

Gilliam County Court
Regular Meeting
5/1/19

Judge Farrar called the regular Gilliam County Court meeting to order at 3 p.m. at the Gilliam County Courthouse 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 PUBLIC HEARING: ADOPTION OF FY 2019-20 BUDGET

Judge Farrar opened the public hearing at 3:00 p.m., noting that the purpose of the hearing was to receive public comment and respond to questions regarding Resolution No. 2019-04 adopting the budget, making appropriations and imposing taxes for fiscal year July 1, 2019, to June 30, 2020.

Hearing no public comment, Judge Farrar closed the Public Hearing at 3:05 p.m.

MOTION by Commissioner Wetherell, second by Commissioner Wilkins, to approve Resolution No. 2019-04; adopting the FY 2019-20 budget, making appropriations, and imposing and categorizing taxes in the amount of \$61,135,935 and a tax rate of 3.845% per \$1,000 of the assessed value of all taxable property within Gilliam County.

Commissioner Wetherell suggested that the court look into the possibility of making the Resolution less specific, and that combining categories into organized units would allow a more flexible, streamlined process. Treasurer Nathan Hammer said he disagrees but is willing to investigate the possibility, and the court agreed that discussions should continue.

Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

IN THE MATTER OF ADDITIONS/REVISIONS TO AGENDA

Judge Farrar noted the following changes to the agenda:

- Request for reauthorization letter: North Gilliam County Health District
- Request for funding: Condon Booster Club

IN THE MATTER OF CORRESPONDENCE

No correspondence was received.

IN THE MATTER OF PUBLIC COMMENTS

Eudora Olsen, Upper Rock Creek Road, Arlington, read the following prepared statement to the court:

I understand that Gilliam County's mission is to provide essential public services, both legally required and locally desired, that protect and enhance the quality of life in an efficient, effective and respectful manner.

Do you agree that this statement is something you all feel is something that you should uphold? *Response: yes.*

In a letter dated February 20, 2019, Judge Farrar wrote a letter to Chase McVeigh, (the site analyst from the Department of Energy) regarding the Goal 3 Exception for the farmland being considered for the solar component of that project.

Am I correct to assume that this is regarding the goals established in 1960 by the Gilliam County Planning Commission? *Sandy McKay clarified that this is Goal 3 of the State's Energy Siting Council, which is different than Goal 3 established by the Gilliam County Planning Commission.*

I see that this court is implementing your responsibilities, regarding your position as the Special Advisory Group for the Montague Wind Project. I want to commend you for your efforts.

Have you received an answer from Mr. McVeigh regarding any plans to provide an opportunity for the citizens to be involved in this phase regarding the proposal of solar energy at our end of the county? (Judge Farrar responded that Oregon Department of Energy is holding a public hearing on May 16, 5:30 p.m. at Lori's Place in Condon. Olsen commented that the hearing wasn't posted on the board at the entry to the Courthouse; Sandy McKay will look for and post the announcement.)

At the February 6 meeting, Chase McVeigh from the Department of Energy provided a presentation to the Gilliam County Court and visitors at that meeting. This meeting was held at the Gronquist Building at Arlington. In his opening statement, he said that his presentation was to provide an overview process of the roles and responsibility to the Special Advisory Group (SAG), which is the Gilliam County Court. No objections were noted by the court, so am I correct to assume that nothing has changed in the last three months? (The court confirmed that it is still a Special Advisory Group for the Montague Wind Project.)

Where can we go to either read or purchase copies in this county of all the Montague documents, either in Arlington or Condon so that I or anyone who desired to, can view them, in order to be more informed, so that anyone who chooses to can make better comments to the Department of Energy at the upcoming meeting on May 16 at Lori's Place here in Condon? (Sandy McKay responded that because this is a State process it would be necessary to contact the State Department of Energy to access their documentation. Olsen asked who to talk to about one missing document, and Judge Farrar suggested she contact Chase McVeigh.)

As Judge Farrar is aware and by now, perhaps our commissioners are aware as well, I personally hand-delivered a letter to this court (to Sandy McKay) on Monday of this week, to ask that this court, as Special Advisory Group for the Montague Wind project, would impose a condition on the Montague Wind Power Facility that they would place the turbines where they cannot be seen or heard by those residents who reside on

Upper Rock Creek Road. According to the historic standard OAR 45-022-0090, the council may issue a site certificate that would meet our request.

