



**SHERMAN COUNTY COURT
REGULAR SESSION
SHERMAN COUNTY HEARINGS ROOM**

MINUTES

February 21, 2018

Opened Court: 9:05 a.m.

Present: Judge Gary Thompson, Commissioner Tom McCoy, Commissioner Joe Dabulskis, Administrative Assistant Kayla von Borstel

A quorum was present. No news media was present.

Additions to Agenda

3.7 Budget Committee Member

1.0 Appointment Schedule

1.1 9:00 a.m. Erik Glover, Mayor Andy Anderson – City of Moro – Downtown Improvement Program

Present: Mayor Andy Anderson, Erik Glover, Aaron Lafky, Larry Hctor

Andy Anderson, City of Moro Mayor, reported to the Court he had advertised and held a workshop for Council members and the public, on restructuring the City Improvement Program to address some concerns. The City was seeking County input as the County contributed funds to the program. City of Moro is targeting another \$10,000 from the Strategic Implementation Plan (SIP) funds, which will give them \$20,000 in funds for the program. Andy noted \$80,000 from the SIP funds will be used to finish the streets project. Additionally, Moro was awarded \$50,000 for the Oregon Department of Transportation Small City Allotment Grant. Brief discussion was held on allotment of funds for each city and if additional funds were available to provide Moro additional match from the Court (\$10,000).

Andy would like to get the updated application advertised as soon as possible to allow for maximum ideal construction weather. The program title has been changed to “Main Street Façade and Streetscape Program” in order to clarify what these dollars could be used for. Other changes proposed to the document included: phased projects must submit a plan and timeline, increasing total grant amount from \$10,000 to \$20,000, decreasing the reimbursement from 80% to 50%, window replacement is only if the windows or casings are beyond repair and are restored to the original façade, a conflict of interest clause, and applicants must provide itemized bills after project completion to get reimbursed which are subject to review by the Council before payments are made.

The addition of phased project language was due to concerns of the Branding Iron project and as contractors are in short supply. The increase in total grant amount is fund availability contingent, and the decrease in

reimbursement percentage is being considered to allow funds to go further, and increase the amount of projects that could be completed. Window replacement language has been updated to clarify it needs to change the appearance of the building and is not for weatherization purposes. The conflict of interest clause has been proposed that Council members, City employees and Committee members are ineligible to apply and projects submitted by the City Council must address public items. A counter argument from a Council member suggested any applicant who fits the application guidelines should be eligible, and should abstain from any voting regarding the project if the applicant is a Council member, City employee, or Committee member. The Court suggested leaving the conflict clause to have ineligible members if it keeps the program running smoothly. The Committee is a recommending body, and applicants should seek out the Council if there are questions or issues regarding projects. Some concerns were voiced to the Council on lump sum payments, and it is recommended to have itemized bills and bids. Payments shall be made by vote at a Council meeting after completion of the project. The Court reminded the Mayor that the Council must follow Oregon Contract Laws; Andy responded the proper language is in the application. The Court will check with Debbie Hayden, Finance Director, to see how much money is left in the City Improvement Fund and if any money is available for re-allotment.

Andy introduced new City Administrator, Erik Glover, to the Court.

1.2 9:45 a.m. Aaron Lafky, Community Member, – Starvation Lane Update

Present: Aaron Lafky, Larry Hocter, Carrie Pipinich, Ron McDermid

Aaron Lafky, Community Member, reported on the Starvation Lane status; Aaron is very frustrated with Oregon State parks. It was stated State Parks have not addressed any items that had been discussed in past four years. He stated Judge Thompson wrote a letter to State Parks that if no progress were made by July 1, 2017, the gate at the end of Starvation Lane that allows river access would be closed. After some urging, State Parks provided a schedule of project types and timelines; none of these have been met to Aaron's knowledge. The timeline was provided for the Court's review. Judge Thompson stated he has not had communication with State Parks; however, Bureau of Land Management (BLM) is going through rule making which includes part of the projects listed in the schedule. Aaron reported State Parks needs to be in compliance with the land use process; they have land that is zoned Exclusive Farm Use (EFU), and not zoned for parks. This is an issue they need to address to serve the public at the site. Aaron stated the \$1.8 million Road Improvement Project to put in a road has been moved to fiscal year 2019; however, State Parks will have no facilities for the public to go at the end of the road.

Aaron remarked if leverages his attorney, the State will in turn blame the County in regards to spraying out weeds and creating a parking lot. Aaron wants to work together with the County to get things moving forward; the State needs to be aggressively contacted. Commissioner McCoy agreed State Parks needs to develop a road that directs the public away from Aaron's property. Aaron commented there are two ways progress can be made: he submits a Tort claim to the State which will cause issues for the County, or, the County can implement various actions: lock the gate, send a letter of cease and desist with no activity without approval, or put in a gate with locks only certain individuals can access with a sign stating no river access. The Court agreed to send a letter to the Director of State Parks; if they do not respond within a timely manner other actions will be taken.

