

Gilliam County Court
Regular Meeting
Sept. 5, 2018

Judge Shaffer called the regular Gilliam County Court meeting to order at 9 a.m. at the Gilliam County Courthouse 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 CHANGES TO THE AGENDA

Judge Shaffer announced no changes to the agenda.

IN THE MATTER OF PUBLIC COMMENTS

There were no public comments.

IN THE MATTER OF CASA VOLUNTEER

Judge Shaffer administered the CASA pledge to CASA volunteer Vicki Winters.

IN THE MATTER OF MAINTENANCE COORDINATOR REPORT

Maintenance Coordinator Daryl Houghtelling provided a semi-annual report, which included the following:

Courthouse and Grounds:

- New sinks have been installed in the boiler room.
- New carpet and paint were recently completed in the Transportation office.
- The Sheriff's office has expressed concerns about security caused by lack of a barricade outside the office windows.
- A new heat pump has been installed in the road department office.

Burns Park

- Burns Park is open year-round this year. Robinson Bros. Construction will be camping at the park for six to eight months.
- Improvements include installation of frost-free water valves, upgrade to 50-amp electrical outlets and Wi-Fi.

Shutler Industrial Park

- Water samples have been clean this year.
- Improvements have been made at the pump house electric system and alarm system.
- Out-of-control juniper has been removed at the wheat lab and in front of Cargill.

Gilliam County Library

- The building is cleaned and garbage removed weekly.
- Landscaping behind the building continues to look good.

Senior Transportation

- Houghtelling noted that he continues to drive for Senior Transportation an average of two to three times per month.

Houghtelling also told the Court that Herb Coffman is doing a great job for the Maintenance Department.

Judge Shaffer asked Houghtelling about future needs and priorities. Houghtelling listed the Courthouse roof, resurfacing of sidewalk and potential repair of one side of the front steps. Houghtelling said needed improvements at Burns Park include a handicap access ramp and rail, noting a recent fall at the facility. Judge Shaffer said that currently handicap parking is located on one side of the Pavilion, while the ramp is on the other side. Ruben Cleaveland advised that there is no need to issue an RFP because the total cost of ramp and rail construction will be under \$10,000. Houghtelling said he painted the steps yellow to provide improved visibility in the meantime.

Commissioner Wetherell asked about the sidewalk by the library and inquired about a previous discussion that the road crew would remove the sidewalk and replace it with gravel. Judge Shaffer said that gravel isn't much better than the current situation and relayed Jeff Schott's opinion that gravel is not ADA-compliant.

Commissioner Weimar mentioned that puncture vine along the sidewalk is huge and blooming. Houghtelling said he has sprayed and pulled weeds, but he will take a look and re-treat the area.

Judge Shaffer suggested that Jeff Schott be asked to attend the next meeting to discuss alternatives for the building and sidewalk.

IN THE MATTER OF ARLINGTON CHILD CARE CENTER

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to release budgeted funds of \$76,500 to the Arlington Child Care Center for Fiscal Year 2018-19. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF ARLINGTON PUBLIC LIBRARY REQUEST

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to release budgeted funds of \$20,000 to the Arlington Public Library for Fiscal Year 2018-19. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF DLCD

The Court discussed a proposed Memorandum of Understanding between the Oregon Dept. of Land Conservation and Development, Gilliam County and Gilliam County Cities for an Eastern Oregon Economic Development Planning Project.

Commissioner Weimar commented that the money doesn't really come to the County. He said that although the County may "learn a little," it is probably something that will

“go on the shelf.” Judge Shaffer noted that it’s DLCD’s money and they determine where it will be spent. However, he agreed that the project may not be effective. The Court agreed to table the matter.

IN THE MATTER OF REQUEST FOR COUNTY DROUGHT DECLARATION

Herb Winters and Christina Kirwan, Gilliam County Soil and Water Conservation District, were present to request that the Court approve a Resolution declaring a state of drought emergency in Gilliam County. Winters said that as of Aug. 8, Gilliam County is listed by the U.S. Drought Monitor as being in moderate drought. However, he expects the County to be upgraded to severe drought when the map is updated next week. The drought is expected to persist throughout the upcoming months.

Kirwan explained that the Resolution allows farmers and ranchers to seek drought assistance, and that each County must declare individually to receive the full benefit.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve Resolution No. 2018-13 declaring a state of drought emergency in Gilliam County.

