

Gilliam County Court  
Regular Meeting  
4/3/2019

Judge Farrar called the regular Gilliam County Court meeting to order at 1 p.m. at the Emergency Services Building in Condon, Oregon. Present were Judge Elizabeth Farrar, Commissioner Leslie Wetherell, Commissioner Sherrie Wilkins, Sandy McKay, Court Administrator; and Mary Dyer, Recorder.

**IN THE MATTER OF CHANGES TO THE AGENDA**

Judge Farrar noted two additions to the Agenda:

- Discussion of Federal Lands Access Program (FLAP) Project Memorandum of Agreement.
- Discussion of potential temporary lease for the Grain Lab at Shutler Station.

**IN THE MATTER OF PUBLIC COMMENTS/CORRESPONDENCE**

There were no public comments or correspondence.

**IN THE MATTER OF CONSENT AGENDA**

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to approve the Consent Agenda. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

Consent Agenda included the following:

- Consider approval of March bills pending review.
- Consider approval of March 13 work session minutes,
- Consider approval of March 20 work session minutes.
- Consider approval of March 20 regular meeting minutes.
- Appoint Gibb Wilkins to replace Kathryn Greiner as the cities representative on the Lower John Day Area Commission on Transportation.
- Consider approval of Transportation Department's STIF grant application.

**IN THE MATTER OF PUBLIC HEARING: WEED CONTROL SPECIAL ASSESSMENT**

At 1:05 p.m., Judge Farrar opened a public hearing on the Gilliam County Weed Control Special Assessment, Ordinance No. 2019-01. The rate for the 2019-20 year has been proposed at seven cents (.07) per acre. With no public comments, Judge Farrar closed the Public Hearing at 1:09 p.m.

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to have the first reading of Ordinance No. 2019-01 by title only. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

Judge Farrar read the ordinance title.

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to accept the first reading by title only. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.** A second reading and acceptance of the ordinance will take place at the April 17 Court meeting.

#### **IN THE MATTER OF FRONTIER TELENET UPDATE**

Judge Farrar updated the Court on last week's meeting of the Frontier Telenet Board of Directors. She reported that Jeanne Burch has resigned her position as bookkeeper for the Frontier Telenet Board, effective April 30. Brenda Snow Potter is currently handling the budget process. The budget meeting will be held at the Gilliam County Courthouse this Friday. In response to questions by Commissioner Wetherell, Judge Farrar said Snow Potter has been appointed as the budget officer but hasn't yet been formally appointed as the bookkeeper; and clarified that the budget committee consists of the three judges and three sheriffs from each county.

Judge Farrar also commented that the draft budget, which can be seen on Frontier Telenet's website, contains substantial requests from the 911 Board. The Board has decided to distribute administrative duties; Judge Farrar has volunteered to update the website, and the host county will distribute agendas for Frontier Telenet Board meetings.

Judge Farrar noted that fiber attorney Jim Deason hasn't yet submitted invoices, although they have been requested several times. She reported that the counties' contributions would be around \$150,000 each, which includes the digital switch. The Board will need to decide whether to upgrade the switch, which would cost approximately \$250,000. Wheeler County's loan payment is also included, but Sherman County's loan wasn't included in the budget and a plan for repayment is unclear. Lastly, Judge Farrar suggested that the Court may need to determine if Frontier Telenet still needs to exist and if it still makes sense to have two separate boards, particularly in light of the new fiber coming into the area.

#### **IN THE MATTER OF REVIEW OF IT CONTRACTOR BIDS**

Judge Farrar reported that four IT companies responded to Kelly Smith's Request for Bids for managed IT services -- Radcomp Technologies, Wasco County IT Department, Solutions IT, and ASI/AccTech Solutions. Smith's recommendation was acceptance of AccTech Solution's proposal due to the competitive price, as well as the company's experience, training, and certifications. She also noted that it will be necessary to remain with the current provider during the transition period.

