

**5-03-2017**

Judge Shaffer called the regular Gilliam County Court meeting to order at 10 a.m. The meeting was held at Gilliam County Courthouse in Condon, Oregon. Present were Judge Steve Shaffer, Commissioner Michael Weimar, Commissioner Leslie Wetherell and Will Carey, legal counsel.

**IN THE MATTER OF CHANGES TO THE AGENDA**

Judge Shaffer announced the following additions to the agenda:

- A discussion on waiving a 90-day health insurance waiting period for a new employee.
- A discussion regarding the County's job classification schedule.

**IN THE MATTER OF EXECUTIVE SESSION**

Judge Shaffer declared the meeting to be in executive session pursuant to ORS 192.660 (2) (e) Real Property Transactions, at 10:05 a.m. Separate minutes were taken and will be filed in the office of the County Clerk

RECONVENED: Gilliam County Court regular meeting was reconvened by Judge Shaffer at 10:25 a.m., bringing Court members out of executive session and back into regular session.

A discussion regarding lease of the concrete batch plant at Shutler Industrial Park continued in regular session later in the afternoon. Based on a recommendation by Will Carey, Judge Shaffer was directed to proceed with a request for public bids for a long-term lease of the concrete batch plant for a period of three to 10 years.

**IN THE MATTER OF PUBLIC HEARING: MARIJUANA LAND USE REGULATIONS**

Judge Shaffer opened the public hearing at 10:30 a.m., noting that the purpose of the hearing was to receive public comment and respond to questions regarding marijuana business land use regulations in unincorporated areas of Gilliam County.

Public comments were offered from the following individuals:

William Kirwan of Condon commented that marijuana is an agricultural product and zoning regulations shouldn't negatively affect landowners who want to grow marijuana crops. He also commented that marijuana is a \$1.3 billion business in Colorado.

Joseph (JC) Riggs of Silverton, Oregon commented that the issue is "not about getting high, it's about getting healthy." Riggs stated that the county can thrive economically by allowing marijuana grow, processing and retail sales. He also spoke at length on the benefits of growing hemp for building materials, fuel and food.

Peter Mitchell, Port of Arlington Manager/Economic Development Officer, commented that the Planning Commission and staff did a good job on the ordinance, and he thinks the process will be smooth. Regarding the Planning Commission's recommendation to prohibit marijuana retail businesses within 500 feet of a public park, Mitchell encouraged the Court to clearly define "Public Park" to eliminate confusion. Mitchell also expressed concern about an amendment prohibiting more than five marijuana businesses on the same parcel, especially regarding the Condon Air Force Base, which is large enough to accommodate multiple businesses.

Sheriff Gary Bettencourt stated that his concern is enforcement of laws and the safety and welfare of citizens. He requested that the court consider creation of a buffer zone around city limits to prevent easy access to non-driving teens. He also expressed concern about the wisdom of allowing marijuana grows at the airport and the possibility of a black market, to which Will Carey responded that most people don't understand how strictly OLCC controls marijuana operations. Sheriff Bettencourt also encouraged the Court to consider potential housing problems and other issues with transients or farm workers. Joseph Riggs asked to comment and noted that OLCC has strict requirements for operations within sight or within 50 yards of highway frontage, including cameras, screens, monitoring and an 8-foot fence. Riggs also said that marijuana grows are highly mechanized and require a small labor pool.

Hearing no more public comment, Judge Shaffer closed the Public Hearing at 10:59 a.m.

At this point, the Court agreed that while the information is interesting, hemp was not within the scope of the hearing. The Court also appreciated the information about state-mandated requirements pertaining to fencing and security.

Regarding Peter Mitchell's comments about definition of public parks, Will Carey said it isn't necessary to define the term in this particular ordinance. He also noted that the cities will also have good ordinances in place.

Carey also explained that the Court could require two full readings of the ordinance – one today and one at the next meeting; or due to the emergency clause, could read both at today's meeting -- one by title only. Peter Mitchell noted that there are already applications pending. Carey explained that due to the emergency clause, the ordinance goes into effect as soon as it is adopted; otherwise, there is a 30-day waiting period. Commissioner Wetherell requested confirmation that the ordinance has already been discussed in depth by the Planning Commission and Carey said that discussions, including one in Condon and one in Arlington, have been "exhaustive." Commissioner Wetherell also asked about the change from Conditional Use to Allowed in EFU zones, and Carey explained that the change was due to DLCD recommendations.

**MOTION** by Commissioner Wetherell to approve a first reading of Ordinance No. 2017-02 by title only. Motion died for lack of a second.