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

IN THE MATTER OF FAIRGROUNDS LEASE RESOLUTION AND AGREEMENT

Ruben Cleaveland presented a revision of Resolution 2018-02, noting that the document is unchanged from the first draft with the exception of requirements that all equipment and materials must be cleaned before arrival and again before leaving to minimize spread of noxious weeds, and that the County can access the property for spraying if needed.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to adopt Resolution No 2018-12 authorizing a lease agreement between Gilliam County and Robinson Brothers Construction, Inc. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve a Lease of Real Property between Gilliam County and Robinson Brothers Construction, Inc. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF RARE SERVICES AGREEMENT EXTENSION

Emergency Services Manager Chris Fitzsimmons asked the Court to consider an amendment that extends RARE 2017-18 Services Agreement No. 26052 (for a Natural Hazards Mitigation Plan) between the State of Oregon Department of Land Conservation and Development, Gilliam County, Hood River County and the University of Oregon. She explained the extra time would allow changes to be made through the end of the year. The County has met its in-kind match and no other money is involved.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve Amendment One to RARE 2017-18 Services Agreement to make the effective dates

Feb. 1, 2018 to Dec. 31, 2018. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF REQUEST FOR NEW FACILITIES

The Court discussed a Request for New Facilities submitted to TransCanada. Judge Shaffer explained that the request for natural gas service to Shutler Station Industrial Park is primarily informational as the Port of Arlington has been in contact with a company which has natural gas service as a criteria to set up business in the Industrial Park. He said a potential site must also have certain capabilities, including rail access, significant water and available workforce. No decisions were made.

IN THE MATTER OF GILLIAM COUNTY LIBRARY GRANT

The Court discussed Gilliam County Library's request to submit for a Ready to Read grant from Oregon State Library, funds to be used for the Grade School Summer Reading Program to begin in June, 2019. Commissioner Weimar urged the Library to make more effort to get requests to the Court in a timely manner for consideration, and that all County departments should be reminded of the same. He also asked that acronyms (such as SRP) be spelled out for those who aren't familiar.

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve a Grant Submittal Request from Gilliam County Public Library in the amount requested, \$2,326, with a cash match of \$2,350, total estimated project cost of \$4,676. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF DISPOSITION OF COUNTY-OWNED PROPERTY

The Court discussed disposition of foreclosed property at 221 N. Potter St. in Condon. City of Condon Administrator Kathryn Greiner asked if the County has considered donating the property to Pioneer Community Development Corporation. Judge Shaffer said Executive Director Rob Turrie indicated PCDC isn't interested in the property because they don't want to bear the cost of cleanup.

As an aside, Commissioner Weimar commented that the Disclaimer on a Gilliam County Property Summary Report is difficult to defend and makes the document worthless. Ruben Cleaveland said the Disclaimer is basically a type of "buyer beware."

It was the Court's consensus to direct the Sheriff to conduct a sale of the property.

Judge Shaffer asked Cleaveland if a Notice for Sheriff's Sale could be drafted without determination of a minimum bid, and Cleaveland responded that the amount could be filled in later.

IN THE MATTER OF AUGUST 15 REGULAR AND PUBLIC HEARING MINUTES

Commissioners noted several typos. Commissioner Weimar reminded that minutes should reflect when Court Members and key staff are absent from portions of the

meeting, and also that in this case, the Regular Meeting and Public Hearing minutes should be separate documents.

MOTION by Commissioner Wetherell, second by Commissioner Weimar, to approve Aug. 15 Regular Meeting and Public Hearing minutes as corrected. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF CLAIMS PENDING REVIEW

MOTION by Commissioner Weimar, second by Commissioner Wetherell, to approve August claims pending review. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF DENNY NEWELL LETTER

Judge Shaffer read a letter from Denny Newell, in which Newell thanked the Court for its support of Gilliam County Transportation. He also thanked Marla Davies and her staff, which he called “nothing short of amazing.” He requested that the letter be entered into the record, with a copy placed in Davies’ personnel file.

IN THE MATTER OF USDA/APHIS OVERPAYMENT LETTER

The Court briefly discussed correspondence in which USDA/APHIS notified the County of an overpayment of \$274.04. To clear up the overpayment, the County is asked to pay the amount due on the next invoice, less \$274.04, and to provide notification when payment is made.

IN THE MATTER OF PUBLIC HEARING: ORDINANCE NO. 2018-02

This being the time and place advertised, Judge Shaffer opened a public hearing at 11:30 p.m.