I invite this court to stop by our home and take a few minutes to breathe in the freshness, look up at the peaceful canyons, absorb the quietness or maybe take a Sunday drive along Rock Creek so that you will all understand why we are passionate about our viewshed, our pioneer cemetery where many have gone on before us who have been laid to rest. Call ahead to my friend Myra; perhaps she will bless you with her permission to walk along the Wagon Trail on her slice of serenity or witness her mountain view. Come, bring your camera. Take a few memories home with you of the Crum Flour Mill. We invite you to come and see, the perception of what we all think of as God's best-hidden beauty of Gilliam County the place we call home. Come visit Olex community and its people, the citizens you serve.

I am hoping and praying that this court will stand by Gilliam County's Mission Statement to protect the quality of life in an efficient, effective and respectful manner; so that the backdrop of our historical community will not be forced to endure the constant audible and visual intrusion and disturbance that will forever impact our community and those who live along Rock Creek Road.

On behalf of Olex Community

Signed: Eudora Olsen

Myra Irby of Olex commented that she is happy about the windmills and pleased that the farmers are being compensated. She commented she loves what Gilliam County is doing, and said she's not against anything, but is trying to protect her property from the lights and the noise that could possibly affect her.

IN THE MATTER OF CONSENT AGENDA

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

The Consent Agenda included the following:

- Approval of April bills pending review
- Approval of April 3 regular meeting minutes
- Approval of April 17 regular meeting minutes
- Approval of OSU Extension request for release of budgeted funds
- Approval of letter of support for Columbia Gorge Community College USDA Distance Learning grant

IN THE MATTER OF FRONTIER TELENET UPDATE

Judge Farrar reported on last week's meeting of the Frontier Telenet Board of Directors held in Sherman County. The board:

- decided to issue an RFP for telecom counsel, which has been drafted and will be sent to several law firms.
- Discussed partnering with Inland Development or another company for an independent audit of the entire system. Inland has been asked for a proposal for the board's consideration.
- Approved a revised budget calendar.
- Appointed the following three lay people to serve on the budget committee, as requested by the three sheriffs: Kathryn Greiner, Gilliam County; Carrie Kaseberg, Sherman County; and Mayor Patrick Farrell of Mitchell.
- Discussed the concept of hiring a firm to provide management instead of a single-person manager. Judge Farrar plans to place the matter on the agenda for the next board meeting to determine interest.
- Commissioner Wilkins, who was also at the meeting, clarified sites needing weed abatement. She will contact the Weed Department.
- General Counsel, Annala Carey Baker Thompson, will also be put under contract rather than continuing piecemeal as has been past practice.

IN THE MATTER OF GRAIN LAB UPDATE

Commissioner Wilkins said she spoke with Michael Mills of the Economic Development Administration (EDA) regarding use of the Grain Lab. Mills indicated that although hemp may fall under the guidelines of the Farm Bill regarding use of the building, nobody knows what the 2020 Farm Bill will dictate. Commissioner Wilkins also indicated the interested company probably won't want to wait. Judge Farrar suggested it's still a good idea to get a ruling from EDA in case there might be other interested companies, especially in light of all the required hemp testing. Commissioner Wilkins said she expects Michael Mills to stay in contact and keep the county updated.

IN THE MATTER OF APPOINTMENT TO GILLIAM COUNTY ROAD COMMITTEE

Commissioner Wetherell reported that four people indicated interest in filling a vacancy on the Gilliam County Road Committee created by the resignation of James Wright for Zone 2 (northeast quadrant)

Motion by Commissioner Wetherell, second by Commissioner Wilkins, to appoint Pat Shannon to the Gilliam County Road Committee as the Zone 2 representative.

Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

In response to a question by Sandy McKay about his apparent resignation from the Road Committee, Les Ruark said he is willing to remain on the committee until a replacement is found. The court will post announcements about the open position. Ruark also suggested that the names of all candidates for the Zone 2 position should be

placed on the record. Commissioner Wetherell said they are Pat Shannon, Rob Wade, Paul Bates, and Vicki Ackerman (who asked to be removed from consideration).

IN THE MATTER OF COUNTY GENERAL COUNSEL PROPOSAL

Judge Farrar reported that four municipal law firms responded to a Request for Proposal (RFP) seeking new general counsel: Bryant, Lovlien & Jarvis, Bend; Local Government Law Group, Eugene; Peachey Davies Myers & Dunn, Hood River/The Dalles; and Timmons Law, The Dalles. It was determined, however, that Peachey Davies Myers & Dunn represents Wheeler County, and that Timmons Law represents Sherman County, which presents potential conflicts.

