

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

January 22, 2003

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia, Commissioner Rita Bernhard, and Commissioner Anthony Hyde, together with Sarah Tyson, Assistant County Counsel, and Jan Greenhalgh, Board Secretary.

Commissioner Corsiglia called the meeting to order and led the flag salute.

**MINUTES:**

Commissioner Hyde moved and Commissioner Bernhard seconded to approve the minutes of the January 14, 2003 Work Session; January 15, 2003 Staff meeting; and the January 15, 2003 Board meeting. The motion carried unanimously.

**VISITORS:**

None.

**PUBLIC HEARING: PROCEDURE TO EXEMPT SURVEYS FOR ROAD PURPOSES:**

As scheduled, the public hearing, "In the Matter of Superceding ORS 368.016[2] - [4] and Establishing a Procedure for the Exemption from the Requirements of a Survey Upon Acquiring Interest in Real Property for Public Road Purposes", was held.

Sarah Tyson noted there was an error in the title which has been corrected. As way of background, staff came before the Board about one year ago with this issue. The statue requires that any time the County acquires an interest in real property for public road purposes, the county must survey and monument the property in the public right-of-way. In some cases, this causes quite a bit of inconvenience and cost. Staff had asked that the Board adopt an ordinance that would supersede the portions of the statute that require the survey and monumenting and adopt a procedure that would give the Public Works Director the discretion to allow the dedication acceptance without requiring a survey and monumenting. This does not mean that it wouldn't, in some cases be necessary, but if there are reasons that it would make it impracticable or unwarranted, it would not be required. Cynthia has drafted the ordinance now before the Board. Sarah noted that there is an emergency clause included in the ordinance simply because there are a couple of situations coming up soon that could be affected by this. However, it is up to the Board to include it or not.

Dave Hill, Public Works Director: From his standpoint, he is not aware of anything going on right now that is an immediate concern and that this needs to happen right away. However, it can be a big burden on some property owners or the County to survey some property just for a small piece of property. For instance, some of the properties that the County is going to transfer over

to right-of-way purposes, he believes those pieces of property would legally need to be surveyed and monumented. Sometimes, the county roads themselves cannot be legally surveyed, they have to go through a legalization process because of inaccurate records. In order to survey a piece of property along a county road where you can't even determine where the county road right-of-way is, is next to impossible. You would have to do a legalization of the whole county road first, then survey the individual property. That could be very costly.

Commissioner Bernhard asked, if the property isn't surveyed then how can we convey a piece of property when we don't even know where it is? Dave explained it would simply be the piece of property next to the county road as it was constructed. He explained how the description would be determined and at what reference point.

Commissioner Hyde noted that, by adopting this ordinance, it is not a given that it would be used every time. There will be situations where we would need to have a survey completed.

Commissioner Bernhard still believes it would compound existing problems without getting a survey.

Todd Dugdale, LDS Director, responded. He would suggest that the circumstances of when a survey is exempted be very limited. There is reason for good documentation, and as long as it is a very discretionary process, he would not have a problem with this. However, there are situations where a survey would not be needed.

Sarah referred to the portion of the ordinance that gives the Public Works Director discretion to make the determination if a survey should be required or not.

Cynthia Zemaitis, Legal Assistant, explained that this came up in 2001. It was discovered at that time that there is a statute that requires every dedication for public road purposes be surveyed and monumented. There are several pieces of county-owned property where the expense of a survey and monumenting are not warranted.

Commissioner Bernard still feels uncomfortable with complicating an already bad situation without doing a survey.

Todd wanted to clarify that if an issue comes to the Planning Department, there is a provision in the building code that allows and authorizes the Building Official to order a survey to determine the right-of-way.

At this time, the hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed for deliberation. Regarding the emergency clause, the Board does not see the need to include it. Commissioner Hyde moved and Commissioner Bernhard seconded to proceed with the first reading of Ordinance No. 2003-1, with the elimination of the emergency clause. The motion carried unanimously.

Sarah then gave the first reading of Ordinance No. 2003-1, by title only, and eliminating the emergency clause. The second reading will be given on February 5, 2003, at or after 10:00 a.m.

**PUBLIC HEARING: CDBG FUNDING FOR FAMILY RESOURCE CENTER:**

As scheduled, the public hearing, "In the Matter of Considering an Application for Funding under the 2003 Oregon Community Development Block Grant Program", was held.

