

Gilliam County Court  
Regular Meeting  
Sept. 19, 2018

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:00 a.m. at the North Gilliam County RFPD in Arlington, 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 PUBLIC HEARING: RESOLUTION NO. 2018-14**

This being the time and place advertised, Judge Shaffer opened a public hearing at 10:00 a.m. to receive public comments regarding Resolution No. 2018-14 authorizing the issuance and sale of solid waste disposal bonds as part of the Waste Management, Inc Project.

Anthony Stubbs, Program Administrator for National Finance Authority, and Alan Anderson, Waste Management District Manager were present to discuss the proposed Resolution and answer questions. Stubbs explained that the purpose of the Resolution is to refinance a previous bond issued in 2007. He explained that the County has no legal obligation to this private loan between Waste Management and the bank, and that if the Resolution isn't approved, Waste Management will be required to pay higher interest rates.

Commissioner Weimar asked why the Court didn't know about the matter until a week ago and Stubbs said that the County was notified in mid-August, well in advance of the 14-day notification requirement.

Commissioner Weimar inquired about construction at Waste Management and Stubbs explained that the bond isn't to finance new construction, but just to refinance at a lower rate and to consolidate bills. Anderson said that a new landfill cell is under construction and that the bond allows the company to do more and allows the company to make other investments.

Ruben Cleaveland reviewed the document to ensure publishing requirements were met, and said the document looked okay other than a few minor formatting changes.

With no further comments, Judge Shaffer closed the Public Hearing at 10:15 a.m. and opened the matter to a discussion by Court members.

Commissioner Weimar again commented on the lack of timely notification. Sandy McKay requested that the Court have a discussion regarding how to improve communication between county staff and Commissioners.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve Resolution and Order No. 2018-14 in the matter of approving and consenting to the

issuance of one or more series of solid waste disposal revenue refunding Bonds by the National Finance Authority of the State of New Hampshire for the benefit of Waste Management Inc. (and its affiliates) for the purpose of financing or refinancing, among other things, the acquisition, installation, construction, relocation, equipping and improvement of certain solid waste disposal facilities located in Gilliam County following the Public Hearing required by the Internal Revenue Code of 1986 as Amended and Related Matters. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF WASTE MANAGEMENT QUARTERLY REPORT**

Waste Management District Manager Alan Anderson told the Court that he hasn't had an opportunity to prepare a quarterly report, so this Agenda item was canceled. (Later in the meeting, Commissioner Wetherell indicated that she received a report as part of Citizen Advisory Committee activities and questioned why the report wasn't presented to the Court.)

Judge Shaffer asked Anderson about recent allegations that ChemWaste is emitting excessive mercury vapors into the air. Anderson responded that the allegations are being investigated, but he doesn't currently have enough information to provide an answer. He said the company will respond when they have fully investigated the matter. Commissioner Weimar suggested that Anderson bring "higher ups" next time, as he's concerned about accountability and doesn't like what he's seeing regarding the relationship between Waste Management and the community, which appears to be going downhill. Anderson asked Commissioner Weimar to elaborate, and Commissioner Weimar said there has been talk about the company not allowing employees to participate in firefighting. Anderson said that the company has never denied employees who want to assist with fires, and Commissioner Weimar responded that he's heard it doesn't go well for those employees. Judge Shaffer said the company doesn't want to be responsible for sending people out to fires, but that employees who are volunteer firefighters have every ability to leave the facility to fight fires. Commissioner Weimar said he had been given different information.

Judge Shaffer said he understands the company's concerns about liability and sending people and equipment out on company time. He suggested that the matter should be discussed so something can be worked out.

Commissioner Wetherell asked Anderson for an update regarding a situation with the Arlington Clinic, and if business between the Clinic and Waste Management will be resumed. Anderson said the company has agreed to sit down and discuss concerns with clinic administration but he hasn't heard back and isn't sure whom he should talk to. Commissioner Wetherell mentioned a recent Citizens Advisory Committee meeting that included a discussion regarding what's happening with the clinic and noted that people in the community are concerned. She asked whom people can call with questions or concerns. Anderson indicated he would be the contact person.