Discussion held on the State of Oregon supplying a cell service tower to be installed at Cottonwood Parks. There is no service down there which is a safety issue. Judge Thompson replied the tower ordered was not big enough so they are behind schedule; implementation should be in the spring.

Discussion held on obtaining a meeting with the Director of State Parks.

1.3 10:00 a.m. Brad Baird – Anderson Perry & Associates – Biggs Service District Water System

Improvements Project

Present: Brad Baird, Larry Hocter, Ron McDermid, Carrie Pipinich

Brad Baird, Anderson Perry & Associates, attended via conference phone due to weather conditions. Brad has been in contact with Sam Goldstein, United States Department of Agriculture (USDA), who assured Brad there are funds readily available.

The last item USDA requested was the updated Water System Study which a draft should be submitted by March 7th, 2018.

Oregon Water Resource Department (OWRD) is processing the well permit which will allow drilling to occur.

The partition is going through county approvals, and property corners have been set.

USDA and OWRD did not like the water data from 2003 that was provided. Brad is trying to obtain sufficient data from the supplier, however, this has proved challenging as it's not reported to State. The lack of data has been holding up the Water System Study.

Proceeding with well drilling has been placed on hold. Brad was asked to consult with USDA if putting the well drilling out to bid, and implementing the drilling, would jeopardize obtaining funds for the rest of the project. Sam Goldstein couldn't give a definitive answer; Brad halted the process. The well is not receiving USDA funds, however, it was submitted in the application as part of the overall project; therefore, it must follow the same rules as the rest of project.

USDA generally requires bonding authority to be secured, which is typically done by vote of registered voters from the city, or by passing a resolution. However, Biggs Service District does not have any residents, only businesses, so no vote can occur. Brad is communicating with USDA to find the best course of action. Brad reported Sam Goldstein stated as long as the County pledges through an official Court document to pay back the loan, everything should be in good standing since a vote cannot be cast. Carrie Pipinich, Mid – Columbia Economic Development District, offered to help Brad with the bonding process. USDA suggested Biggs Service District check with a bonding attorney to make sure it is legal for the District to bond. Commissioner Dabulskis inquired how long the process can take. Brad responded two months with a resolution process or several months if a vote was done.

2.0 Action Items

2.1 **Appointment: Senior Center Advisory Board – Betty Carlson, Janet Pinkerton**

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to appoint Betty Carlson and Janet Pinkerton to assume the positions of Susan Lissman and Deanna Padget on the Senior Center Advisory Board, and to finish their terms of one year to expire December 31, 2018.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.2 **Appointment: Ambulance Service Area Plan Advisory Committee – Kathleen Ahearn**

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to appoint Kathleen Ahearn to assume Rick Whitaker's position as Sherman County Ambulance representative on the

Ambulance Service Area Plan Advisory Committee, and finish the term of one year to expire December 31, 2018.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.3 Sherman County Scholarship to the Columbia Gorge Community College Foundation

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to authorize the expenditure of \$2,500 as a scholarship donation to Columbia Gorge Community College Foundation in support of Sherman County students attending Columbia Gorge Community College.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.4 Oregon Department of Justice Whistleblower Protection

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve the Oregon Department of Justice Crime Victims' Services Division, Whistleblower Protection Certification and authorize Judge Thompson to sign.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.5 Annual Appointment of Pro Tem Justice Court Judge for Sherman County: Cris Patnode, Gilliam County Justice of the Peace

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to appoint Chris Patnode, Gilliam County Justice of the Peace, as pro tem Justice Court Judge for Sherman County for the 2018 calendar year.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.6 Justice of the Peace Continuing Legal Education Report and Summary

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to approve the Justice of the Peace Continuing Legal Education Report and Summary for 2016 and 2017, submitted to the Oregon Justice of the Peace Association.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.7 Weed Control District Surplus Bids

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve Bruce Mitchell as the highest bidder of \$400 for the 1990 ATV, and Ben Parrish as the highest bidder of \$1,152.50 for the 1985 Chevrolet pick-up.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

2.8 Sherman County Investment Policy

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve the Sherman County Investment Policy (revised October 2016) as presented.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

3.0 Discussion Items

3.1 Frontier TeleNet Request For Proposal

Due to County Counsel complications, the Request For Proposal will be discussed at the next regularly scheduled Court Session on March 7, 2018.

