

10.17.18

Gilliam County Court  
Regular Meeting  
Oct. 17, 2018

Judge Shaffer called the regular meeting of the Gilliam County Court to order at 10 a.m. at the South Gilliam County Emergency Services Building in Condon, Oregon. Present were Judge Steve Shaffer, Commissioner Michael Weimar, Commissioner Leslie Wetherell; Court Administrator Sandy McKay; Legal Counsel Ruben Cleaveland and County Recorder Mary Dyer.

**IN THE MATTER OF ADDITIONS/REVISIONS TO AGENDA**

Judge Shaffer noted the following addition to the Agenda:

- Consider Court Order 2018-02
- Consider Resolution No. 2018-16 to declare Sheriff's Office vehicle as surplus
- Discussion regarding Omega-Morgan communication during Court Member reports

**IN THE MATTER OF PUBLIC COMMENTS**

There were no public comments.

**IN THE MATTER OF PRESENTATION ON TOBACCO PREVENTION PROGRAM**

Hayli Sharp, Tobacco Prevention and Education Program Coordinator, North Central Public Health District, presented a report and slideshow on Tobacco Retail Assessment and Updates. She noted the purpose of the retail assessment is to collect information and determine how tobacco products are advertised and promoted. The data is then combined for analysis. She discussed a growing problem with inhalants/vaping products and tobacco products marketed to children and highly popular with teens. According to her report, Gilliam County retailers have been proactive in their marketing of tobacco products. Judge Shaffer commented that local retailers deserve kudos for creating a better environment for youth.

**IN THE MATTER OF ORDINANCE NO. 2018-03**

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to have the second reading of Ordinance 2018-03 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

Ruben Cleaveland read the appeal process into the record.

Ordinance No. 2018-03 title read by Sandy McKay.

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to accept the second reading of Ordinance No. 2018-03 by title only, and to adopt the Ordinance. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF ORDER NO. 2018-02**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to adopt Order No. 2018-02 in the matter of a land use application by Oregon Department of Transportation for an aggregate site known as Philippi Canyon with County ID No. 654 to be fully protected under Oregon State Land Use Planning Goal 5, and approval of a site development plan for Aggregate Site No. 654, and adopting conditions of approval. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF AMENDMENT TO HOUSING PROGRAM MOA**

Pioneer CDC Executive Director Rob Turrie was present to discuss a proposed amendment to a Memorandum of Agreement between Gilliam County and PCDC, originally dated Feb. 7, 2018, to facilitate loans and grants for the building of new housing in Gilliam County. Turrie explained that the purpose of the amendment is to incentivize construction of new rental units, and told the Court that the Board has recommended grants of up to \$10,000 per unit. Judge Shaffer asked if there would be guidance in place to ensure rental units are an adequate size. Turrie said that the City of Arlington has an ordinance regarding minimum size and Condon may have a similar ordinance. He also said the PCDC Board has the responsibility to ensure projects meet the goals set forth by the Affordable Housing Committee. Judge Shaffer responded that he has confidence in the Board's decisions. In response to a question asked by Commissioner Wetherell, Turrie said the Board would have the discretion to determine what is appropriate within the maximum dollar amount allowable.

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to accept the Memorandum of Agreement as corrected to a maximum of \$10,000 per unit at the Board's discretion. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**IN THE MATTER OF WILLOW CREEK AGGREGATE QUARRY**

Jim and Alcenia Wright of Arlington were present to discuss their concerns regarding the Arlington Port Commission, the Willow Creek aggregate quarry, and funds they believe are owed to the County. Mr. Wright said he was prompted to look into the matter after learning the Port of Arlington gave exclusive marketing of the Willow Creek quarry to a contractor, and that this year the Port of Arlington has also budgeted \$146,000 for personnel for marketing. The Wrights then reviewed the history of the Willow Creek project, beginning with a deed from the Corp of Engineers to the Port for a piece of ground at Willow Creek, dated 1967. He noted that the property belongs to the Port and how it is used is the Port's decision; however, he said that in 2005, the Port decided to

build a dock at Willow Creek, primarily for unloading waste containers. In the process, a Port manager and assistant were hired, and the Port continues along that path today although the project failed.

