

10-7-15

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:13 a.m. The meeting was held at the Gilliam County Courthouse in Condon, OR. Present were Judge Steve Shaffer, Commissioner Mike Weimar and Commissioner Dennis Gronquist. Absent: None.

IN THE MATTER OF MAINTENANCE AND GROUNDS STAFF REPORT

Darryl Houghtelling presented his semi-annual staff report for the Maintenance and Grounds Department.

Courthouse and Grounds:

- Maintenance department has been without the FTE custodian since June 30.
- Installed 80 new ceiling tiles during the fire suppression project.
- Boiler pots and piping have been redone or replaced.
- Solicited bids for an annual contract to maintain the buildings heating/cooling system
- DMV office has been painted and the carpet shampooed.
- The drain job in the boiler room with roto-rooter will be completed soon.
- Will have irrigation system and cooling tower winterized soon.
- Contracting out quarterly for cleaning of the exterior windows.

Burns Park:

- The inside of both restrooms and exterior trim were painted.
- Will get bids for a new lawnmower soon.
- November 1st is the target date to winterize the Park and bathrooms.
- Removed a huge line of bushes on the far north side of the park with OYCC help.
- Incurred extra dump costs during Fair and for large family reunions. In addition he worked additional hours on weekends during the busy season. The Park was full during the County Fair again this year, fees were waived during the Fair.

Shutler Industrial Park:

- 18 street light bulbs were replaced at the Park last week.
- Water test results normal and free of bacteria.
- Maintained and pruned IBR and Grain Lab plants and grounds.
- Septic tank issue is being taken care of with new and rebuilt pumps.
- Judge Shaffer was contacted by City of Arlington Public Works Superintendent Tim Wetherell offering assistance and possibly entering an agreement to monitor and maintain the sewer and water system at the Park in the future.

Special Transportation

- No longer need him to do driving.

Road Department Shop and Library

- Cleaned weekly.
- Library windows are cleaned quarterly at no charge by local resident.
- Doors on the warehouse behind the Library have been secured. Roof needs a corner repair.

- The area behind the Library has been landscaped. Maintenance Department will be weeding, pruning and mowing there weekly in the future.

Annual Heating/Cooling Maintenance Bid

- He requested four bids and received one. The bid was from Eclipse Heating and Cooling in the amount of \$5,985.89.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to accept the Eclipse Heating and Cooling bid of \$5,985.89 for one annual heating maintenance and one annual cooling maintenance of the Courthouse heating and cooling systems; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

Houghtelling and the Court discussed the vacant Custodian position. Since July 1st Maintenance has had a part time help. Judge Shaffer said that since then some duties have been adjusted to manage the maintenance workload. Driving for the County Special Transportation has been eliminated and they are contracting out quarterly exterior window cleaning. Houghtelling said he thought a half time custodian would be sufficient. Judge Shaffer proposed making it a permanent part-time position. Commissioner Weimar noted that removing driving from Maintenance presents a problem since the Public Transportation is already short on drivers, especially in the winter. The Commissioners questioned whether the matter should have been discussed by Court Members prior to the decision being made to advertise the position as part-time

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to hire a part-time custodian for Gilliam County; Discussion: Commissioner Weimar asked if the County needed to notify the Union that there was going to be a reduction in staff and the position would no longer be in the union. Leanne Durfey said the Union would like to be informed on the matter as a courtesy; Vote: Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF ARLINGTON PUBLIC LIBRARY REQUEST FOR BUDGETED FUNDS

Motion by Commissioner Weimar, seconded by Judge Shaffer to approve the Arlington Public Library Board request for budgeted funds for fiscal 2015-16 in the amount of \$20,000; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF PIONEER DEVELOPMENT REQUEST FOR BUDGETED FUNDS

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to approve the Pioneer Community Development Corporation Board request for budgeted funds for fiscal 2015-16 in the amount of \$50,000; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF WEED DEPARTMENT STAFF REPORT

Weed Control Officer Don Farrar presented his quarterly staff report.

- The Industrial Park has been weeded in problem areas.
- County roads required hand weeding in some areas.
- Spotted knapweed was found in a 7 x 250 foot section of Hay Canyon.