Les Ruark urged the court to develop an agreed-upon format regarding use of legal counsel, as well as some sort of long-term work plan prioritizing use of legal counsel. He said he has knowledge of the firms under consideration, and noted the Eugene firm is more Willamette-Valley oriented, while the Bend firm has Central Oregon concerns. He questioned how much Eastern Oregon perspective would be involved, and asked the court to keep that in mind going forward.

Motion by Commissioner Wilkins, second by Commissioner Wetherell, to select the firm of Bryant, Lovlien & Jarvis to provide legal services for the County, and to approve the agreement as presented. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

IN THE MATTER OF ARDENT MILLS BUILDING UPDATE

Jeff Schott of Pillar Consulting told the court there are a couple of ongoing issues with the Arden Mills building, including a leaky roof and chipping concrete on the back steps (which was repaired in 2017). He plans to look at the building within the next week. He said an agreement is still in place from 2016 or 2017 for \$16,500, with less than \$10,000 spent thus far. The court agreed that Schott should submit a new proposal so the amount can be included in the current budget. Schott will submit a proposal for discussion at the next court meeting.

IN THE MATTER OF COUNTY TELECOM COUNSEL PROPOSAL

Judge Farrar noted it is difficult to find telecom counsel because most already have a conflict with local partners or potential customers. She recommended Christy Monson of Local Government Law Group in Eugene. Judge Farrar pointed out that she felt Monson has some limitations in regards to County's telecom matters, but she can reach out to other attorneys if further advice is needed in certain issues.

Motion by Commissioner Wetherell, second by Commissioner Wilkins, to accept the proposal from Local Government Law Group for telecommunication legal services.

IN THE MATTER OF CONSOLIDATION OF SHUTLER STATION TAX LOTS

Motion by Judge Farrar, second by Commissioner Wetherell, to approve the tax lot consolidation request between Tax Lots 1104 and 4917 to consolidate all of the Shutler Station property. Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

IN THE MATTER OF ARLINGTON TV COOP REQUEST FOR LOAN MODIFICATION

John Neys of Arlington TV Cooperative was present, along with board members David Anderson and Mark Mitchell, and office administrator Shannon Osman. The group asked the court to consider modification of the terms of the \$250,000 loan for the internet expansion project by pushing back the due date of the first payment, which is scheduled for June 1, 2019.

Anderson noted the difficulties involved in getting a sufficient number of customers signed up, and said the problems are primarily issues with time and lack of technicians. Installation is time-consuming and scheduling has been difficult, although there is a waiting list. The discussion also included the system's expected financial breakeven point; ATV currently has 112 total customers for all services and need 260 customers to break even. It was further discussed that the marketing plan for the services provided needs to be improved and the possibility of outside grants should be investigated. ATV stated that they will most likely be applying to the county for additional grant funding in the next grant cycle. In response to a question from Commissioner Wetherell, Anderson stated that they would most likely not be in a position to make a payment in another year either, but are willing to make interest only payments.

The court subsequently reached a consensus to allow a one-year extension, with the first payment due on or before June 1, 2020. County legal counsel will review the agreement, and the matter of approving an amended promissory note will be placed on the agenda for the next court meeting.

IN THE MATTER OF COURTHOUSE ROOF REPAIR

Jeff Schott told the court that the existing courthouse roof was installed by Brown Roofing in 1995, and that roof leaks were repaired during the winter of 2016-17. Schott said he submitted a proposal for management of roof replacement and oversight of the project in 2018. Schott said that at that time, he thought the building wasn't insulated, but later learned otherwise. He said there have been no problems since that time. He thinks additional insulation isn't justified due to the building having much larger heat transfer issues with the walls and windows, and that the roof is in fairly good condition with no immediate problems.

Commissioner Wetherell asked if project management is necessary, noting that the expense should be considered. She also asked if somebody on staff could manage the RFP process. Judge Farrar said her concern is knowing what to request in the RFP, and that the first step is to determine what is needed based on an inspection by Brown Roofing, scheduled for next week.

IN THE MATTER OF CONDON BOOSTER CLUB REQUEST FOR FUNDS

Motion by Commissioner Wilkins, second by Commissioner Wetherell, to donate \$200 to the Condon Booster Club 2019 Drug and Alcohol Free Graduation Party, to be funded from the Youth Activities line item.

