

01-17-18

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:00 a.m. The meeting was held at Gilliam County Courthouse in Condon, Oregon. Present were Judge Steve Shaffer, Commissioner Michael Weimar and Commissioner Leslie Wetherell.

Judge Shaffer announced the meeting was being videotaped.

IN THE MATTER OF CHANGES TO THE AGENDA

Judge Shaffer noted the following changes to the agenda:

- An appointment with North Central Public Health District Representatives to discuss a domestic well water proposal for testing was postponed due to the ongoing flu outbreak.
- An appointment with Pioneer CDC Representatives regarding funding of the Gilliam County Attainable Housing Project was postponed.

IN THE MATTER OF JAN 3 REGULAR COURT MEETING MINUTES

Minor changes were made to the Jan. 3 minutes, including adjustment of a repetitive sentence and clarifications of AOC steering committees.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve the Jan 3, 2017 regular Court meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF 2018 PRO TEM JUSTICE COURT JUDGES

MOTION by Judge Shaffer, second by Commissioner Weimar, to approve appointments of pro tem Justice Court Judges for Arlington and Condon Courts for the 2018 calendar year, as outlined below. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Ron McDermid, Sherman County Justice of the Peace

Robin Ordway, Wheeler County Justice of the Peace

Ann Spicer, Morrow County Justice of the Peace

IN THE MATTER OF CCS A&D PREVENTION LOCAL PLANNING COMMITTEE

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to appoint Mike Childs, DHS representative, to the Community Counseling Solutions Alcohol & Drug Prevention Local Planning Committee. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY PUBLIC TRANSPORTATION

Gilliam County Public Transportation Coordinator Marla Davies asked the Court to declare a 2011 Toyota Sienna as surplus equipment, noting that at 184,000 miles, the vehicle has

served useful life standards set by ODOT Public Transit Division. The Court agreed that the vehicle, with a Blue Book value of \$4,300 to \$5,300 will be open to public bid with a minimum bid of \$4,000. It will be advertised on Craigslist, the County's website, and The Times-Journal.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve Resolution No. 2018-01 declaring County Vehicle as Surplus Equipment. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Bids are due Feb. 6 and will be opened by Davies and Court Administrator Leanne Durfey. The Court will award a bid at the regular Court meeting on Feb 7.

Davies reported purchase of a 2017 Toyota Sienna to replace the 2011 vehicle. Toyota of Hermiston submitted the winning bid of \$27,654. A bid of \$29,287 was also received from Beaverton Toyota. Davies said she asked Griffith Motors for a bid also but they did not submit one. Davis noted that although the Court approved a Grant Submittal Form for purchase of a new ADA vehicle in 2016, changes in ODOT requirements preclude the grant money from being used for this particular vehicle, but non-federal funds are available.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve a bid from Toyota of Hermiston in the amount of \$27,654 for purchase of a 2017 Toyota Sienna. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Davis presented a Grant Submittal Request for submission to the Oregon Department of Transportation: Enhanced Mobility of Seniors and Individuals with Disabilities, for \$230,000 to be used for operations, mobility management and preventative maintenance. Davies explained that the \$73,000 cash match will be provided by STF or other available funds.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve a Grant Submittal Request Form to Oregon Department of Transportation, submitted by Gilliam County Transportation Department, in the amount of \$230,000 with a cash match of \$73,000. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF MATTER OF SWCD PROPOSAL

SWCD Board Chairman Jordan Maley, board member Rich Harper, and co-manager/financial officer Christina Kirwin were present to discuss a previous request for loan disbursement for the new SWCD building.

Judge Shaffer provided a brief background on the project, noting that discussion about a new building began over a year ago. At that time, the Court agreed to set aside \$400,000 for the building, but the first bid for construction was much higher than expected. Building design was subsequently adjusted to reduce costs and a second RFP was issued and resulted in acceptance of a lower construction bid. SWCD representatives brought

proposals to the Court at the Jan. 3 Court meeting, and three different interest rate scenarios were discussed at that time.