Wright further commented that the Port is within its rights to borrow money against the property. However, he said Gilliam County taxpayers have invested \$2 million in Port improvements, i.e. building a bridge over railroad tracks, rock crushing, dock building, etc. He said there was a subsequent difference of opinion with the Corps of Engineers, resulting in the Corps' decision to settle with the Port, in which the Port received over \$1 million. It cost the Port \$150,000 to \$175,000 to remove the pilings. As a result, Wright said, the Port is sitting on \$914,000 in cash reserves that it has essentially borrowed from the taxpayers of Gilliam County, and the money should be paid back. He said the Port is concerned that the State may request payback of a Connect Oregon grant from 2006. However, he said research reveals that Connect Oregon no longer exists and the legislators who were involved at that time are no longer there. He said that although it's unlikely the State will request repayment, a simple intergovernmental agreement between the Court and Port of Arlington, making the Court responsible should that happen, would solve the problem.

Wright cited an Intergovernmental Agreement between Gilliam County and the Port, dated Nov. 3, 2006, in which the Port agreed to reimburse the County \$750,000, plus the cost of crushing 14,000 cubic yards of rock. He said it doesn't matter if the rock was crushed out of spec, or if the Port forgave the debt to the contractor who was supposed to purchase the rock, the money still belongs to Gilliam County and the Port bears responsibility for repayment. He said he has been assured that the Port will spend the money wisely, but he doesn't believe it's their money to spend. Wright requested that the amount stated in the document dated Nov. 3, 2006, including 14,000 cubic yards of rock at \$98,000, for a total of \$848,000, must be paid back to the County.

Wright requested that his letter and comments be made part of the record. He also encouraged the Court to spend more time looking at the Port's budget and questioned if the Port and Gilliam County Economic Development belong together, or if they should be separated because one doesn't have much to do with the other.

Alcenia Wright commented that the County had a budget of \$1 million in 1982, which was enough to balance the budget and take care of the roads. She said that now, the County has more than \$58 million, and commented, "We really need to do due diligence and pay attention where we spend that money so it's for the greater good for the citizens of Gilliam County." She commented that the Nov. 3, 2006 agreement still stands as there are no documents to negate the agreement, and that the parties in the agreement are delinquent in their repayment to the County.

Commissioner Weimar asked if the number the Wrights cited includes the half-million dollars that the County paid in legal fees during the disagreement, and Mr. Wright said that it does not, although the money is included in the money invested in excess of \$2

million, as mentioned above. Alcenia Wright said they found no documents indicating that the amount has been forgiven and again encouraged better follow-through. Commissioner Weimar said the Court has discussed this particular situation with the Port, but didn't make much headway. Judge Shaffer commented that the matter has been discussed numerous times, and agreed the money is owed to the County. He said he would like the Port to present a proposal to the Court regarding how the money will be repaid. He acknowledged it was a tough situation where everybody lost, but said one entity shouldn't have to bear the full expense of the failed project. Commissioner Weimar said it's a matter of taking money out of one pocket and putting it in the other, as the County gives the Port money for economic development projects. Commissioner Weimar also agreed with Wright's comment that combining the Port and the Gilliam County Economic Development Office should be reconsidered, as he doesn't see the Port as being the economic development arm for the County. Judge Shaffer asked Sandy McKay to set up a meeting with the Port of Arlington Board of Directors.

#### **IN THE MATTER OF ANNUAL AUDIT SERVICE**

County Treasurer Nathan Hammer was present for discussion on a Request for Price Quotes for Annual Audit Services, following the Court's decision to "shop around" for comparison purposes. He explained that Solutions (formerly Oster Professional Group), has provided auditing services for the County for eighteen years. After discussion, the Court agreed to issue the RPQ. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF SHUTLER STATION BATCH PLANT UPGRADES**

