**Morrow County Court Meeting Minutes**

**November 23, 2016**

**Bartholomew Building Upper Conference Room**

**110 N. Court St., Heppner, Oregon**

**Present**

Judge Terry Tallman

Commissioner Leann Rea

Commissioner Don Russell

Jerry Sorte, Administrative Officer

Kate Knop, Finance Director

Karen Wolff, Human Resources Director

Justin Nelson, County Counsel

Mike Gorman, Assessor/Tax Collector

Melissa Lindsay, Judge-Elect

Roberta Lutcher, Court Executive Assistant

**Audience**

David Sykes, Heppner Gazette-Times

**Call to Order:** 9:02 a.m., followed by pledge of allegiance

**City and Citizen Comments:** No comments

**Open Agenda Requests Approved:** Quitclaim Deed and an Application for Tax Refund

**Proposal from Finley Buttes Landfill Company to Pay Fees during Lock Closure**

Dean Large, Sales Manager, Finley Buttes Landfill Company

Kevin Green, District Manager

Mr. Large explained that every year a two-week lock closure occurs that impacts the shipping of waste via Tidewater Barge Lines which is then trucked to various landfills. However, from approximately December-March, a 14-week lock closure will take place and, just as they did five years ago during a similar closure, Finley Buttes Landfill Company (FBLC) is proposing to continue to pay Morrow County its fees. He said Morrow County budgets to receive fees throughout the year and his company wants to keep the County “whole.” FBLC will do this by using the tonnage amounts that came to Finley Buttes Landfill last year during the same time period, he said. FBLC will be doing the same for Tidewater Barge Lines because we support all our partners, both public and private, said Mr. Large. The Court accepted the offer and expressed appreciation for the gesture.

*Commissioner Rea moved to accept the proposal from Finley Buttes Landfill Company to continue payments to Morrow County as outlined in the letter dated November 14, 2016 from Dean Large, Sales Manager, Finley Buttes Landfill Company. Commissioner Russell seconded. Unanimous approval.*

After discussions on the mutually beneficial relationship enjoyed by the County and FBLC, Mr. Large said the estimate is Finley Buttes Landfill has a capacity of another 200 years. The Court agreed to draft a letter of thanks to FBLC.

**Claims**

*Commissioner Rea moved to approve the Payroll Payables, Monthlies, dated November 1st; Payroll Payables, Immediates & Electronic – Employee Final, dated October 31st; and the Accounts Payable dated November 23rd in the amount of $514,905.88. Commissioner Russell seconded. Unanimous approval.*

**Request from City of Heppner Regarding Nuisance Ordinance Violation Judgements**

Justice Court Judge Ann Spicer (via telephone conference)

Kim Cutsforth, Heppner City Manager

Bill Kuhn, Attorney, City of Heppner

Mr. Kuhn said the City of Heppner continues to struggle with nuisance property cases that cannot be resolved satisfactorily. As background, he said the Morrow County Justice Court is the municipal court for the communities in the County through intergovernmental agreements (IGA). Those IGAs are likely expired and in need of updating, he said. Since the City of Heppner will be updating its IGA, Mr. Kuhn said it presents an opportunity to address loopholes that allow nuisance ordinance violators to ignore citations and fines without any consequences. Mr. Kuhn said one possibility being explored is to allow the City of Heppner to keep the liens on unpaid judgements thus allowing the City, as owner of the judgement, to pursue a real property lien. This is permissible by statute and could ultimately allow the City to foreclose on a property to satisfy the liens, but he said he envisioned that only in a worst case scenario.

Ms. Cutsforth discussed past efforts by the City to encourage property clean-up, such as when dumpsters were brought in that were paid for with grant funds, but there was negative public reaction to this. Judge Spicer discussed the need to update IGAs and reviewed the status of four properties that make up the majority of problems within the City of Heppner.

Commissioner Russell asked Judge Spicer if she was supportive of the City’s proposal. She replied she had no problem with it as long as the IGAs are updated.

County Counsel Justin Nelson asked why the City doesn’t create an ordinance that makes it a misdemeanor offense. Mr. Kuhn said it could be made a misdemeanor offense but violators would not be put in jail because no city or town in Morrow County has money built into its budget to pay court appointed attorney fees and jail costs.

The County Court agreed by consensus to direct staff to move forward with drafting an IGA with the City of Heppner to include the provision outlined, and that it will be brought forward again for discussion.

