

3-21-18

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:00 a.m. The meeting was held at the North Gilliam County RFPD Building in Arlington, Oregon. Present were Judge Steve Shaffer, Commissioner Michael Weimar, Commissioner Leslie Wetherell and Mary Dyer, Recorder.

IN THE MATTER OF CHANGES TO THE AGENDA

Judge Shaffer noted that the Court will consider approval of an Intergovernmental Agreement between ODOT and Gilliam County for the Rowe Creek chip seal project.

IN THE MATTER OF PUBLIC COMMENT

No public comments were heard.

IN THE MATTER OF NEW VEHICLE PURCHASE

The Court considered bids submitted by Wright Chevrolet, Sherrell Chevrolet and obtained from KellyBlueBook.com for a 2018 Chevrolet Impala LS, Chevrolet Impala LT, or a 2018 Chevrolet Malibu to replace a current vehicle. The Court opted to accept the lowest bid for the Malibu submitted by Wright Chevrolet.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to accept a bid for a 2018 Chevrolet Malibu from Wright Chevrolet in the amount of \$23,717 plus Oregon Tax of \$118.59. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF SEALED BIDS FOR MOTOR GRADER

The Court opened sealed bids for the 1992 Cat 140G motor grader submitted by Imran Equipment of Frisco, Texas in the amount of \$57,750; and DeGrange Construction of Wasco, Oregon in the amount of \$58,100.

MOTION by Commissioner Weimar, second by Judge Shaffer, to sell the 1992 Cat 140G motor grader to DeGrange Construction in the amount of \$58,100. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF INTERGOVERNMENTAL AGREEMENT NO. 32438

Roadmaster Dewey Kennedy presented an intergovernmental agreement between ODOT and Gilliam County for the Rowe Creek chip seal project completed in Wheeler County. He explained that the Federal Lands Access Program will pay ODOT, and in turn, ODOT will pay Gilliam County.

MOTION Commissioner Weimar, second by Commissioner Wetherell, to approve Intergovernmental Agreement No. 32438 between ODOT and Gilliam County for the Rowe Creek Chip seal project. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF SWCD REQUEST FOR FILL ROCK

The Court discussed a request for fill rock submitted by Gilliam County Soil and Water Conservation District for the building project on Main Street in Condon. The request for the in-

kind contribution was made after it was discovered that there was not the required fill material available for re-use, the result of the District mitigating costs by contracting with a local company to do some early site preparation in advance of the bid process. The contractor agreed not to change the original bid if SWCD can provide the type and amount of gravel required, but the project can't move forward without the rock. Dewey Kennedy confirmed that the rock is available. Commissioner Wetherell asked about the amount of rock, and Kennedy said the project may take up to 480 yards of rock, or 48 truckloads, at a value of \$4,800.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to provide up to 480 yards of 1.5-inch minus rock to the SWCD project in downtown Condon, with the caveat that at the end of the project, any contingency remaining after the project is completed will be used to pay for the gravel. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF HISTORICAL SOCIETY REQUEST FOR ROCK

The Court received a written request submitted by Gilliam County Historical Society for 300 cubic yards of 3/4-inch minus gravel needed for a new renovation project. Dewey Kennedy indicated that the rock is available. It was noted the Historical Society differs from the SWCD in that it is not a governmental agency. Board member Darrell Potter explained that grass and weeds have been sprayed in preparation for the gravel, and that it will be easier to have gravel in place before a new building is moved into the site.

The Court returned to the issue later in the meeting and advised that the Historical Society should apply for a grant through the Special Projects Program.

IN THE MATTER OF PUBLIC HEARING: WEED CONTROL SPECIAL ASSESSMENT

At 10:35 a.m., Judge Shaffer opened a public hearing on the Gilliam County Weed Control Special Assessment. Weed Control Officer Don Farrar noted that there is a need for the assessment, which benefits both cities and every landowner in the County.

With no public comments, Judge Shaffer closed the Public Hearing at 10:45 p.m. and opened the matter to discussion by Court members.

Commissioner Weimar commented that he is in favor of approval, as he has seen the benefit of the Assessment for many years.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve Ordinance No. 2018-01 in the matter of an ordinance for a special weed assessment in the amount of \$48,466.82. However, it was determined that a first and second reading of the ordinance must occur before the ordinance can be approved. The motion was withdrawn.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to have the first reading of Ordinance No. 2018-01 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

The ordinance was read by title only by Judge Shaffer.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to accept the first reading by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

A second reading and acceptance of the ordinance will take place at the April 4 Court meeting.