Commissioner Wetherell noted that in the Conditional Use Permit it stated that the contact person be somebody who resides in the County. Sherrie Wilkins was in the audience and told the Court that the contact person is Joshua Bartlett, and a notice is published annually in the Times-Journal.

Commissioner Wetherell also asked Anderson about the status of the monthly report. Sherrie Wilkins said that the report is being sent out every month, and Sandy McKay said the document is placed in a file in the County Court office. He will begin scanning the reports and forwarding them to commissioners.

#### **IN THE MATTER OF PUBLIC COMMENTS**

There were no public comments.

#### **IN THE MATTER OF ADMINISTRATOR/COMMISSIONER COMMUNICATIONS**

In regard to the earlier discussion regarding late receipt of information pertaining to the Bond Hearing, the Court discussed how information is distributed to the Court and how Commissioners prefer to receive that information. McKay explained that an email was received by Judge Shaffer and forwarded on to him in mid- to late August. He then sent the information to Ruben Cleaveland for review.

Commissioner Weimar commented that the matter suddenly appeared on the Agenda. He said that the Court needed to know ahead of time and that it seems improper to involve the Court without sufficient advance notice. McKay asked Commissioners how they would like to improve communication, and said he needs to know their expectations. Commissioner Weimar said Judge Shaffer should be able to help and Judge Shaffer advised that Commissioners should take a more active role by consistently calling or checking in.

#### **IN THE MATTER OF ARLINGTON COMMUNITY PRESCHOOL**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the release of budgeted funds in the amount of \$34,000 to Arlington Community Preschool for Fiscal Year 2018-19. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF GILLIAM COUNTY FIRE SERVICES**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the release of budgeted funds in the amount of \$60,000 to Gilliam County Fire Services for Fiscal Year 2018-19. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

#### **IN THE MATTER OF ARLINGTON H.E.L.P**

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve the release of budgeted funds in the amount of \$8,000 to Arlington H.E.L.P. for Fiscal Year 2018-18. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF BURNS PARK UPGRADES**

The Court addressed upgrades at Burns Park, following a discussion at the Sept. 5 Court meeting. Judge Shaffer said that frost-free water valves have been installed and an upgrade to 50-amp electrical outlets is mostly complete. Installation of wireless system is underway. He said that 100 MB will be provided while Robinson Bros. Construction is on site and will be reduced when the company leaves and a high rate isn't required.

Judge Shaffer also reported that construction of a handicap ramp has been completed but handrails have yet to be installed due to difficulty locating a contractor. He said that Maintenance Coordinator Daryl Houghtelling previously requested that the Court form a group to determine what pavilion improvements should be done. Houghtelling will be asked to attend a Court meeting in October to discuss the committee's recommendation.

### **IN THE MATTER OF AUDITOR REQUEST FOR PROPOSALS**

After a brief discussion, the Court agreed that it is good business practice to periodically solicit proposals for auditing services. Cleveland will prepare a draft RFP for the Court's review for the mid October meeting.

### **IN THE MATTER OF AUG. 29 PUBLIC HEARING MINUTES**

The Court agreed that two of Contract Planner Nick Kraemer's comments should be clarified via video. Approval of the Aug. 29 Public Hearing minutes were tabled.

### **IN THE MATTER OF SEPT. 5 REGULAR COURT MEETING MINUTES**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the Sept. 5 regular Court meeting minutes as corrected. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF REQUEST TO MODIFY HOUSING MOA**

Pioneer CDC Executive Director Rob Turrie was present to discuss a potential change that would expand Gilliam County's Attainable Housing loan program to include cash grants. Turrie explained that the current incentives haven't produced as well as hoped and that the ability to offer grants might generate more interest in the development of badly needed rental housing units. Turrie explained that the original plan is unchanged, but grant incentives for creation of new rental units, which would come from \$50,000 currently set aside for demolition and abatement, would provide another tool.

Turrie also briefly updated the Court on the program's progress and said an application has been approved for a single-family home in Arlington.

