

MALHEUR COUNTY COURT MINUTES
June 21, 2017

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams. Public present was Vale Schools Superintendent Scott Linenberger.

Also present was Larry Meyer of the Argus Observer and John Braese of the Malheur Enterprise.

GOLDEN SLIPPER PROPERTY, REF#4812

Vale City Manager Lynn Findley and City Attorney Larry Sullivan met with the Court to discuss the former Golden Slipper property at 122 Main Street South, Ref. #4812. Also present was Treasurer/Tax Collector Jennifer Forsyth. The property collapsed in January 2017 due to heavy snow load. Mr. Findley explained the ownership history of the property; according to County records the property is owned by Margaret Stallknecht under contract with Wyman Investors Inc. Wyman Investors is an Oregon corporation that went defunct in 2011. The City issued Margaret Stallknecht a Notice of Abatement after the collapse of the building and Ms. Stallknecht responded to the City that Wells Fargo held the mortgage on the property and had evicted her and she now has no right or interest in the building. The City requested assistance from FEMA to cleanup the property as it is an imminent public safety hazard but so far that request has been denied. Three contractors have given estimates to cleanup the property and the estimates range from \$50,000-\$60,000. The County is due to become an involuntary landowner of the property in October 2017 due to unpaid property taxes. The City is requesting the County expedite the redemption period and foreclose on the property sooner as it is a public safety hazard. Mr. Sullivan explained that he has conferred with County Counsel and there is an Oregon statute that authorizes an expedited process in the case of property that is abandoned and suffering from waste. Ms. Williams explained that if the Court wants the County to expedite the process staff is ready to move forward; notice must be sent to the owners and interested persons and a hearing scheduled; after the hearing the Court must make written findings that the property suffers or is subject to waste and abandonment and order that the owners/interested parties right of possession is forfeited and direct the Tax Collector to deed the property to the County after expiration of a period of 30 days if not sooner redeemed; after which, the property may be sold at a Sheriff's sale. The hearing can be scheduled for the end of July and by the end of September it should be possible to offer the property for sale, subject to some terms and conditions. A recent title search was done and notice will be sent to Wyman Investors, Cleo Wyman, Margaret Stallknecht, Wells Fargo, and City of Vale.

Mr. Findley explained that Wells Fargo started the foreclosure process on Ms. Stallknecht through the Sheriff's Sale process in possibly 2013 but then stopped the process just short of the sale date. The City has made numerous attempts to converse with Wells Fargo about the property and the City's liens with no response from Wells Fargo other than to say they would be happy to visit with a perspective buyer.

Lieutenant Rob Hunsucker joined the meeting.

Ms. Williams explained two options to the Court members: Expedite the redemption period and foreclose on the property pursuant to Oregon Revised Statutes and County Code and offer the property for sale, as is, at the end of September subject to terms and conditions for cleanup and salvage of the property, which may include posting a bond. If the property is not sold at the public auction then there are available options for the County to negotiate directly with interested parties. The other option would be for the County to pay for the cleanup of the property and offer the property for sale; monies would be isolated from the affected taxing districts for the cleanup costs and then reimbursed after a successful sale of the property.

If the Court chooses not to expedite the redemption process, the County will foreclose on the property in October 2017 and the property will be offered for sale at the 2018 County land sale.

Ontario City Manager Adam Brown joined the meeting.

It was noted that there is a bearing wall that adjoins the Slipper property and the adjacent property. There is also an advantage to cleaning up the property sooner rather than later as there is a specially permitted winter storm damage demolition trench at the landfill that can accept asbestos; the permit expires in August but will hopefully be renewed for 6 additional months. (The property may not contain asbestos but that has not been confirmed.) Mr. Findley said that the City has fenced the debris at its own expense and would continue that if the County will expedite the process. The City will not continue to pay the fencing expenses if the County does not foreclose until October.

Annette Serano of Lifeways joined the meeting and was present through the approval of the various agreements involving Lifeways in case of any questions from the Court members.

Commissioner Hodge moved to expedite the redemption period and foreclose on the property as the property suffers from waste and abandonment. Commissioner Wilson seconded and the motion passed unanimously.

NATURAL HAZARDS MITIGATION PLAN

Emergency Services Lieutenant Rob Hunsucker met with the Court regarding the County's Natural Hazards Mitigation Plan. Also present was Ontario City Manager Adam Brown. The Plan needs to be updated as the current version expires in 2019. Oregon Office of Emergency Management has funding available through FEMA's Pre-Disaster Mitigation grant program and Department of Land Conservation and Development (DLCD) is coordinating a sub-application to include cities and counties with plans in need of updating. The grant will allow DLCD to offer technical assistance and other services. The County's Plan was last updated in 2014 with the assistance of OSU (Oregon State University). The Natural Hazards Mitigation Plan includes the participating cities of Ontario, Nyssa, and Vale. The Plan probably does not need a lot of updates other than the storm management section based on experiences from the recent winter storm activities. The cost match required can be supplied by the County and Cities as in-kind services - primarily staff time.

