

8-03-2016

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, Oregon. Present were Judge Steve Shaffer, and Commissioner Michael Weimar. Commissioner Dennis Gronquist was absent.

Judge Shaffer reported that Commissioner Dennis Gronquist is still in the hospital, recovering from a brain aneurysm. He is expected to resume his duties as Commissioner as soon as he is able. Judge Shaffer also asked all present to observe a moment of silence in memory of Kaela Reser, who was killed in an automobile accident July 27.

IN THE MATTER OF ADDITIONS TO THE AGENDA

Refinance of Caterpillar D-8 tractor, Gilliam County Road Department
Request for support, Gilliam County 4-H Livestock Auction

IN THE MATTER OF OATH OF OFFICE, ASSESSOR

Judge Shaffer performed swearing in ceremony of Chet Wilkins for the office of Gilliam County Assessor. Oath of Office documents were signed by all parties to be filed with the County Clerk.

IN THE MATTER OF OUTSIDE SERVICES AGREEMENT WITH WASTE MANAGEMENT FOR LITTER PICK-UP BY NORCOR INMATE WORK CREW

Sheriff Gary Bettencourt reported that the proposed Outside Services Agreement with Waste Management and NORCOR is unchanged from prior agreements, with the exception of increases in fees and hourly wages for workers, which haven't increased since 2006. The proposed work agreement rate and price schedule includes increases to \$15 per hour for use of each inmate, \$25 per hour for use of an officer, and \$75 per day for litter crew transport vehicle rental. The proposed agreement has been reviewed by legal counsel and insurance agent.

Motion by Commissioner Weimar, seconded by Judge Shaffer to approve agreement for personnel services between NORCOR and Gilliam County, dated July 1, 2016. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF WEBSITE MAINTENANCE AGREEMENT WITH ELIZABETH FARRAR

Commissioners discussed scope of work and expressed concerns about Farrar's request for increase from \$60/hour to \$100/hour. Gilliam County Planning Director Michelle Colby reported that Farrar performs website services including posting of photos, creation of new pages, added pages and formatting, noting that Farrar is very familiar with the website.

Motion by Commissioner Weimar, seconded by Judge Shaffer to approve the revised contract with Elizabeth Farrar for website maintenance with an increase to \$100 per hour, not to exceed \$300 per month for the period of August 1, 2016 to June 30, 2017. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF OPENING OF SEALED BIDS FOR SURPLUS VEHICLE

Judge Shaffer opened five sealed bids for 1997 Jeep Cherokee, VIN IJ4FJ28S3VL516488. David Gutzmann of Fossil presented the high bid of \$1,100. Other bids received were \$1,000 submitted by Bobby Kovacich, \$705 submitted by Lane Haldorson, \$526 submitted by Randy Anderson and \$50 submitted by Tricia Martin.

Motion by Commissioner Weimar, seconded by Judge Shaffer to accept \$1,100 bid presented by David Gutzmann of Fossil. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF SUMMIT SPRINGS VILLAGE REQUEST FOR RELEASE OF BUDGETED FUNDS

Letter received from Cindy Hess, Managing Director of Summit Springs Village Corporation, requesting release of \$45,000 grant. Judge Shaffer noted that Summit Springs Village has been granted \$45,000, with an additional \$100,000 set aside as needed.

Agreed by consensus to release \$45,000 grant to Summit Springs Village Corporation.

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

Gilliam County Fire Services Coordinator Shannon Coppock presented a semi-annual report regarding fire control efforts in Gilliam County.

Coppock reported that:

- North Gilliam RFPD and South Gilliam RFPD have had an active year, including the recent Scott Canyon fire, which burned 33,587 acres.
- Recruiting has been by word of mouth and face-to-face contacts. Several individuals are interested in joining North Gilliam County RFPD and are going through application process. South Gilliam RFPD has added two new individuals since March.
- Regular monthly training continues throughout the County.
- North Gilliam County RFPD fire station continues to be used by various community groups.
- South Gilliam County RFPD's new building is used for regular fire and ambulance training, in addition to other community activities.
- The Fire Safety House will be at the Gilliam County Fair this year.
- Condon Preschool toured the new SGCRFPD fire station.
- Both fire districts now have Facebook pages and are posting information regularly.
- Coppock taught wildland classes at Condon and Arlington High School. She will teach in Condon this coming year, but Arlington has opted to take the year off.
- South Gilliam County RFPD will finish the Brownfield Cleanup Grant received in 2015.