Ruben Cleaveland told the Court he has received conflicting stories about the batch plant during the process of gathering information for the RFP. He said he called Scott Randall of Thompson Bros., the current lessor, who said he didn't know a lot about the plant but had been told by Command Alkon representatives that the plant control system was old and might need to be updated. Cleaveland said he also spoke with Dubber Zorza from Hood River Sand and Gravel, a company that may potentially sublease the plant from Thompson Bros. Cleaveland said Zorza was extremely helpful and familiar with the system, which he thinks isn't an old system although there were some questions about the system's ability to hold mix designs. However, he thinks the problem is probably operator error and the data wasn't stored. Zorza wants to check out the batch plant before the County makes any changes, as he is concerned about the timing of an upgrade and how it might affect the use of the plant should the company sublease. He recommended the Court take a cautious approach by having an RFP prepared, but that it probably isn't necessary to proceed right away. Cleaveland said that due to the cost of upgrade, it isn't necessary to issue a formal RFP.

Judge Shaffer said he heard the opposite from American Rock and The Dalles Concrete, both companies that are also hoping to sublease the plant. Cleaveland said he thinks there's a reasonable middle ground and suggested the Court send RFQs to the most promising companies on the County's list, including Command Alkon, and then proceed from there. He also mentioned that Greg Julsen with Keithley Electric had looked at the plant. Sandy McKay said Julsen initially recommended that the plant should be upgraded, but that he softened his comments later. McKay said the Court has a lot of conflicting information, but because nobody in the County has full knowledge of the operation, the Court is reliant on outside opinions.

Commissioner Weimar agreed with Judge Shaffer's comments that running a batch plant isn't something the County should be doing, but the Court's intention was to keep the plant within the County. Judge Shaffer said he'd like to reach out for other opinions. The Court agreed with Cleaveland's offer to issue the RFQ and submit it to the County's list of viable contacts.

#### **IN THE MATTER OF RESOLUTION NO. 2018-15**

The Court briefly discussed a Resolution declaring two County vehicles as surplus equipment, as requested by Public Transportation Coordinator Marla Davies.

Commissioner Weimar suggested that the Resolution should include an option of donating the 2013 Toyota Siennas to other entities, and the Court agreed. The vehicles were replaced last month.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve Resolution 2018-15 declaring County Vehicles No. 13 and 14, two Toyota Siennas, as surplus equipment, and to offer the vehicles to entities with the approval of the Court. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF GILLIAM SWCD FUNDING REQUEST**

OSU Extension Agent and SWCD Board Chairman Jordan Maley presented a plan for a Gilliam County Wildfire Enhanced Preparedness Pilot Project. He explained that the project would develop methodologies, data sets and technologies necessary to enhance wildfire prevention, control and mitigation for Gilliam County. Once completed, and with additional funding, the pilot project would serve as a template for the SWCD to develop the plan for the rest of the County. Completion date for the pilot project is March 15, 2019, to allow full integration into agency programs before next year's wildfire season. Maley explained that the project would include digital data sets for all emergency services within the County, as well as the Road Department, landowners and other interested parties, including mapping of primitive roads, cat trails and unnamed canyons and landmarks, including local names and identifications. It would also include the following mapping:

- power poles and their level of protection,

- rural structures for which landowners would like protection, prioritized, in the event of wildfire,
- springs, wells and conservation structures with the capacity to refill sprayers,
- established fire lines and planning of vegetative fire breaks on ridge tops,
- land cover, in order to assess areas where wind-driven fire can “run” across miles of land,
- topographic high points and coverage areas for optimal portable communication.

Maley said the project would include assistance for South Gilliam Rural Fire District with individual fire plans for landowners within the pilot area. All mapping will be distributed as georeferenced PDFs to all project partners and would be accessible via mobile phone.

Maley explained that the project would also involve testing the use of drones (UAV) and other remote sensing platforms and data sets to provide real-time monitoring of wildfires, as well as post-fire analysis, demonstration and training for emergency service personnel, and guidance on specs and purchase of UAV equipment by emergency services organizations within the County that opt to add this technology tool to their wildfire management systems.

Maley requested \$28,500 from the County for the pilot project, reduced from an original estimate of about \$56,000. He said that in time, more money will probably be requested to expand the project throughout the entire county.

Approximate partner contributions include \$200,000 from NRCS Disaster Recovery Funds, \$15,000 from Oregon Watershed Enhancement Board Emergency Funds, \$50,000 from the National Association of Conservation Districts, and \$1,100 from South Gilliam Rural Fire District, for a total project investment of approximately \$632,000.