The hearing concerned the following properties:

Owner: Crum Ranches, LLC
County ID No. 874
Pit name: Eightmile
Township: 2N
Range: 22E
Section: W ½ of the W ½ of Section 21
Tax lot: 1500

Owner: Herb Holzapfel
County ID No. 880
Pit name: Holzapfel

Township: 2N
Range: 20E
Section: S ½ of the NE ¼ of Section 26
Tax lot: 2318

Planning Director Michelle Colby explained that the State of Oregon established nineteen statewide planning goals in 1973. She said that most of the Goals are accompanied by guidelines on how the Goals should be applied. State law requires each City and County to adopt a Comprehensive Plan and the zoning and land division ordinances needed to put the Plan into effect.

Colby further explained that Planning Goal 5, National Resources, Scenic and Historic Areas and Open Spaces, noting that mineral and aggregate resources must be inventoried.

Colby provided the County Court with a list that outlines all pits adopted by the County Court, amended August, 2017.

Today's Hearing is to consider two additional sites. She explained that one site is being upgraded because the information was not accurate. The other was somehow omitted from the list, although the site received a Conditional Use Permit. Both sites before the Court today have received Conditional Use Permits from the County, and went through the renewal process in July. The Planning Commission approved the applications and have made a recommendation to the County Court to add (and update) the sites to the list.

Colby also noted that a map was never created to correlate to the list, so she contacted Tenneson Engineering to create a map that correlates to all the sites on the list. If approved, both documents will be included in the Comprehensive Plan.

At this point, Judge Shaffer noted that he needed to back up and open the Hearing properly. He stated that the purpose of the Hearing is to consider Ordinance 2018-02 providing for Amendments to the Gilliam County Comprehensive Plan to add/update two aggregate resource sites to the Aggregate Inventory List, County ID No. 874 (Crum) and No. 880 (Holzapfel) to the Gilliam County Inventory List of Aggregate Resource Sites in compliance with State of Oregon Planning Goal 5 and declaring an emergency. He noted that this is a Legislative Hearing.

Judge Shaffer noted that the Court has been provided with a Staff Report, and that the Court has no further questions for staff.

Public Present: Kami Padberg, Ione, Oregon

Padberg, co-owner/operator of Crum Ranches indicated she was present to answer any questions about the Eightmile Quarry site.

With no (further) public comments, Judge Shaffer closed the Public Hearing at 11:45 a.m. and opened the matter to discussion by Court members. There was no further discussion.

Commissioner Wetherell moved to have the first reading of Ordinance No. 2018-02 by title only, **Second** by Weimar. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

First reading by Sandy McKay.

Commissioner Wetherell moved to accept the first reading of Ordinance No. 2018-02 by title only, **Second** by Weimar. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

Commissioner Wetherell moved to have the second reading of Ordinance No. 2018-02 by title only, **Second** by Weimar. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

Second reading by Sandy McKay.

Commissioner Wetherell moved to accept the second reading of Ordinance No. 2018-02 by title only and adopt the changes to the Comprehensive Plan, **Second** by Weimar. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; **Motion Carried.**

IN THE MATTER OF CORRESPONDENCE

The Court discussed two letters submitted by Oregon Telephone Corporation:

1. A request that the Court consider supporting an expanded network build consisting of a fiber route to Mayville and Lonerock by contributing \$475,000. The total cost of the project will be in excess of \$900,000.
2. Notification that Home Telephone Company is interested in utilizing or acquiring assets that the County may divest itself of.

The Court also discussed correspondence from Thomas Wolff, Columbia Basin Electric General Manager. Wolff noted that CBEC continues to move forward with high speed Internet for rural areas, and is looking for financial assistance for the build through Gilliam County. Wolff noted that a previous request for financial assistance through the Gilliam County Special Projects Fund was turned down due to the size of the ask, and that CBEC would like to apply for funding, such as was awarded to the Arlington TV Co-Op and the City of Condon. He asked about the process to apply for the funds and requested that CBEC be placed on the agenda to discuss the matter further.

The Court discussed the requests for funding, primarily whether financial support would be in the form of a grant or a loan. The Court also noted that the proposed projects were not identified goals or priorities for the County at this time and that funding had not been budgeted for such large requests. Commissioner Weimar noted that the Court made a grant to Arlington Co-op, which is a private entity; otherwise, grants have gone to nonprofit organizations. Most money given to businesses have been on a loan basis. He said that the issue should be addressed before the Court considers the request. Judge Shaffer agreed that the Court has funded nonprofit organizations and other government agencies, but said the agreement with Arlington TV Co-op was an unusual situation as it provided fiber to homes, and that that the money was given to the Port to disburse. In response to a question posed by Commissioner Wetherell, Judge Shaffer said the grant to Arlington TV Co-op was \$787,000, followed by a loan of approximately \$230,000. Commissioner Weimar noted that both companies are looking at similar projects. Lori Anderson of the CBEC Board of Directors was present and explained that CBEC's goal is to facilitate fiber for homes, and that requested funding would be strictly for the part of the project within Gilliam County.

