

03-2-16

Judge Shaffer called the regular Gilliam County Court meeting to order at 10:08 a.m. The meeting was held at the Gilliam County Courthouse in Condon, OR. Present were Judge Steve Shaffer, Commissioner Michael Weimar and Commissioner Dennis Gronquist. Absent: None.

IN THE MATTER OF ADDITIONS TO THE AGENDA

Discussion of a Court sponsored Gilliam County Volunteer Appreciation dinner.

IN THE MATTER OF MAINTENANCE DEPARTMENT BIDS FOR NEW LAWN MOWER

Courthouse Maintenance Staff Darryl Houghtelling was present for opening of sealed bids for a new John Deere commercial riding lawn mower. The new mower will have a collection system and zero turn capability. The existing mower was purchased in 2002 and will be retained as a backup. Houghtelling requested bids from RDO in Wasco, Tri-County Equipment in Baker City, Pape Machinery in Bend and from Washington Tractor in Yakima Washington. Only RDO responded. Judge Shaffer opened the sealed bid and informed the bid for the 2016 John Deere Z445C was \$5,213.74.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to approve the Maintenance Department purchase of the 2016 John Deere Z445C commercial mower installed and delivered in the amount of \$5,213.74; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF CITY OF CONDON STATE PAULING FIELD AIRPORT

City of Condon Administrator Kathryn Greiner was present for a discussion of the Condon State Pauling Field Airport water project. Pauling Field is outside both the City of Condon and the Urban Growth Boundary (UGB). Two years ago the Condon City Council passed a motion to bring water to the Airport as a vehicle for economic development. At that time there was a state law that made it illegal for cities to extend water beyond city boundaries. In 2015 the Oregon Legislature passed a law that reversed that. The City Council believes having water at the airport would create economic development for agricultural air sprayer traffic, open the possibility for a fuel site and would enable better local fire protection. The project would include fire hydrants. Also, guests staying at Highland Hills often fly into Gilliam County. The Oregon Department of Aviation lists Pauling Field as having the lowest hanger rental rates in the State of Oregon. Greiner believes the water project should be either a Port of Arlington project or a Gilliam County project since it is not in their jurisdiction. The City of Condon would be willing to do the work to help reduce the cost of the project. Mitch Swecker Director of the State Department of Aviation (ODOA)

informed that in 2015 the Legislature also passed an aviation fuel tax. The ODOA are hopeful that in the first year it will generate \$5 million in tax revenue. Twenty five percent of the total revenue will be made available for airport economic development grants which the airport water project could potentially qualify for. Anderson and Perry have estimated the cost of the project at \$176,000. If the City of Condon does the work that total is reduced to \$123,000. The Port of Arlington has \$17,000 in their current budget for the project. Judge Shaffer suggested having Mitch Swecker make a presentation to the County Court.

IN THE MATTER OF WEED CONTROL OFFICER STAFF REPORT AND DISCUSSION ITEMS

Gilliam County Weed Master Don Farrar was present to give his department staff report. He was also in Court for a discussion of a potential contract with Wheeler County to provide weed control services, and for a Public Hearing to discuss noxious weed control funding concepts.

Wheeler County is interested in contracting with Gilliam County Weed Control to provide weed control in Wheeler County. Farrar said spraying in Wheeler County would involve three days of work and thought his department would have no trouble carving out that amount of time. After discussion the Court will be looking to receive a draft Memorandum of Understanding at the March 16, 2016 Court meeting.

Weed Department Staff Report:

- Has a pending grant for work at Thirty Mile.
- Currently reseeding some roads where the ground was disturbed.
- Working on standardizing the Bid process for contractors to fit the criteria for his department partners. (BLM, State Parks, BPA, Tribes and landowners)
- Attended a training in Seaside for Oregon Department of Agriculture credit hours.
- Attended a sage grouse meeting in Boise. Learned that there is sage grouse habitat in northern Gilliam County.
- Helped two landowners with Skeleton Weed eradication
- Ordered chemicals for ODOT and County roads
- Controlled salt cedar along the John Day River
- Hand weeded various County pits and roads
- Working on controlling Skeleton Weed on privately owned land near I-84
- Working on locating funding for County weed districts
- Completed spraying on some County and State roads
- The Weed Department has a new agreement pending with BLM and Grant County
- BLM billing is finished for the year
- The BLM work plan is nearing completion
- Will be attending Union Pacific Railroad security badge and safety training for 2016

