

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

August 27, 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 Bernhard moved and Commissioner Hyde seconded to approve the minutes of the August 20, 2003 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

DELIBERATIONS: GLACIER NW PAPA & ZONE CHANGE FROM PA-38 TO SM:

As scheduled, deliberations on proposed Ordinance No. 2003-7, "In the Matter of the Application of Northwest Aggregates Co. (aka Glacier NW) for a Post Acknowledgment Plan Amendment (PAPA) for a Comprehensive Plan Amendment from Agricultural Resource to Mineral and Aggregate Resource and Zone Change from Primary Agriculture (PA-38) to Surface Mining (SM)", were held.

Sarah is not yet prepared for the first reading of this ordinance. She is still waiting for supplemental findings that need to be attached. She pointed out that these are somewhat different than those conditions attached to the staff report. She removed the requirement that Glacier submit a legal description prior to the Board hearing because it doesn't make sense to have that as a condition on the ordinance. Because of this, there is a renumbering of the conditions. The "well monitoring" is not condition #25. She would recommend that, after deliberations, this matter be carried over to next week for the first reading of the ordinance. At this time, Sarah submitted the current list of conditions for the Board to review. The Board took time to review the list of conditions.

Commissioner Hyde asked about "water quality". Sarah stated that is not in the draft before the Board. The Board will need to determine the language on water quality, if any, that they want included. Commissioner Hyde stated that was an issue of concern that was raised. If there is already going to be well monitoring, it would seem simple enough to also monitor for turbidity, as well as impact on quantity. Sarah could work on some language.

Sarah mentioned the addition of the "arbitration clause" in the conditions. If Glacier isn't able to come to an agreement with SDIC as far as an equitable compensation program would be, then

they would submit to binding arbitration. If the SDIC did not wish to go to arbitration, then the last proposal that Glacier put on the table would be the compensation program. The Board agreed that was reasonable.

Todd asked if the Board wanted to address the state agency jurisdiction issue, as far as review and approval of the monitoring. Commissioner Hyde felt state **and** federal should be added. Todd stated that if a condition is being added for monitoring of water quality and quantity, that jurisdiction would fall under DEQ. Sarah agreed that any water monitoring program would need to be approved by DEQ. Commissioner Corsiglia suggested adding language in #25, "and any state or **federal** agency". That should cover it. Sarah stated that she will draft some language, for Board review, to ensure that the water quality issue is addressed.

Under deliberation, Commissioner Bernhard feels that, at this point, it appears that all concerns have been addressed in the conditions. Commissioner Hyde agrees and feels that the Board has been more than fair to allow all the additional testimony. As he sees it, no one was actually opposed to the mining, as long as they were protected. He believes these conditions do that. Commissioner Corsiglia doesn't feel totally comfortable, however, he is not sure if there is a way he could be. There could always be a breach or impacts to the drainage district, but those can't be predicted, only precautions taken. He wanted to mention that some of the testimony last week alluded that the Board had already given this application the green light because of an agreement they were named in a couple of years ago. Let it be known that, during that portion of time, he personally stayed away from any discussion regarding that agreement. He feels that perhaps the Board, and he individually, was almost framed into a conflict that does not exist. Any decision he participates in on this subject is not based on any agreement or MOU. Commissioner Hyde agreed and absolutely resents the implication that this had a green light by the Board of Commissioners and that this was already a done deal. Commissioner Bernhard agreed. This was never a done deal. On a lighter note, Commissioner Corsiglia wanted to compliment the Planning Commission on all their hard work on this application.

At this time, Commissioner Hyde moved and Commissioner Bernhard seconded to approve Ordinance No. 2003-7, "In the Matter of the Application of Northwest Aggregates Co. (aka Glacier NW) for a Post Acknowledgment Plan Amendment (PAPA) for a Comprehensive Plan Amendment from Agricultural Resource to Mineral and Aggregate Resource and Zone Change from Primary Agriculture (PA-38) to Surface Mining (SM)" and direct staff to make changes to condition #25 regarding water quality. The motion carried unanimously.

Further, Commissioner Bernhard moved and Commissioner Hyde to hold the first reading of Ordinance No. 2003-7 on September 3, 2003, at or after 10:00 a.m. The motion carried unanimously.

