

4-04-18

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:00 a.m. The meeting was held at the Gilliam County Courthouse in Condon, 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 announced the following changes to the Agenda:

- Executive Session pursuant to 192.660 (2)(d), Labor Negotiations
- Discussion of LGPI Court Administrator recruitment proposal
- Discussion of Gilliam County Historical Society request

IN THE MATTER OF PUBLIC COMMENT

Gilliam County Historical Society member Henry Wilkins asked the Court to reconsider their previous request for rock at the Historical Society's museum in Condon. Wilkins noted that the museum, which benefits the County as a tourist attraction, opens for the season on May 1, and the Society hopes to have gravel in place before that time. He also reported that a new building from Hale Ridge will be added to the site.

Wilkins proposed that the County provide the gravel and do the work, which could be paid back later after the Historical Society applies for a Special Projects grant. He also said the Historical Society has \$1,000 to get the project started.

Lori Anderson, also a member of the Historical Society, told the Court that she supports the request. She also commented that the majority of the work is done by volunteers from both ends of the County.

IN THE MATTER OF WEED CONTROL SPECIAL ASSESSMENT

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to have the second reading of Ordinance 2018-01, in the matter of a Weed Control Special Assessment, by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Second reading by title only by Judge Shaffer.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to accept the second reading of Ordinance 2018-01, in the matter of a Weed Control Special Assessment, by title only, and to adopt Ordinance 2018-01. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY PUBLIC TRANSIT

County Transportation Coordinator Marla Davies was present to discuss two matters: a proposed transportation building and a proposed contract for maintenance services. Regarding the transportation building, Davies said in her opinion the existing bus barn location doesn't have adequate space for necessary expansions, and also doesn't allow space for buses to turn around without entering the street.

She said that a citizen has suggested a new building that would house bus storage and a senior center, but engineer Jeff Schott of Pillar Consulting has estimated that cost of such a building would easily surpass \$1,000,000.

Regarding a new senior center, Commissioner Weimar said he has heard no complaints about the existing senior lunch location. Judge Shaffer agreed and said he has asked Senior Service Coordinator Sabrina Wagenaar to research options for a new dishwasher at the current location.

Judge Shaffer also suggested there might be existing locations that would work for bus storage and mentioned the possibility of space at the Road Department shop, although he hasn't yet discussed the matter with Dewey Kennedy. Commissioner Weimar agreed that options for existing locations haven't been fully explored.

Commissioner Wetherell asked Davies for information about the Senior Transportation Board. Davies said the County-appointed board consists of six members, although there is currently one vacancy.

Regarding Senior Transportation vehicles, Davies proposed hiring a person to do preventive maintenance, consisting of various tasks such as cleaning of vehicles and the bus barn, changing batteries, wipers and air filters, plowing snow, etc. She said the part-time position, which she proposed at 15 hours per week/\$20,000 per year, would be flexible but must be done after hours or on weekends. She also commented that one Community Service person has done excellent work; otherwise, the Community Service program hasn't worked well.

Commissioner Weimar asked who currently takes care of the County's motor pool, and Judge Shaffer said it's usually a matter of cleaning vehicles at home or running them through a car wash. Commissioner Weimar suggested that the maintenance person could also take care of maintenance for the motor pool.

Commissioner Wetherell asked if the work could be done by the Courthouse maintenance staff. Davies said it might be possible, but the work isn't currently included in their job descriptions.

The Court agreed to continue the discussion later.

IN THE MATTER OF COURT ORDER NO. 2018-01

The Court discussed Court Order No. 2018-01 directing the Sheriff to conduct sale of tax foreclosed property in Condon. The Court Order is subsequent to the March 21 meeting, at which a letter was received from a person who expressed interest in purchasing the property.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve Court Order No 2018-01 directing the sheriff to conduct a sale of tax foreclosed property at 221 N. Potter in Condon.

At this point, the Court addressed a previous meeting at which placing certain stipulations on sales of tax-foreclosed property was discussed.

The motion to approve the Court Order was withdrawn and the Court will address the matter at a future meeting.

IN THE MATTER OF IT COORDINATOR STAFF REPORT

IT Coordinator Kelly Smith presented an IT update including the following information:

- The migration from the County's old website to an updated, mobile-friendly template was completed in mid-March and has been well received.
- The migration of Microsoft Services from the public cloud to a more secure government cloud was completed in February with no interruption in service.
- Smith has formed a committee to assist in research and planning an upgrade to the Courthouse telephone system.
- A meeting is being scheduled with Penny Grotting, new superintendent for North Central ESD, to discuss contract renewal for technology services.
- Smith is working on updating computers as part of a five-year cycle for replacement of older machines.