**MOTION** by Commissioner Wilkins, second by Commissioner Wetherell, to approve the agreement for managed IT services with AccTech Solutions in the amount of an annual cost of \$45,725, which breaks out to \$3,810.42 per month, to be taken from the Technology/Hardware line item in the budget for the current fiscal year; future fiscal

years will be charged to the IT Services Contract line item; the County will be negotiating for additional costs for the server. **Farrar – Yes; Wetherell – Yes; Wilkins – Yes; Motion Carried.**

#### **IN THE MATTER OF MORMON CRICKET CONTROL FUNDING**

OSU Extension has requested that the County provide up to \$105,000 for mormon cricket control to be conducted in May 2019. Judge Farrar noted that the Court has never budgeted funding as a line item, but the previous court allocated up to \$105,000 out of the SIP Discretionary Fund on a reimbursable basis. Approximately \$65,000 of that allocation was spent.

April Aamodt reported on the current status of the crickets, which are now hatching. Commissioner Wetherell asked who receives disbursements and Judge Farrar said most are for the pilot and spray program. The invoices come to OSU Extension Agent Jordan Maley and are then paid directly by the County.

**MOTION** by Judge Farrar, second by Commissioner Wilkins, to allocate up to \$105,000 from SIP Discretionary line item for mormon cricket control, with the invoices to be sent directly to the County for payment. **Farrar – Yes; Wetherell – Yes; Wilkins – Yes; Motion Carried.**

April Aamodt asked if funding might be budgeted, and said nobody knows for sure how long the problem will continue. Judge Farrar said the Budget Committee plans to discuss funding at next week's meeting.

#### **IN THE MATTER OF SURPLUS VEHICLE DONATION**

Summary: The South Gilliam Health Board requested a surplus Transportation Department vehicle last year when two other vehicles were also available. Bids were received and both vehicles were sold, but the 2005 Dodge Caravan, also offered through the bidding process, received no bids, thus leaving it available. Holly Winslow, Health District Administrator, has requested the donation on behalf of the District.

**MOTION** by Commissioner Wilkins, second by Commissioner Wetherell, to donate the County's used Dodge Caravan to South Gilliam County Health District. **Farrar – Yes; Wetherell – Yes; Wilkins – Yes; Motion Carried.**

#### **IN THE MATTER OF PORT OF ARLINGTON REQUEST FOR FUNDS**

The Court discussed the Port of Arlington's request for release of funds for Phase I of the Willow Creek Irrigation Feasibility Study in the amount of \$1,472.29 for consultants' presentation of the completed study. Judge Farrar reminded Mitchell that the amount is over the \$17,000 budgeted, and said the Court had clearly stated no more money would be provided for Phase I.

Commissioner Wilkins queried Port Manager Peter Mitchell, and he responded that no more funding requests are anticipated. Judge Farrar stated that the previous court

established a clear cap, noting that she has no problem with the project, but that it's essential to adhere to the budget provided.

**MOTION** by Commissioner Wilkins, second by Commissioner Wetherell, to approve payment for the invoice in the amount of \$1,472.79 with the stipulation that this is the absolute final payment for the Phase I portion that was allocated out of the 2017-18 budget. **Farrar – Yes; Wetherell – Yes; Wilkins – Yes; Motion Carried.**

#### **IN THE MATTER OF COMPENSATION COMMITTEE RECOMMENDATION**

Judge Farrar read a letter submitted by Gilliam County Compensation Committee Chair Walter Powell, noting the Committee's recommendation that elected officials of Gilliam County receive a pay increase of 3.0%, with step changes following the current schedule, appropriate for time served.

Judge Farrar declared a conflict of interest because she is an elected official.

Commissioner Wetherell also declared a conflict of interest, but said she wants to determine how other counties handle the issue. Commissioner Wilkins also declared, noting that her son is an elected official.

Judge Farrar explained that the State Ethics Commission has advised that if conflicts result in lack of a quorum, the Court is allowed to vote on the issue.

