deal with that.

Judge Grasty called for the vote on the motion, the Ordinance was read by Title only the second time and it carried unanimously.

Commissioner Runnels moved to sign Ordinance 2013-72, In the Matter of Amending the Harney County Zoning Ordinance, Adding section 41.140, Wireless Telecommunications Facilities. Judge Grasty second, motion Carried unanimously. (CJ-2013-173, Clerk's Deed Record 2013-1505)

Commissioner Runnels moved to adopt the Official Harney County logo artwork by Hunter Paramore, with the requested revisions, as attached. Judge Grasty second, and the motion carried unanimously.



The Court reviewed with Don Munkers, Burns City Manager; a draft Termination and Release Agreement between Harney County and the City of Burns relative to the City / County Jail agreement dated September 18, 1961, (CJ- I-117). Judge Grasty explained this hasn't been followed for many years. The intent made a lot of sense at the time. The City Attorney has drafted a release agreement to that original agreement. Judge Grasty moved to sign the agreement, Commissioner Runnels second, and the motion carried unanimously. (CJ-2013-172)

The court reviewed an order in the matter of Distribution of Forfeited Property For Substance Abuse Treatment, distributing \$30,000 from that fund for abuse treatment. Judge Grasty moved, to sign the Court Order, Commissioner Runnels second. County Clerk Derrin Robinson inquired as to if it should be a resolution. Judge Grasty clarified, by stating that county counsel said no, as it was not a budget resolution. The motion carried unanimously. (CJ-2013-174)

The court reviewed an intergovernmental Agreement between Harney County and Harney Education Service District, in the matter of providing certain existing early learning services using Oregon Dept. of Education Early Learning Division funding. Judge Grasty reiterated that the court had agreed previously, that the county will obtain ALL of the allowable administrative costs for these funds. Commissioner Runnels moved to sign the agreement between Harney County and Harney Education Service District, dated November 6, 2013. Judge Grasty second, motion carried unanimously.

The Court considered Local Agency Agreement Contract 29454 and 29456 with Oregon Dept. of Transportation for bridge engineering for Drewsey Market Road and Embree Bridge Road. Commissioner Runnels moved to approve the Local Agency Agreement, Local Bridge Project Drewsey Market Road: Stinking Water Creek Bridge Replacement, Bridge # 25E20 and Embree Bridge Road: E. Fork Silvies River Bridge No. 25A70, for engineering purposes only. Judge Grasty second, motion carried unanimously.

The court reviewed the Malheur National Forest Schedule of Proposed Actions, Fall 2013. Judge Grasty will submit comments.

The Court also reviewed the BLM Notice of Internet Availability for seven decisions to implement emergency stabilization actions as a result of lightening caused fires in 2013, and the East Sandhills Well Decision of National Environmental Policy Act Adequacy. Judge Grasty will submit comments.

The Court reviewed a letter from Senator Merkley regarding the Homeowner Flood insurance Affordability Act.

The Court reviewed Notices of water user requests and there were no objections.

At 11:00 a.m., the court opened bids for belly dump rentals, for the period through 2014. Bids received were as follows:

John Murphy Trucking	\$84.00/hr.
Bruce Dunn Trucking	\$89.50/hr.
Allison Hollett LLC	\$92.50/hr.
Raymond Trucking	\$93.00/hr.
Matt King Trucking	\$93.50/hr.
Vade Bailey	\$94.00/hr.
Brad Bailey	\$94.00/hr.
ACW	\$95.00/hr.

Otley Logging	\$95.00/hr.
Harney County Gypsum	\$125.00/hr.

Eric Drushella explained the process he uses, by hiring as needed, starting with the low bid. He said at this time he has no idea how many trucks would be used or when. Judge Grasty moved to accept the bids presented, as recommended by the Roadmaster. Commissioner Runnels second, motion carried unanimously.

The Court reviewed a letter Nellie Franklin, County Treasurer; had received from the Dept. of Revenue, regarding receipt of 2013-2014 Electric Cooperative Gross Revenue Tax. With it is an explanation of distribution of revenue to The County General Fund and County School fund, as per ORS 308.815 and ORS 311.390, in the total amount of \$197,117.00.

The Court recessed at 11:10 a.m., and reconvened at 11:30 a.m.

The Court opened bids received for the sale of a dump truck with snow plow. Bids received were as follows:

Troy Hooker	\$3,505.00
Jon Murphy	\$2,510.00
Jason Radinovich	\$2,001.00
Matt Davies	\$2,000.00
Joe Pettyjohn	\$1,800.00
Rex & Laurie Draper	\$1,639.00
Roger Glerup	\$1,501.00

Roadmaster, Eric Drushella questioned that after advertising, he decided that the Dept. has a twin to it, basically an identical machine. He is going ask the high bidder if he would like the twin as well, and if not, move down the list to the next highest bidder. County counsel has advised that is appropriate.

Judge Grasty moved to accept the high bid, and allow Mr. Drushella to sell the twin according to bid as well. Commissioner Runnels declared a potential conflict of interest and mentioned that

it is with the low bidder anyway. Commissioner Runnels second, and the motion carried unanimously.

The Court reviewed the draft Central and Eastern Oregon Land Use Planning Assessment for Sage Grouse Habitat. Brandon McMullen, Planning Director; explained the Assessment. (A complete copy of the Assessment is on file with the Harney County Clerk, Commissioner's Journal 2013-175). With this assessment, it is the finding of the Court that Harney County currently has the correct regulatory mechanisms in place to preserve Sage Grouse habitat. Judge Grasty moved to accept the Assessment and allow for public distribution. Commissioner Runnels second, and the motion carried unanimously.

There being no further business, the Court adjourned at 11:50 a.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Derrin Robinson". The signature is written in a cursive, flowing style.

Derrin (Dag) Robinson, CRA CEA
Harney County Clerk