- Wheeler County has asked the Weed Department to spray their County roads.
- The Army Corp. of Engineers has asked the Weed Department to develop a spray plan for Gilliam and Morrow Counties.
- Have completed spray reports for 2015
- State Parks have requested a work plan for spraying Park lands and have asked what pesticides they use.
- Representative Smith has asked Gilliam and Morrow Counties to make a presentation at the Capitol on noxious weed control to help develop base funding for counties and the Oregon Department of Agriculture.

Judge Shaffer asked about No Spray requests included in the information regarding the Wheeler County proposal. Farrar informed that a landowner can make a formal No Spray request with the Weed Department. They then need to post the sign included in the packet 3' to 4' wide within 15' or 20' of the property line to inform the spray truck driver they are No Spray and the landowner must take responsibility for maintaining weed control on their property.

At 11:00 am Judge Shaffer opened the Public Hearing on the Gilliam County Weed Control Special Assessment. This is the first of two Public Hearings. The second will be on March 16, 2016 in Arlington at 11:00 am. The purpose of the hearing is to gather evidence to the need and who will benefit and to take public input on the special assessment rate. The rate for fiscal year 2016-17 has been set at seven cents per acre. The Public Hearing is in accordance of ORS 536.350-569.495. Sandy McKay was present to testify in support of the assessment on behalf of the Gilliam Soil and Water Conservation District. With no further comments Judge Shaffer closed the Public Hearing at 11:05 am.

IN THE MATTER OF SOUTH GILLIAM COUNTY FIRE PROTECTION DISTRICT

The Court has received a letter from the South Gilliam County Fire Protection District stating the new Emergency Services Building is nearing completion and they are requesting \$120,000 of the approved \$163,000 budgeted for the project. At this time the Board thinks this may be all that is needed to complete the project.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to approve disbursement of \$120,000 in budgeted funds to the South Gilliam County Fire Protection District for completion of the Emergency Services Building; Shaffer – Yes; Weimar – Yes; Gronquist – Yes; **Motion carried.**

IN THE MATTER OF APPOINTMENT TO NORCOR BUDGET COMMITTEE

Condon City Councilman and Condon business owner Donald Jamieson had previously served on the NORCOR Budget Committee and has agreed to serve another term.

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to appoint Donald Jamieson to the NORCOR Budget Committee on behalf of Gilliam County; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF COURT ORDER NO. 2016-03 TRUCKS AS SURPLUS

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to approve Court Order No. 2016-03 a resolution declaring trucks as surplus equipment; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF ROAD DEPARTMENT WAREHOUSE CHANGE ORDER NO. 8

Change Order No. 8 is for \$8,400 for a radiant heater in the new Road Department Warehouse. There was a general Court discussion of the Change Order.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to approve Change Order No. 8 for radiant heater for the new Road Department Warehouse; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF GILLIAM COUNTY PROPERTY TRANSFER OMISSION

Gilliam County Assessor Dave Messenger was present for discussion of the 1986 property transfer omission on a parcel of land transferred from the Gail Potter and Sons to the Aeronautics Division of the Oregon Department of Transportation (ODOT). The deed had two different parcels that were supposed to be deeded to ODOT. One parcel was successfully transferred, but the second was omitted and never transferred. As a result property taxes on the omitted parcel have been accruing since May of 1986. Since that time the Potters have paid property taxes on that parcel in the amount of \$820.89. Messenger thought the right thing to do would be for Gilliam County to transfer the parcel and refund that amount to the Potters. There was a general Court discussion of the right thing to do.

Motion by Commissioner Gronquist, seconded by Commission Weimar to refund \$820.89 to Gail Potter and Sons for taxes paid on the omitted parcel since May of 1986; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF TRANSPORTATION COORDINATOR GRANT REQUEST & PROCUREMENT RULES

Gilliam County Transportation Coordinator Marla Davies was present for discussion of a grant submittal request and procurement rules. Davies spoke to legal counsel Will Carey and it was his opinion that in adhering to the Oregon Department of Transportation

(ODOT) procurement rules on the purchase of the new Veteran's van put Gilliam County in compliance. Davies requested permission to apply for Region 4 Special Transportation Discretionary grants. The application isn't complete because Davies is waiting for information necessary to complete the grant. The grant deadline is March 11, 2016 and there is no matching requirement. Davies also asked for permission to apply for federal 53-10 funds that are administered by ODOT.

