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8-16-2017

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 and Commissioner Leslie Wetherell.

### **IN THE MATTER OF METRO REPRESENTATIVES**

Present were Metro Representatives Tom Chamois, Project Planner and Interim Director of Solid Waste Operations; Will Elder, Senior Solid Waste Operations Planner; and Paul Ehinger, Director of Capital Assets for the Solid Waste Group.

Ehinger provided a brief background on Metro's relationship with Gilliam County, noting that Portland was running out of space for solid waste in the mid-1980s. Metro requested bids, as required by law at that time, and signed a contract for delivery of solid waste to Columbia Ridge Landfill on April 11, 1988 from 1990 to 2009. Several changes have been made to the contract, including two five-year extensions. A transportation contract followed and has also undergone numerous changes. Ehinger noted that both contracts expire Dec. 31, 2019.

This is the first time since 1989 that Metro has solicited for disposal services and the first time since 2008 for transport services. In June, Metro solicited Requests for Qualifications for landfills wishing to be considered for the next disposal contract. Four landfills submitted responses and met requirements of having 30 years or greater capacity and the ability to convert landfill gas to energy by Jan. 1, 2020 when the new contract takes place. Qualifying landfills are Columbia Ridge Landfill, Gilliam County; Finley Buttes Landfill, Morrow County; Roosevelt Regional Landfill, Klickitat County, Washington; and Wasco County Landfill.

Ehinger explained that Metro has established four main point-based evaluation criteria for RFPs, which include Environmental Considerations, 15 points; Operational Considerations, 25 points; Community and Diversity, 20 points; and Cost, 40 points. The period of time for public comments ends Sept. 12.

Judge Shaffer asked about the Community and Diversity criteria, noting that Gilliam County is not an area of great diversity. Elder said that diversity encompasses not only people of color, but women and veterans. Judge Shaffer noted that Gilliam County is a Frontier county, which is not rural in the same sense as a community such as Estacada. Commissioner Weimar commented that the impact of jobs on Gilliam County is huge, as Waste Management is the largest employer in the County.

Judge Shaffer asked about the Environmental criteria and Elder said it includes factors such as levels of particulate matter, noise and traffic around the transfer stations and ratio of good to bad methane.

Commissioner Wetherell asked if hauling distances are considered, and Elder commented that Columbia Ridge Landfill and Roosevelt Regional Landfill are similar distances from Portland. When she asked about Metro's stance regarding contracting with out-of-state landfills, the answer was that while landfills in Washington and Oregon are acceptable, landfills in more distant states might not be considered.

Judge Shaffer asked about length of the contract, and was told the contract will be for 10 years with two five-year extensions.

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## **IN THE MATTER OF APPROVAL: AUGUST 2 COURT MEETING MINUTES**

Commissioner Wetherell pointed out one repeated word, which will be removed from the final draft.

**MOTION** by Commissioner Wetherell, second by Judge Shaffer, to approve the Aug. 2 Regular Court Meeting Minutes. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

## **IN THE MATTER OF GILLIAM COUNTY PUBLIC LIBRARY REQUEST**

The Court briefly discussed a Grant Submittal Request Form submitted by Gilliam County Library staff Mary Reser and Deanna Campbell for submission to the Oregon State Library for a grant of \$2,251, with a cash match of \$2,495. Commissioner Weimar requested and received confirmation that the matching funds are included in the budget.

The grant will be used for various programs and events, including the Summer Reading Program.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a grant submittal by Gilliam County Library Board to Oregon State Library in the amount of \$2,251. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

## **IN THE MATTER BOARD OF PROPERTY TAX APPEALS APPOINTMENTS**

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell to appoint the following people to the Gilliam County Board of Property Tax Appeals (BOPTA): Chairperson Mike Weimar, former County Judge Pat Shaw, Marta Mikkalo and Doug Wilson, alternate. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

## **IN THE MATTER OF WEED CONTROL OFFICER QUARTERLY STAFF REPORT**

Weed Control Officer Don Farrar reported the following activities during third quarter, 2017:

- A grant for weed control at Thirty-Mile has been completed.
- Grant, survey and control for Hay Canyon will be completed in October.
- Bare ground treatment was completed on County and State roads in April. County roads and ODOT roads have been treated for summer annuals with spot treatment ongoing. Reseeding on several roads is complete.
- The BLM contract is 80 percent complete for noxious weeds. The County has also sprayed leafy spurge on John Day River BLM land, with treatment of salt cedar to be completed this summer.
- BPA work for the year is 70 percent complete; no new contract has yet been received.
- Spraying Union Pacific Railroad property is 80 percent complete and ongoing.
- Courthouse and park lawns have been sprayed and fertilized. Weed control at the Fairgrounds is complete. Commissioner Weimar complimented Farrar on the improvements on the weed situation at the Fairgrounds, which will prevent spread of weeds by Fairgoers.
- Oregon parks weed control is complete.
- School property in Condon and Arlington has been treated for bare ground and annual weeds.

