

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

June 15, 2005

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

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

MINUTES:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the minutes of the June 8, 2005 Board meeting and June 8, 2005 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: AMENDING SOLID WASTE MANAGEMENT ORDINANCE:

As scheduled, the public hearing, "In the Matter of Amending the Columbia County Solid Waste Management Ordinance Regarding Exempting the Creation and Maintenance of the Columbia County Transfer Station and Household Hazardous Waste Facility from the Franchise Requirements of the Solid Waste Management Ordinance", was held.

Sarah Tyson explained the need for the amendment to the Solid Waste Management Ordinance, which is to specifically exempt the creation and maintenance of the Columbia County Transfer Station and Household Hazardous Waste Facility from the franchise requirements.

The hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed for deliberation. The Board felt this was a simple housekeeping issue. Sarah read Ordinance No. 2005-3 twice by title only. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to adopt Ordinance No. 2005-3, "In the Matter of Amending the Columbia County Solid Waste Management Ordinance Regarding Exempting the Creation and Maintenance of the Columbia County Transfer Station and Household Hazardous Waste Facility from the Franchise Requirements of the Solid Waste Management Ordinance". The motion carried unanimously.

CONSENT AGENDA:

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

- (A) Ratify Select-to-Pay for 6/14/05.
- (B) Order No. 26-2005, "In the Matter of Designating and Authorizing the Director of the Commission on Children & Families to make Sole-Source Determinations for Commission-Funding Contracts".
- (C) Resolution No. 27-2005, "In the Matter of Eliminating a Loan of Funds from the General Fund to the Animal Control Fund".
- (D) Order No. 28-2005, "In the Matter of Appointing the Administrator of the Columbia County Public Road Event Ordinance"
- (E) Reappoint Phil Derby, Larry Lucas, Janice Faltersack, Jim Gibson, Jenefer Grant, Ted Grove, Linda Hald, Tony Hyde, Dennis Kenna and Stan Mendenhall to the Local Public Safety Coordinating Council. Terms to expire on December 31, 2008.
- (F) Deny the Measure 37 Claim CL 05-05 filed by Raymond and Stephen Barrett.
- (G) Appoint Walt Pesterfield to the Local Public Safety Coordinating Council. Term to expire on December 31, 2008.
- (H) Appoint Casey Mitchell to the Northwest Oregon Housing Authority. Term to expire on December 31, 2010.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (I) Portland Metropolitan Area Transportation (PMAT) Cooperative IGA.

The motion carried unanimously.

COLUMBIA CITY'S REQUEST FOR EASEMENTS ACROSS COUNTY PROPERTY:

Cynthia Zemaitis, Natural Resource Administrator, gave the staff report dated 6/13/05. In May of 2004, Mr. David Cook submitted an offer of \$500 on TL #5128-042-00900, a parcel that lies between his residence and the railroad tracks in Columbia City. He is intent on preserving the buffer between his home and the railroad right-of-way. The Board approved that offer and Cynthia published the required Notice of Private Sale. Cynthia then received a call from Leahnette Rivers, Columbia City Administrator, who submitted an offer of \$700 on behalf of the

City, indicating that the City would be replacing the "L" Street bridge in the near future. Leahnette was contacted by ODOT who advised her that she could not use federal funds to purchase the property for this project and asked that the County hold off on selling the property until the preliminary engineering report was completed, at which time she would know if they needed the property or just easements. On July 27, 2004, the Board agreed to take no further action on selling the property until such time as the City could make a final decision and directed staff to advise Mr. Cook that the County would do what it could to ensure protection of the buffer. On June 6, 2006, Leahnette wrote requesting a permanent public utility easement and a temporary construction easement over the property. When Cynthia asked Leahnette why the city did not just buy the property, she stated that all the City needs is a temporary construction easement and a utility easement, including the plans for protecting the buffer. Cynthia stated that Dave Hill has proposed that the County transfer the property to the City in exchange for their agreement to accept jurisdiction of Fourth Street. Cynthia posed that question to Leahnette, who responded as follows: The City Council does not meet again until July and ODOT is requiring that the City have these easements in place several weeks before they put the project out to bid, which the City needs to accomplish soon; the City Council considered accepting jurisdiction of Fourth Street a few years ago and decided unanimously NOT to accept jurisdiction because the road is in such poor condition and not any where near up to their road standards (the City Council is likely to make the same decision in July). At this time, Cynthia is requesting direction from the Board on granting the requested easements to Columbia City and, if so, placing a condition in the easements protecting the buffer. The Board wanted to hear from Dave Hill on this matter prior to taking any action. The Board will meet at 1:00 this afternoon when Dave Hill will be present.

OFFERS TO PURCHASE COUNTY PROPERTY BY CHEROKEE TRUSTS:

Cynthia Zemaitis has received from Jane Windham, Trustee for several different trusts appearing to be related to the Cherokee Nation, 8 separate offers to purchase county surplus property. Each of these parcels are very small and valued at far less than \$5,000 and unbuildable. Cynthia advised Ms. Windham that four of the parcels had recently been sold. With regards to the remaining four, Cynthia sent out letters, by certified mail, to each of the adjoining property owners advising them of the offer and inviting a higher bid. The responses are as follows:

On Tax #5235-014-00400 - an offer was received from adjoining property owner Vern and Ethel Huntzinger in the amount of \$130 (\$15 higher than Ms. Windham). The County can proceed to sell the property for an amount exceeding \$75.00.