- Skeleton weed control in the North end revealed less plant density, but was found over a larger area.
- BLM contract weed control on the John Dave River has been completed.
- BLM contract for noxious weed is 90% complete.
- County pits and State pits required hand weeding.
- Road side sprayer is finished with summer annuals.
- BPA lines for summer annuals has been completed and will be starting bare ground treatment around power poles.
- UPRR is 90% complete for the year. There are some Skeleton weed plants that still need to be treated.
- He has treated Skeleton weed and Yellow Starthistle for several private owners.
- There is some reseeding to do on roads.
- State park weed control for the year is complete
- They will be doing some bare ground treatments this fall on County roads.
- A survey has begun for Flowering Rush on the Columbia River. Most counties have limited sites upstream. In Gilliam County one site was discovered in 2014 and 2015 is ongoing.

IN THE MATTER OF CASCADIA ASSOCIATES PROPOSAL FOR SERVICES

At the request of Pillar Consulting, Cascadia Associates prepared a proposal to provide environmental consulting services for the Gilliam County Road Department in support of ongoing construction. The contaminated soil has been removed and this proposal addresses work already completed.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to accept the Cascadia Associates proposal for environmental consulting services at the construction site of the Gilliam County Road Department in analysis of soil samples in the amount of \$4,040; Shaffer – Yes; Gronquist – Yes; Weimar - Yes; **Motion carried.**

IN THE MATTER OF DOG CONTROL IN GILLIAM COUNTY

Commissioner Weimar informed there is a problem in Gilliam County with roaming dogs that he worries could present a danger for residents. Sheriff Gary Bettencourt said that when reported his office investigates and they follow Oregon State statues. Commissioner Weimar asked if Gilliam County should have their own dog control ordinance. Bettencourt said he relies on State statues throughout the County because they are clear and can be cited and used by Judge Patnode in Justice Court. They have worked out a system with Judge Patnode where they assess the level of aggressiveness of the dog and turn the case over to the Court.

IN THE MATTER OF MARIJUANA LEGISLATION

Judge Shaffer asked Sheriff Bettencourt for his opinion on Gilliam County opting out of retail marijuana. Sheriff Bettencourt worries about marijuana and children. He is specifically worried about access in their own homes since the law allows up to 8 oz. per residence. Statistics on alcohol show most kids get alcohol from home. Drug dogs can no longer be trained to sniff out marijuana. He doesn't think there would be much of a market for a dispensary since people can have up to 8

oz. He does worry about a large agricultural grow in the County could bring in transient migrant workers to harvest and trim plants and the influx they would create throughout the communities. Members of the Court acknowledged that if they are going to impose restrictions, they will have to make that decision soon in order to leave time for public hearings and will make a decision at the next County Court meeting on October 21st.

IN THE MATTER OF GILLIAM COUNTY COURT ORDER NO. 2015-02

Planner Michelle Colby and InEnTec Vice President and legal counsel Mike Rockett were present to present and discuss changes made to Court Order 2015-02 approving the Conditional Use Permit for InEnTec at Waste Management's Columbia Ridge Landfill & Recycling Center. Commissioner Gronquist asked them to go over the changes made to the draft. Colby informed that Condition 10 addressing the issue of taxes was changed to read, "If county taxes are not brought current within 24 months from date of this Order, the County Court will review the CUP to determine how to address the taxes." Condition 13 was revised to read, "County reserves the right to require a solid waste surcharge use agreement under the provisions of ORS 459.005-459.437." Condition 9 regarding feedstock, language was changed to read, "ICR is authorized to handle feedstock (waste streams) as allowed by DEQ permits. If the County determines that any DEQ permit(s) conditions related to ICR's new feedstocks, such as medical waste (treated/untreated) and non-hazardous industrial waste, impose new burdens on the County, the County may review the CUP to determine whether to address those burdens." Members of the Court were in agreement that that the language reflected the changes they requested at the Public Hearing on September 16th. Rockett said he hoped the Court would vote on the amended Order. Commissioner Gronquist stated he felt that with respect to number 7, Communications: Citizens Advisory Committee (CAC) and ICR, it is important that they make an annual appearance in County Court. Judge Shaffer informed Waste Management appears on a quarterly basis. Rockett said they would be happy to do that also.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to approve Gilliam County Court Order No. 2015-02 approving Land Use Conditional Use Permit 2015-05 between Gilliam County and InEnTec Columbia Ridge, LLC; Shaffer – Yes; Gronquist – Yes; Weimar – Yes;
Motion carried.

IN THE MATTER OF INTERGOVERNMENTAL AGREEMENT 9738

Intergovernmental Agreement No. 9738, or GIL 1315 Amendment No. 6 Mixed Funds Agreement with the Oregon Department of Education Early Learning Division regarding Four Rivers Early Learning Hub. Since the Hub is in its infancy, the State of Oregon felt the best way to allocate Healthy Family funds was to give them to the County to dispense. Funding was reduced and is now \$16,210.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to approve Intergovernmental Agreement 9738, or GIL 1315 Amendment No. 6 Mixed Funds Agreement with the Oregon Department of Education Early Learning Division for Healthy Families Oregon in the amount of \$67,776 through December 31, 2015; Shaffer – Yes; Gronquist – Yes; Weimar – Yes;
Motion carried.