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- Work on skeleton weed in the north end of the County is ongoing. Accessing weeds spread by Bighorn sheep is presenting difficulties but Farrar is hoping for a grant to treat weeds in the area by air.
  - Stockpile sites have been controlled and are being hand-weeded.
  - Shutler Industrial Park has been treated for summer annuals. Spot treatment is ongoing.
  - Bio control within the county has moved (skeleton weed, diffuse knapweed and toadflax).
  - The Weed Department is working with landowners for fire rehab and control of skeleton weed and yellow star thistle, including funding.
  - Farrar attended a meeting on funding for county weed programs. He also met with Oregon Department of Energy representatives for site analysis at the wind farm.

### **IN THE MATTER OF REPORTS BY JEFF SCHOTT, PILLAR CONSULTING GROUP**

Jeff Schott of Pillar Consulting Group was present to update the Court on four matters, as follows:

**Ardent Mills floor repair:** Schott presented two bids for Ardent Mills floor and concrete repair: \$167,001.00 submitted by Griffin Construction and \$65,141.25 submitted by Contech Services. Schott recommended that the Court accept the low bid submitted by Contech Services, as the company is well qualified. The cost is higher than expected, due primarily to increase in scope of work, which now includes repair of stairs damaged last winter. Work will probably be done in October.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve the bid submitted by Contech Services of \$65,141.25 to make floor and concrete repairs at Ardent Mills Building at Shutler Station Industrial Park. Schott said that the work will be scheduled to accommodate Ardent Mills work schedule and will probably take place during the period between Court meetings. In the event of possible changes to the scope of work, the Court agreed to give Schott latitude to approve a cost increase of up to \$5,000 without returning to the Court for approval. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

**Fairgrounds caretaker house demolition:** Schott reported that an asbestos assessment of the Fairgrounds caretaker house is complete. A report should be available by the first Court meeting in September. At that time, further plans will be made.

**Courthouse roof:** Schott said a roofer who looked at the roof confirmed that the roof is insulated. The roofer will also provide information on the estimated cost of repair vs. modification or replacement. Schott also noted that the roof is at least 22 years old.

**Gilliam County Bus Barn:** Schott explained that removing the current Bus Barn is not an option because of stipulations associated with Federal funding for original building construction. However, a partial demolition and reconstruction is possible. Columbia Basin Electric says there is no problem with new electric service. Schott also noted that the property has been surveyed but data isn't yet available.

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### **IN THE MATTER OF FREQUENCY OF STAFF REPORTS**

The Court discussed frequency of staff reports, and whether reports should be presented quarterly, semi-annually or annually. Court Administrator Leanne Durfey said that she previously reminded staff about reports. Coordinating staff reports was time consuming but an attempt to leave the matter up to staff hasn't worked very well. Commissioner Weimar said although staff are busy, it benefits the Court to have regular reports to keep the information flowing. Judge Shaffer said that department heads should give reports at least semi-annually. No decisions were made and the matter will be addressed at a subsequent Court meeting.

### **IN THE MATTER OF CONTRACT WITH JR MERIT**

A new contract with JR Merit Industrial Contractors for inspection and testing of Courthouse fire protection equipment hasn't yet been received. The matter was tabled until the next meeting.

### **IN THE MATTER OF REPORT BY MIKE SMITH, FRONTIER DIGITAL NETWORK**

Frontier Telenet Marketing Director Mike Smith provided a brief report on plans for Frontier Telenet's upcoming changes to follow termination with Frontier Digital Network, including creation of a new website and a pilot project connecting medical patients to providers via Frontier's connectivity. He said he is anxious for the two entities to merge, which will eliminate separation and repetition of duties. He also suggested that concerns be discussed yearly at a Tri-County meeting when representatives of all three involved counties are present.