Judge Shaffer thanked Coppock and fire department personnel for their good work during the recent Scott Canyon Fire. Coppock stated that they couldn't have done it without the assistance of the Gilliam County Road Department.

IN THE MATTER OF RESOLUTION NO. 2016-13, APPROVING REFERRAL TO ELECTORS

There was a discussion of Resolution No 2016-13, approving referral to the electors the question of banning medical marijuana processing sites, medical marijuana

dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and/or recreational marijuana retailers within the county. If approved, the question will come before Gilliam County Voters in the November General Election.

Motion by Commissioner Weimar, seconded by Judge Shaffer to approve Resolution No. 2016-13. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF PUBLIC HEARING TO OBTAIN CITIZEN VIEWS REGARDING ORDINANCE 2016-02 IMPOSING TAX ON SALE OF MARIJUANA ITEMS

Judge Shaffer opened the public hearing at 11:00 a.m., noting that the purpose of the hearing was to obtain citizen views and respond to questions about Ordinance 2016-02 to be referred to the voters that imposes a three percent tax or fee on the sale of marijuana items by a marijuana retailer in unincorporated areas of the County.

Bill Kirwan of Condon encouraged the Court to provide unbiased education for voters, as many voters may not understand what they're voting for and may be misled. Voters should understand the benefits of opting in vs. opting out, Kirwan said.

Arlington Mayor Jeff Bufton spoke next, commenting that the matter is also coming before the Arlington City Council. Bufton inquired why the three percent tax is levied only on the retail side. Judge Shaffer explained that legally, the tax can only be applied to the retail side, and that three percent is the maximum tax that can be levied.

Gilliam County Community Development Coordinator Rachel Weinstein said she was unaware that approval of medical marijuana couldn't be voted separately (al a carte), and that including all six in a single ballot title makes education more problematic and has a greater effect on law enforcement. Judge Shaffer explained that at this time, the ballot referral must be for all six – medical marijuana processing sites, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and/or recreational marijuana retailers.

With no further public comment, Judge Shaffer closed the Public Hearing and opened a discussion. Commissioner Weimar asked about sales of hemp, and Judge Shaffer explained that hemp is separate and retail sales of hemp is not being considered at this time.

Motion by Commissioner Weimar, seconded by Judge Shaffer to approve Ordinance No. 2016-02, imposing a three percent tax on sale of marijuana items by a marijuana retailer and referring ordinance to voters. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF A RESOLUTION 2016-14 APPROVING REFERAL TO THE ELECTORS OF THE COUNTY OF GILLIAM COUNTY

After a general discussion, members of the Court agreed that Resolution 2016-14 is a complementary part of the process involved in Resolution 2016-13 and Ordinance 2016-02, noted above.

Motion by Commissioner Weimar, seconded by Judge Shaffer to approve Resolution No. 2016-14, approving referral to the electors of the County of Gilliam the question of imposing a three percent tax on the sale of marijuana items by a marijuana retailer within the county. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF RESOLUTION NO 2016-12 PROVIDING A TAX EXEMPTION FOR THE HOMESTEADS OF SURVIVING SPOUSES OF CERTAIN PUBLIC SAFETY OFFICERS

After a general Court discussion regarding Resolution No. 2016-12, members of the Court agreed that the impact is easily managed.

Motion made by Judge Shaffer, seconded by Commissioner Weimar, to approve Resolution No. 2016-12, providing a tax exemption for the homesteads of surviving spouses of certain public safety officers. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF CORRECTED SALARY SCHEDULE

It was decided to table discussion on the Corrected Salary Schedule, pending further clarification.

IN THE MATTER OF REQUEST FOR SUPPORT BY GILLIAM COUNTY LIVESTOCK AUCTION COMMITTEE

Court members discussed Gilliam County Livestock Auction Committee's request for support. Judge Shaffer noted that in past years, the Court has contributed \$300 to the auction pool, and that it may be time for an increase. Auction Committee member Gary Bettencourt was present, and reported that numbers of auction animals are up from last year.

Motion made by Judge Shaffer, seconded by Commissioner Weimar, to grant \$400 to the Gilliam County Livestock Auction Committee, funds to be pulled from the Court's Youth Line Item. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF GILLIAM COUNTY MOTOR POOL VEHICLE REPLACEMENT

After a brief discussion, Court members agreed that the County's Motor Pool is okay for now, but that the matter should be addressed before the end of the fiscal year.

IN THE MATTER OF WI CONSTRUCTION CONCRETE BALANCE PAYMENT

County Treasurer Nathan Hammer reported that the County has received a final payment of \$45,000 from WI Construction for the agreed upon balance due for the Contract for Prepayment of Concrete.