Commissioner Russell commented the City has a tool shed with no tools in it - we’ll give them their first hammer.

**Business Items**

Order No. OR-2016-12 – Distributing Foreclosure Sale Proceeds

Justin Nelson

Mr. Nelson said the order directs the Treasurer as to how to distribute proceeds from Tax Foreclosed land sales to current taxing districts. This is an all-encompassing order rather than requiring a separate order for each sale, he explained.

*Commissioner Rea moved to approve In the Matter of Distributing Proceeds Held by the County Treasurer from Sales of Tax Foreclosed Lands, Order No. OR-2016-12. Commissioner Russell seconded. Unanimous approval.*

Gilliam-Bisbee Office Space Agreement Renewal with the Department of Human Services

Jerry Sorte, Administrative Officer

Mr. Sorte discussed the terms and answered questions.

*Commissioner Russell moved to approve the Office Space Agreement – Renewal, Document #SP-1105, with the Oregon Department of Human Services for space at the Gilliam-Bisbee Building at the rate of $97 per month for the time period November 1, 2016 through October 31, 2018; and authorize Judge Tallman to sign on behalf of the County. Commissioner Rea seconded. Unanimous approval.*

IGA with Gilliam County Board of Property Tax Appeals for Reciprocal Appraisal Services

Mike Gorman, Assessor/Tax Collector

Mr. Gorman said the agreement is signed every year for the exchange of appraisal services, if needed during a property tax appeal.

*Commissioner Rea moved to approve the IGA between Morrow and Gilliam Counties for the exchange of tax assessor duties in the event of a challenge of an assessed value, term dates to be January 1, 2017 through April 30, 2017. Commissioner Russell seconded. Unanimous approval.*

Workers’ Compensation Policy Performance Summary

Karen Wolff, Human Resources Director

Ms. Wolff reviewed the SAIF Corporation Policy Performance Summary provided by Luke Betts, SAIF Safety Management Consultant. She said while the report shows our premium has decreased this year, our Claim Frequency and Loss Ratio numbers are beginning to increase. She said most losses are of the “strains” and “struck-by” nature and primarily involve employees in the Sheriff’s Office and Public Works Department. This is not unexpected as these are occupations that have the highest potential for losses, she noted.

Ms. Wolff said over the last year the Safety Committee updated the County’s Safety Manual and she reviewed the draft with Mr. Betts. Ms. Wolff said the updated manual, and efforts such as using our SAIF dividends to purchase safety equipment for employees, makes a favorable impression on underwriters, according to Mr. Betts.

Quitclaim Deed – Baltimore Street Property, Heppner

*Commissioner Russell moved to approve the Quitclaim Deed for true consideration in the amount of $1001.00 between Morrow County and Keith and Lynan Scott for real property with a legal description as follows: A parcel in the Northeast quarter of the Northeast quarter of Section 34, Township 2 South, Range 26 East of the Willamette Meridian, in the City of Heppner, County of Morrow and State of Oregon, more particularly described as follows: BEGINNING at a point which is West 416.00 feet and South 232.00 feet from the Northeast corner of Section 34, said township and range; thence South 132.00 feet; thence East 22.00 feet; thence North 132.00 feet; thence West 22.00 feet to the POINT OF BEGINNING. Commissioner Rea seconded. Unanimous approval.*

Application for Tax Refund – Patrick & Vickie McNamee

Mr. Gorman explained the McNamees are due a refund because of an inadvertent overpayment.

*Commissioner Rea moved to approve the Application for Refund to Patrick A. and Vickie A. McNamee, No. 16-46, Tax Year 2016-17, Account #8100, in the amount of $2,580.00. Commissioner Russell seconded. Unanimous approval.*

Assessment & Taxation Update – Mr. Gorman said the County has $4,774,745 in taxes left to collect. He said the payment from Threemile Canyon Farms has not yet been received and that makes a difference of a few million dollars. Mr. Gorman also said this tax year has been unusual in that payments were slow to come in and then the day before the deadline, the office received $10 million in payments.