IN THE MATTER OF CAFFA GRANT APPLICATION

County Assessor Chet Wilkins was present to discuss two matters with the Court: 1): a CAFFA (County Assessment Function Funding) grant and 2): replacement of assessment and taxation software. The state grant provides funding to help counties come into or remain in compliance with laws requiring equity and uniformity in the property taxation system.

Wilkins explained the application has not changed much from last year. He pointed out the Assessor's office will use \$4,000 of the grant to purchase a HP Color Laserjet desktop printer as the current printer is 10 years old and is becoming unreliable. He noted last year they requested \$8,000 for the purchase of a scanner and a plotter.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to participate in the County Assessment Function Funding Assessment Program, with total expenditure amount for consideration in grant is \$495,621 thereby approving grant application Resolution No. 2018-05. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF ASSESSMENT AND TAXATION SOFTWARE

Regarding the assessment and taxation software, Assessor Chet Wilkins explained that due to changes at the software company, it has become increasingly difficult to get support for the current software program. Wilkins and County Treasurer Nathan Hammer traveled to Morrow County to assess a software program used by several small counties, Oregon Counties Assessment & Taxation System (ORCATS) supported by Helion Software, Inc. They noted that the ORCATS program they are considering would eliminate the need to use two programs. County Clerk Ellen Wagenaar was not able to attend today's meeting but sent written correspondence to the Court members expressing her support of using Helion Software based on her experience with the company.

Leanne Durfey asked if they will be requesting bids or if they plan to establish the purchase is sole source, Wilkins responded that it will be sole source purchase because few companies are willing to work with small counties. The Court directed Wilkins to pursue the matter.

IN THE MATTER OF LEGAL COUNSEL

The Court discussed the matter of legal counsel. Judge Shaffer noted that the contract for legal services is not with Will Carey, who recently passed away, but with the law firm at which Carey was a partner. Judge Shaffer also commented that he is comfortable with the work Ruben Cleaveland has done thus far and suggested that the Court revisit the matter next winter.

Commissioner Weimar said he hasn't seen a contract yet. He also expressed concern that the firm represents Gilliam County as well as other agencies the County deals with, which

presents a basic conflict of interest. Judge Shaffer said the firm is attempting to create more separation between projects, and Commissioner Weimar said the conflict still exists because the attorneys are in the same firm.

Ruben Cleaveland currently represents the City of Arlington, Port of Arlington, and possibly Frontier Telenet.

The Court agreed to consider the matter this winter.

IN THE MATTER OF CORRESPONDENCE

The Court received a letter from Leslie Jamieson in which she expressed interest in appointment to the Gilliam County Library Board. The Court agreed that the position should be advertised and that the Library Board's recommendation should be heard before an appointment is made.

A letter was also received from Alfred Nevis of Grover Beach Homes LLC in Pismo Beach, California. The letter, initially directed to Community Development Director Rachel Weinstein, expressed interest in purchasing a tax-defaulted property at 221 N. Potter St. in Condon. The Court agreed to notify Nevis that the property will be sold via sheriff's sale.

Assessor Chet Wilkins said that as of 2017, the market value of the property was assessed at \$27,560. However, he said that he anticipated further water damage due to leaks in the roof and suggested that the minimum bid be set between \$15,000 and \$20,000. The Court agreed to set a minimum bid of \$20,000. The Sheriff's office will be notified and a Court Order in regards to the matter will be placed on the agenda for the April 4 Court meeting.

IN THE MATTER OF NORTH CENTRAL PUBLIC HEALTH DISTRICT

Jeremy Hawkins, Communicable Disease Investigator; and John Zalaznik, Environmental Health Specialist, both of North Central Public Health District, provided information on well testing completed in 2017. The project, which tested 50 domestic wells in Gilliam, Sherman and Wasco Counties, was funded by the Oregon Health Authority's domestic well program to improve domestic well stewardship in the three counties. Hawkins explained that currently, domestic well users aren't required to test wells unless they are selling the property.

Six wells were tested in Gilliam County, and five showed either elevated or high levels of nitrates. Hawkins explained that nitrates can present certain health threats to adults, but the larger concern is infants and pregnant women. He noted that mitigating nitrates in well water isn't easy and requires a filter, which can be expensive and out of reach for many people with limited incomes. He noted that testing can also be expensive and that samples require specific handling in a limited time frame.