Judge Shaffer noted that the Governor’s office is interested in the pilot project, including the use of UAVs and mapping of land cover that could slow the spread of fire. He said that commitments from interested parties have grown since the project was first initiated. He also said that landowners would like the ability to have controlled burns, and that mapping would create more opportunities for controlled burns as opposed to destructive wildfires. He said the project would help the many entities who have suffered loss, and that SWCD is in the best position to spearhead the project.

Commissioner Weimar asked about maintenance to keep the maps updated from year to year, and Maley responded that most areas mapped are fixed and that updates are fairly easy with resources available from USDA. Maley also said SWCD is working with Emergency Services, and that a meeting for landowners and emergency services personnel is scheduled in November.

Commissioner Weimar said he’d like to see how the project develops but feels it isn’t far enough along to commit funds at this point. Commissioner Wetherell referred to Maley’s previous comments that more funding would be required later and asked what he anticipates. Maley said the pilot project will involve a steep learning curve, and a better

idea of economy of scale and ramping up for the rest of the county will be available in March. He said he expects the cost per acre to be higher initially as certain things are figured out, and that expanding into the rest of the county will likely be less per acre. However, he doesn't yet have an idea of the total cost. Commissioner Wetherell asked about the size of the area involved in the pilot project and Maley provided a map of the actual burn in the Ferry Canyon area, which consists of roughly 54,000 acres. However, he said the watershed is probably about 120,000 acres. Judge Shaffer asked for a list of interested landowners and also suggested that emergency services personnel should attend when the matter next comes before the Court.

#### **IN THE MATTER OF RESOLUTION NO. 2018-16**

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve Resolution No. 2018-16 declaring a Sheriff's Office 2009 Ford Crown Victoria as surplus equipment to be disposed of by sale of sealed bids of public auction, or donated as approved by the Court.

It was noted that the Sheriff's office received the vehicle as part of taking over policing responsibilities for the City of Condon. A second vehicle will be retained by the Sheriff's office. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF PROPOSALS FOR DISPERSAL OF MCEDD FUNDS**

The Court discussed a Memorandum from Amanda Hoey, Mid-Columbia Economic Development District Executive Director, requesting approval of extending the scope of work and allowing the use of remaining funds in the CGBREZ (Columbia Gorge Bi-State Renewable Energy Zone) account at MCEDD to support staff and operations related to CGBREZ meetings.

Judge Shaffer explained that Gilliam County was part of a consortium that hired David Van Hoff to work with the California Legislature to open opportunities for the development of renewable energy projects. The CGBREZ organization eventually chose to end that contract and consequently, there are funds remaining. The balance of funds totals \$9,843.71 and the county's share is \$2,815.44. Options presented to the County included return of the funds to the counties or to allow use of the funds to help MCEDD organize the CGBREZ group. The latter has been the consensus of the group, as more activity is occurring around the John Day pool and pump storage project. After continued discussion, the Court's consensus was to allow use of the funds to support staffing and operations related to CGBREZ activities.

#### **IN THE MATTER OF AOC ROAD FUND REPAYMENT PLAN**

Judge Shaffer explained that the Association of Oregon Counties general fund borrowed funds from the County Road Program, due to inadequate accounting and a change in accounting systems funds have not been repaid. AOC is now asking the

Counties to each pay a portion of the amount owed for repayment to the Road Fund based on population. Judge Shaffer explained that Gilliam County's share, \$6,074.89, could be paid back over 10 years or a one-time payment. Commissioner Wetherell asked if counties have the option to decline, and Judge Shaffer said he thinks counties that deny to participate would pay the principle via yearly membership dues. Commissioners Weimar and Wetherell agreed that the County should pay the amount, and Judge Shaffer will deliver the message to AOC. He will also determine what happens if counties elect not to participate.

