

9-02-15

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:00 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 ADDITIONS TO THE AGENDA

Arlington HELP Center request for allocated funds.

City of Condon 2014-15 Gilliam County Infrastructure Grant expenditures report.

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

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

IN THE MATTER OF ARLINGTON TV CO-OP FINANCIAL COMMITMENT REQUEST

Arlington TV Co-op Board Chair Alan Cunningham, Arlington TV Co-op employee John Neys and Port of Arlington Manager Peter Mitchell were present to discuss the Arlington TV Co-op request for a financial commitment for their proposed fiber project. Legal counsel Will Carey was also present for the discussion. The Co-op requested a financial commitment for the infrastructure portion of their project. Cunningham said the Co-op intends to take out a loan to fund the retail portion of the project. Cunningham said this will be the Co-op's final request for funding. There was a lengthy Court discussion of how best to spend the funds Gilliam County has allocated for fiber optic in fiscal 2015-16; whether to fund the Arlington TV Co-op project or a Frontier Telenet fiber backbone project from Arlington to Condon. The Co-op informed they have been a continuous business in Arlington since 1953, but that without funding their Co-op would have to fold. Neys and Cunningham pointed out the County is eligible for outside grants for the fiber backbone project, but the Co-op doesn't have any grant options.

Motion by Judge Shaffer, seconded by Commissioner Gronquist to grant the Arlington TV Co-op \$776,000.00 for the infrastructure portion of their fiber project, which includes the \$150,000 the Arlington TV Co-op was previously awarded by the Court, to be paid in fiscal 2015-16, contingent upon the Arlington TV Co-op securing the \$1,124,000 loan as shown in Scenario #2 of their handout, and pending legal counsel review and approval

of the grant; Discussion: After the motion there was a lengthy discussion of the pros and cons of the competing fiber projects before the Court. Among the options discussed was whether to fund the Arlington TV Co-op in entirety in fiscal 2015-16, distribute half of the allocated funds to the TV Co-op and the other half to Frontier Telenet for the fiber backbone between Arlington and Condon, or to fund the TV Co-op \$35,000.00 for operating expenses, as the Court has done previously, to keep them viable until the next budget cycle and then have the Co-op make a new funding proposal for fiscal 2016-17. Among the concerns expressed were what would happen if the TV Co-op was not successful in executing their project and where would funding the TV Co-op project leave the Frontier Telenet project and fiber needs for the rest of Gilliam County. Judge Shaffer said the Court can't leave the Co-op hanging and the Court needs to make a decision. Vote: Gronquist – Yes; Weimar – Yes; Shaffer – No; **Motion carried.**

IN THE MATTER OF WASTE MANAGEMENT RENEWABLE, LLC APPEAL

Gilliam County Assessor Dave Messenger was present to report on the appeal settlement between Waste Management Renewable, LLC (WMR) and the Department of Revenue. Legal counsel Will Carey and Gilliam County Treasurer Nathan Hammer were in attendance. Messenger confirmed a settlement had been reached and signed by all parties. It was decided Gilliam County should refund WMR the \$50,904.02 they were double assessed in 2010, on the recommendation from the Department of Revenue. Messenger presented the Court with a description of the benefit and subsequent loss to the impacted taxing districts. After Gilliam County refunds WMR the \$50,904.02, WMR has 10 days to release their litigation against Gilliam County. Commissioner Weimar asked if the taxing districts knew ahead of time there was the possibility they would have to refund 2010 tax revenues. Messenger said he had informed Treasurer Wetherell in 2014 that might be a possibility, but doesn't know if she in turn informed the taxing districts. The Court discussed where to draw the funds from to reimburse WMR. Leanne Durfey suggested the refund be taken out of the County Operating Contingency line item.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to accept the Appeal Settlement and Release Agreement between Waste Management Renewable, LLC and the Department of Revenue in the amount of \$50,904.02; with funds to come from the County Operating Contingency line item; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

Commissioner Gronquist inquired about the tax history on InEnTec, because the Court has an upcoming hearing on a request they have for a Conditional Use Permit. Judge Shaffer asked if InEnTec was part of the WMR settlement. Messenger informed they were, but Waste Management later made the decision to split Waste Management (WM) and InEnTec, or WM and S4 as they were named at the time. Current InEnTec

tax liability is \$222,952.68 in both personal and real property. InEnTec has contacted the Assessor's Office, but to date have not made a payment on the balance.