Farrar – Yes; Wetherell – Yes; Wilkins – Yes; **Motion Carried.**

IN THE MATTER OF NORTH GILLIAM COUNTY HEALTH DISTRICT REQUEST

David Anderson, North Gilliam County Health District Administrator, explained that the State of Oregon requires that if Advanced Life Support (ALS) and Intermediate Life Support (ILS) care or procedures are to be performed, a second EMT or above must be present in the ambulance. However, the State has a variance in place for rural EMS that lack staffing, when authorized by the county and the medical director.

The court agreed by consensus to provide a re-authorization letter.

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Wetherell:

- met with Sheriff Bettencourt, Mike Takagi and Hollie Winslow of South Gilliam Health Center to discuss the public health arrangement with North Central Public Health District. Concerns include what the county is getting for its investment, and whether the county is receiving adequate services. The court agreed the matter should be pursued.
- talked to Roadmaster Dewey Kennedy about a road tour and set Wednesday, June 26 as a tentative date for a half-day tour.
- asked if the county normally has an audit report. Sandy McKay said a written audit report was provided but an in-person report wasn't requested this year, primarily because of the transition to a new auditing firm.
- plans to attend a meeting of the North Central Public Health District next week.

Commissioner Wilkins:

- attended a NORCOR budget meeting on April 18. The budget is in limbo as the group waits for information in Hood River County's budget. Another meeting is scheduled on Tuesday, May 7.
- reported that CAPECO has asked that the court complete an Emergency Solutions Grant Certification of Local Government Approval for Non-Profit Organization Receiving Emergency Solution Grant Funds from the State of Oregon. The court reached a consensus that Commissioner Wilkins should sign the certification form.
- attended a two-day session of County College.

- attended last week's Tri-County Court meeting in Sherman County.

Judge Farrar:

- suggested that the annual volunteer appreciation dinner be postponed until the new administrative assistant is on board. The court agreed.
- noted that staff is in the process of developing an updated, more standardized fee schedule for various documents, Shutler Station fees, and other services provided by the county.
- noted that Cultural Coalition Administrator Leslee Hammer has requested that administration of the program be returned to the county. Coalition member/County Treasurer Nathan Hammer suggested that the program could be housed in the treasurer's office if Deputy Treasurer Kelly Smith is willing to take on management.
- noted that the Transportation Director Marla Davies is talking to the City of Condon about the possibility of using an empty building on Ward Street to house transportation department vehicles. Judge Farrar said she has also asked Davies to prepare a five-year transportation plan.
- moving forward with discussion with the City of Condon regarding a potential fiber partnership.
- regarding the building codes program, Judge Farrar reported that Wasco County Commissioner Scott Hege provided a rough proposal for Wasco County's Building Codes Division, to begin July 1. Judge Farrar said she has also initiated a discussion with the City of Boardman, contracted to provide services for Morrow County, to see if they have an interest in taking on a second county. Commissioner Wilkins commented that the matter of reserves for the building code program is still being sorted out. Judge Farrar said the money can't be spent unless all counties agree, and that Wasco County will be reminded in writing so there are no misunderstandings.

IN THE MATTER OF ANNOUNCEMENTS

Sandy McKay noted the following:

- Special Projects applications are due by May 14 at 5 p.m.
- Next regular meeting of the Gilliam County Court: Wednesday, May 15 at the EMS Building in Condon
- ODE-Montague Wind Public Hearing: Thursday, May 16, 5:30 p.m., Lori's Place, Condon
- County College May 17-18

- Frontier Telenet Budget Committee Meeting, May 23, 10 a.m., Gilliam County Courthouse, followed by the regular meeting of Frontier Telenet Board of Directors, 1 p.m.
- Portland METRO representatives meeting and tour, June date TBA
- Veterans Benefits Resource Fair, June 8, 9 a.m., Earl Snell Park, Arlington
- Frontier Telenet Budget Hearing, June 12, Gilliam County Courthouse

IN THE MATTER OF NEXT MEETING

The next regular meeting of the Gilliam County Court will be Wednesday, May 15, 2019, 1 p.m., at the Emergency Services Building 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 4:50 p.m.

GILLIAM COUNTY COURT

By _____
Elizabeth Farrar, Judge

By _____
Leslie Wetherell, Commissioner

By _____
Sherrie Wilkins, Commissioner

Mary H. Dyer/Recorder _____