Commissioner Wetherell asked if PCDC has any interest in a foreclosed home on Potter Street in Condon. Turrie indicated that to this point, the PCDC board hasn't been interested in buying property. Judge Shaffer commented that he has the utmost confidence in the PCDC Board.

It was the Court's consensus to approve Turrie's request. Ruben Cleaveland will update the wording on the MOA to reflect the change and will forward it to PCDC and the Court for final approval.

### **IN THE MATTER OF HOLLEN AND SONS WAREHOUSE PROPERTY**

Jeff Schott of Pillar Consulting Group was present to discuss potential demolition or redevelopment of the Hollen and Sons warehouse property. In a brief background, Schott told the Court that the City of Condon acquired approval from the State Historic Preservation Office (SHPO) to demolish the building. He said he's doubtful the building has any use, and that in order to work structurally, it would basically require rebuilding. Schott said that although the sidewalk isn't in great shape, there are no immediate hazards. He has concerns about tearing out the sidewalk along with the building and advised that the sidewalk could be left in place, although he's not sure how it works from the City's perspective. He said that generally, city ordinances require that the owner of the property must maintain the sidewalk, and Ruben Cleaveland agreed that has been the case with every city he has worked with.

Schott presented a proposal with several possible alternatives and asked for the Court's direction. Commissioner Wetherell asked about the cost of replacing the sidewalk and Schott estimated at least \$10,000, or approximately \$100 per linear foot. She asked if sidewalk replacement could be part of ODOT's Safe Walk to Schools grant program currently under consideration by the City. Judge Shaffer said the sidewalk is on the list, but the City has determined that the chance of getting the grant is slim. Noting the high expense of demolition, Commissioner Wetherell suggested that other projects might be a higher priority. Judge Shaffer responded that waiting would just push the problem down the road for future Courts to deal with and that the County has the means to take care of the problem now. He said the building is an eyesore and is becoming a liability, and that there might be more opportunities for the County to market empty land. He believes it's the type of ownership taxpayers don't wish to support.

Commissioner Weimar asked if there is a good opportunity for demolition or if contractors are tied up with other construction projects. Schott responded that demolition would be fairly straightforward and a local contractor would probably be interested. He said demolition would require no engineering and estimated a cost of \$20,000 if sidewalks are left as is, assuming there are no hazards within the building. In response to a question by Commissioner Wetherell, Schott indicated that there would, however, be a charge for project management in addition to the \$20,000.

Peter Mitchell, Port of Arlington Manager/ Economic Development Officer, commented that removing the building would create a clean slate for development, and that good lots in Condon are in short supply.

Schott again expressed concern that removing the sidewalk is inconsistent with the rules, but he said options, with demolition, are to leave the sidewalk as is, tear out the sidewalk or replace the sidewalk.

Commissioner Wetherell said she wants to consider the matter further and discuss priorities before making a final decision. Bid requirements, processes, and scope of work were discussed.

### **IN THE MATTER OF DISPOSITION OF COUNTY-OWNED PROPERTY**

The Court briefly discussed disposition of foreclosed property on 221 N. Potter Street in Condon. It was noted that the Court previously approved a Court Order for Sheriff's Sale of the property in April, but the Order was rescinded to add conditions for clean-up, which include a requirement for abatement of nuisance issues or that all structures must be demolished and removed within 180 days of the date of purchase. At that time, the sale price was set at \$20,000. A new minimum bid was discussed, including the Assessor's suggestion of a minimum bid of \$15,000. Judge Shaffer suggested \$10,000 and Ruben Cleaveland advised that a lower price might generate more interest in the property.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve Order No. 2018-01, in the matter of an Order directing the Gilliam County Sheriff to conduct a sale of County property, with a minimum bid of \$10,000. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT**

The Court discussed recent notification from DLCD that the County has been approved for assistance for an Eastern Oregon Economic Development Planning Project. The work will be coordinated by Gilliam County for the cities within the county.