Judge Shaffer recommended the Court accept an interest rate loan of 3% with interest only payments for the first 10 years, payments of principal and interest to begin at that point. Commissioner Weimar noted that a recent loan to Arlington TV Cooperative was higher, at 3.5% and suggested that interest rates on County loans should be consistent. Judge Shaffer said that he recommended a lower interest rate because SWCD is dealing with a cash shortfall, and also noted that the value of the SWCD project is much higher. Maley commented that loans between government entities are handled differently than public-private loans.

In response to a question by Commissioner Weimar, Kirwin explained that SWCD is not a non-profit organization, but a Special District of the State of Oregon.

County Treasurer Nathan Hammer explained that unlike most loans, SWCD will have guaranteed income streams from USDA and NRCS for at least 10 years. Hammer also commented that the County provided a similar loan to Port of Arlington at a 2% interest rate.

Maley confirmed that the County would be in first place on the loan at the end of the 10-year period. Commissioner Weimar commented that the value of the project could potentially exceed the loan by a comfortable margin.

MOTION by Judge Shaffer, second by Commissioner Weimar, to approve a loan to Gilliam County Soil and Water Conservation District in the amount of \$400,000 at 3% interest, with payments of interest only for the first ten years and payments of interest and principal thereafter. Commissioner Weimar asked about preparation of paperwork and Nathan Hammer responded that County Legal Counsel Will Carey will draft contracts. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF CONNECT AMERICA NOW COALITION

Judge Shaffer and Fiber Consultant Joe Franell explained the purpose of the Connect America Coalition, which aims to bring affordable and reliable broadband access to rural Americans who currently lack a connection. Judge Shaffer noted that a number of entities have signed on, including Oregon Cattlemen and the Association of Oregon Counties. Commissioner Weimar asked if there would be overlap with the fiber project, and Franell said the two would be complementary.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to join the Connect American Now Coalition. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF FIBER PROJECT PROPOSALS

Gilliam County Fiber Consultant Joe Franell told the Court that RFPs for the fiber project were issued Nov. 15, and that two pre-submission meetings were held with potential

respondents. Condon City Council member Don Jamieson was also present for the discussion.

Franell noted that three companies submitted proposals – Inland Development, Home Telephone and Zayo Corporation. He explained that the proposals were opened on Jan. 2, and were then reviewed both individually and jointly by the County and City. Inland Development received the highest ranking.

Franell asked the Court for authorization to finalize contracts (not letters of intent), which would be brought to the Court for approval.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve the recommendation by Joe Franell to move forward with discussions with Inland Development Corporation in regards to IRU and maintenance agreement. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

A discussion arose regarding number of fibers. Franell explained that the RFP specifies up to 12 pair, but the Inland Development bid allowed for 24 pair. Legal counsel has expressed concern about language in the RFP, and that the fiber count may affect the bid. The Court agreed that a third legal opinion is needed.

MOTION by Judge Shaffer, second by Commissioner Weimar, to seek a third legal opinion due to issues regarding responses and potential disagreements caused by a discrepancy on the Request for Proposal. Franell and City of Condon Broadband Consultant Adam Haas will select the attorney. The Court also agreed that discussions should continue in the meantime. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

The Court also authorized Judge Shaffer and Joe Franell to discuss the matter of fiber numbers with the City and to negotiate a final contract with Inland Services.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to authorize Judge Shaffer and Joe Franell to open a discussion to finalize allocation and cost-sharing with City of Condon. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Following the lunch break, Judge Shaffer reported that a discussion with Franell and Donald Jamieson resulted in a decision to split the cost of fiber allocation evenly, based on six fiber pairs for each entity. The potential cost of 12 pairs, if the City decides to go with additional fibers, wasn't discussed.