### **IN THE MATTER OF PUBLIC HEARING, ORDINANCE NO. 2017-03**

Gilliam County Legal Counsel Will Carey provided a brief background and said that upon passage, the Ordinance will be sent to the Secretary of State for recognition of Frontier Telenet as a single entity. He also explained that passage requires two readings of the Ordinance, with the first reading taking place after Judge Shaffer closes the discussion period. If all members of the Court agree, both readings can be done in one meeting.

Judge Shaffer opened the public hearing at 1:15 p.m., noting that the purpose of the hearing was to obtain citizen views and respond to questions about an Ordinance authorizing the transfer of all assets and obligations of Frontier Digital Network (FDN) to Frontier Telenet and the termination of Frontier Digital Network (FDN) and declaring an emergency. With no public comment, Judge Shaffer closed the Public Hearing at 1:17 p.m.

Commissioner Weimar asked about the purpose of the emergency clause included in the Ordinance. Carey explained that it's common practice to include the clause; otherwise there would be a 90-day waiting period for the Ordinance to take effect. If any Court members object, then the Ordinance must be changed accordingly. Commissioner Weimar asked how the emergency clause is justified in terms of health and welfare, and Carey reasoned that the two entities are spending money unnecessarily. Commissioner Wetherell stated that she has no problem with the emergency clause, which is standard practice. Commissioner Weimar said he wouldn't hold up the process, but he is concerned that the clause is misused.

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Commissioner Weimar also asked about the Intergovernmental Agreement with Recitals, and Carey explained that the document, which requires no action by the County, will go to Frontier Digital Network after the Ordinance is passed by all Counties.

Commissioner Wetherell requested clarification regarding reading and adoption of the Ordinance, and Carey confirmed that the second reading can be combined with adoption.

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to have the first reading of Ordinance 2017-03 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;

**Motion Carried.**

*First reading by Judge Shaffer.*

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to accept the first reading of Ordinance 2017-03 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;

**Motion Carried.**

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to have the second reading of the Ordinance 2017-03 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;

**Motion Carried.**

*Second reading by Judge Shaffer*

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to accept the second reading of Ordinance 2017-03 by title only, and to adopt Ordinance 2017-03. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

## **IN THE MATTER OF TRANSPORTATION COORDINATOR REQUEST**

Transportation Coordinator Marla Davies and Dispatcher Assistant Sabrina Wagenaar requested that the Court approve a Grant Submittal Request Form in the amount of \$159,809.13, to be submitted to 2017-19 Region 4 Transit Fund Solicitation. Required matching funds are \$16,855.21. Davies explained that the grant will be divided as follows: \$5,100 to offset costs associated with developing new bus barn, \$130,000 to purchase two ADA accessible vans, \$35,000 for Wagenaar's employee benefit package and \$8,000 for staff and volunteer training.

Commissioner Weimar expressed concern that \$35,000 for the employee benefit package seems high, and Davies explained that the amount is for .75 FTE for a two year period. She explained that Wagenaar currently works .50 FTE and Commissioner Weimar said Davies can't put something in the grant form that isn't true. Davies said there is a very good chance Wagenaar's hours will increase to .75 FTE.

Commissioner Weimar also expressed concern about short turnaround times and Davies said she would tell the Agency that the short turnaround time is unacceptable.

**MOTION** by Commissioner Weimar, second by Commissioner Wetherell, to approve a grant submittal request to 2017-2019 Region 4 Transit Solicitation in the amount of \$159,809.13.

Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

## **IN THE MATTER OF AUGUST 21 SOLAR ECLIPSE PREPARATION UPDATE**

Elizabeth Farrar, Solar Eclipse Coordinator for the Eastern Oregon Visitors Association, and Community Development Director Rachel Weinstein updated the Court on plans for the August 21 solar eclipse.

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Weinstein reported that thus far, camping reservations include 63 at the Golf Course, eight at the Fairgrounds and 17 at Burns Park. She said the coordination of reservations is a collaborative effort between the City, County and Chamber of Commerce. Reservations include up to four campers. She told the Court that the FAA is improving the taxiing portion of the airstrip and will be closing the Condon State Airport for 60 days. Judge Shaffer confirmed that County Emergency Management personnel have been communicating with FAA about the situation, and it has been agreed that the Airport will be open for emergencies.