Judge Shaffer said that more wells should be tested and suggested that Pioneer CDC may have resources to help. Commissioner Weimar said OSU Extension is a good place to start in terms of community education and outreach. The Court agreed to discuss the matter further with OSU Extension Agent Jordan Maley and Christina Kirwan of SWCD.

IN THE MATTER OF WASTE MANAGEMENT QUARTERLY REPORT

Kip Eagles and Alan Anderson of Waste Management presented a quarterly report for the first quarter 2018 and full year 2017. The report included the following:

- Volumes at Columbia Ridge are up 10.2 percent, or 369,805 tons from first quarter 2017.
- Volumes at Columbia Ridge for the full year, at 2,718,297 tons, are up 6.9 percent vs. 2016.
- Host fees paid by Columbia Ridge to Gilliam County were \$609,457 for the first quarter 2018 and \$3,933,070 for full year 2017.
- Volumes at Chem Waste Management are up 58 percent, or 15,673 tons vs. first quarter 2017.
- Volumes at Chem Waste for the full year, at 104,678 tons, are up 66.3 percent vs. 2016.
- Fees paid to Gilliam County by Chem Waste for the first quarter 2018 were \$18,494.
- Fees paid to Gilliam County by Chem Waste for full year 2018 were \$123,520.
- There was one accident at Columbia Ridge Landfill, a vehicle roll-over thought to be weather-related.
- An exposure issue at Chemical Waste Management is under investigation.
- Both sites continue to have open positions, although a job fair in February produced good results.
- A vanpool from Boardman to WM is in place and functioning well.
- Construction projects, rail expansion and cell construction are ongoing.
- The company continues to seek means of engaging with employees and the community.
- An RFP for disposal and transportation has been submitted to Portland Metro. Anderson anticipates that good results are anticipated and thanked the County for its support.

Regarding an e-mailed report that included information about DEQ solid waste inspections, Commissioner Wetherell asked if inspections are random or scheduled. Anderson responded that inspections can occur either way.

Commissioner Wetherell asked if anything is being done about the large number of starlings and seagulls, also mentioned in the emailed report. Anderson responded that the company is working with USDA to address the problem, which is seasonal.

Commissioner Wetherell also inquired about ash quantities, which were mentioned in the report. Anderson said the company is scheduled to receive 8,000 to 10,000 tons of fly ash from a company in Vancouver, Canada.

Regarding waste received from Washington, Commissioner Weimar noted that the contracts with entities in Washington are significant and asked if waste coming into the landfill might decline if more sites are built in Washington in the future. Anderson said that currently, there isn't infrastructure in place for moving waste out of Seattle and that the contracts aren't threatened. He also said rail capability at WM is a tremendous benefit.

IN THE MATTER OF USDA-APHIS BUDGET REQUEST

The Court received a letter from USDA requesting approval of the USDA-APHIS Wildlife Services budget request for the July 1, 2018 to June 30, 2019 fiscal year and outlining funding required to maintain the current level of service. Judge Shaffer noted that Wheeler County is no longer participating in the program and suggested that there might be different ways to offer services. The Court agreed that the matter should be discussed with other counties and placed on the agenda for the next Tri-County Court meeting.

IN THE MATTER OF NOTICE FROM DEPARTMENT OF ENERGY

The Court received notification from Oregon Department of Energy that Gilliam County Court has been reassigned from a special advisory group to a reviewing agency for the Carty Generation Station and newly-proposed Carty Solar Farm, which are both located wholly within Morrow County. The Court noted the reason for the change is that although Gilliam County is adjacent to the project locations, the transmission line proposed will no longer run through the County.

IN THE MATTER OF SUMMER INTERN

The Court received a written request from Alan Cunningham for funds to provide paid internships in information technology and natural resources/state parks for local students. Last year, two internships were funded, one by East Cascades Workforce and one by Gilliam County and the project was successful. East Cascades Workforce Investment board has agreed to provide \$5,000 again for one internship. The County discussed possibilities for funding the project for up to three more summer interns, but no decisions were made. The matter will be discussed at the April 4 Court meeting.

IN THE MATTER OF BUS BARN

The Court discussed various ways to provide shelter for the 14-passenger bus as remodel of the existing bus barn or construction of a new facility were deemed to be too expensive at this time. Also addressed were related matters, including the need for more office space at the Courthouse, the potential need to shelter more vehicles in the future, and the possibility of the County purchasing the existing bus barn, which was deemed to “not make sense.”