Smith also asked the Court to approve a lease agreement with Pitney Bowes for lease of a new postage meter at a cost of \$53.81 per month. Judge Shaffer discussed the need for a more secure location for the meter and Smith agreed to place the meter in the Treasurer's office.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve a lease for a postage meter with Pitney Bowes for a five-year term at a cost of \$53.81 per month. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF 2018 SUMMER INTERNSHIP PROGRAM

The Court discussed Alan Cunningham's previous request that the County provide funding for this summer's internship program. The East Cascade Workforce Investment Board has agreed to provide \$5,000, the same amount as last year. Cunningham has proposed doubling the program from two interns to four and requested that the Court consider providing \$15,000. It was also noted that Cunningham won't develop specific proposals for two new internships until a commitment for funding is confirmed.

Judge Shaffer suggested that the program could be funded from the County's Gainshare line item, which consists of a percentage of windfarm employee income taxes.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve \$15,000 for the 2018 summer internship program pending project approval, to be taken out of the Gainshare line item. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY PUBLIC LIBRARY REQUEST

The Court considered two grant submittal request forms submitted by the Gilliam County Library. The first, in the amount of \$2,000, will be submitted to City of Condon with a \$344 in-kind match by library staff for a total project cost of \$2,344. The second, in the amount of \$500, will be submitted to Gilliam County Cultural Coalition, with a cash match of \$336 for a total project cost of \$836.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve the Gilliam County Library's two requests to submit grant applications. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF PRESENTATION ON MONTAGUE WIND PROJECT

Avangrid representatives updated the Court on the progress of the Montague Wind Project. Present were Brian Walsh, Avangrid Project Developer; Matt Hutchinson, Avangrid Permit Manager; and Attorney Elaine Albrich.

Walsh expressed his condolences for the death of County Attorney Will Carey, who was instrumental in the early stages of the Montague Project.

He also explained that Avangrid Renewables, previously Iberdrola, is currently generating 300 megawatts of wind energy in Gilliam County. The Montague project, originally permitted in 2010, consists of two phases: Phase 1, currently under construction, will include 56 Vestas turbines with commercial operation anticipated to begin in December, 2019. Phase 2 is in the early stages with an anticipated start date of September, 2020. Each phase will provide 202 megawatts of energy.

Walsh also:

- Discussed a plan for addition of solar technology along Highway 19. A large battery storage facility is in the permitting stages.
- Said the company is working closely with ODFW and has moved the project from rangeland to wheatland to accommodate the endangered Washington ground squirrel.
- Noted a setback from the edge of steep slopes to avoid interference with raptors' flight patterns.
- Noted that the turbines are in compliance with Oregon's guidelines for noise abatement. The larger turbines have larger blades that move at a slower speed, thus generating less noise. Larger turbines also mean that fewer turbines are required.

IN THE MATTER OF COUNTY PLANNER

Judge Shaffer reported that County Planner Michelle Colby's neurosurgery this morning went well. Former County Planner Susie Anderson is filling in for Colby until she returns.

IN THE MATTER OF EQUIPMENT LOAN INTEREST RATES AND TERMS

Treasurer Nathan Hammer met with the Court to discuss a situation regarding terms of a recent loan to the Road Department for purchase of a 2017 140K grader in the amount of \$272,546. Hammer reminded the Court of the January 17 meeting, at which the Court discussed the possibility of funding the loan internally and directed Hammer to approach the bank about terms.

Subsequently, Hammer followed up with the Bank of Eastern Oregon and realized that funds had already been loaned to the Road Department by the Bank at a 3.95% interest rate.

Commissioner Wetherell asked how the confusion happened and Judge Shaffer said he signed the papers after receiving a call from the bank that the documents were ready for his signature. He also said that Roadmaster Dewey Kennedy had discussed the matter with the bank.

Hammer told the Court they could opt to continue with the bank loan, but advised that paying off the loan and financing the equipment internally would be financially prudent. The Court agreed to pay off the loan with Bank of Eastern Oregon, and then to self-fund a five-year loan at 2.5% interest. The Court also determined that the Pennington Fund may be the best source of funding, but no decisions were made.

Commissioner Wetherell asked if paying off the bank loan will create an expense for the County and Hammer responded that there will likely be a pre-payment interest charge and probably a finance charge. Commissioner Wetherell asked how such a situation could be prevented in the future and Hammer said better communication is needed, and that he should have been clear in his instructions to the bank that he was the contact person for matters regarding the loan.

Hammer will create a Resolution for signing at the next meeting.