Motion by Commissioner Weimar, seconded by Commissioner Gronquist to approve the grant requests from Transportation Coordinator Marla Davies; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

Davies informed that she has only received one Request for Quote (RFQ) on for latest Transportation County vehicle purchase.

Davies asked the Court for clarification of the scope of work she is allowed to and not allowed to work on. At issue was whether or not a County employee can use their own discretion in deciding which County projects to work on. In question is a grant that Davies is working on for a new water slide in Arlington. She asked for permission to work on the grant as a County employee. Davies said the grant would benefit the entire County in increasing tourism and would be a quality of life enhancement for the residents of Gilliam County. The City of Arlington would be the fiscal agent. After a general Court discussion Davies was given permission to use her discretion to work on the grant application if she feels she has time.

IN THE MATTER OF WI CONSTRUCTION DRAFT LEASE AGREEMENT

There was a general Court discussion of the draft lease agreement drawn up by legal counsel Will Carey between Gilliam County and WI Construction, Inc. for a land lease at Shutler Station Industrial Park. WI had not yet seen the agreement. The Court agreed to send the draft to WI Construction for review. The batch plant that was previously leased to WI is now added to the county's insurance coverage.

IN THE MATTER OF CORRESPONDENCE

The Morrow County Court has invited the Gilliam County Court to attend the dedication of the new Judge Alba Bartholomew Building, March 18, 2016 at 2:00 pm.

The Court acknowledged receipt of the Condon Dollar for Scholars Annual Report.

IN THE MATTER OF THE CONSENT AGENDA

Motion by Commissioner Gronquist, seconded by Commissioner Weimar to approve the February 3rd Regular Session minutes, the February 17th Work Session, the February 17th

Executive Session minutes and the February Claims pending review; Shaffer – Yes; Gronquist – Yes; Weimar – Yes; **Motion carried.**

IN THE MATTER OF COMMUNITY DEVELOPMENT COORDINATOR STAFF REPORT

Community Development Coordinator Rachel Weinstein gave her semi-annual staff report.

- County Court minutes and Executive Session minutes continue to take up the bulk of time and limits time spent Community Development projects.
- Regularly attend Condon Chamber of Commerce and Arlington Community Chamber of Commerce monthly meetings.
- Past six months have continued to work on locating funding options for fiber optic within Gilliam County. Serve on the City of Condon's Fiber Committee. The City is working on a fiber plan and will be sending out a fiber survey. There is a new USDA Strategic Economic Development and Community Development grant specifically designed for rural infrastructure that may be available for a fiber build between Arlington and Condon. The US Department of Agriculture has a concerted focus on rural communities. Will be looking into that further.
- Attended the Oregon Connections Telecommunications Conference in Hood River and the Mid-Columbia Council of Governments Gorge Regional Broadband Meeting last fall. Made a number of good contacts. The next meeting will be April 14, 2016.
- Past six months continued to pursue alternative uses for the Gilliam County Grain Lab. Shannon Swantek with Oregon Health Authority, the person in charge of cannabis lab accreditation for the State of Oregon is interested in having a conversation with Gilliam County about the possibility of creating a public/private County lab to be the primary testing lab in Oregon; as DEQ is for testing water. She will be driving through the area March 9th and will be available for meetings.
- Have continued dialog with Kim Farrar and Kathryn Greiner on ways to take the Main Street project off Main Street to find ways and incentives to improve local housing stock. This remains a project that I can't seem to find time to delve into.
- Eastern Oregon Visitors Association Steering Committee for the September 12, 2015 Taste of Oregon's Old West at Cottonwood State Park. The Taste was the EOVA's inaugural rotating Agritourism event. Worked to procure vendors and volunteers for the event. There were 44 vendors representing the John Day River Territory and attendance was estimated at 300. Volunteered the day of the event.
- Worked with the Friends of Gilliam County and Rod McGuire on Oktoberfest.
- Was asked last November by Travel Oregon's Destination Marketing Team to participate on a new Agritourism Marketing Network Leadership Team. To date I have attended two meeting via webinar. Each was approximately 4 hours. The

April meeting will be in Boardman at the Sage Center. I plan to attend that meeting in person.