IN THE MATTER OF FAMILY SERVICES REQUEST TO APPLY FOR A GRANT

The Court briefly discussed a Grant Submittal Request of \$26,173, which includes a request for a \$6,773 in matching funds from Gilliam County. The grant will be used to employ four or five youth in this year's OYCC Summer Youth Work Program.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve a grant Submittal Request Form submitted by Teddy Fennern, Gilliam County Family Services Coordinator, to be submitted to the Department of Colleges and Workforce Development for an OYCC Summer Youth Work Program in the amount of \$26,173. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF DOMESTIC WELL WATER TESTING

Jordan Maley of OSU Extension informed the Court that owners of two wells recently found to contain high nitrate levels were both aware and taking steps to mitigate the problem. Maley said it's difficult to determine why two geographically separate wells tested high, and recommended that site visits are needed to gather more information. Adjacent wells should also be tested, especially when drinking water is used by children and elderly people. He explained that there are generally two sources for high nitrate levels – septic drain fields and agricultural fertilizer. Fertilizer isn't usually a problem in dry areas, but nitrate levels may be higher in wet years when the soil is saturated.

Representatives of North Central Public Health District were unable to be present, but Maley said that plans are in the works to provide testing kits to County residents.

Watermaster Ken Thiemann was also present for the discussion.

IN THE MATTER OF THE ROAD DEPARTMENT

County Roadmaster Dewey Kennedy presented three bids for a new road grader to replace a 1992 grader, noting that a bid submitted by Western States was the most reasonable at \$275,692.07 for a 2017, 140K grader. Other bids were submitted by Modern Machinery, \$295,800; and Western States, \$332,837.

Commissioner Weimar commented that it makes sense to stay current with equipment, and Judge Shaffer asked about the condition of other equipment. Kennedy said that all the trucks are older (1990s), but are in fair condition. He said that currently, the department's focus is investment in asphalt.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to accept a bid from Western States for a 2017, 140K motor grader in the amount of \$275,692.07. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Kennedy was instructed to discuss the financing options with the Treasurer Nathan Hammer.

Kennedy asked the Court to approve a resolution declaring the existing grader as surplus at the next Court meeting. The grader will be available for public bid.

Kennedy asked the Court to sign a Local Agency Agreement with Oregon Department of Transportation, which will allow the Road Department to receive funding for replacement of Lonerock Bridge when funding becomes available. Funding will also cover design, preparation, bids, consultant fees, etc. Most of the County's expense will be in the form of in-kind work.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve a Local Agency Agreement with State Funded Local Project Program, Lonerock Bridge No. Br21C10, at an amount of \$1,536,230. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

The Court discussed the Oregon Cooperative Procurement Program, which allows qualifying agencies to purchase goods and services from state contracts. Kennedy told the Court that the Road Department utilizes the program for oil, filters and other supplies, and that the Weed Department often purchases herbicides through the program.

Judge Shaffer suggested that the Court approve payment of the \$200 fee for the Road and Weed Departments, and consider including other County departments later.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve continued Road Department participation in the Oregon Cooperative procurement Program. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF EXECUTIVE SESSION

Judge Shaffer declared the meeting to be in Executive Session pursuant to ORS 192.660 (2) (g), Trade Negotiations, at 1:45 p.m. Separate minutes were taken and will be filed in the office of the County Clerk.

RECONVENED: The regular meeting was reconvened by Judge Shaffer at 2:10 p.m.

IN THE MATTER OF ROCK CRUSHING PROJECT

Judge Shaffer explained that discussion in Executive Session concerned a proposal in which Gilliam County would crush rock at a pit owned by Waste Management. In turn, the County would retain a portion of the rock. Waste Management will use their portion of crushed rock for an additional rail spur.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to enter into a cooperative agreement with Waste Management in which Gilliam County Public Works would crush rock in a pit owned by Waste Management to be used for an additional rail spur and also for Gilliam County use. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

The Court also agreed to give Project Manager Jeff Scott permission to proceed with preliminary engineering for a potential rail project.

IN THE MATTER OF GRAIN ELEVATOR

The Court briefly discussed potential removal of a grain elevator owned by Keven Haguewood adjacent to Shutler Industrial Park property. Haguewood has hired somebody to demolish the elevator, but he is looking for a partnership in which the County would haul the material away. No decisions were made.