Judge Shaffer said the program may or may not be beneficial to the County, but noted that DLCD worked hard at the legislature to provide the opportunity. Condon City Administrator Kathryn Greiner said the City has assigned the project to the Planning Committee. She thinks it could be beneficial for the County.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a Memorandum of Understanding between the Oregon Dept. of Land Conservation and Development and Gilliam County and Gilliam County Cities. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF ENGINEERING SERVICES FOR LONEROCK BRIDGE**

Gilliam County Roadmaster Dewey Kennedy was present to discuss the selection of design engineering services for the Lonerock Bridge replacement project. Proposals were received from Oregon Transportation Professionals of Salem and Anderson Perry and Associates, Inc. of LaGrande. Kennedy said that both are reputable firms. Anderson Perry has a long history in the area, and Oregon Transportation Professionals

is currently providing engineering and consulting for a bridge in Sherman County. He said both companies expressed willingness to discuss the matter with the Court at a face-to-face meeting. Ruben Cleaveland explained that the proposal is only to establish qualifications and doesn't include prices at this time.

Commissioner Weimar asked how the proposals are evaluated on the basis of criteria provided in the County's Request for Proposals for Design Engineering Services. Ruben Cleaveland indicated that the Court can score the proposals, or a review committee can be designated. Commissioner Weimar suggested it should be a person with expertise in bridges. The Court agreed that scoring will be done by Commissioner Weimar, Dewey Kennedy, and Sandy McKay. It was also agreed that the committee will meet at 8:30 a.m. on Sept. 26, just prior to the Gilliam County Court's public hearing scheduled that day at 10 a.m.

### **IN THE MATTER OF COUNTY GRANT PROGRAM DISCUSSION**

The Court discussed County Funding Programs, including Special Project grants, SIP funding requests presented to the Budget Committee every spring, and funding requests throughout the year. Questions before the Court included goals, criteria, review process, funding cap, budget impact and determination of who is eligible to apply.

Commissioner Weimar commented that the Court has attempted to fund what the public feels is important, as long as the requests meet established qualifications. He indicated he thinks the most important change is to request reports that allow the Court to follow up on how the money is spent.

Commissioner Wetherell said she thinks it's important to talk about who is able to apply, noting faith-based organizations and community concerns about funding the Woolery Project.

Judge Shaffer said he sees the goal of Special Projects grants to fill holes for entities that can't come up with funding on their own. He noted that the program wasn't intended to be recurring, but has become part of annual revenue for many organizations.

Similarly, he said the SIP grants are a different way of paying taxes and that they are intended to fill the cracks of taxing district partners.

Commissioner Weimar advised that the Court should be careful about funding education because "the State is supposed to be taking care of that."

The Court also discussed whether the Court is properly staffed, or if there is a shortfall in the County's organizational structure. Potential staffing needs include human resources, risk management, grant administration, and additional administrative support.

Commissioner Wetherell commented that she is concerned about holding large, unappropriated funds and suggested that a capital project fund should possibly be considered. She also asked about the County's strategic plan. Judge Shaffer said

several points have been checked and that the Plan was last reviewed in 2012. Kathryn Greiner commented that the City of Condon reviews its Strategic Plan yearly and urged the Court to go back and take a look at the County's plan.

Discussions will continue, and the Strategic Plan will be available at the next Court meeting.

### **IN THE MATTER OF FIBER PROJECT MANAGEMENT AGREEMENT**

The Court discussed a Project Manager Services Agreement between Converge Communications, Inc. and Gilliam County. Adam Haas, Project Manager, has red-lined much of the Agreement, indicating that he doesn't want to be in a joint contract but prefers separate agreements with the City and County. Commissioners were concerned that certain costs may be repeated and that the contract gives Haas more discretion than the original agreement in which each entity would pay invoiced costs. The term "sole discretion" (No. 4 in the agreement), was also cause for concern and deemed unacceptable, but Ruben Cleaveland said that removing the term "sole discretion" isn't enough in itself and would require other conditions. Cleaveland said that delinking from the City and removing reference to a 50/50 cost share with the City is a concern.