**MOTION** by Commissioner Wetherell to approve a first reading of Ordinance No. 2017-02 in full. Weimar – Yes; Shaffer – No; Wetherell – Yes; Motion Carried.

The full text of the ordinance was read by Will Carey.

Regarding language in the ordinance, Commissioner Weimar asked if it is presumptive that the text states, "the County Court moved to unanimously accept the findings..." and Will Carey responded that the wording is included in case the Ordinance is approved.

**MOTION** by Commissioner Wetherell to accept a second reading of Ordinance No. 2017-02 by title only. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; Motion Carried.

The title of Ordinance No. 2017-02 was read by Will Carey.

**MOTION** by Commissioner Wetherell to adopt Ordinance No. 2017-02 amending Gilliam County Zoning and Land Development Ordinance in regards to marijuana business regulations and declaring an emergency. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; Motion Carried.

### **IN THE MATTER OF COMMUNITY COUNSELING SOLUTIONS REPORT/UPDATE**

Community Counseling Solutions Executive Director Kimberly Lindsay presented an overview of Community Counseling Solutions operations in Gilliam County. She said the program, funded by Gilliam County and the State of Oregon, currently sees about 80 clients, not counting programs offered in the schools, and that the goal is to address concerns before they become major issues. She said that CCS counselor Katy Hams divides her time between Condon and Arlington schools, and is also involved in outreach to the area's seniors. Currently, Hams is gearing up for summer activities for youth.

### **IN THE MATTER OF APPLICATION FOR ACTIVITIES IN COUNTY RIGHT-OF-WAY**

The Court discussed an application submitted by Home Telephone for installation of underground telephone cable lines on Richmond Road. Roadmaster Dewey Kennedy explained that the applications help the County track what goes in right-of-ways and what is already in place. Commissioner Weimar suggested that the matter should be postponed until County Planning Director Michelle Colby is present, and Judge Shaffer recommended that the application be approved pending Colby's approval. Kennedy said that from now on, he will sign applications and give them to the Planning Director for submission to the Court.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve Home Telephone's Application for Activities in Gilliam County Right of Way, pending review by the Planning Director. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; Motion Carried.

### **IN THE MATTER OF IBR REQUEST TO REPLACE CARPET**

The Court discussed IBR's request for replacement of the carpet in the Ardent Mills building at Shutler Industrial Park, including an estimate prepared by Oliver Floor Covering for carpet installation, total cost \$5,395. Judge Shaffer confirmed that the current carpet, which has been in place for 11 or 12 years, is in very bad condition. Upon looking at the lease, it was determined that the Court isn't required to replace the flooring. However, the Court agreed the price is reasonable, and to move forward with carpet replacement.

**MOTION** by Commissioner Weimar, second by Judge Shaffer, to approve carpet replacement in the Ardent Mills building at a total cost of \$5,395. Weimar – Yes; Shaffer – Yes; Wetherell – Yes; Motion Carried.

The Court also agreed to invite Ardent Mill representatives to provide an update on the status of the business at a Court meeting later this summer.

### **IN THE MATTER OF INSURANCE WAITING PERIOD FOR NEW EMPLOYEE**

The Court discussed correspondence from County Clerk Ellen Wagenaar informing that since Sheriff Office new employee Michael Smith's previous job provided CIS health insurance, he is eligible for waiving the insurance waiting period, per the Court's approval. Commissioner Weimar suggested that because the Court has waived the waiting period twice in the recent past, the same should be done for Smith. Commissioner Wetherell expressed concern that if other new hires without CIS coverage have to wait three months, it isn't fair to waive the requirement for a select few. She also asked if the Court could make the waiting period shorter, and Wagenaar said she will determine if the County has that option.

**MOTION** by Commissioner Weimar, second by Judge Shaffer, to waive the health insurance waiting period for new employee Michael Smith. Weimar – Yes; Shaffer – Yes; Wetherell – No; Motion Carried.

