

MALHEUR COUNTY COURT MINUTES

October 16, 2019

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was County Counsel Stephanie Williams, Planner Eric Evans and Assessor Dave Ingram. Notice of the meeting was posted on the County website, Courthouse public bulletin Board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice.

ASSESSOR REPORT - APPEALS

Assessor Dave Ingram met with the Court and briefed them on large property tax appeals. Four public utility companies have accounts in appeal - CenturyLink, Tesoro Logistics NW Pipeline, T-Mobile USA Inc., and DeShaw Renewable Investments. The appeals are in the Oregon Tax Court. Potential refund credits will be held in accounts by the Treasurer and are an estimate of the amount of taxes in dispute.

The Dish Network appeal that has been pending since 2010 was recently voluntarily dismissed.

ECONOMIC DEVELOPMENT UPDATE

Economic Development Director Greg Smith and Staff John Braese met with the Court. Mr. Smith explained there are multiple tracks to the reload center project- real estate acquisition; conversations with a publicly traded company for operations; meetings with Union Pacific Railroad and moving to 30% design engineering (Union Pacific has a 9 step process - 5 steps have been completed; the 30% design engineering is next and simultaneously to the 30% design engineering is the negotiation on the rates and terms that Union Pacific will charge for their service.); the publicly traded company and Union Pacific both prefer to negotiate with a single entity rather than multiple growers and as such a "cooperative" of onion growers is being formed to negotiate with Union Pacific and the publicly traded company's operations services. Additionally, the civil and rail design tract is moving forward; after the land is acquired Anderson Perry will move forward on permitting, final design and layout, and eventually water, sewer, and utilities etc. Meetings are also taking place with Idaho Power and Cascade Natural Gas; multiple permitting and regulatory issues will need to be worked through. The BUILD grant process will also be renewed (this grant is extremely competitive and may require multiple applications).

Mr. Smith stressed that this is a new venture for the County; there will be lots of questions, lots of variations/modifications, and adjustments to be made. Mr. Smith suggested the Court consider appointing an additional person to represent the County to the MCDC (Malheur County Development Corporation) board.

There are several outstanding issues that will need to be addressed, to include, financing of the real estate (ODOT (Oregon Department of Transportation) will only fund the reload facility of approximately 65 acres - the additional land for an industrial park is not eligible for the ODOT funding; a Special Public Works Fund application will be submitted to Business Oregon to acquire the industrial zoned portion of the 290 acre parcel; the financing of the remaining acres is

under consideration.); an appraisal of the property has been ordered and the November 15th deadline will be met; the ODOT funding is a reimbursable grant - a line of credit will need to be secured; and future permitting issues will need to be addressed. Additionally security interest documents will be drafted between MCDC and the County.

Future options to consider for repayment of costs include: lease revenue from the reload facility, lease opportunities of the property, purchase of the industrial property by future companies, or sale of the property.

November 7th will be the ribbon cutting for the Nyssa hardware store (Nyssa Mercantile). Next week Mr. Smith will meet with a company in California who plans to move to Nyssa and is requesting an Enterprise Zone Exemption.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of October 2, 2019 as written. Commissioner Hodge seconded and the motion passed unanimously.

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #26-19 to CenturyLink to provide service to a customer on Ash St #1513; and Crossing Permit #27-19 to Idaho Power for pole replacements on Oak Road/Stanton Blvd #1066. Commissioner Wilson seconded and the motion passed unanimously.

VETERANS TRANSPORTATION GRANT

Commissioner Wilson moved to approve State of Oregon, Oregon Department of Veterans' Affairs 2019-20 Transportation of Veterans in Highly Rural Areas Grant Agreement - Malheur County. Commissioner Hodge seconded and the motion passed. Grant awards are not to exceed \$45,000 for the period of September 15, 2019 through September 14, 2020. Malheur Council on Aging and Community Services (MCOA&CS) will provide the transportation services. A copy will be returned for recording.

PROVIDER CONTRACT - BOYS AND GIRLS CLUB

Commissioner Wilson moved to approve Provider Contract for Juvenile Crime Prevention Services 2019-2021 with Boys and Girls Club of Western Treasure Valley. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2019-3885](#)

BUILDING DEPARTMENT - OFFICE SPACE

The lease with City of Nyssa for the County's Building Department was discussed. The current lease expires December 2019. The office space is in need of new carpet, paint, and blinds. The City of Nyssa has indicated they will not provide funding for the improvements. Additionally, IS staff provided an estimate for hardwiring the office. Consensus of the Court was to propose a five-year lease to the City of Nyssa for the office space with a reduced rent rate for one year in exchange for the County doing the improvements.

AMENDMENT - IGA #159822

Commissioner Wilson moved to approve Third Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement #159822 for the Financing of Public Health Services. Commissioner Hodge seconded and the motion passed unanimously. The amendment modifies the Program Elements by adding PE 51 Public Health Modernization: Leadership, Governance & Program Implementation with funding of \$47,888. Commissioner Hodge seconded and the motion passed unanimously. A copy will be returned for recording.

QUITCLAIM DEED

Commissioner Wilson moved to approve Quitclaim Deed to 200 Park LLC for Ref. #18485; purchase price is \$16,816. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2019-3886](#)

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(h) - Legal Counsel and ORS 192.660(2)(f) - Exempt Public Records with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present was County Counsel Stephanie Williams. No decisions were made during or following the session.

COURT ADJOURNMENT

The meeting was adjourned.