Judge Shaffer reported that a new lease with American Rock is in the works, but no agreement has yet been reached.

IN THE MATTER OF BUDGET RECOMMENDATION ON DISTRIBUTION OF \$400,000 LOAN FOR SWCD CAPITAL PROJECT

Treasurer/Budget Officer Nathan Hammer was present to discuss recommendations on distribution of a \$400,000 loan for SWCD capital project. Hammer commented that the County has agreed to do the loan as discussed at a previous meeting, but a decision is needed regarding where the funds will come from. Hammer said that half the money could be taken from SIP Funds (State of Oregon Strategic Investment Program) and half from Business Development funds, or that the loan could be funded entirely from Business Development funds.

After discussion, the Court agreed the loan to SWCD of \$400,000 will be \$150,000 coming from the Business Development Loan Fund and \$250,000 from the County's SIP discretionary funds.

IN THE MATTER OF CORRESPONDENCE

Judge Shaffer reported that he received a note from The Woolery Project, Inc., thanking the Court for granting the remainder of the North End Special Projects Grant.

IN THE MATTER OF ECONOMIC DEVELOPMENT ENHANCEMENT FUND ORDINANCE

Judge Shaffer mentioned the Court will begin reviewing the Economic Enhancement Fund Ordinance in upcoming meetings, noting the percentage allocated to debt service will no longer be necessary since the loan for the IBR building has been satisfied.

IN THE MATTER OF REFINANCE OF CATERPILLAR D-8 TRACTOR BY GILLIAM COUNTY ROAD DEPARTMENT

Dewey Kennedy, Gilliam County Road Department Roadmaster, was present to discuss refinance of Caterpillar D-8 tractor. Kennedy explained that a loan on the current equipment makes more sense than trading for new machinery through Caterpillar Company, as the current machine is in good condition and little used.

Gilliam County Treasurer Nathan Hammer stated that the County can provide funding as long as the loan is in the best interests of the County. He noted that interest on a Bank of Eastern Oregon loan is 4 percent plus filing fees, and that the County's current investments are netting only about 0.7 percent.

Kennedy stated that the Road Department budget includes money for repayment of a loan. Leanne Durfey reminded the Court of the necessity of maintaining a proper paper trail, and that the Auditor requires paperwork showing the Road Department attains at least three bids.

Judge Shaffer said it isn't necessary to charge the Road Department a high interest rate and suggested 1.25 percent, to include filing fees and administrative expenses. Commissioner Weimar countered that 1.25 percent is too high and suggested 1 percent.

Gilliam County Court agreed by consensus to loan the Gilliam County Road Department \$294,000 at 1.00 percent interest, to be calculated in five yearly payments, with the first payment due this year.

IN THE MATTER OF ARLINGTON TV COOPERATIVE REQUEST FOR RELEASE OF GRANT FUNDS TO PORT OF ARLINGTON

Alan Cunningham, President of Arlington TV Cooperative was present, along with John Neys of Arlington TV Cooperative and Peter Mitchell, Arlington Port Manager/Economic Development Officer. Cunningham asked the Court to release previously approved grant funds to the Port of Arlington for the Arlington TV Coop Fiber to Home project. Cunningham said that the project could serve as a model for other fiber projects in the County.

Cunningham explained that Community Bank has provided a Loan Commitment for funding of the Last Mile project, including acquisition of land, a new head house building and equipment to expand Internet, TV and phone service to the City of Arlington. Community Bank will assume first lien position on all business assets.

Correspondence from Community Bank also states that receipt of an 80 percent loan guarantee from Business Oregon, Oregon Credit Enhancement Fund program is a requirement for funding. Peter Mitchell commented that approval from Business Oregon is expected soon.

Cunningham informed the Court that money is needed for an appraisal, as commercial property appraisals are very expensive, and that the Coop also needs money for this transitional period.

Judge Shaffer noted that GEODC has concerns about the project, and about how each entity is going to fit in. Shaffer said that all entities need to sit down together to discuss the project, and stressed to Cunningham that it is the Court's goal to "get this accomplished," and that the project is top priority for the County. He expressed his willingness to sit down with Community Bank, Business Oregon and other entities to discuss funding as soon as possible. Judge Shaffer also expressed concern about Ritalia Funding, and Cunningham said that that Ritalia could be put to the side and used only as contingency.

Cunningham reiterated that the Co-op needs money in order to move forward, and requested \$5,000 operating money today.