IN THE MATTER OF JUSTICE COURT RENTAL AGREEMENT WITH ARLINGTON

This Amendment to the Justice Court rental agreement with the City of Arlington reflects the additional utilities cost of \$200 which were approved for the 2015-16 fiscal year. This brings the monthly rental cost to \$700.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to approve the second Amendment extending the Justice Court rental agreement with the City of Arlington to June 30, 2020 in the amount of \$700 per month; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF RECIPROCAL AGREEMENTS WITH SHERMAN AND MORROW COUNTIES

The Court considered the renewal of reciprocal intergovernmental agreements with Sherman and Morrow Counties for appraisal services. **Motion** by Commissioner Gronquist, seconded by Commissioner Weimar to approve the Intergovernmental Agreements with Sherman and Morrow Counties for the sharing of Appraisal Services; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF LEASE AGREEMENT WITH WI CONSTRUCTION

Judge Shaffer reported on discussion with WI Construction Jack Ingram regarding a short term equipment lease agreement allowing use of the concrete batch plant for two projects; South Gilliam County RFPD building and the Road Department Warehouse replacement. Ingram informed Judge Shaffer that it won't be possible for WI to service the contracts for their two projects in Condon from their Boardman plant. Therefore, they would like to rent the batch plant in Arlington on a by-the-yard as needed basis. The new lease agreement calls for a \$5/per yard fee to be paid in 30 days after they receive payment for the concrete. Judge Shaffer stated he felt it would not be in the County's best interest to lease the facility to WI on an as needed basis and preclude other options. Commissioner Weimar thought issues regarding the current lease need to be brought to terms before giving consideration to any new agreement. Commissioner Gronquist agreed, but said once resolved, he would entertain a month to month agreement with WI rather than having the facility idle. Members of the Court were in agreement and decided to wait to make a decision on the lease agreement until current lease issues are resolved.

IN THE MATTER OF THE CULTURAL COALITION

Members of the Court resumed discussion regarding the Cultural Coalition request for \$6000 for administrative staff. After review, Judge Shaffer was unable to find a line item in the budget to fund their request. The Cultural Coalition receives approximately \$6000 from the Cultural Trust to administer through grants annually in Gilliam County. Judge Shaffer said former Community Development Director had been spending an inordinate amount of time on running their organization and grant cycles. Commissioner Weimar noted that they are a volunteer organization and it's difficult to find a volunteer willing to put in the amount of time required to get all of the paperwork done. That being the case, while gracious, it has been awkward to having Community Development doing all of the work for them. Judge Shaffer said perhaps the Coalition could partner

with another entity such as Pioneer Community Development Corporation (PCDC) to help with staffing. There might be other entities which could help as well. In the interim Judge Shaffer decided to have current Community Development Director, Rachel Weinstein work with the Cultural Coalition to oversee a transition.

IN THE MATTER OF LCAC BOARD MEMBER RESIGNATION

Rebecca Humphries has been on the Local Community Advisory Council (LCAC) Board, for the Greater Eastern Oregon Coordinated Care Organization, but has given her letter of resignation since she has taken a new job in Fossil. It has been recommended the Court appoint Kate Hamms as her replacement on the Board since she is now the Counselor for the Condon and Arlington schools and for the seniors in the County. To date Hamms has not made a request.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to accept the letter of resignation from Rebecca Humphries to resign from the Local Community Advisory Board for the Greater Eastern Oregon Coordinated Care Organization; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF THE VETERANS SERVICES OFFICER QUARTERLY REPORT

Judge Shaffer informed that Veteran Services Officer is out on leave for an undetermined amount of time. How to handle his case load during his absence will be a topic of conversation at the next Tri-County Court meeting on October 14th in Fossil.

IN THE MATTER OF THE COUNTY CAR IN ARLINGTON

Members of the Court resumed discussion of use of the Arlington car. As discussed at a prior Court session, Port of Arlington Manager Peter Mitchell has been using the Arlington car almost exclusively. This has presented a problem for other County employees who are eligible to use the car. One option is the County could surplus a vehicle to the Port and allocate a second vehicle to Arlington for other County employees to use. Road Department Administrative Assistant Terri Carnine has started looking at new vehicles to replace the Blazer. Judge Shaffer suggested replacing the Blazer with a Chevy Traverse or a vehicle larger than a standard passenger car. There was a general Court discussion of what policy to adopt.