IN THE MATTER OF COMMUNITY DEVELOPMENT COORDINATOR REQUEST

Community Development Coordinator/JDRT Steering Committee member Rachel Weinstein asked the Court to grant \$4,000 in matching funds to continue promotion of tourism in the John Day River Territory. She updated the Court on last year's projects, which included purchase of four permanent kiosks, one in each participating county. JDRT is hoping to hire a RARE (Resource Assistance for Rural Environments) participant this year, which requires matching funds.

The Court approved the request, which has previously been budgeted.

Weinstein also discussed criteria for special project grant applications and mentioned that the Court may want to discuss adding language regarding late entries. She also

suggested that the Court discuss development of a policy regarding funding requests for faith-based projects. No decisions were made.

IN THE MATTER OF CORRESPONDENCE

Treasurer Nathan Hammer, Assessor Chet Wilkins and Administrative Assistant Kelly Smith were present to discuss W.I. Construction Inc.'s written request that the company's taxes be prorated for three months in which the company wasn't operating at the Shutler Station Industrial Park. The letter, submitted by company president Jack Ingram, noted that the company occupied the property for nine months of 2016, after which they conducted no business in Gilliam County, thus he feels the company isn't responsible for personal property taxes from October through December, 2016. He also requested that the account be divided into two separate accounts – one for Shutler Flat and one for the Willow Creek operation.

Wilkins explained that the property tax assessment date for the full year is January 1, and that Ingram didn't take advantage of an opportunity to contest his taxes.

Judge Shaffer suggested that the letter needs some type of response and Hammer said he thinks no response is necessary because the taxpayer has been made aware of the situation. He also commented that it isn't the County's purpose to inform Ingram of the tax code.

Reuben Cleaveland agreed that the County isn't in a position to offer tax advice, and also confirmed that if the company was located in Gilliam County on January 1, the property is taxable for the full year. He also noted that because Ingram purposely brought the information forward via letter, the matter is now a matter of public record. The Court agreed with Commissioner Weimar's suggestion that a letter be sent by the Court explaining that the matter is not something the County decides, but is determined by Oregon statute.

The Court also agreed that the W.I. Construction is operating one business within the County, not two, and has been taxed accordingly.

IN THE MATTER OF AGREEMENT FOR ARLINGTON TO CONDON FIBER BUILD

Reuben Cleaveland reported that County Fiber Attorney Jim Deason is waiting for the City to finalize the fiber order, which is necessary to proceed with the Intergovernmental Agreement. The latest revision is expected to be provided to Deason this afternoon. However, Cleaveland said that the Court can proceed with the Indefeasible Right of Use (IRU) Agreement, the Conduit and Fiber Maintenance and Repair Services Agreement and the Conduit and Fiber Maintenance and Repair Service Order No. 001. According to Cleaveland, Deason indicated that if he received the red-lined version today, he should have it ready to go tomorrow.

Regarding the revised Fiber Maintenance and Repair Services Agreement, which was received by the Court the previous evening, Commissioner Weimar commented that the

Court has once again received documents from Deason the day before the meeting. Cleaveland noted that the document is a red-lined version of a document sent out March 8. Cleaveland and Judge Shaffer clarified the changes for Commissioner Weimar, who was unable to view the red-lined edits.

Commissioner Weimar reiterated that the short time frame doesn't provide sufficient time to look at the documents. Judge Shaffer agreed, but noted that Deason can't send the documents to Commissioners until he receives them from the other entities.

Cleaveland noted he has been pleased with Deason's quick turnaround time.

Judge Shaffer said everything appears to be in order and the only document left to be finalized is the IGA.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve the Indefeasible Right of Use (IRU) Agreement with Inland Development Corp. for the Arlington to Condon fiber build. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

MOTION by Commissioner Wetherell, second by Judge Shaffer, to approve Fiber Order No. 001 with Inland Development Corp. for the Arlington to Condon fiber build. Shaffer – Yes; Weimar – No; Wetherell – Yes; **Motion Carried.**

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve the Conduit and Fiber Maintenance and Repair Services Agreement with Inland Development Corp. for the Arlington to Condon fiber build. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve Service Order 001, Conduit and Fiber Maintenance Agreement associated with the Arlington to Condon fiber build. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Judge Shaffer also noted that the Court received an invitation from the City of Condon to attend the Council meeting tonight, at which the Council will agree to the Arlington to Condon Fiber Build.

IN THE MATTER OF HISTORICAL SOCIETY REQUEST

The Court discussed the Historical Society's request for gravel and associated labor. Judge Shaffer reminded the Court of Henry Wilkins' comments at the beginning of today's meeting, when Wilkins expressed disappointment in the Court's decision at the previous meeting. Wilkins also said the Historical Society is planning to apply for a

special grant, which could be used to repay the County. The Society would also provide \$1,000 to get the project started.