The Court agreed that representatives of CBEC and Oregon Telephone Corporation will be asked to attend a future Court meeting, with the understanding that the Court is not at the decision stage. Commissioner Weimar again stressed the importance of settling the matter of private use of public funds and County priorities.

IN THE MATTER OF SUMMER INTERN REPORTS

Andrew Frail, Connor Cunningham and Hannah Davidson provided reports on their internship experiences throughout the summer.

Davidson, who provided her report via video, served an internship with North Gilliam County Health District. Davidson plans to enter the medical field in some capacity, said she was able to experience "a little bit of everything," including cleaning, billing, office, front desk, ambulance and working alongside the Nurse Practitioner. She also noted she became CPR-certified and was able to help with a CPR class. Davidson thanked the Court for the opportunity, which she called "awesome."

Frail told the Court that he gained a great deal of experience working with Arlington TV Co-op, which was more hands-on than his internship with the Co-op last summer, and that he learned things that aren't taught in class. He said that eventually, he was able to work independently. He commented that the internship program is a great opportunity, and that it's difficult to find jobs locally, especially for kids who aren't well suited for ranch or Waste Management jobs.

Cunningham, who interned at Cottonwood Canyon State Park last year, said his internship with the Gilliam County Soil and Water Conservation District consisted primarily of inputting data and other office work, although he was able to spend some time outdoors. He enjoyed working with the drone program.

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Wetherell:

- attended a meeting of Columbia Ridge Landfill Citizens Advisory Committee. She said the meeting was good, although management didn't show up with the exception of Leah Shannon. Major topics of discussion included Waste Management's decision to pull their business from the Arlington Medical Center. Wade indicated she would look into the matter. Waste Management's decision not to leave WM property to fight fires in the area was also a topic of concern.
- indicated she has agreed to serve on the County's Board of Property Tax Appeals.
- said that the Citizens Advisory Committee also asked her to check on the status of a Conditional Use Permit. She will discuss the matter with Michelle Colby.

Commissioner Weimar:

- Attended a short meeting of Mid-Columbia Council of Governments to work on a Resolution regarding dissolution of the organization and division of assets. He noted that three items were added to the agenda at the last minute. He was less than 10 minutes late, but the last item was being discussed when he arrived, which involved paying the interim director another \$1,200 for items which he thought should have already been included. Commissioner Weimar indicated he voted no on the matter.

Judge Shaffer:

- met with Columbia Gorge Community College and superintendents of Arlington and Condon schools regarding a possible collaboration between the three entities.
- attended a meeting of Frontier Telenet, which included discussions on a recent Internet outage at Lonerock, a goal to replace components in County-owned equipment, and a request from City of John Day for help in upgrading their wireless system.
- met with Advantage Dental regarding possible provision of dental care and other health services in Arlington.
- attended an Economic Summit meeting of the Oregon Coastal Caucus. Discussions included challenges facing the marijuana industry, renewable energy, fifth generation wireless technology and the difficulty getting broadband into rural areas.
- attended two meetings of the NORCOR Board of Directors. Discussions included administration of the adult and juvenile facilities. Judge Shaffer apologized for incorrectly stating that Wasco and Hood River Counties were on board with

providing a subsidy for legal fees for ongoing litigation regarding ICE prisoners. He said the two counties are not in agreement with funding legal fees.

- attended a meeting with Gilliam and Sherman County firefighters and ranchers regarding how recent wildland fires were handled in the area.
- attended a meeting of the Energy Facility Siting Council.
- noted that CAPECO will host information-gathering meetings regarding the Area Agency on Aging -- Sept. 12 in Fossil and Sept. 25 in Arlington.

Mac Stinchfield of the Times-Journal asked about the resolution of the Philippi Quarry. Judge Shaffer told him that the matter was decided at a hearing held in Condon on August 29 and that the application was conditionally approved with a final hearing scheduled for September 26th for final approvals.

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 2:00 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Michael Weimar, Commissioner

By _____

Leslie Wetherell, Commissioner

Mary H. Dyer/Recorder