Motion was made by Commissioner Gronquist to surplus a County vehicle to the Port of Arlington. The motion died due to a lack of a second.

IN THE MATTER OF CORRESPONDENCE

The Court received a thank you letter from the Executive Director of the Oregon State Parks Foundation John Hoffnagle for the County's \$50,000 contribution to the Foundation.

The Court received a thank you note from the Gilliam County Auction Committee for their contribution to the 4-H Livestock Auction.

Judge Shaffer and the Commissioners each received thank you notes from the Arlington TV Co-op for the \$776,000 grant.

IN THE MATTER OF MALHEUR COUNTY COURT REQUEST

Gilliam County Soil and Water Conservation District (SWCD) District Manager Sandy McKay was present for a discussion of a request for a letter of support from Malheur County Court. The letter is to support their opposition to the establishment or designation of National Monument, National Conservation Area or Wilderness Area in the Steens Mountains in southern Malheur County. Judge Shaffer said Malheur County Judge Joyce made a good presentation at the Association of Oregon Counties (AOC) Energy, Environment and Land Use meeting, Public Lands meeting and at the Legislative Committee meeting. All three committees backed their opposition. McKay reported his concern is that the Oregon Natural Desert Association (ONDA) has pushed to have Wilderness Study Areas within his jurisdiction moved to Permanent Wilderness in addition to other Bureau of Land Management (BLM) land not in the study area. ONDA had previously brought the issue up and did not receive support from local land owners. However, McKay is worried that allowing Wilderness designation in Malheur County would set a precedent that could bring ONDA back could affect policy in Gilliam County. By sending a letter of support to Malheur County, it would send a message to ONDA that would help stymie future aspirations in Gilliam County. Commissioner Weimar suggest sharing the local landowners speak with Senator Wyden at his upcoming Town Hall meeting in Arlington.

Motion by Judge Shaffer, seconded by Commissioner Gronquist to support Malheur County in the form of a letter; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF PIONEER COMMUNITY DEVELOPMENT CORPORATION

Commissioner Weimar would like PCDC to appear before the Court to discuss their proposed new Façade Improvement Program.

IN THE MATTER OF EXECUTIVE SESSION ORS 192.660 (2) (e) (g) and (h)

Judge Shaffer declared the meeting to be in Executive Session pursuant to ORS 192.660 (2) (e) Real Property Transactions (g) Trade Negotiations and (h) Legal Counsel. Separate minutes were taken and will be filed in the office of the County Clerk.

IN THE MATTER OF OREGON MARIJUANA LEGISLATION

Legal Counsel Will Carey and Gilliam County Sheriff Gary Bettencourt were present to resume discussions on Gilliam County's opt out options. Since Gilliam County voters defeated Measure 91 by over 55% restrictions on recreational marijuana do not have to be put to a vote. However, County imposed restrictions will only apply outside of Arlington, Condon and Lonerock city limits. As a result, Carey advised the Court to consult with the Mayors to find out what their policies are prior to making a County decision. Carey also advised the Court if they do make a decision whether or not they will impose restrictions by the October 21st County Court to allow time to advertise public hearings. The Court agreed to make a decision at the next Court session.

IN THE MATTER OF THE ARLINGTON TV CO-OP

Members of the Court discussed whether to amend the current motion from September 2, 2015, or rescind the motion and make a new motion. Leanne Durfey consulted with legal counsel Will Carey who advised the Court to rescind their original motion and pass a new motion granting funds to the Port of Arlington.

Motion by Judge Shaffer, seconded by Commissioner Gronquist to rescind the September 2, 2015 motion granting \$776,000 to the Arlington TV Co-op for the infrastructure portion of their fiber project; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

Motion by Judge Shaffer, seconded by Commissioner Gronquist to grant the Port of Arlington \$776,000 for economic development exclusively for creating a telecommunications based infrastructure based on the entity in question securing a loan for the remaining portion of the project, to be paid out in progress payments, contingent on review by legal counsel; Vote: Gronquist – Yes; Weimar – Yes; Shaffer – No; **Motion carried.**

IN THE MATTER OF COURT MEMBER REPORTS

Judge Shaffer reported he had a conversation with David Van't Hof and learned the Governor Brown from the State of California will be signing a bill to increase the California Renewable Portfolio Standard from 33% to 50%. That should open the border for renewable energy credits from the Pacific Northwest.