Sarah briefly explained the requirements for holding a hearing on a Community Development Block Grant.

The hearing was opened for public testimony.

**Jim Tierney, Community Action Team:** Jim proposed a CDBG grant project for a Family Resource Center and submitted a packet of information into the record. The purpose of the project is to acquire and rehab a facility to co-locate a variety of services for low and moderate income families. The reason for the project is that there are programs at CAT and other non-profits in the community that need expansion. The following programs are currently located in four different offices: Even Start, Healthy Start, Child Care Resource & Referral, Respite Care Resource & Referral, USDA Child Care Food Program, Emergency Energy, Emergency Housing, Transitional Housing, Housing Rehabilitation, Weatherization, Home Ownership and Information & Referral. The envision is to provide a "one-stop" facility for all of these programs. This should also create efficiencies within the services. Jim went over the project costs and budget. Currently, there are two sites under consideration, a church on 17<sup>th</sup> Street and the John Gumm school. He is working to determine which site would work the best. At this time, Jim would ask that the Board to approve this CDBG grant application.

Commissioner Bernhard stated that she sits on the Board of Directors for Community Action Team and is currently the Chair. She has toured both sites and she can see very positive things in both buildings. The John Gumm school would be more of a partnership in working with other agencies. Both possibilities are good, it's just a matter of putting it together and making it work.

With no further testimony coming before the Board, the hearing was closed for deliberation. Sarah noted that the application is not yet complete at this time and won't be until sometime in March, however, the Board can approve it, subject to completion. Commissioner Hyde is comfortable with approving the project and the application process, however, he would feel better seeing all of the details before signing it. After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the Community Development Block Grant application concept for the Family Resource Center, to be signed after final review by the Board. The motion carried unanimously.

**CONSENT AGENDA:**

Commissioner Corsiglia read the consent agenda in full. With that, Commissioner Bernhard

moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 1/21/03.
- (B) Amended Order No. 108-2002, "In the Matter of the Distribution of Forest Trust Land Revenues [December 2002 Distribution]".
- (C) Appoint Pam Ruddell to the Local Alcohol and Drug Planning Committee for a three (3) year term.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (D) Intergovernmental Agreement with the Oregon Office of Energy for Emergency Response Planning at Trojan Facility.
- (E) Amendment #5 to contract between CCCCCF and CCMH for "Juvenile Crime Prevention Plan, Case Management for 4th, 5th and 6th Grades".

The motion carried unanimously.

**LAW ENFORCEMENT BLOCK GRANT #01-413:**

Debbie Rodgers, Sheriff's Office, reviewed the Local Law Enforcement Block Grant. The Sheriff's office has applied for and been awarded with a \$5,293 grant. This is an annual grant that they have received for the last 4 years. This grant is for law enforcement purposes only. Due to their extremely high overtime budget, they intend to use \$4,500 towards overtime, and \$793 towards deputies and support staff. The grant requires a 10% match of \$588.00. Sarah stated that John has reviewed the contract and would recommend approval. However, he did note that there is a reporting deadline of January 31, 2003. Debbie is aware of that and it will not be a problem. With that, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the Local Law Enforcement Block Grant #01-413 in the amount of \$5,293. The motion carried unanimously.

**ORDER #3-2002: RELEASE BOND FOR REMOVAL OF TOWER ON BUTLER ROAD:**

Sarah gave some background. Some time ago, the Board approved an application by SBA Towers to site a tower structure. At that time, SBA signed a development agreement which required them to post a bond for the removal of the tower structure upon the end of its useful life, as determined by the County. There is also a provision in the agreement that states if their interest in the property is transferred to someone else, then the new interest holder would need to post a bond before the SBA Towers bond is released. SBA Towers has apparently transferred their interest in that property to Fidelity Towers, Inc. Fidelity has submitted a bond which guarantees the removal of the tower. Sarah pointed out there has been no tower built on the property, but this bond would cover a future tower if constructed. The order before the Board

would authorize acceptance of the new bond on Fidelity Towers and release the bond from SBA Towers. After little discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to approve Order No. 3-2003, "In the Matter of Releasing Bond #10366230 for the Removal of a Tower at 67501 Butler Road, Deer Island, Oregon". The motion carried unanimously.