- Have been asked to serve on the Eastern Oregon Visitors Association Marketing committee. Most of these will likely be via conference calls.
- Bicycle tourism generates over \$4 million annually in Oregon. The Painted Hills Scenic Bikeway in Wheeler County has been officially approved. Plan to map out mileage and post bicycle rides from Wheeler County to Gilliam County and within Gilliam County on Travel Oregon's (TO) Ride Oregon Ride website. Timing will coincide with the Oregon State Parks and Recreation official media event Spring of 2016. News of the new scenic bikeway has already made its way to a blog in the UK. Will check again with local businesses to see if there are any interested in becoming a TO Bike Friendly businesses closer to the event. Have been in discussion with State Parks and Recreation for a potential off-road bikeway in Gilliam County. This is in the imagination stage.
- Have been asked to be a member of the John Day River Territory management/budget team. Team members are Kara Wilson Anglin, Anne Mitchell, Jessica Metta from MCEDD and me. We have an upcoming 2016-17 fiscal budget conference call.
- Upcoming County Community Development projects include: 2016-17 Special Projects Grants, County Newsletter (would like to include asking the residents of Gilliam County what they think on community development related topics), the Gilliam County Volunteer Appreciation dinner, Dave Messenger's retirement party and am drafting a letter of support for the Condon Child Care new building project.
- The second statewide Travel Oregon Rural Tourism Studio and the Governor's Conference on Tourism, will be in Pendleton April 2016.

There was a general Court discussion of whether or not to have a Gilliam County Volunteer Appreciation dinner, and if so what date, April 13 or 14. Volunteer Appreciation week is April 10-17. Weinstein asked permission to ask Two Country Girls to cater the event.

IN THE MATTER OF CONDON CHILD CARE REQUEST FOR LETTER OF SUPPORT

Condon Child Care (CCC) Director Jennifer Bold was present to give a project update and request a letter of support from the County Court. Condon Child Care continues to operate at capacity. For the past five years they have sent more children to Kindergarten than have graduated from Condon High School. For 2016-17 they are expecting to send 10 children on to Kindergarten and have 10 reservations so far for next fall. To date they have received letters of support from the City of Condon, Umatilla and Morrow County Head Starts, the Condon School District and from the Condon Chamber of Commerce. They anticipate grants will be the major source of funding for the project. The \$250,000 Ford Family Foundation grant is due on March 15th. Bold had a meeting on site with Road Master Kennedy to assess the scope of site prep for the project. Kennedy has

recommended breaking ground spring of 2017, but thought CCC could meet their fall 2017 deadline. Bold recently met with Childcare Resource and Referral on obtaining a QRIS- Quality Rating Improvement System star rating for CCC. They have doubled their work force, so beginning March 21st there will be a training for all new staff. All that will remain after that will be portfolio completion. Bold anticipates a four star rating. A five star rating is unlikely since staff training as well as benefits and amenities are weighted criteria. The current facility limits their rating. CCC will be holding a series of fundraisers over the next 18 months to raise money and public support for the project.

IN THE MATTER OF BUSINESS LOAN APPLICATION NO. 2016-01

In Court for discussion were Gilliam County Treasurer Nathan Hammer, Port of Arlington Manager/Economic Development Officer (EDO) Peter Mitchell and loan applicants Vicki and Chuck Ackerman. The Ackermans have been leasing Gubby's Drive-In for the past 12 months and are now interested in a Gilliam County Business Loan to purchase the restaurant.

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

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

IN THE MATTER OF LOAN APPLICATION 2016-01 CONTINUED

Members of the Court thought the current asking price for Gubby's Drive-In is too high.

IN THE MATTER OF THE GILLIAM COUNTY GRAIN LAB

Port of Arlington Manager/Economic Development Officer (EDO) Peter Mitchell informed his Board met and decided that to proceed with management of the Grain Lab there needs to be a written agreement between Gilliam County and the Port of Arlington. After a general Court discussion there was a conference call with legal counsel Will Carey where Carey dictated a Memorandum of Interest (MOI) between Gilliam County and the Port of Arlington for interim operation of the Gilliam County Grain Lab ahead of a final operating agreement.