3.2 Court Notes & News Release Scheduling

Kayla held a discussion with the Court about approved minutes, approved news releases, and unapproved e-News notes regarding: length, format, consistency, and the time involved to do each document. Kayla creates three separate documents with three different formats at various times of the same information. She requested the Court consider having one approved Court minutes document, and one approved news release document which encompasses all media outlets. Discussion was held on pros and cons of each method. The Court decided to take out the "summary of actions" at the beginning of the minutes document as it is redundant motions, and to continue with news releases as is, and to shorten e-News notes to only include actions and topics that is believed to be the most interesting to the public from the unapproved minutes. The Court asked Kayla to report information this way for a few meetings and will re-evaluate then.

3.3 North Central Public Health District Funding Formula

Commissioner McCoy has been working on a funding formula for North Central Public Health District. Sherman County's share of payment has increased over the years. At the next meeting they will be starting the budget process, in which Sherman County will recommend payment of 17.5% of the total cost. Previously Sherman County paid 19% of the total cost.

3.4 Courthouse Phone and Internet Disruption

From March 9th – 11th, 2018 there will be disruptions of the phone and internet systems due to construction and migration of connectivity equipment into the new Courthouse facility. All offices in both Courthouse buildings, the Oregon State University Extension Office, Senior Center, and Emergency Services (EMS) will be affected during this time and use of these systems will be down. This will not affect EMS in the event of an emergency.

3.5 Northern Oregon Regional Correctional

Commissioner McCoy is the new Chair for the Northern Oregon Regional Correctional (NORCOR) board. They have funded a study on the juvenile side to mitigate the adverse impact of the Disability Rights of Oregon (DRO) report to see if the issues have been addressed. He reported there have been lawsuits filed against NORCOR for housing Immigration and Customs Enforcement (ICE) prisoners; NORCOR will hold a special meeting the following week. Brief discussion held on the payment of attorneys for the lawsuits, and obtaining future County Counsel.

Commissioner McCoy was informed Commissioner Dabulskis may remain on the NORCOR budget committee.

3.6 Commissioner Reports

Commissioner Dabulskis – Spoke with Mr. Owens about safety route action plan funding and fiber to the school for library use; attended Association of Counties (AOC); met with Grass Valley City Administrator, and Grass Valley Property Development, LLC on housing ideas; met with Regional Solutions, Grass Valley City Administrator, Grass Valley Mayor, and community member about a slaughter facility; attended Youth Empowerment Shelter (YES) tour, attended Frontier TeleNet (FTN).

Judge Thompson – Attended Juvenile Court Hearing; attended YES tour; attended FTN; attended MCEED Loan Board.

Commissioner McCoy – Attended Will Carey’s funeral; attended Center For Living; attended North Central Public Health; attended Northern Oregon Regional Correctional; attended YES tour; attended FTN; attended rental housing committee meeting.

3.7 Budget Committee Member

Debbie Hayden, Budget Officer, reported she has not found a replacement for Kyle Blagg’s previous position on the Budget Committee. Debbie tries to have the Budget Committee represent all of Sherman County and believes it should continue that way. County Court discussed a list of names with Debbie to contact as possible replacements for Kyle. Suggested replacements were: Sheri Carlson, Lindy Blagg, Stacy Eakin, Justin miller, and Ken Melzer. Debbie will be in contact and try to have a recommendation to the Court by the next session.

The Court asked Debbie about the City Improvement funds remaining. She stated each city was allotted \$15,000-\$20,000 and Moro has been the only city to apply. She believes they have used the majority of their allotment. She will let the Court know of the current figures at a later date. The County will give the cities a last chance notice to hold their dollar amounts, if requested, for upcoming projects until the end of the fiscal year. If no request is made, funds may be redistributed to another city. Requests are to be submitted by April 20th, 2018.

Heating, ventilation, and air conditioning (HVAC) maintenance quotes were discussed. The company Central Oregon, who was the installer of the HVAC system, was the lowest quote \$6,000. Debbie recommended using Central Oregon; the Court agreed.

4.0 Consent Agenda

4.1 Minutes of February 7, 2018

Motion by Commissioner McCoy, second by Commissioner Dabulskis, to approve the minutes of February 7, 2018, as corrected.

Vote: 3-0

Yes: Dabulskis, McCoy, Thompson

No: 0
Abstain: 0

4.2 Treasurer's Report – January 2018

Motion by Commissioner Dabulskis, second by Commissioner McCoy, to approve the Treasurers Report for the month of January 2018, as presented.

Vote: 3-0


Yes: Dabulskis, McCoy, Thompson

No: 0

Abstain: 0

Being no further business before the Court, the meeting was adjourned at 11:48 a.m.

Sherman County Court

Attest: 

Kayla von Borstel
Administrative Assistant

Gary Thompson, Judge



Tom McCoy, Commissioner



Joe Dabulskis, Commissioner