



In The County Court of the State of Oregon for Harney County
Minutes of the County Court
October 1, 2014

The Harney County Court convened in Judge Steven E. Grasty's office at 10 a.m. on Wednesday October 15, 2014. Members attending were Judge Steve Grasty, and Commissioner Pete Runnels and Commissioner Dan Nichols. Also attending were Tammy Johnston, Deputy Clerk; Eric Drushella, Harney County Roadmaster; Brandon McMullen, Harney County Planning Director; Bryce Mertz, GIS Coordinator.

Others in attendance included Shana Withee, Oregon State University Extension Agent; Barbara Cannady; Jim and Elia Shepherd; Dick Day; Kraig Cutsforth, Burns City Manager; Samantha White, Burns Times Herald; Jeni Stevens, Harney County Kids Club Director; Alicia Goodson, Harney County Kids Club Board President; Barbara Kull.

Commissioner Runnels led all in the Pledge of Allegiance

Commissioner Runnels made a motion to approve the minutes from the October 1, 2014, meeting, Commissioner Nichols seconded, motion carried unanimously.

Public Comment:

Jim and Elia Shepherd, and Dick Day, representatives of the Cemetery Committee discussed the need for a new egress/regress point at the cemetery through the new tree project that was completed in memory of Joshua Shepherd with the help of Cramer Nurseries, Inc. Access in and out of the cemetery can be very difficult when there is a lot of traffic. The Cemetery Committee is asking for rock from Harney County to help with building the road. The location of the road is immediately west of the north/south boundary of the cemetery. Eric Drushella reported this was a good time to bring the rock and Kraig Cutsforth was positive the egress/regress is on city property and is in full support of the road. Commissioner Runnels made a motion to direct the Roadmaster to deliver rock to the cemetery, Judge Grasty seconded, motion carried unanimously.

Judge Grasty requested any public comments on the road map will be heard at 1:30 p.m. during the Road Inventory Map Hearing.

Barbara Cannady discussed some aerial photos she told Brandon McMullin about that she thought might be helpful on the FEMA project. Judge Grasty thought it would be important to find photos from the 1952 event.

Shana Withee, Harney County Extension Agent, discussed OSU Extension Agency participation in The Great Oregon ShakeOut earthquake preparedness drill which is to take place on October 16, 2014, at 10:16 a.m. Shana wanted to make sure the Harney County Courthouse has a good emergency preparedness plan in place, Judge Grasty reported there is one in place. Shana also presented the Oregon State University Extension Service Certificate of Appropriation of Funds (CJ2014-118) to the Court for approval. Two copies of the certificate were signed by the Court.

Judge Grasty received a report from a family who said they had been recommended to come to Harney County because there are Section 8 vouchers available and this was an easy place to find a location. Judge Grasty requested Commissioner Runnels to discuss this at the next Housing Board meeting and follow up on this information. Commissioner Runnels reported there was a Housing Board meeting on October 14, 2014, and there has been a hold on vouchers up until the last 30 days. Commissioner Runnels will follow up on this issue.

Update on Sage Grouse

The State has delayed making a decision on this issue and may be requiring some additional land use changes for counties. There was a spatial AOC committee established on October 13, 2014, formed specifically to address the Sage Grouse and Harney County was the only county in attendance. Judge Grasty will request a work session with Brandon McMullen to discuss the Sage Grouse issue because it will be addressed at the AOC conference on November 17, 2014.

Discussion regarding the donation of a parcel of land to the County

Title search has been completed and it is clear. Judge Grasty recommended approval of donation of land to the County. During the recess, the Court will take a look at the property and make a decision when the Court reconvened at 1:30 p.m. Commissioner Runnels made a motion to accept the land donation, Commissioner Nichols seconded, motion carried unanimously. The Court will make a decision at a later date regarding what to do with the parcel.

Resolution #2014-12 in the Matter of Establishing Coordination Between Harney County and Federal Agencies and State Agencies Involved with Federal Agencies

Commissioner Nichols made a motion to table the decision of this resolution until the next County Court meeting, Pete seconded, motion carried unanimously.

Continued discussion on the Workforce District realignment

A representative from the State of Oregon will attend the next County Court meeting on November 5, 2014, to discuss the Workforce District realignment. Any further discussion was postponed until then.

Harney County Kids Club Update

Jeni Stevens Executive Director, and Board chair Alicia Goodson gave an update on the Harney County Kids Club. Jeni thanked the County Court for their continued support of their programs. They currently have 6 out-of-school full-time programs, and 3 full-time and 10 part-time employees. They have programs at Slater Elementary, Hines Middle School, and Burns High School, and college scholarships. The program has grown a lot in the past 4 years. Judge Grasty requested the Kids Club staff to attend a County Court Budget Board meeting in March/April 2015 and provide information such as programs and payroll costs. The Kids Club presented the Court with a personalized thank you card.