Judge Shaffer had two different meetings at Northern Oregon Regional Corrections Facility (NORCOR) where they put together two work groups, one for revenue generation and efficiency and another for juvenile detention. NORCOR wants to cut back on housing juveniles which Judge Shaffer strongly disagrees with. NORCOR is looking at turning over the Juvenile portion of the facility for detention mental health offenders which would bring in more revenue.

Judge Shaffer met with Mid-Columbia Regional Solutions group which is the group that gave Sherman County \$820,000 for their fiber build. They asked what Gilliam County's plans are with respect to building a fiber backbone. Judge Shaffer said Gilliam County will be addressing a fiber backbone at budget meeting for the next fiscal year.

Judge Shaffer met with the Columbia Hills Manor group. They encountered a planning issue with two lots they are trying to buy for their Senior/Community Center. One parcel is located within the City of Arlington, the other is outside the City boundary. To get around the problem the City of Arlington plans to annex the second parcel into the City prior to construction so the project will be a City of Arlington planning issue.

Judge Shaffer took a trip to Washington DC where met with most of the Oregon delegation. The meetings went well. The only Representative he was not able to meet with was Peter DeFazio. Commissioner Gronquist asked who paid for the trip. Judge Shaffer informed the trip was paid for by Trout Unlimited, a wildlife protection organization. They are looking to have renewable energy royalty payments paid to the federal government returned to local governments and organizations. The breakdown they are asking for is 25% be paid to the state where the project is located, 25% to the County or local government, 35% to wildlife protection and conservation agencies and 15% to the federal government. The trip was approved by the Association of Oregon Counties and Judge Shaffer was appointed to go as the Chair of the Energy, Environment and Land Use Committee.

IN THE MATTER OF THE CONSENT AGENDA

Motion by Commissioner Gronquist, seconded by Judge Shaffer to approve the Consent Agenda; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF CONTINUED COURT MEMBER REPORTS

Commissioner Weimar the Mid-Columbia Council of Governments has a new Executive Director, Robert Frances from Hood River.

Commissioner Weimar attended a Community Action Program of East Central Oregon (CAPECO) meeting. They are concerned about the Federal government shutting down again which would shut down their funding. The Board approved a line of credit from Banner Bank CAPECO could tap into in the event the government shuts down to keep their projects operating.

Commissioner Weimar informed he will be chairing an upcoming meeting of the Area Commission on Transportation where the main topic will be Connect Oregon Six. The Oregon Department of Transportation wants to put more cameras along area highways and as a result there may be funds available for fiber optic. However, the backbone would have to travel along Highway 19. Commissioner Gronquist asked where the fiber to Ardent Mills stands. Judge Shaffer informed fiber is currently at the building, they just need to decide who is going to light up the fiber, do the invoicing, etc.

IN THE MATTER OF ARLINGTON SCHOOL CTE BUILDING UPDATE

Arlington School District Superintendent Kevin Hunking presented a CTE building project update. They expect the shell of the building to be erected by the end of October. After that they will begin work on the electrical and fire suppression systems. They are also in the middle of the systems remodel of their science room. The District has hired a new Deputy Clerk, Danelle Wetherell and will be parting company with the North Central ESD Deputy Clerk, after training is completed. The District is in the middle of an audit with Roy Rogers of Pauly Rogers and Co. PC from Portland. The District is applying for a \$450,000 Career Technology Education Revitalization Grant (CTE) in collaboration with the Condon and Sherman school districts. Arlington has taken the lead as the fiscal agent. Funds will be divided in thirds to develop a 7 through 12 CTE curriculum that will be designed in conjunction with Columbia Gorge Community College. As one of the requirements of the grant application Hunking asked the Court for a Commitment letter. There was a general Court discussion of a commitment letter vs a letter of support. Hunking said he would prefer a letter of commitment, but would be happy to have a letter of support.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar for a County Court letter of support for the Career Technology Education Revitalization Grant; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

Hunking informed the Court that the Arlington School District has issued a letter of intent to withdraw from the North Central Education Service District (ESD). The deadline to withdraw is November 1, 2015. They would have until the end of February to make a final decision on the issue.

IN THE MATTER OF THE NEXT COURT MEETING

The next Gilliam County Court meeting will be held on October 21, 2015 beginning at 10:00 a.m., at Gilliam County Courthouse in Condon.

It appearing to the Court there was no further business to be conducted at this time and not additional matters to be considered Judge Shaffer adjourned the meeting at 4:43 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Dennis Gronquist, Commissioner

By _____

Mike Weimar, Commissioner

R. Weinstein/Recorder