IN THE MATTER OF PORT OF ARLINGTON REQUEST FOR BUDGETED FUNDS

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to approve the Port of Arlington request for budgeted funds in the amount of \$400,000.00; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF ARLINGTON HELP CENTER REQUEST FOR BUDGETED FUNDS

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to approve the Arlington HELP Center request for budgeted funds in the amount of \$6,500.00; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF GILLIAM COUNTY FIRE SERVICES SEMI-ANNUAL REPORT

Gilliam County Fire Services Coordinator Shannon Coppock was present to give her semi-annual report. She reported on fires at both ends of the County and said she and Jim Hinton are grateful to County residents for their volunteer efforts in fighting fires this season.

Fire training continues at both ends of the County. There is an upcoming training to be conducted by the Department of Public Standards and Training trainer David Jensen.

The new fire hall in Arlington has hosted several fundraisers, meetings and events. Groundbreaking on the new fire hall in Condon was the first week of June. There was a month long delay due to complications with building permits, but construction has resumed. Building panels were delivered in the wrong color, but Coppock is working on resolving the problem.

Gilliam County Fire Services conducted summer education programs for children at both ends of the County. Both events were deemed fun by all involved.

Coppock conducted a wildland training at the Arlington High School Spring term 2015. Eleven students completed the program. Jacob Bowman has joined as a volunteer in Arlington and Muris Mustafic is interesting pursuing a career firefighting. She will be teaching a similar year-long wildland training course this year at the Condon High School. The longer course will include Incident Command System and hazardous materials training.

Gilliam County Fire Services received a brownfield clean up grant for an environmental survey for both new and existing buildings. The plan is to mitigate any contamination they find.

Volunteer recruiting was done by word of mouth throughout the County. As a result they have six new volunteers at the North end and four at the South end.

Coppock asked Judge Shaffer if he has had any further discussion with the BLM about fighting wildfires. Judge Shaffer said he had not. If there is further discussion she would be interested in participating.

IN THE MATTER OF TRI-COUNTY COMMUNITY CORRECTIONS PLAN

Judge Shaffer informed members of the Court the 2015-17 Tri-County Community Corrections Intergovernmental Agreement #5117 is essentially unchanged from those of prior years.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to approve the 2015-2017 Tri-County Community Corrections Plan and Intergovernmental Agreement #5117 with the State of Oregon; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF THE COURTHOUSE FIRE SUPPRESSION SYSTEM CHANGE ORDERS

Pillar Consulting Group Project Manager Jeff Schott was present to give a project update and discuss change orders for the Courthouse fire suppression project. The project is ahead of schedule and under budget. Testing of the new system is currently scheduled for September 16th and unfortunately will be loud and disruptive. There have been four change orders and Schott recommended a fifth for a weather cover for the rooftop HVAC system. The cover will help prevent the sprinkler system pipes from freezing. One change order is a \$44,073.95 credit. The total for the five change orders is \$32,389.49. The project's budget is \$510,000.00 and Schott projects the total will be approximately \$345,000.00. As a result the Oregon Department of Justice will be receiving a refund on the project.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to accept change orders 1 through 5 on the Gilliam County Courthouse Fire Suppression System project in the amount of \$32,389.49; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF THE ROAD DEPARTMENT WAREHOUSE CHANGE ORDERS

Schott provided members of the Court with a Road Department Warehouse project update and discuss change orders. Excavation is on hold due to potential soil contamination. Soil samples have been sent to a lab in Tennessee and he expects to have the results back next week. There will be a week or two for interpretation of the results. Unless the results reveal something very toxic they will be able to remediate the issue without having to report the issue to the Department of Environmental Quality. The Warehouse project has had two change orders. One was for \$1,715.00 for additional concrete and the second was \$4,439.00 for additional rock excavation.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to accept change orders 1 and 2 on the Road Department Warehouse project in the amount of \$6,154.00; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF COUNTY WEBSITE DESIGN PROPOSAL

Judge Shaffer informed members of the Court that Liz Farrar has withdrawn her proposal to redesign the Gilliam County website. Farrar said she is overwhelmed with writing projects and simply does not have the time to redesign the website. The Association of Oregon Counties (AOC) has recently redesigned their website and Judge Shaffer he will inquire who their web designer was. The County has until April 1, 2016 to complete a new website.

IN THE MATTER OF CULTURAL COALITION BOARD Judge Shaffer said Gilliam County Planner Michelle Colby was informed by Kathy Street that she is resigning from the Cultural Coalition Board because she has taken a new job as the Director of the Oregon Trail Library District in Morrow County. Street was serving as the Coalition's secretary.

Judge Shaffer said the Cultural Coalition is asking for \$6,000.00 for administrative assistance. After a brief Court discussion Members of the Court agreed they need more clarification on the details of the Coalition's request before making a decision.