Fire recovery effort update

Judge Grasty discussed the collaboration efforts between Harney and Vale districts of the BLM. Both districts are addressing the fire recovery efforts such as rebuilding of fences burned in the fires, aerial seeding, weed management, and coordination of efforts so projects are not duplicated. The Court followed up with fire recovery effort updates and the districts have completed a lot of tasks in a short amount of time.

Medical Marijuana

Judge Grasty reviewed a memo from Katherine Daniels, DLCD, and discussed a letter to the editor in the October 15, 2015 issue of the Burns Times Herald from Dr. Tom Fitzpatrick and Grant Gunderson regarding the marijuana dispensary issue. It would be extremely difficult to site a marijuana dispensary on Harney County land (outside the city limits) because of the comprehensive land use plan. Judge Grasty plans to write a letter in support of Dr. Fitzpatrick's message. Judge Grasty reminded there are very strict rules against public employees voicing their opinions on the marijuana issue on public time. There was further discussion regarding the marijuana issue with Kraig Cutsforth reviewing the City of Burns position.

Bid Opening on the replacement of the bridge #25A57 on Old Experiment Road that burned

The Court discussed the Harney County Road Department two bids for the construction of the Emergency Bridge Replacement #25A57, 1) Choate construction, LLC for \$83,300.00, and 2) Palmer Excavation, Inc. for \$57,605.00. Eric Drishella, Roadmaster, recommended an acceptance of the bid from Palmer Excavation, Inc. After careful consideration, Judge Grasty declared a conflict of interest in the matter. Commissioner Nichols made a motion to accept the bid from Palmer Excavation, Inc. for \$57,605.00, Commissioner Runnels seconded, motion carried unanimously with Judge Grasty abstaining.

Commissioner Runnels with update on the Beaty's Butte Grazing Association and Wild Horses.

Commissioner Runnels discussed a new proposed National Conservation Area map (produced by ONDA) presented to the Beaty's Butte Working Group. The County Court voiced concerns regarding the changes in focus, intent, and goals of the Beaty's Butte Working Group, an Oregon Consensus Project. The Court is not in favor of these changes and will request the group be disbanded if they do not go back to the original intent. After a lengthy discussion, Commissioner Runnels will address the County Court issues at the next meeting on October 16-17, 2014. Judge Grasty suggested they also contact the Oregon Consensus Project after the County Court meeting to discuss these concerns.

Review of recent protests of Water Right applications in Harney County

Attorney Ron Yockim, Natural Resources Counsel to County Court, provided updates on the Water Right protests via teleconference. The Court discussed the e-mail and map of the 5 groundwater applications under protest from WaterWatch of Oregon. Ron suggested the Court get in touch with the 5 applicants and find out what their plans and thought are regarding these protests. The Court also updated Ron on the Beaty's Butte Working Group issues. Commissioner Runnels will forward information to Ron regarding Beaty's Butte.

Continuation of the County Road Inventory Map hearing

At 1:30 p.m., the County Court reconvened for the County Road Inventory Map hearing. Public comments were received from Ron Whiting, Barbara Cannady, and Barbara Kull. Judge Grasty discussed 11 items in a document presented by Barbara Cannady. Ron Whiting requested two roads be removed from the map and gave the information to County Court and Bryce Mertz to address. After a lengthy discussion, the Court made the decision to accept the County Road Inventory Map without making any changes. If the public has any changes/additions to the map, the map will not be changed but a request form will be recorded in the County Clerk's Office to reflect it. Bryce Mertz and the Harney County Clerk's Office will discuss how to record the disputes to the inventory map so the information will be associated with the map. Bryce will generate a form that will be available to the public to complete and have recorded in the Commissioners Journal. The Commissioners will review the map disclaimer and get proposed changes to Sharon Johnson.

Review of the Malheur National Forest Schedule Proposed Actions for Fall 2014

Review of Water Use Requests

Correspondence to Review:

List of Fair Board members and Fair Directors

Forest Service – Decision Notice for the Aquatic Restoration Project on the Malheur National Forest

Burns District BLM & Vale District BLM – Decision to implement emergency stabilization actions as a result of Lightning caused fires

Late Items:

Ron Whiting thanked the Court for the donation of funds for PPE (Personal Protective Equipment) gear for the Rangeland Fire Protection associations.

Scheduling:

Next meeting November 5, 2014 (Supplemental Budget meeting in the afternoon)

General Deliberation by the Court:

Adjournment Meeting was adjourned at 12:00 p.m., and reconvened at 1:30 p.m. for the Road Inventory Map Hearing. Meeting adjourned at 2:45 p.m.

Next meeting November 5, 2014 (Supplemental Budget meeting in the afternoon)

Respectfully Submitted,

Tammy Johnston
Deputy Clerk

DRAFT