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 8/26/03.
- (B) Ratify approval to accept the offer of the Employers Defense Alliance to provide a defense in the pending PERS reform litigation as provided in the engagement letter, to retain Harrang Long Gary Rudnick, P.C., to represent Columbia County in the litigation, and to authorize the Chair to sign the engagement letter.
- (C) Reappoint Donna Tewksbury to the Commission on Children & Families for a four (4) year term.
- (D) Authorize LDS Director to issue an RFP for Surface Mining Administration Services.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Ratify approval of the Contract with Big River Excavation, Inc. for Port Westward Road Improvements - Phase 1A.
- (F) Personal Services Contract with First American Title to conduct lien searches.
- (G) Amendment #5 to Agreement with Columbia Community Mental Health to extend the current agreement to September 30, 2003.
- (H) Approve extension of Personal Services Contract with Ridgeline Resources, under the same rates and terms as FY \2003 until selection of new contractor.
- (I) Approve contract with Compass Engineering for Stormwater/Erosion Control Plan review services.

The motion carried unanimously.

FAIR BOARD'S REQUEST FOR WAIVER OF BUILDING PERMIT FEE:

Commissioner Hyde moved and Commissioner Bernhard seconded to approve the request by the Fair Board to waive the building permit fee for the roof replacement, based on the recommendation from staff. The motion carried unanimously.

RESOLUTION #54-2003: LEWIS & CLARK TOUR TRAIN:

Commissioner Corsiglia addressed Resolution No. 54-2003. This revised resolution requests that the Lewis & Clark tour train stop in Columbia County. He would recommend approval. After little discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to approve Resolution No. 54-2003, "In the Matter of Requesting Local Access to the Portland-Astoria Tour Train Commemorating the Lewis & Clark Bicentennial". The motion carried unanimously.

OREGON CULTURAL TRUST PLANNING GRANT AGREEMENT:

Commissioner Corsiglia received a grant agreement from the Oregon Cultural Trust. He would like to take the lead on organizing a planning committee to develop a Columbia County cultural plan and the Columbia County Cultural Coalition. This coalition will be the organization to receive and distribute future program funds from the Oregon Cultural Trust. After little discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to authorize Commissioner Corsiglia to sign the Oregon Cultural Trust planning grant agreement. The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia participated in the Hood to Coast event last weekend. It was quite a success for a lot of people in Columbia County. It must have went well, because he hasn't heard the number of complaints that he did from last years event.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended a transportation meeting on Monday night to meet with the parents of children who use public transportation. Transportation is still lacking for pre-school kids, particularly in the Scappoose and St. Helens areas. The meeting was well attended with a lot of good discussion and suggestions.

Commissioner Bernhard mentioned that there were about a dozen kids from Columbia County who participated in a survival camp. This is a highly successful event. The camp is very helpful for kids with learning disabilities and at-risk kids.

Commissioner Bernhard presented a pamphlet she received from SOLV. There are some good articles in the pamphlet on a number of areas in Columbia County.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde reported on what is happening in Salem regarding certain bills, the PERS issue, video lottery, etc. Some good news is that some funding has been added back to public health, mental health and law enforcement.

PORT WESTWARD CONSTRUCTION ENGINEERING CONTRACT:

Dave Hill went over the contact with Parametrix for the construction engineering for the Port Westward Road Improvement Phase 1-A project. Sarah, together with Parametrix, has prepared the contract for Board approval.

Sarah explained that, prior to the Board approving this contract, they will first need to approve Order No. 60-2003. This order would exempt the contract with Parametrix from the screening selection procedures of the Personal Services Contracting Rule.

After review and explanation, Commissioner Hyde moved and Commissioner Bernhard seconded to approve Order No. 60-2003, "In the Matter of Exempting a Personal Services Contract for the Provision of Construction Engineering Services from the Screening and Selection Procedures of the Personal Services Contracting Rule". The motion carried unanimously.

Further, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the Contract with Parametrix, Inc., for the Construction Engineering of the Port Westward Road Improvement Phase 1-A project. The motion carried unanimously.

The Board recessed the meeting at 10:55 a.m. and reconvened at 2:00 p.m. Present were Commissioner Corsiglia, Commissioner Bernhard, John Knight, County Council, Sarah Tyson, Assistant County Counsel and Jan Greenhalgh, Board Secretary. Commissioner Hyde was not present.

CONTRACT WITH CAT FOR TRANSITIONAL HOUSING PROJECT:

Jim Tierney was present yesterday to discuss this with the Board. Action was held over to allow John to make some changes to the contract. John has made those changes, Jim has reviewed them and it is now ready for approval. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the contract with Community Action Team for the Transitional Housing Project. The motion carried unanimously.

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, no action was taken by the Board.

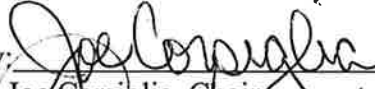
With nothing further coming before the Board, the meeting was adjourned.


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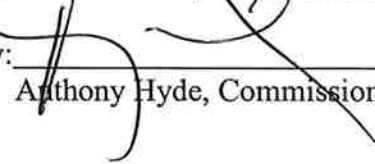
Dated at St. Helens, Oregon this 27th day of August, 2003.

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