Judge Shaffer said if the City is willing to deal with project management oversight, they could then send the County a bill -- if the City is willing to pay half, the County should be willing to pay half as well. The original plan was that the City would be the fiscal agent. He said it's Inland Development that will have a problem if the matter isn't settled, as the company will have to deal with whatever issues come up in the future. Ruben Cleaveland commented that Inland Development has every incentive to get the project done right. He said the Court has the option of revisiting the original IGA.

Commissioner Wetherell asked if the County can make changes on the document and send it back to Haas, or if it's "too far gone." Cleaveland said the County can suggest changes, but if "sole discretion" is removed, the County would need to see City of Condon invoices, which would require an additional clause. He also said the County could send it back and deny Haas' changes.

Cleaveland clarified that he doesn't think any party is attempting to do anything wrong, but as an attorney, he has a problem with the way the agreement has been altered.

Commissioner Wetherell said she would like to return the Agreement to Haas, stating what the County wants, in an attempt to work things out, and that compromises should be attempted. Judge Shaffer said all the parties have to be reasonable, and that the County and City agreed to split the costs, but a third party (Haas) has requested that matters be kept separate. He said everything the County and City originally decided regarding sharing a project manager has been removed from the Agreement.

Commissioner Weimar suggested that if things can't be sorted out, it might be easiest to return to the original arrangement in which the City would pay invoices submitted by Haas and the County would pay half. Judge Shaffer commented that he just wants to



see things get accomplished. Cleveland recommended that Haas be politely informed that the County is willing to move forth with the contract as originally presented. Commissioner Wetherell again suggested another attempt at reaching a middle ground, but Cleveland said reaching a middle ground basically involves removing what Haas has changed. Cleveland said there's also an option of presenting the agreement to another consultant, but Commissioner Weimar commented that Inland Development won't want two entities looking over their shoulder, and that's one of the problems the City and County were attempting to avoid in the first place. Cleveland suggested a simple agreement with the City stating that Condon would provide invoices within 30 days and the County would pay half that amount within another 30 days. The Court agreed and instructed Cleveland to reach out to the City. Haas will be informed.

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

Commissioner Wetherell:

- attended a recent meeting of the City of Arlington. She said discussions included a decision to build a firebreak around the town, and that surrounding landowners were in agreement with the plan. She also noted she was invited to sit in on an executive session discussing infrastructure.
- attended a meeting of the North Central Public Health District.

Judge Shaffer:

- discussed the future of broadband and how potential changes and advances could affect rural, frontier areas.
- met with Waste Management about a number of issues, including wildfires, allegations concerning mercury, and development of the railyard. He indicated that a recent situation with the Arlington Clinic wasn't addressed.
- attended a ribbon-cutting ceremony at the new Cottonwood Canyon Experience Center. Ex-Governor Barbara Roberts and other dignitaries were in attendance.
- attended a recent meeting of the Association of Oregon Counties (AOC).
- attended a meeting of the NORCOR Board of Directors. He noted that juvenile directors and sheriffs have yet to come up with a solid plan regarding their proposal to take over management of NORCOR. He said the NORCOR Board is still dealing with a lawsuit regarding the housing of ICE prisoners. The Board feels that the lawsuit is unfounded because ICE individuals aren't "detected or apprehended" by NORCOR.
- attended a meeting in Sherman County regarding recent wildfires in the area. Governor Brown was present.

Commissioner Weimar:

- attended the dedication of the new Sherman County Courthouse.
- attended the AOC meeting mentioned by Judge Shaffer.
- attended the ribbon-cutting ceremony at the new Cottonwood Canyon Experience Center and complimented Judge Shaffer on his speech.
- plans to attend a meeting of the Lower John Day Area Commission on Transportation in October.

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

The next regular meeting of the Gilliam County Court will be held on Wednesday, Oct. 3, 2018, beginning at 10:00 a.m. at 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 3:45 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_

Steve Shaffer, Judge

By \_\_\_\_\_

Michael Weimar, Commissioner

By \_\_\_\_\_

Leslie Wetherell, Commissioner

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