**MOTION** by Commissioner Wetherell, second by Commissioner Wilkins, to accept the recommendation of the Gilliam County Compensation Committee with a 3% Cost of Living increase and the appropriate salary schedule step increases for time served for Gilliam County Elected Officials for Fiscal Year 2019-20. **Farrar – Yes; Wetherell – Yes; Wilkins – Yes; Motion Carried.**

#### **IN THE MATTER OF FEDERAL LANDS ACCESS PROGRAM AGREEMENT**

County Roadmaster Dewey Kennedy explained that he applied for the Federal Lands Access Program grant for projects that improve public access to public lands. The scope of the project includes chip sealing 5.6 miles of Lower Rock Lane from the intersection of Cedar Springs Lane to the end of the pavement, as well as fog seal, striping and signage, at a cost of \$263,078. The County would provide a 10.27% match in the form of rock, manpower, and equipment. Kennedy hopes to accomplish the work this summer.

**MOTION** by Judge Farrar, second by Commissioner Wetherell, to approve the Federal Land Access Program Project Memorandum of Agreements for the Road Department. After a brief discussion, the Motion was amended: to approve the Federal Land Access Program Project Memorandum of Agreements for the Lower Rock Creek Lane project in the amount of \$263,078 with a 10.27% in-kind match from the County. **Farrar – Yes; Wetherell – Yes; Wilkins – Yes; Motion Carried.**

#### **IN THE MATTER OF GRAIN LAB TEMPORARY LEASE**

Commissioner Wilkins reported on communication received from Peter Mitchell regarding the potential for lease of the Grain Lab from a hemp processor that produces CBD oil on a small scale. The company needs a temporary facility fairly soon while they're building something that meets their long-term needs.

Commissioner Wetherell asked if there would be a problem with the EDA, and Mitchell said that hemp is federally legalized, but if the Court is interested, it would be necessary to seek confirmation.

Commissioner Wilkins, Peter Mitchell, and Sandy McKay will work through the details and present information at the April 17 Court meeting.

## **IN THE MATTER OF COURT MEMBER REPORTS**

Commissioner Wetherell:

- following the last court meeting, she spoke with Roadmaster Dewey Kennedy regarding the feasibility of installation of dividers at the railroad crossing on Cedar Springs Lane, and agreed that dividers are not a good idea. However, Waste Management has announced via a company newsletter that dividers will be installed. Kennedy will follow up with Waste Management. Sheriff Gary Bettencourt asked why law enforcement hasn't been asked to monitor the situation and said that often, the presence of law enforcement is often helpful. Regarding an item posted in Waste Management's latest newsletter stating that Watco has agreed to clear crossings more frequently. Sandy McKay said the company has made a conscious choice, for safety reasons, not to clear the crossings more often because drivers go around the crossing safety arms. The company has stated they can clear the crossing quickly if an emergency vehicle needs to get through. Commissioner Wilkins urged more open communication between Waste Management, Watco, and the community.
- attended a meeting of the Lower John Day Area Commission on Transportation in Moro. She said the State is considering six STIF (Statewide Transportation Improvement Fund) discretionary project applications and asked Area Commissions to weigh in. Commissioner Wetherell said she spoke in favor of Gilliam County's projects. Gilliam County Transportation Director Marla Davies was also present.
- pointed out that although Waste Management continues to not use the Arlington Clinic as they did before, personnel at Arlington Clinic continue to provide CPR training to Waste Management employees.
- announced that there is a vacancy on the Road Advisory Committee.