Commissioner Wetherell suggested that Court should go ahead and grant the request without asking the Historical Society to wait for approval of the Special Grant.

Commissioner Weimar said the Court can't commit to a Special Projects grant before the application period, and commented that it's difficult to fund a project that has already been completed. He also noted that the Court has previously funded nonprofit organizations outside of Special Projects, including projects that were too large to be accommodated by the grant program, such as Columbia Hills Manor and the Condon Daycare Center. Court Administrator Leanne Durfey noted that the Court has also provided Pioneer CDC, Summit Springs Village and the Condon Food Pantry with funds outside of Special Projects.

Judge Shaffer indicated he had no problem providing the rock, but expressed concern about taking the road maintenance crew away from other jobs. However, he also said the project would be beneficial to Gilliam County and both cities, especially tourism in the south end.

MOTION by Judge Shaffer, second by Commissioner Wetherell, to instruct the Gilliam County Road Department to provide labor and rock for the Gilliam County Historical Society project. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY GRAIN LAB

Judge Shaffer noted that an entity has expressed interest in leasing the Grain Lab and said he received approval via a phone conversation with EDA. However, written agreement won't be provided by EDA until a proposal is provided by the interested party. He also said EDA requires information regarding the current market value for lease or rental of the property, Judge Shaffer said he has contacted Linda Smith of Tatone-Smith Real Estate and Hermiston appraiser Doug Barak.

IN THE MATTER OF LGPI COURT ADMINISTRATOR RECRUITMENT PROPOSAL

The Court discussed various ways of reducing the amount of the Court Administrator Recruitment Proposal provided by Ruth Mattox of LGPI, originally estimated at \$9,890.73. Judge Shaffer said he discussed the matter with Mattox and was able to reduce the amount to \$6,796.91 by reducing travel time to Condon and hours spent on various aspects of the process, including communication, interview panel briefing and interview participation.

After continued discussion, the Court shaved more hours from the estimate, thus reducing the proposal to \$5,116.91. Reuben Cleaveland said the amount can be adjusted during the process, if necessary.

Commissioner Wetherell asked Cleaveland about the background check, and Cleaveland indicated the check would be in-depth but not as involved as a background

check for law enforcement personnel, etc. Commissioner Wetherell then asked if the Sheriff's office would be able to perform the background check and Judge Shaffer said the Office has already been asked and declined.

Judge Shaffer also reported that there are seven applicants for the position.

MOTION by Commissioner Weimar, second by Judge Shaffer, to contract with LGPI to perform court administrator recruitment process at a maximum cost of \$5,116.91.

Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF MARCH 21 REGULAR MEETING MINUTES

The Court made clarifications and pointed out typos in the March 7 minutes.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve March 7, 2018 regular Court meeting minutes as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF FEBRUARY 14 EXECUTIVE SESSION MINUTES

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve February 14 Executive Session minutes. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Weimar:

- regarding a discussion at the previous Court meeting, noted that a commercial applicator's license is needed for pesticide applications, which means that a NORCOR crew can't legally spray Mormon crickets in Arlington. Judge Shaffer said he has already been checking into the issue and agreed that the County can't assume that liability.
- attended a CAPECO meeting, which included a training session for Board members. He said the training provided Board members with a better understanding of their role in the CAPECO organization.
- noted that AAA meetings are scheduled in all member counties.

Commissioner Wetherell:

- attended a recent meeting of the North Central Public Health District budget committee, which also included conversations on funding percentages.

Judge Shaffer:

- attended a Town Hall meeting held by Sen. Ron Wyden at Condon High School. Judge Shaffer was impressed with questions posed by the students.
- continues to pursue various options for creation of a reserve fund for maintenance of County buildings and roads. The matter will be discussed at budget time.

IN THE MATTER OF EXECUTIVE SESSION

Judge Shaffer declared the meeting to be in Executive Session pursuant to ORS 192.660 (2) (d), Labor Negotiations, at 3 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 3:12 p.m.

IN THE MATTER OF COLLECTIVE BARGAINING TEAM

Judge Shaffer informed the Court that the resignation of Court Administrator Leanne Durfey leaves an opening on the Collective Bargaining Team. County Legal Counsel Reuben Cleaveland has expressed willingness to serve on the team.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to appoint Reuben Cleaveland to replace Leanne Durfey on the Collective Bargaining Team. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF THE NEXT COURT MEETING

The next regular Gilliam County Court meeting will be held Wednesday, April 18, 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 3:15 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Michael Weimar, Commissioner

By _____

Leslie Wetherell, Commissioner

Mary H. Dyer/Recorder _____