Farrar reported that information centers provided jointly by State and local partners will be up and running Thursday (tomorrow) morning. She said that 60,000 rack cards have been printed warning visitors of wildfire danger and prevention, and that public service announcements will be broadcast throughout the region. The public has been asked to discourage visitors from camping on BLM lands due to fire danger and difficulties locating campers in the event that search and rescue is necessary. Visitors are also asked not to park on the highways. Farrar continues to iron out details with a Condon-to-Fossil shuttle. If that happens, people may be asked to park south of the High School and football field. She reported that Governor Brown is deploying National Guard troops to affected areas, including Baker and Grant Counties. She also noted that those who are interested can see traffic patterns on the ODOT website.

#### **IN THE MATTER OF CORRESPONDENCE**

- From Summit Springs Village: A letter of thanks to the Gilliam County Road Crew for help with moving and installation of a new, 750-pound stove for the kitchen at Summit Springs Village.
- From the Arlington Lion's Club: A letter of thanks for a SIP grant of \$12,000 to make improvements at Arlington Gun Club.

#### **IN THE MATTER OF PUBLIC HEARING, ORDINANCE NO. 2017-04**

Gilliam County Planning Director Michelle Colby provided a summary of the Ordinance and explained that according to Oregon Revised Statutes, aggregate sites must be listed in the County's Comprehensive Plan. She recommended that the Comprehensive Plan Amendment be approved.

Judge Shaffer opened the public hearing at 2:00 p.m., noting that the purpose of the Hearing was to obtain citizen views and respond to questions about an amendment to the Gilliam County Comprehensive Plan. The amendment, specifically to the Gilliam County Goal 5 Aggregate Resource Sites List, is to add two additional aggregate resource and quarry sites to the inventory list in compliance with State of Oregon Planning Goal 5 and declaring an emergency. Those pits are Shepherds Flat owned by Skye and Penny Krebs, and Haguewood, owned by Keven Haguewood.

With no public comment, Judge Shaffer closed the Public Hearing at 2:03 p.m. Commissioner Weimar again expressed concern about the emergency clause, but no further discussion followed regarding the clause.

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Will Carey advised that the Planning Commission findings and Staff findings must be included in the Court's deliberation. If LCDC contests the decision, the Court must prove the decision was based on those findings.

Commissioner Weimar asked if the pits are brand new, or if something was missed. Colby explained that the Shepherd Flat pit was permitted in 2009, but was inadvertently missed in the Comprehensive Plan. The Haguewood pit is new. She also said that both were approved at a July 25 hearing before the Planning Commission. However, Oregon Department of Fish and Wildlife expressed a concern regarding the presence of an endangered species and the exact boundary of the pit. As a result, Condition No. 20 was added, stating that there is habitat of a known endangered species in the area (Washington ground squirrels). There were no issues with the Krebs pit and conditions have been met, but Keven Haguewood is still in the process of working through the conditions.

Commissioner Weimar asked if the Haguewood pit, at 50 acres, is larger than other sites in the county. Colby said that Haguewood requested 50 acres, although the entire acreage may not be needed. The actual location of the site is still being negotiated with ODFW. Will Carey noted that the actual site must also be approved by DOGAMI (Department of Geology and Mineral Industries).

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to have the first reading of Ordinance 2017-04 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;  
**Motion Carried.**

*First reading by Judge Shaffer.*

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to accept the first reading of Ordinance 2017-04 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;  
**Motion Carried.**

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to have the second reading of Ordinance 2017-04 by title only. Shaffer – Yes; Weimar – Yes; Wetherell – Yes;  
**Motion Carried.**

*Second reading by Judge Shaffer*

**MOTION** by Commissioner Wetherell, second by Commissioner Weimar, to approve the second reading of Ordinance 2017-04 by title only, and to adopt Ordinance 2017-04. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

## **IN THE MATTER OF ATTENDANCE OF LEGAL COUNSEL**

The Court discussed frequency of attendance of legal counsel at Court meetings.

Commissioner Wetherell said she would like to see legal counsel attend more often, and Will Carey said he will attend meetings whenever he is asked, or if he has concerns regarding matters on the agenda, although he appreciates notification a week in advance. He also noted that Court members can call him any time.

Carey, who also represents NORCOR, Arlington Port Commission and Frontier Telenet, also said he will recuse himself and recommend an independent lawyer in the event of conflicts.