Commissioner Weimar noted that Waste Management employees are now being transported to and from Boardman, and suggested that such a program could potentially be initiated for WM employees living in Condon. Judge Shaffer commented that he finds it disturbing that people who work in Gilliam County can't live within the County due to lack of housing. Judge Shaffer also mentioned that he received an email from Umatilla County Commissioner George Murdock asking if Gilliam County would be interested in joining a regional transportation cooperative.

The Court agreed that it's necessary to take another look at the situation and that a carport should be considered as a viable way to house the bus. No decisions were made.

IN THE MATTER OF CITY OF ARLINGTON REQUEST

The Court discussed a request submitted by City of Arlington for \$2,200 to help fund goat grazing for control of Mormon crickets. Arlington resident April Aamodt and Arlington Mayor Jeff Bufton were present to discuss the matter. The City of Arlington is providing \$2,000 for the project, in which goats would graze private property where grass is out of control. Once the grass is controlled, pesticides are more effective. It was also noted that grazing would help with fire suppression on the area, which is steep and difficult to access. The Gilliam County Sheriff's Office has offered to provide a work crew to do the spraying.

Arlington business owner Pat Shannon commented that the situation was devastating last year and impacted his businesses substantially.

Mayor Bufton noted that weeds on the properties haven't been abated for several years, but new ordinances are in place that will allow property owners to be assessed fines when weeds aren't controlled. He also noted that the State of Oregon knew of the impending infestation four or five years ago, but didn't address the issue due to lack of funding. Bufton said the problem may have been curbed if information had been provided at that time.

Judge Shaffer suggested that the request be funded from the County's Predator Control fund in the general fund, but Commissioner Weimar said that wasn't an appropriate funding source.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to grant \$2,200 to the City of Arlington for rental of goats to battle the Mormon cricket infestation, to be paid out of Operating Contingencies. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF ARLINGTON TO CONDON FIBER BUILD

Judge Shaffer told the Court that County Fiber Attorney Jim Deason has advised that the fiber attorney for the City of Condon is still working on a draft contract. The matter of Indefeasible Right of Use Agreement, Conduit and Fiber Maintenance and Repair Service Agreement, and Conduit and Fiber Maintenance and Repair Service Order No. 001 was tabled until the April 4 Court meeting.

IN THE MATTER OF MARCH 7 EXECUTIVE SESSION MINUTES

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve minutes of the March 7 Executive Session. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF MARCH 7 REGULAR MEETING MINUTES

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve minutes of the March 7 regular Court meeting as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF FEBRUARY 14 EXECUTIVE SESSION MINUTES

Approval of the February 14 Executive Session minutes were tabled.

IN THE MATTER OF COUNTY COURT ADMINISTRATOR RECRUITMENT

The Court discussed an estimate submitted by Local Government Personnel Institute (LGPI), for assistance with recruitment of a new County Court Administrator. Various ways of mitigating the cost, estimated at \$9,890.73, were discussed, including conducting business via Skype instead of on-site visits, and possibly contacting Morrow County, which recently completed a similar hiring procedure. The Court agreed to reconsider the proposal when it is determined how many applications are received. The closing date is March 28.

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Wetherell:

- attended a North Central Public Health District meeting, at which Health District representatives provided useful information on public health (“public health 101”), and budget.

Judge Shaffer:

- attended a GEODC meeting held at the Gronquist building in Arlington.
- missed an all-staff meeting due to a conflict in schedule, but noted that discussions involved changes in use of Courthouse space, including the mail room and the need for a space for private attorney-client meetings.
- attended a recent meeting of NORCOR.
- attended a recent meeting of Frontier Telenet.
- has been working on the budget.

Commissioner Weimar:

- attended a recent meeting of MCCOG. He noted that the building was sold to a non-profit organization and that the Board received an update on the situation with Area Agency on Aging. He also said that MCCOG’s surplus assets will be sold at auction.
- met with the auditor and treasurer regarding creation of reserve funds to be used for future maintenance of County roads.
- was surveyed by OHSU regarding his thoughts on the HPV vaccination program, in which young people are vaccinated to reduce the rate of certain types of cancer.

IN THE MATTER OF THE NEXT COURT MEETING

The next regular Gilliam County Court meeting will be held Wednesday, April 4, 2018, beginning at 10:00 a.m. at the 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 3:00 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Michael Weimar, Commissioner

By _____

Leslie Wetherell, Commissioner

Mary H. Dyer/Recorder _____