Some of the questions that will need to be answered include: Where do you need support? Lieutenant Hunsucker indicated that anything already available that would help to add the winter

storm threats to the process. What data is available and what are your GIS mapping capabilities? What are the critical facilities and how do you define critical facilities? Each city probably has a different idea on what their critical facilities are and those will be different than the County's. Would you be interested in collaborating with an adjacent county? Lieutenant Hunsucker did not feel that would be beneficial due to the distance of adjacent counties.

Lieutenant Hunsucker suggested the road districts be involved in the update process as well as various other County staff. After discussion, the consensus of the Court was to proceed with updating the Natural Hazards Mitigation Plan and to commit to the project with in-kind match. Judge Joyce will send notice via email to DLCD acknowledging the County's commitment to the project with an in-kind match.

ROAD ACCEPTANCE - PARTITION PLAT

Surveyor/Engineer Tom Edwards met with the Court and presented road dedications on a partition plat for the Court's consideration. Commissioner Hodge moved to accept the road dedication of a portion of Ontario Heights Road, Community Road, and Eastway Lane on Lydell Sensenig's Partition Plat #17-05. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2017-2446](#)

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of June 14, 2017 as written. Commissioner Hodge seconded and the motion passed unanimously.

AMENDMENT - IGA #147797

Commissioner Wilson moved to approve Nineteenth Amendment to Oregon Health Authority 2015-2017 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #147797. Commissioner Hodge seconded and the motion passed unanimously. A copy will be returned for recording. See Instrument #[2017-2496](#)

AMENDMENT TO IGA #148074

Commissioner Hodge moved to approve Amendment 02 to State of Oregon Intergovernmental Agreement for the Financing of Community Developmental Disability Services, Agreement Number 148074. Commissioner Wilson seconded and the motion passed unanimously. The amendment extends the expiration date of the agreement to September 30, 2017. A copy will be returned for recording. See Instrument #2017-2666

TORT LIABILITY COVERAGE AS PROVIDER FOR PSRB IGA; LIFEWAYS CONTRACT

Commissioner Hodge moved to approve Intergovernmental Agreement #153166 Tort Liability Coverage as a Provider for Psychiatric Security Review Board (PSRB). Commissioner Wilson seconded and the motion passed unanimously. The agreement expires June 30, 2019. A copy will be returned for recording. See Instrument #[2017-2733](#)

Commissioner Hodge moved to approve Amendment No. 3 to County Contract No. [2013-3013](#) between Malheur County and Lifeways Inc.; County Third Party Amendment for Tort Liability Coverage to provide services for persons under the jurisdiction of the Psychiatric

Security Review Board. Commissioner Wilson seconded and the motion passed unanimously. A copy will be returned for recording. See Instrument #[2017-2734](#)

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #30-17 to Idaho Power to replace a recloser on Alder Road #1007. Commissioner Wilson seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

DEED - KINCADE

Commissioner Wilson moved to approve Statutory Bargain and Sale Deed to Cole Kincade for Ref. #12289 purchased at the recent County land sale. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2017-2447](#)

ANI-CARE CONTRACT

The Court discussed the contract with Ani-Care. The current contract expires June 30, 2017. Ani-Care has proposed a new contract with the County with several changes. Proposed changes that there is concern about are: No "regular" operation hours; and a 20% per month increase for 2017 with an additional 20% increase in 2018 for 4 years. The Court requested Ani-Care meet with them to discuss the contract.

GORDON LEE - CLAIM FOR DAMAGES

Public member Gordon Lee met with the Court regarding his claim for damages that was denied by the County's insurance company. Judge Joyce and Mr. Lee explained that a pump owned by Mr. Lee was damaged by a County road grader this past winter in an area that is private and not a County Road (an area of Tattletale Lane). Surveyor/Engineer Tom Edwards confirmed the area in question is not dedicated as a County road. After discussion, Commissioner Hodge moved to pay Mr. Lee's claim for damages and to resubmit the claim to the insurance company. Commissioner Wilson seconded and the motion passed unanimously.

RETIREMENT NOTICE - COUNTY CLERK

It was announced that County Clerk Deborah DeLong will retire as of August 1, 2017. The Court will accept letters of interest and resumes from persons interested in being appointed to complete the unexpired term beginning August 2017 and ending December 31, 2018. The deadline to apply is July 3, 2017. Public interviews may be conducted by the County Court on July 12, 2017. See Instrument #[2017-2763](#)

COURT ADJOURNMENT

The meeting was adjourned.