Mitchell reported that removal of the barge dock pilings at Willow Creek is set to commence on March 5, 2016. Mitchell made a statement for the record that there has been a short sighted approach by State and Federal government that has cost the taxpayers a huge amount of money. The purpose of the barge dock was going to be to

improve waste delivery to one of the largest landfills in the Pacific Northwest. The barge dock would also have enabled rock delivery to western Oregon and would have been another source of revenue for Gilliam County. The overall environmental impact to the State of Oregon far outweighed any inconvenience that would have been sustained by the Tribes. The law says that navigation channels shall be maintained and Ports are an integral part of the Columbia River navigation system. The Treaty states Tribes shall not interfere with commerce and fishing near Ports is in direct violation of commerce. Maclaren Stinchfield addressed the issue in Mac's Musings in the March 3rd issue of The Times-Journal. The Court wanted that included in the public record. For the record it reads as follows:

“So, activity this week down on the river has opened the wound and added another generous amount of salt to it.

Equipment is being put into place at the site of the Gilliam County's ill-fated barge dock facility – you remember, the dock that was to provide additional flexibility to the county's solid waste industry and add additional economic development possibilities for the county to help itself remain independent and solvent.

The county was 10 years into the planning for the facility and the work was 90 percent complete when, first the Confederated Tribes of the Umatilla Indian Reservation decided they should have something to say about the project, and then the Corp of Engineers decided their engineers had erred in processing one of a multitude of permits for the project, resulting in a total 'stop work' order on the project.

That was back in 2007.

Meeting after meeting has been held since then – with the tribes, the Corps, with the Department of the Army, with Congressional leaders. Still not a shred of logic has crossed the table!

There was a glimmer of reason when Congress came up with over \$3 million to repay the county for the work it had already completed, but as the craziness continued to swirl around the project, that money, or most of it, ended up in the hands of none other than the Corps of Engineers, whose err it was that stopped the project in the first place, and now is dictating to the Port of Arlington how to proceed in removing what has already been put into place and when and if the Port will be paid for the work that is completed.

The insanity of this scenario just makes your blood boil. And it is not stopping.

HME Construction moved its operation to the Port of Arlington site at Willow Creek this week and anticipates the process of removing the dock pilings from the river to begin on Thursday morning, 8 a.m.

What a travesty. What a waste of the well-spent planning and energy and money. What an egregious lack of common sense.

And the Corps of Engineers, in taking absolutely no responsibility for the mess it caused, has the gall to tell the Port of Arlington directors that, once the pilings have been removed and the mess cleaned up, the Port can re-apply for permission to begin the process all over again.

Indeed the gall!"

IN THE MATTER OF COURT MEMBER REPORTS

Judge Shaffer and Commissioner Weimar attended a strategic planning meeting at the Mid-Columbia Council of Governments (MCCOG) in The Dalles.

Judge Shaffer had a NORCOR meeting to discuss Oregon Association of Counties (AOC) work groups. NORCOR is considering selling the parcel they own adjacent to their facility. NORCOR is working on making connections with the National Department of Corrections. Judge Shaffer met with Collette Peters the director of Oregon Department of Corrections (ODC) about bringing some ODC overflow to NORCOR. Judge Shaffer also met with the Oregon Health Authority on helping NORCOR to develop a mental health wing.

Judge Shaffer and Leanne Durfey met with John Anderson with Wheatland Insurance, for Anderson to provide a brief overview of City County Insurance Services Annual Conference highlights. Also discussed was adding the concrete batch plant equipment at Shutler Station as insured equipment.

IN THE MATTER OF THE NEXT COURT MEETING

The next meeting of the Gilliam County Court will be at City Hall in Arlington on March 16, 2016.

It appearing to the Court there was no further business to be conducted at this time and no additional matters to be considered, Judge Shaffer adjourned the meeting at 3:00 p.m.

GILLIAM COUNTY COURT

By _____
Steve Shaffer, Judge

By _____
Dennis Gronquist, Commissioner

By _____

Michael Weimar, Commissioner

R. Weinstein/Recorder