Motion made by Commissioner Weimar, seconded by Judge Shaffer, to release \$5,000 operating money today, and to release \$55,000 for appraisal and engineering contingent on a successful meeting with all parties. Shaffer – Yes; Weimar – Yes; **Motion Carried.**

IN THE MATTER OF EXECUTIVE SESSION MINUTES

Court members decided to table approval of the July 6, 2016 executive session minutes.

IN THE MATTER OF FRONTIER TELENET/CONDON FIBER PROJECT

Judge Shaffer reported that the Condon Fiber Project intends to pursue their own RFP and that the City will be finalizing plans to request RFPs soon. Shaffer said that no relationship has been developed between City of Condon and Frontier Telenet; rather, Frontier Telenet will probably be an entity that will respond to the City's RFP.

City of Condon Administrator Kathryn Greiner requested clarification regarding RFP (Request for Proposals) vs. RFQ (Request for Quotes). She commented that because RFPs are required for projects exceeding \$150,000, it might make more sense to go directly to RFPs, and that RFQs may be an unnecessary preliminary step. Judge Shaffer responded that the County wants to get a good idea of what's available, knowing it will be necessary to go back out for RFPs.

IN THE MATTER OF GILLIAM COUNTY WHEAT LAB

Kathryn Greiner inquired about progress with the Arlington Port Commission taking over the Gilliam County Wheat Lab. Leanne Durfey responded that the Port is required to present an annual report.

IN THE MATTER OF PUBLIC CONTRACTING RULES 2016

The Court briefly discussed Public Contracting Rules drafted by the Local Government Law Group to replace the Contracting Rules Gilliam County adopted in 2011. The

updated Rules would address statutory amendments and the Attorney General's Model Rules adopted in the interim.

Leanne Durfey said the Local Government Law Group noted this is a good time to determine spending authority if Gilliam County policies are not clear as to a County officer's authorized level of spending, they have offered to assist with drafting purchasing authority policies. Judge Shaffer suggested with Commissioner Weimar concurring the County should look at other county's Contracting Rules for ideas before proceeding.

IN THE MATTER OF COURTHOUSE WORKFORCE

Judge Shaffer reported that Marla Davis, Public Transportation Coordinator, is currently out on sick leave. Sabrina Wagenaar expressed an interest in filling the part-time Transportation Coordinator position and Davis agreed with offering Wagenaar the job. Wagenaar was working half time as Family Services Assistant and half time as Courthouse Custodian. With Wagenaar assuming the Transportation Assistant position, it will be necessary to hire a half time custodian to take her place. The Court agreed to advertise for a half-time courthouse custodian.

Commissioner Weimar asked about the possibility of hiring a Court assistant, which was discussed at a previous meeting. The Court discussed the need for additional help for various Courthouse offices. Leanne Durfey said that Mary Dyer will be contracting to take Court minutes and has expressed an interest in producing a regular newsletter. Otherwise, nothing has been decided about the distribution of extra work.

IN THE MATTER OF THE CONSENT AGENDA

Motion by Commissioner Weimar, second by Judge Shaffer, to approve the Consent Agenda: 2.1-July 6 Regular Court Meeting Minutes; 2.3-July Claims Pending Review; 2.4-2016-17 Homestead Rebate Program Authorization, with the exception of July 6 Executive Session Minutes, which have been tabled. Shaffer – Yes; Weimar – Yes;
Motion Carried.

IN THE MATTER OF COURT MEMBER REPORTS

Commissioner Weimar reported that he missed the last CAPECO meeting, but noted that CAPECO has hired an Executive Director (Paula Hall) from within.

Judge Shaffer reported that he attended the July meeting of the Land Conservation and Development Meeting (LCDC), held July 21 in Boardman. He noted that City Planners have expressed concerns about the Land Use Planning process, and that opinions from County Planners are mixed. Judge Shaffer also reported that he attended Public Health and Community Counseling Solution meetings, and participated in a conference call regarding Pacific Power's decision not to buy and develop a wind project.

IN THE MATTER OF THE NEXT COURT MEETING

The next Gilliam County Court meeting will be held on August 17, 2016 beginning at 10:00 a.m. at Gilliam County Courthouse in Condon.

It appearing to the Court that there was no further business to be conducted at this time and no additional matters to be considered, Judge Shaffer adjourned the meeting at 3:30 p.m.

GILLIAM COUNTY COURT

By _____
Steve Shaffer, Judge

By _____
Dennis Gronquist, Commissioner
(absent)

By _____
Michael Weimar, Commissioner

Mary H. Dyer/Recorder