**TRANSIT STUDY COMMITTEE MEMBERS:**

John submitted a list to the Board of persons who have agreed to sit on the Countywide Community Transit Study/Technical Advisory Committee. After review of the list, there was a thought that it is not necessary to have both Betsy Johnson and John Helm on the same committee due to the common interest and Commissioner Corsiglia suggested that Betsy Johnson be removed from the list. Commissioner Bernhard felt that John Helm would be representing the senior center and Betsy would be looking at this from the State's perspective. Commissioner Hyde didn't have a concern with both being on the committee, because it is only an advisory committee. After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to appoint the following to the Countywide Community Transit Study/Technical Advisory Committee: JoAnn Beamish, Sandy Cooper, D.R. Garrison, Ray Godsey, Nancy Harwood, John Helm, Betsy Johnson, Carolyn Little, Jean Palmateer, Diana Pohl, Merri Reamer, Al Sonneker, Cindy Stockton, Mike Sykes, Bonnie Thomas and Steve Matteson. The motion carried unanimously.

The Board directed staff to contact Debbie Wert, Karen Miller, Diana Plahn to see if they are interested in servicing on this committee.

**AGREEMENT WITH ODOT FOR WALKWAY/BIKEWAY PROJECT:**

Dave Hill, Public Works Director, informed the Board last week that the County was awarded a \$500,000 grant for a Transportation Enhancement project on Beaver Falls Road. This week, he can report that the County has also received \$93,000 grant award for a walkway/bikeway project in Scappoose. The total project cost is \$117,000. This is a grant Dave has been applying for for years. The grant agreement needs to be approved and returned to the State by January 31st.

Sarah has reviewed the agreement and, because of some concerns, has made a couple of changes to the agreement. Sarah reviewed those changes. At this time, Sarah would recommend approval, with her amendments. With that, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the grant agreement with ODOT for the Walkway/Bikeway project, as amended by staff. Under discussion, Commissioner Hyde asked if this will get in the way of any subsequent grants. Dave does not feel this will adversely effect any other projects. With that, the motion carried unanimously.

**COMMISSIONER CORSIGLIA COMMENTS:**

Last Friday, Commissioner Corsiglia attended the Sacagawea charity event. It hosted a number of creations by local artist in an effort to raise funding for the Sacagawea clinic. It was very successful in its turnout.

On Saturday at the Citizens for Human Dignity banquet, Robin Loper received an award for her efforts throughout the year. The Zen Community also received an award. He can't think of anyone more deserving than Robin for her work.

**COMMISSIONER BERNHARD COMMENTS:**

On Saturday, Commissioner Bernhard attended a memorial service for Lillian Jones. She worked for the county for years doing the mineral research. She contributed a lot to the community and she will be missed.

Commissioner Bernhard also attended the Sacagawea charity event and the Human Dignity event. The attendance was very good at both events.

She also attended the St. Helens Senior Center crab feed and it was very successful as usual.

She spent last Thursday and Friday in Salem at the quarterly Oregon Consortium/Workforce Investment Board meeting. During that time, she had an opportunity to meet with some of the legislators and talk to them about issues effecting Columbia County.

**COMMISSIONER HYDE COMMENTS:**

Last Thursday, he was unsuccessful in relinquishing his presidency of the RC&D and will be serving as president again this year.

On Friday, he met with the Speaker of House and the House Minority Leader. Yesterday, he testified in front of the general government legislative committee on what counties do and how we are hooked to the state and federal government in terms of delivery of services.

**COUNTY COUNSEL COMMENTS:**

Sarah informed the Board that notice has been received from LUBA that they did dismiss the Goal 5 appeal.

**EXECUTIVE SESSION UNDER ORS 192.660(1)(h) - PENDING LITIGATION:**

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(h). Upon coming out of Executive Session, Commissioner Hyde moved and

Commissioner Bernhard seconded to relinquish the Board's opportunity to defend the Maticco case in front of LUBA. The motion carried unanimously.

**2003-05 ALCOHOL/DRUG & GAMBLING IMPLEMENTATION PLAN:**

Donna Tewksbury, CCMH, brought this before the Board last week. The Board wanted to take the time to review this before approval. After review, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the 2003-2005 Alcohol/Drug & Gambling Implementation Plan. The motion carried unanimously.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 22<sup>nd</sup> day of January, 2003.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_

Joe Corsiglia, Chair

By: \_\_\_\_\_

Rita Bernhard, Commissioner

By: \_\_\_\_\_

Anthony Hyde, Commissioner

Recording Secretary:

By: \_\_\_\_\_

Jan Greenhalgh