IN THE MATTER OF COLUMBIA BASIN HIGH SCHOOL RODEO REQUEST FOR SPONSORSHIP

Columbia Basin High School Rodeo made a request for sponsorship. Members of the Court agreed it was a worthy request. There was a brief Court discussion of prior funding levels.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to grant the Columbia Basin High School Rodeo Club request for sponsorship in the amount of

\$250.00, to be paid out of the Youth Activities Fund; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF CORRESPONDENCE

The Court acknowledged receipt of DEQ notification that Chemical Waste Management of the Northwest, Inc. has submitted a modification request for their Class Three Hazardous Waste Permit for the final cover design for landfills L12, L13 and L14 with the Oregon Department of Environmental Quality (DEQ).

IN THE MATTER OF THE CITY OF CONDON INFRASTRUCTURE GRANT REPORT

The City of Condon Infrastructure Grant expenditure accounting report fulfills the memorandum of understanding for the grant. Commissioner Gronquist said the City of Condon does a good job.

Commissioner Gronquist asked Court Administrator Leanne Durfey if she could ask the Arlington School District to report on the use of grant funds they received for their new CTE building.

IN THE MATTER OF STAFF REPORT SCHEDULING

County Court Administrator Leanne Durfey noted for the Court members information that until about a year ago she reminded court supervised staff to schedule staff reports to the County Court. At that time it was explained to staff they should track when their reports are due and schedule accordingly. Some staff members have been diligent about scheduling reports, but not all have been. She asked the Court if they wanted her to go back to reminding staff it is time to schedule a report to the Court. The Court agreed the staff should schedule their reports.

IN THE MATTER OF THE CONSENT AGENDA

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to approve the July 15th and August 5th executive session minutes, the August 12 special session minutes and the August 19th regular session minutes; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

Judge Shaffer informed Members of the Court that the previously approved August 5th regular session minutes contain errors that need to be corrected and therefore need to be rescinded.

Motion by Judge Shaffer, seconded by Commissioner Gronquist to rescind the previously approved August 5th regular minutes for further review; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF COURT MEMBER REPORTS

Judge Shaffer informed the Oregon Department of Transportation (ODOT) is starting to fund fiber projects in an effort to improve road safety. Sherman County received \$750,000.00 for fiber from Regional Solutions. Commissioner Weimar said part of the reason Gilliam County didn't receive any of the Regional Solutions funding is because Gilliam County is affiliated with the Greater Eastern Oregon Development Commission rather than with the Mid-Columbia Economic Development Department. Judge Shaffer asked Commissioner Weimar if he knew whether or not rail was becoming a higher funding priority for ODOT. Port of Arlington Manager Peter Mitchell was present and informed the Port of Arlington will prepare an application for Gilliam County to again apply for an ODOT Connect Oregon Grant for a railroad spur at Shutler Station Industrial Park. Grant applications are due November 20, 2015. Rail traffic was down from 1000 cars a month to 403 cars in August.

Commissioner Weimar informed he attended a Community Action Program of East Central Oregon meeting and a Mid-Columbia Council of Governments (MCCOG) meeting with Judge Shaffer. He also attended a second MCCOG meeting on September 1st to review resumes for a new Executive Director. They reviewed 13 applications and pared the list down to five. They are planning on conducting first interviews next week via Skype.

Judge Shaffer informed he attended a meeting in Sherman County on fiber optic. Legal counsel Will Carey brought a fiber consultant he knows who used to work for CenturyLink. It was a very informative meeting.

Judge Shaffer said he met with Phil Chang, the Field Representative for Senator Merkley, to discuss wind project siting issues involving Military Training Routes in the Columbia Gorge and the air space around the Fossil Radar Base. Judge Shaffer is hopeful California is close to re-opening their border for Renewable Energy Credits from Oregon and Washington.

Port of Arlington Manager Peter Mitchell asked Judge Shaffer if he had read the email from Columbia Basin Electric Co-op CEO Tommy Wolff informing that Columbia Basin's Board of Directors voted against pursuing a Purchase Power Agreement with RUTE Foundation Systems, Inc. due to language in their contract with the Bonneville Power Administration (BPA). Judge Shaffer said he had heard rumor to that effect, but Community Renewable Energy Association (CREA) Director Brian Skeahan was working with the BPA on a solution to the problem.

IN THE MATTER OF THE NEXT COURT MEETING

The next Gilliam County Court meeting will be held on September 16, 2015 beginning at 10:00 a.m., at City Hall in Arlington.

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 12:17 p.m.

GILLIAM COUNTY COURT

By _____

Steve Shaffer, Judge

By _____

Dennis Gronquist, Commissioner

By _____

Mike Weimar, Commissioner

R. Weinstein/Recorder