**Department Reports**

Road Report

Burke O’Brien, Public Works Director

Matt Scrivner, Assistant Road Master

* Crack sealing work was done on Columbia Lane (Irrigon), Paterson Ferry Road, Montana Lane, Alpine Lane and Willow Creek Road.
* A crew assisted with landscaping projects at the Bartholomew Building – construction of retaining walls, installation of stone veneer on lower retaining wall, laying sod.
* A crew paint striped Morrow County roads and did the same for Baker, Umatilla and Grant Counties.
* Baker County loaned Morrow County Public Works a side discharge shoulder machine to work on shoulder rock and abrupt pavement edges. Roads with completed or upcoming shoulder work are: Dee Cox Road, Jordan Grade Road, Tower Road, Bombing Range Road.
* Fall gravel road blading is about 60-70% complete.
* Winter operations – sanding material is being hauled to stock pile locations; sander trucks are being outfitted with plows and sanders; and deicer tanks are full and ready.
* Crews have installed new speed limit signs on Wilson Lane and Tower Road (from 55 miles per hour to 45 mph).
* A bridge on Clarks Canyon Road and at Anson Wright Park now have weight restrictions and proper signs have been installed.
* Crews completed the torch melt down of turn arrow indicators and stop lines on paving and chip seal project roads, as well as a few others throughout the County.
* Mr. O’Brien discussed grants received that were used on road projects and grants that are in the application process.

**Administrative Officer Report**

Mr. Sorte discussed some of the projects he’s worked on, a few of which were previous agenda items today. He said the Rodeo Committee requested representation at their meetings by the County Court. The Rodeo Committee meetings are open public meetings, and Morrow County’s legal counsel will be on hand to answer questions. Commissioner Rea volunteered to represent the Court until the end of her term.

**Minutes**

*Commissioner Rea moved to approve the minutes of November 2nd, as presented. Commissioner Russell seconded. Unanimous approval.*

*Commissioner Rea moved to approve the minutes of November 9th, as presented. Commissioner Russell seconded. Unanimous approval.*

*Commissioner Rea moved to approve the minutes of November 16th, as presented. Commissioner Russell seconded. Unanimous approval.*

**Correspondence Reviewed**

* Flyer for the Hardman Community Center Open House & Potluck, Sunday, December 4th, 1:00-4:00 p.m.
* Heppner and Rural Fire District Fire Hall Open House, Saturday, December 3rd, 1:00-4:00 p.m., 911 Riverside Avenue.
* Morrow County Fair Board October 11th Meeting Minutes and Agenda for December 20th meeting at the SAGE Center in Boardman, 6:30 p.m.
* November 2016 *4-H Happenings* newsletter from OSU Extension Service – Morrow County 4-H.
* Email from Mitch Colburn, Idaho Power Company, forwarded by Carla McLane, Planning Director, regarding the release date of the Final Environmental Impact Statement for the Boardman to Hemingway Transmission Line Project. Anticipated release – November 25th.
* Minutes of the November 3rd meeting of the North East Area Commission on Transportation.
* Information packet of upcoming events from the Boardman Chamber of Commerce.

**Commissioner Reports**

* Commissioner Russell said he received an email inquiry from Jerry Rietmann, Wheatridge Wind Energy, about the Strategic Investment Program, which he forwarded to Mr. Gorman. Commissioner Rea requested the County consider including language in SIP agreements that ties payments to kilowatts produced over the lifetime of a project. Mr. Sorte said the County should explore and consider various mechanisms.
* Commissioner Rea said the Morrow County Wolf Depredation Advisory Committee met last night and will be updating its bylaws which will then be submitted to the County Court. She said two Committee members formally requested to be reappointed and a third reappointment request is anticipated.

*Commissioner Russell moved to reappoint the following members to the Morrow County Wolf Depredation Advisory Committee:*

1. *Bob Mahoney representing Livestock Producers*
2. *John Gould representing Local Business*

*With both terms to be January 1, 2017 through December 31, 2020. Commissioner Rea seconded. Unanimous approval.*

* Commissioner Rea said she attended the meeting of the Lower Umatilla Basin Groundwater Management Area and the members would like representatives from the Oregon Water Resources Department to attend their meeting to discuss the Department’s limitations on water rights and how that affects the groundwater.
* Judge Tallman discussed sessions he attended at the recent Association of Oregon Counties Annual Conference. He said a tour of small-scale housing units in Eugene that are mainly for the homeless could present options for this area as well. He said the need in Morrow County is more in the area of people on parole or probation who are required to return here but then have limited housing options for what are short term needs. This has been a topic of concern of the Local Public Safety Coordinating Council, he said, but major questions would need to be addressed first.

**Adjourned:** 11:40 a.m.