## **IN THE MATTER OF CONSULTANT PROPOSAL FOR FIBER PROJECTS**

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Joe Frannell, General Manager/Chief Executive Officer of Eastern Oregon Telecom, provided a proposal in which he would serve as consultant for the fiber project. Commissioner Wetherell asked Frannell if his schedule allows sufficient time, and Frannell said that based on what he's heard thus far, he would have time. Discussion followed regarding the project and the proposal for consultant services.

Later in the meeting after Frannell had departed the Court revisited the proposal. Frontier Telenet Director Mike Smith said Frannell's rate is normally is \$250/hour, but he would provide services to the County for \$150/hour. Travel time will be billed at \$75/hour plus federally allowed travel allowance.

Judge Shaffer suggested that services be capped at \$7,500.

**MOTION** by Commissioner Weimar, second by Judge Shaffer, to retain the services of Joe Frannell in an advisory capacity in the amount of \$150 per hour plus \$75 per hour travel expenses and federal mileage allowance, total not to exceed \$7,500 without coming back to the Court for approval. Shaffer – Yes; Weimar – Yes; Wetherell – Yes; **Motion Carried.**

### **IN THE MATTER OF DISCUSSION ON FUTURE OF MCCOG ORGANIZATION**

Mid-Columbia Council of Governments Executive Director David Meriwether was present for a discussion regarding the future of the organization, in particular the Building Codes program. It is his understanding that the organization will be dissolved. He said that the MCCOG Board of Directors voted to seek viable homes for Building Codes, Area Agency on Aging, Transportation and Workforce Development. He noted that GOBHI (Greater Oregon Behavioral Health, Inc.) may assume responsibility for Transportation and possibly AAA. It is possible that Community Colleges may assume oversight of the Work Force program. Wasco County is interested in partnering with City of The Dalles to assume responsibility for Building Codes, but Counties aren't required to opt in. Other possibilities were discussed for the Building Codes program, including individual Counties assuming responsibility. Meriwether said the decision regarding the future of individual programs will be made after receiving input from participating counties and other entities. Commissioner Weimar commented that it's important to have legal counsel involved in the process, and noted that Will Carey is legal counsel for MCCOG. Carey said he doesn't envision any conflicts caused by helping Gilliam County through the process.

### **IN THE MATTER OF COURT MEMBER REPORTS**

Commissioner Wetherell reported:

- That a scheduled meeting with Metro councilors was cancelled.

This led to further discussion regarding the Metro contract. Judge Shaffer suggested that the County hire a public relations firm to ensure that Metro fully understands the importance of the contract and the potential impact of job loss to the County's economy. Judge Shaffer said Lee Weinstein and Tim Rafael were suggested as viable candidates to provide PR services, but that he subsequently received an email from Rafael stating that he would be unable to help the County with the project. Commissioner Wetherell said she is familiar with Weinstein, as he had been on the Maryhill Museum Board of Directors, and would be willing to contact him the following day. The process would probably involve a special meeting as the Court would want



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to take action before September 6th. Elizabeth Farrar was in the audience and suggested that the Court should hone in on exactly what the message should be, including pertinent talking points.

At this point, the Court also discussed possible dates for a meeting involving entities involved in the fiber project – City of Condon, Frontier Telenet, Columbia Basic Electric, Port of Arlington and Gilliam County. Windwave and Home Telephone will not be included in the meeting. Various benefits of the fiber project were discussed.

Returning to Court member reports: Judge Shaffer reported that he attended:

- A recent training for Juvenile Judges.
- The recent LGPI conference, which he found highly valuable.
- An AOC Summer Retreat at Salishan Lodge.
- A meeting of the Local Public Safety Coordinating Council.

Commissioner Weimar reported:

- He also attended the AOC Summer Retreat
- Most of the Road Crew will be available at or near the County Shop in the event they are needed during the solar eclipse, with one crew member on hand at the Arlington shop.
- The MCCOG Board has been invited to tour Insitu's headquarters in Bingen, Washington.

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

The next regular Gilliam County Court meeting will be held on Wednesday, Sept. 6, 2017, beginning at 10:00 a.m. at Gilliam County Courthouse in Condon, Oregon.

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 3:45 p.m.

GILLIAM COUNTY COURT

By \_\_\_\_\_

Steve Shaffer, Judge

By \_\_\_\_\_

Michael Weimar, Commissioner

By \_\_\_\_\_

Leslie Wetherell, Commissioner

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*Mary H. Dyer/Recorder* \_\_\_\_\_