

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

March 19, 2003

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

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

MINUTES:

Commissioner Bernhard moved and Commissioner Hyde seconded to approve the minutes of the March 11, 2003 Work Session and March 12, 2003 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Bob Eckstrom, 51163 Bankston Road, Scappoose: Bob presented an informational document to the Board and spoke on the responsibility of Columbia County regarding public health issues, specifically parental rights. He asked that the Board address what he believes to be a breach of responsibility by the County to take away the parents responsibility. The County still has the opportunity, through the contract with Public Health, to take steps to remedy that.

PUBLIC HEARING: GLACIER NW SURFACE MINING OPERATING PERMIT:

As scheduled, the public hearing, "In the Matter of the Application by Glacier NW for a New Surface Mining Operating Permit", was held.

The public hearing was opened. The Board expressed no ex parte contact or conflicts of interest. Sarah Tyson gave a brief overview of the hearing procedure and background on this application. Sarah then read the pre-hearing statement into the record as required under ORS 197.763. Sarah listed all contents in County Counsel's hearing file, marked Exhibit "1".

Carla Cudmore, Surface Mining Administrator, came before the Board to give the staff report. Glacier NW submitted an application for a new operating permit at the Pit F location. The applicant is requesting an operating permit for 17.66 acres and has completed the Surface Mining Permit application and submitted a Reclamation Plan. Carla reviewed the criteria and findings. There are very few issues concerning this site, with the exception of the bond. The applicant has agreed to posting a bond of \$22,500 for the first five acres for 1 year of financial security for the reclamation of this site prior to the operating permit being issued. Each year, as additional areas are affected, \$4,000 per acre is required for a total of \$70,500 for the entire 17 acres. As portions of the permitted area are reclaimed, the bond can be released. However, the applicant has not agreed to staff's recommendation that the bond for the ten acres be held for a minimum of 10

years after final reclamation to better assure against long term slope stability. Based on her findings, Carla would recommend approval of this permit, with the following three conditions: 1) Submit to the County results of the well monitoring program on an annual basis; 2) Submittal of financial security in the amount of \$22,500 for the site for the first years bond; and 3) The financial security bond for the 10 acres of agricultural land must be held for a minimum of 10 years after final reclamation to better assure against long term slope stability and subsidence or, some other agreed upon method of long term assurance. The Surface Mining Advisory Committee also voted to recommend approval of the new operating permit for Pit F, however, they voted to recommend that the County require no financial security bond for the site.

PROPOSERS:

Steve Abel, Stoel, Rives, LLP, 900 SW 5th Avenue, Suite 2600, Portland: Steve is representing the applicant, Glacier NW. This site has already been through the PAPA process through the Planning Commission and no appeal was filed. Steve responded to the conditions of approval and the financial security issue. All conditions have been either met or agreed to in the PAPA process, with the exception of the financial security. Glacier agrees that a bond of \$22,500 is appropriate. They don't agree that financial security for a 10 year period after final reclamation is appropriate. Glacier has a long proven history of being a good corporate citizen with respect to reclamation. He noted that the Surface Mining itself only speaks to a bond for reclamation, it doesn't speak to a ten year period after reclamation. The bottom line is that the amount of reclamation is at the Board's discretion, but Glacier has proven itself with a good track record of bonding and reclamation. They do not believe that the extra amount of bonding is necessary. In condition #3, it talks about the 10 year bonding, **OR** "some other agreed upon method of assurance". That could be in some form of engineer certification. He would suggest that language be added that, for example, would include an engineer certification as to slope stability. This is something Glacier would agree to and would help soften the financial impact. This would be more effective than the 10 year bond.

Sarah felt it appropriate that all conditions of approval in the Site Design Review and PAPA approval be carried over and referred to in these conditions of approval. Steve agreed with that.

OPPOSERS:

None.

Commissioner Hyde asked Carla Cudmore if the engineers certificate would be more effective than the bonding. He felt it would be more pro-active if there was specific language in the condition, in terms of an engineer certificate, rather than a bond. Carla would agree with requiring an engineer certificate, as long as there is language included that states Glacier will comply with any engineering recommendation.

Steve Abel drafted some suggested language and submitted it to staff for review. Commissioner Corsiglia read the new language into the record, marked Exhibit "2".

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Bernhard is comfortable with this proposal. Commissioner Hyde is very pleased to see the community finally come together on this. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the operating permit #05-0076 for Glacier NW (Pit F) to include the 17.66 acres on portions of Tax Lots #3106-020-010, #3106-020-100, #3106-020-200, #4100-000-100 and #4304-000-00100 on staff recommendations and conditions, to include recommendation #3 which is articulated in Exhibit "2", also including conditions requiring compliance with all conditions in Final Order #2002-09, the Site Design approval and compliance with the Columbia County Surface Mining Ordinance. The motion carried unanimously.

YOUNG MECHANICAL SERVICES - FLOOD MAP ISSUE:

Discussion on this matter has been canceled until further notice.

CONSENT AGENDA:

Commissioner Corsiglia read the consent agenda in full. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 3/18/03.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (B) Intergovernmental Agreement with the City of St. Helens for Justice of Peace as Municipal Court Judge Pro Tempore.

The motion carried unanimously.