IN THE MATTER OF UPDATED EMPLOYEE HANDBOOK

The Court discussed LGPI's suggested updates to Gilliam County's Employee Handbook. Judge Shaffer said job descriptions aren't set in stone and are subject to change. He also said LGPI is conducting a salary survey for comparison purposes, expected to be completed by the end of the month.

Commissioner Wetherell said that she is okay with many of the descriptions, but she would like more discussion regarding elected officials and whether descriptions are necessary.

IN THE MATTER OF COURT STAFF RECRUITMENT AND SUCCESSION PLANNING

Court Administrator Leanne Durfey informed the Court that she likely will be moving from Condon, although her timeframe is not yet definite.

The Court discussed the situation, including job requirements and the possibility of creating two positions: A court assistant, either full or part time, would deal with policies and procedures, agenda, phone calls, posting on the website, resolutions, ordinances, and other matters pertaining directly to the Court. A second, separate position would focus solely on human resources and risk management.

In response to a question by Commissioner Weimar, Judge Shaffer said that a Court Assistant job would probably be a union position, but a HR position would not. No decisions were made.

IN THE MATTER OF COUNTY AUDITOR

Judge Shaffer said that County Auditor Mitch Saul of Oster Professional Group will be asked to provide a summary of the County's most recent audit at the next meeting.

IN THE MATTER OF CORRESPONDENCE

Judge Shaffer noted no correspondence.

IN THE MATTER OF COUNTY JOB DESCRIPTIONS

Commissioner Weimar recommended a number of changes and clarifications to the proposed County Job Descriptions.

IN THE MATTER OF COURT MEMBER REPORTS

Judge Shaffer:

- noted that AOC has requested input regarding potential increase in recording fees for transactions through the County Clerk's office. The fees are currently capped at \$20, but AOC has suggested that the amount be increased to \$70 to generate funds for development of multi-family housing in rural areas. County Clerks are against the proposal. The matter will be discussed at the next meeting.

- discussed CREA’s proposal to conduct an in-depth economic analysis regarding how Gilliam County is affected by renewable energy projects. The Court agreed the information would be beneficial, but is waiting to see how other counties respond.

Commissioner Wetherell:

- attended a meeting of North Central Public Health District. Discussions included the upcoming budget process, funding, and the current flu outbreak.
- reported that a recent meeting of Arlington City Council focused on ODOT’s pedestrian safety/sidewalk project.
- attended a recent meeting of the Columbia Ridge Landfill Citizen’s Advisory Committee.
- plans to attend lunch at the Arlington senior meal site next week and asked how she should respond to questions about changes in the Area Agency on Aging. Judge Shaffer recommended she advise seniors the State Unit on Aging will determine which of the two agencies that have expressed interest will take over the program, and that the program should proceed with no changes.

Commissioner Weimar:

- discussed a recent meeting of Four Rivers Community Corporation, in which administration was transferred to Mid-Columbia Economic Development District Board of Directors.
- attended a recent meeting of MCCOG Board of Directors, at which AOC’s proposal to handle distribution of MCCOG’s assets was approved. Also, a drug and alcohol policy was updated in order for the transportation program to continue operating until the end of the month. Additionally, the board learned that the State Unit on Aging is working with two Area Agencies on Aging that have displayed interest in taking over the program, including CAPECO.
- Judge Shaffer asked Commissioner Weimar if the Building Codes Division was discussed and Commissioner Weimar said that Wasco County has provided office space for the State Building Inspector. Commissioner Weimar expressed concern about lack of proper notice. Judge Shaffer said that he received notification that the State is taking over the program until a new program is organized.

IN THE MATTER OF THE NEXT COURT MEETING

The next regular Gilliam County Court meeting will be held Wednesday, Feb. 7, 2018, beginning at 10:00 a.m. at Gilliam County Courthouse in Condon, Oregon.

It appearing to the Court that there was no further business to be conducted at this time and no additional matters to be considered, Judge Shaffer adjourned the meeting at 3:45 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Michael Weimar, Commissioner

By _____

Leslie Wetherell, Commissioner

Mary H. Dyer/Recorder _____