#### **IN THE MATTER OF SHERIFF'S OFFICE VEHICLE PURCHASE**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the purchase of a Ford vehicle, WIP F-150 Super Crew Police Responder 4X4, under State of Oregon Contract No. 5551 in the amount of \$35,363.94. Judge Shaffer noted that the vehicle has already been purchased but the document provides a paper trail. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF SEPT. 26 SPECIAL MEETING MINUTES**

Commissioner Wetherell pointed out that the meeting, recorded as a Public Hearing, should more correctly be recorded as a Special Meeting. It was also pointed out that a comment made by Judge Shaffer, in which he announced that the Ordinance would be addressed in a Public Hearing on Oct. 17, was incorrect. Both matters have been corrected.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, that the minutes of the Sept. 26 Special Session and Public Hearing be approved as corrected. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF OCT. 3 REGULAR MEETING MINUTES**

The Court noted that several minor changes in wording had been made to the minutes. Approval was tabled to provide time for review.

#### **IN THE MATTER OF IGA WITH CITY OF CONDON**

Ruben Cleaveland told the Court that he made minor edits to the Agreement, which is a basic agreement with the City of Condon to share fiber project management services, and that the scope of services falls in line with the Fiber Orders. The Court had no questions and agreed that the Agreement will simplify matters for the project manager and will eliminate the need for redundancies in the billing process. Cleaveland said he will present the document to the City's legal counsel.

#### **IN THE MATTER OF CORRESPONDENCE**

Correspondence included the following:



- From Gilliam County Assessor Chet Wilkins: Certification of the Gilliam County Homestead Rebate Program dated Oct. 3, 2018. The Program yielded a refund total for 2018-19 of \$248,329.67 based on levied taxes of \$959,997.58 for 512 applicants.
- Commissioner Weimar noted that he received an invitation to Columbia Basin Electric Co-op's annual dinner on Nov. 1. Judge Shaffer and Commissioner Wetherell indicated they also received invitations.
- Judge Shaffer noted that Senator Wyden will be at a Town Hall at Arlington High School Tuesday, Oct. 23, 1:40 p.m.

### **IN THE MATTER OF COUNTY GRANT PROGRAMS**

The Court returned to an ongoing discussion regarding County grant programs, goals, and eligibility criteria and how it meshes with the Strategic Plan. Discussion included distribution of SIP funds to taxing districts, equalization and the importance of housing in the County's Strategic Plan. No decisions were made and the discussion will continue.

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

Commissioner Wetherell:

- attended the ribbon-cutting ceremony and dedication of the Flex Building at Arlington Mesa Industrial Park.
- plans to attend Oktoberfest hosted by the Woolery Project, as well as the dedication of the new Arlington Nazarene Church.
- mentioned a recent phone call with Omega Morgan and asked Judge Shaffer if there's anything that should be reported. Judge Shaffer said Omega Morgan will be the company transporting components for the new wind project. They want to lease Shutler Industrial park, and Ruben Cleaveland has advised that a new agreement should be created, rather than amending prior agreements. The company's request for first right of refusal was also discussed, and Cleaveland will address the matter in the agreement.

Commissioner Weimar:

- told the Court that the Road Department was involved in a fatal accident and subsequent recovery on Lonerock Grade, and that the matter was difficult for the employees.

Judge Shaffer:

- discussed matters currently before AOC, including DLCD’s work on rulemaking for solar projects, which will involve Gilliam County; also rulemaking by the Energy Facility Siting Council, cap and trade legislation, CREA, community choice aggregation and revision of the organization’s bylaws.
- noted that Wasco County has expressed interest in assuming responsibility for the Building Codes Division now that the State has indicated plans to close the temporary office in The Dalles and move it to Pendleton.
- discussed issues pertaining to Frontier Telenet and Frontier Regional 911, as well as a recent meeting of the Gorge Broadband Consortium, which included discussion regarding potential USDA funds for connecting rural areas.

**IN THE MATTER OF THE NEXT COURT MEETING**

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

The Court agreed that the Nov. 21 meeting will be canceled due to the Thanksgiving Holiday.

The Court also decided that employees will be released early on Christmas Eve.

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 3:30 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_  
Steve Shaffer, Judge

By \_\_\_\_\_  
Michael Weimar, Commissioner

By \_\_\_\_\_  
Leslie Wetherell, Commissioner

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