Commissioner Wilkins:

- attended a recent meeting of the Citizens Advisory Committee. Discussions included dividers at the railroad crossing, which Dewey Kennedy said wasn't feasible. Other ideas discussed at the meeting included installation of signage warning drivers that going through the crossing arms is a prosecutable federal offense. Waste Management has also suggested that the County build a new road to bypass the crossings. In response to Kennedy's concerns about leaking gondolas, Waste Management District Manager Alan Anderson said the company is working on solutions. Commissioner Wilkins also said that Rich Harper asked why the Arlington Medical Center issue remains unresolved, and why the company was using the Boardman facility rather than the Condon Clinic. Harper also inquired about Waste Management's Conditional Use permit and why it hasn't been updated. Sandy McKay noted that the permit is in place but past due for review. Commissioner Wilkins also pointed out that the signs at the dumpsters stating that tires aren't accepted are misleading because Waste Management still accepts tires, but they shouldn't be placed in the dumpsters. The CAC asked the company to clarify for the public via signs, etc. Concerns were also expressed about discarded tires remaining along railroad spurs after last year's fire. Alan Anderson said Waste Management will ask Watco to clean them up. Lastly, Commissioner Wilkins commented that permits are in process for composting yard debris and food waste as a required backup for the Seattle location.

Judge Farrar:

- pointed out that Gilliam County is not currently a member of the Eastern Oregon Counties Association. She said annual dues are \$2,600 and asked if the Court wants to re-join the organization. The Court agreed that the organization is focused on issues (such as timber) that have little effect on Gilliam County and that membership in AOC is more useful. Membership will be discussed at next week's budget meeting.
- noted that a Listening Session regarding Juvenile Court Operation will be held at Arlington tomorrow. Circuit Court Judge Wolf and the Circuit Court administrator are expected to attend.
- commented on a bill currently before the Legislature that would double the 911 tax. She noted that the tax hasn't been increased for decades and that she intends to submit a personal letter of testimony.
- reported that County Clerk Ellen Wagenaar has no interest in the county becoming the fiscal agent for Gilliam County Fire Services. Sheriff Bettencourt said that current Fire Services Coordinator Shannon Coppock has offered to continue as bookkeeper.

- is participating in City of Condon’s fiber committee, and mentioned recent discussions regarding the possibility of creating a county-wide committee.

**IN THE MATTER OF ANNOUNCEMENTS**

- April 4 - Listening Session: Juvenile Court Operations, Arlington, Gronquist Building, 6 pm.
- April 5 - Frontier Telenet Budget Meeting, Condon, Gilliam County Courthouse, 10 a.m.
- April 10 - Second Budget Committee Meeting, Gilliam County Courthouse, 8 a.m.
- April 11 - Third Budget Committee Meeting (if needed), Gilliam County Courthouse, 8 a.m.
- April 16 - Frontier Regional 911 Budget Meeting, Gilliam County Courthouse, 1:30 p.m.
- April 17 - SWCD Building Tour, SWCD Building, 1 p.m.
- April 17 - County Court Meeting, Gilliam County Courthouse, 3 p.m.
- April 19 - County College, Salem
- April 24 - Tri-County Court Meeting, Sherman County Courthouse, 10 a.m.
- May 1 - County Court Meeting, Gilliam County Courthouse, 3 p.m.
- May 1 - Listening Session: Juvenile Court Operations, Courthouse, 5 p.m.
- May 15 - County Court Meeting, Emergency Services Building, 1 p.m.

Times-Journal editor Mac Stinchfield pointed out a work session with Day Wireless tomorrow in Sherman County. Judge Farrar indicated she may attend.

**IN THE MATTER OF NEXT MEETING**

The next regular meeting of the Gilliam County Court will be at 3:00pm Wednesday, April 17, 2019, at the Gilliam County Courthouse in Condon.

**IN THE MATTER OF ADJOURNMENT**

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 Farrar adjourned the meeting at 2:50 p.m.

**GILLIAM COUNTY COURT**

By \_\_\_\_\_

Elizabeth Farrar, Judge

By \_\_\_\_\_

Leslie Wetherell, Commissioner

By \_\_\_\_\_

Sherrie Wilkins, Commissioner

Mary H. Dyer/Recorder \_\_\_\_\_