### **IN THE MATTER OF ROADMASTER STAFF REPORT**

Roadmaster Dewey Kennedy reported the following:

- The Road Department has been busy with work associated with the difficult winter, including minor flooding in Wehrli Canyon, Mayville Flat, the Lonerock area and Rock Creek. The road at French Charlie required repair due to erosion and more work is needed.
- A bluff on Lower Rock Creek collapsed, leaving a large boulder that blocked traffic. The crew moved the rock with a grader and then removed about 10 feet of the bluff to prevent further problems. Smaller rock will be scaled when conditions are drier.
- The Road Department assisted Wasco County with an excavator to remove a log and brush dam around a bridge near Maupin.
- The crew has completed an annual Mine Safety and Health Administration refresher training and first aid class, which is required every year. Commissioner Weimar also attended.
- A windstorm on Feb. 20 blew a 20-foot section off the county shop. Rusty Rutherford will do repairs as soon as possible.
- Flood damage has also been repaired on Bottimiller, Tree, Eight-Mile, Mason Davidson, Middle Rock Creek and Weatherford Roads.
- Spring grading has begun and all four graders are currently on the south side of Rock Creek.
- Spring sweeping has been completed.
- Kennedy met with representatives of the Zayo Company and their contractor, Robinson Brothers Construction, regarding route and staging area for the upcoming cable installation project.
- Road Department employees Gerry Durfey and Larry Hardie have submitted retirement notices, effective June 29 and April 20 respectively. Brian Johnson has been hired as equipment operator. Interviews for the mechanic position are scheduled for May 11.
- Kennedy also presented a work plan for 2017-18 and a working road plan for 2017, both contingent on available funds, as well as plans for recycled asphalt paving and a schedule for the county's rock crusher.

### **IN THE MATTER OF RECESS FOR BUDGET COMMITTEE MEETING**

Judge Shaffer recessed the Court meeting for a meeting of the County Budget Committee at 2 p.m. Separate minutes were taken.

The regular County Court meeting was resumed at 4:45 p.m.

### **IN THE MATTER OF TABLED ACTIVITIES**

The following scheduled activities were tabled due to time constraints:

- Continued discussion on the Fair Board's request for fairgrounds caretaker house to be demolished.
- Court member reports.
- Correspondence.

### **IN THE MATTER OF CONSENT AGENDA**

The Court agreed to table approval of April 15 and 19 regular court meeting minutes, April 12 and 24 special session court meeting minutes, April 19 executive session minutes and April claims pending review. The minutes will be posted in draft form on the County's website.

### **IN THE MATTER OF JOB/SALARY CLASSIFICATION SCHEDULE**

The Court discussed a situation in which a newly hired road department employee was prematurely offered an increase in salary based on prior experience. Commissioner Weimar said he had overstepped his boundaries, and although the new hire has experience, the step-up in salary hadn't been pre-approved. Judge Shaffer said he also thought that an increase to Step C on the County's Salary Classification Schedule was appropriate due to the employee's prior experience with ODOT, and that the information was inadvertently provided to the new hire before the salary was confirmed. Commissioner Wetherell said although she understood how the situation came about, that proceeding with the step up in salary might seem unfair to other employees who also have previous experience but also stating it's important to make a decision and stick with it. Judge Shaffer and Commissioner Wetherell agreed to Commissioner Weimar's request to approve the offer to place the newly hired road equipment operator in Step C as starting salary.

Commissioner Weimar then raised the question about the hiring of a new mechanic noting interviews are next week but the Court won't be meeting again until June 7. Judge Shaffer suggested that Commissioner Weimar and Roadmaster Dewey Kennedy be given latitude to hire and authority to go as high as Step D on the County's Job/Salary Classification Schedule. Commissioner Weimar objected to the suggestion noting some of the applicants have considerable experience. Commissioner Wetherell said she was comfortable leaving it up to them to decide, and after discussion, the Court agreed due to the Court meeting schedule to give Kennedy and Commissioner Weimar complete latitude with no restriction regarding hiring and placement on the Salary Schedule.

The 2017-18 Job/Salary Schedule, including two proposed new positions was briefly discussed. Commissioner Wetherell requested clarification on the process in regards to approving new positions, i.e., if the salary schedule is approved by the Court, will all positions listed be approved, including the new positions? Due to time constraints it was decided to table discussion on the salary schedule until the next meeting.

### **IN THE MATTER OF BUDGET MEETINGS**

The Gilliam County Budget Committee will meet Wednesday, May 10 at 8 a.m. (Changed from 7:30 as previously scheduled). A second meeting of the Budget Committee will be held the following day, if needed.

### **IN THE MATTER OF THE NEXT COURT MEETING**

The next Gilliam County Court meeting will be held on Wednesday, June 7, 2017 beginning at 10:00 a.m. at Gilliam County Courthouse in Condon, Oregon. The May 17 meeting has been cancelled.

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 5:30 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_

Steve Shaffer, Judge

By \_\_\_\_\_

Michael Weimar, Commissioner

By \_\_\_\_\_

Leslie Wetherell, Commissioner

Mary H. Dyer/Recorder