AGREEMENTS WITH DOUBLE TEE PROMOTIONS:

Lowell McGregor, Double Tee Promotions, had asked that these be approved today. John contacted Steve Schell, Morse Bros., who stated there was some issue with Coastal Chemical. John contacted Lowell and informed him that, if Steve Schell is comfortable with the agreements, then John would recommend approval. If not, they would be held over. John hasn't heard anything from Steve Schell yet.

SCHEDULING MORSE BROS. PERMIT HEARINGS:

Sarah and Todd present. There may be as many as 6 Morse Bros. application coming before the Board in a short period of time. Morse Bros. have asked that all 6 applications come before the Board at the same time. Sarah feels that makes the best sense but wants the Board's opinion. Discussed the pros and cons of combining of applications and hearing all 6 on the same day. Commissioner Hyde feels it would be best to hold them all on one day, for convenience sake for all involved. Commissioner Bernhard suggested holding the Waterview site hearings together

and the Reichold site hearings together. She feels that having all of them together would be too overwhelming. Sarah talked about the 150 day rule. Morse Bros. is willing to waive that, but only for a certain amount of time and Sarah has some concerns about that. After lengthy discussion, the Board agreed to hold all hearings on the same day if Morse Bros. agrees to waive the 150 day rule. Sarah will talk with Steve Schell on the waiver.

AGREEMENTS WITH DOUBLE TEE PROMOTIONS:

Brian Gray, Morse Bros. was present. Again, John hasn't heard back from Steve Schell regarding the agreements. Brian stated that if all the agreements are the same as last year, there should be no problem. Regarding the Coastal Chemical concern, Morse Bros. is more than willing to include them in the planning process. As far as extending the contracts out to October, Brian needs to check on the bald eagle management plan to make sure there is no conflict. With that, John recommended approval, subject to review by Morse Bros.

After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the License Agreement between Columbia County and DTL, Inc., dba Double Tee Concerts. The motion carried unanimously.

Further, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the Sub-License Agreement between Columbia County, Morse Bros., Inc. and DTL, Inc., dba Double Tee Concerts, subject to review and approval by Morse Bros., Inc. The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia reported on the City/County meeting held last night. He was very encouraged with the understanding between the cities and the County that we need each other during these very tough financial times. Hopefully there will be an increase effort to work together on common goals.

Commissioner Corsiglia wanted to compliment all county staff for all their hard work during tough times. When things happen, this staff continues to work with what they have and should be complimented. They have been taking some unnecessary behavior from the public due to the State court closures on Friday. Steps will be taken to hopefully eliminate these problems.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard has been attending the town hall meetings being held by Senator Dukes and Representative Johnson. She is basically there to provide her opinion on any questions the public may have. She is very interested in hearing what the public has to say about the budget issue and service cuts.

The Board did a tour last week of Apple Valley and Carcus Creek properties. It makes it easier to understand the layout of the property once you've been there.

She was glad to see the City/County meetings being revived. It's a good move to get them going again.

She also commented on the State court closure schedule. The State offices are now closed from 4:00 - 5:00 Monday thru Thursday and closed all day on Friday. This has caused some issues for people who are unaware of the new hours. They take time off work to come in and then find the offices closed. Some reactions are not so pleasant. More signage will be posted to help inform the public.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde commented on State court closures the problems resulting from that. Frankly, the behavior last Friday toward county staff was totally unacceptable. If this continues, measures will be taken that might not be so pleasant.

This afternoon, the Board will be having a discussion with emergency personnel on where the county is as far as an alert status. The responsibility of the alert status in Columbia County lies with the Board of Commissioners. If there are any questions on the alert status, they should be directed to the Board of Commissioners.

EXECUTIVE SESSION UNDER ORS 192.660(1)(f) - EXEMPT RECORDS:

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(f). Upon coming out of Executive Session, Commissioner Hyde moved and Commissioner Bernhard seconded that, subject to the finalization of the resignation of the County Treasurer, that no action be taken on filling the Treasurer position until the completion of the FY 2003-04 budget process. The motion carried unanimously.

The Board recessed the meeting at 12:10 p.m. and reconvened at 1:30 p.m. with all present.

ALERT STATUS:

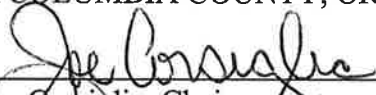
John Clouse, Phil Derby and Bill Potter were present for discussion. The Board needs to set forth a process for determining alert status level. The determination of the level of alert lies with the Board of Commissioners. If there is an alert, the Board needs to be notified. Further, all other entities need to be notified, i.e. fire departments, 911, etc. A policy/procedure needs to be put in place.

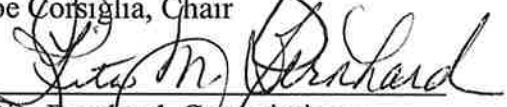
The Board asked John about our current status. John stated that the national level is now at orange, but the county level is at blue. It is well known that there are domestic terrorists around who have threatened reservoirs, etc. Columbia County may be in a somewhat safer situation because of the rural population. John explained what steps are being taken at the Trojan Plant.


Dated at St. Helens, Oregon this 19th day of March, 2003.

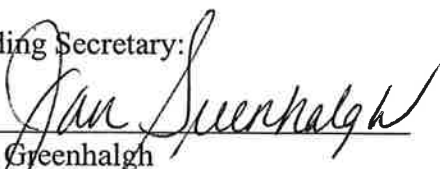
NOTE: A tape of this meeting is available for purchase by the public or interested parties.

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