On Tax #6210-000-00609 - an offer was received from adjoining property owner Simmons/Hobbins for \$120 (\$10 higher than Ms. Windham). The County can proceed to sell the property for an amount exceeding \$75.00.

On Tax #7321-030-00602 - an offer was received from adjoining property owners Richard and Janet Parson for \$155 (\$47 higher than Ms Windham). The County can proceed to sell the property for an amount exceeding \$75.00.

On the above three parcels, Cynthia would recommend that the County sell these properties to the adjoining property owners and advise Jane Windham of these sales. The Board agreed.

Tax Lot #8330-00-00200 is more complicated. Jane Windham submitted an offer of \$102. According to the Cartographer, this parcel is a tiny parcel of land lying within what appears to be a private road in the northeastern tip of property currently owned by Jerry and Kathy Gann. A letter was sent to the Ganns, to Franklin and Christine Walling (owning the property due east) and to Mary Larson (owner of the property to the north). All three property owners responded, but the Larsons have indicated they would not benefit from purchasing this piece of land. Cynthia received an offer from the Ganns of \$155, and from the Wallings of \$150. Cynthia had several conversations with Franklin Walling, who indicated that this private road is the sole access to at least five dwellings and that, at one point, Mr. Gann tried to prevent people from using the right-of-way by closing it off at the portion that runs through his property (i.e. the county property). Mr. Walling would like to purchase it to protect the access, but believes it doesn't matter since they now have prescriptive rights. Mr. Gann indicated that this property should belong to him and asked Cynthia not to let the neighbors know how much he bid for it. Cynthia has reviewed the most recent deeds pertaining to the Gann and Walling properties and finds no evidence of an existing easement. The County can proceed to sell the property for an amount exceeding \$75.00. At this point, Cynthia would recommend that the County hold a telephone auction with Mr. Gann and Mr. Walling and sell the property to the highest bidder, subject to Counsel's approval and reserve an easement across the property for ingress/egress. She will then notify Jan Windham that the property was sold to an adjoining property owner.

The Board agreed and directed Cynthia to move forward with the three sales and one phone auction.

SHERIFF DERBY: REQUEST TO HIRE VACANCIES:

Sheriff Derby and Jim Gibson approached the Board with a request to fill some positions. Tony Weaver has retired so they are down one person in the Jail and it is making it difficult for coverage. Further, Ethel Weaver in the front office retired and that position needs to be filled. There are qualified employees that may move up and that will create more vacancies. Phil noted that these positions are already budgeted for. After some discussion, Commissioner Bernhard moved and Commissioner Hyde seconded to authorize Sheriff Derby to fill one Civil Clerk position and one Sergeant position. The motion carried unanimously.

EXTEND FRANCHISE AGREEMENT WITH WASTE MANAGEMENT:

A few weeks ago, the Board discussed the current franchise agreement the County has with Waste Management. That agreement is due to expire on June 30, 2005, unless extended. Because there will be some lag time before the new Transfer Station is up and running, Sarah would recommend that this franchise agreement be extended to January 1, 2006 and she prepared an MOA for approval. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the Memorandum of Agreement with Waste Management to extend the franchise agreement to January 1, 2006. The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde has been in Salem a lot working on the State budget and Bills that will effect Columbia County.

Last night, he attended a meeting that was held on the proposed meth levy, good discussion on the concepts.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia has now graduated from the Scappoose Policy Academy.

He attended his first RAC meeting yesterday in Salem. He feels there is some work to do to protect funding for Columbia County.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard also attended the levy meeting last night. She was glad to see the number of people in attendance. If we can get the word out, this levy should be successful.

She attended the Women's Resource Center's fund raiser held Saturday night at the Fairgrounds.

She continues to work on transportation issues. Three proposals have been received and the evaluation committee has reviewed those. They will be making a recommendation to the Transportation Committee and then to the Board.

The Board recessed the meeting at 10:35 a.m. and reconvened at 1:00 p.m. Present were Commissioner Hyde and Commissioner Bernhard. Commissioner Corsiglia was not present.

Commissioner Hyde called the meeting back to order.

COLUMBIA CITY'S REQUEST FOR EASEMENTS ACROSS COUNTY PROPERTY:

This matter is being continued from earlier in the meeting. Dave Hill was present to give his recommendation on the easement request from Columbia City. Commissioner Hyde asked how long Fourth Street is and how much would it cost to bring it up to city standards. Dave stated that the road is in fairly good shape and presented the Board with pictures. However, he doesn't feel there is enough right-of-way to bring it up to city standards and, at this point, Dave is not interested in bringing it up to city standards. Commissioner Hyde stated that the city is maintaining this road, not the county. It makes more sense for this to be a city street, because it serves the city residents. Dave would suggest possibly paying the city to take it. Commissioner Hyde felt the County should meet with their city council to discuss surrendering jurisdiction to the city. John suggested giving them the easements the city is requesting and then, at a later date, discuss jurisdiction.

After discussion, Commissioner Hyde stated that he will work with Cynthia to draft a letter to the city. In the meantime, Commissioner Bernhard moved and Commissioner Hyde seconded to convey easements to the City of Columbia City, while protecting the buffer. The motion carried unanimously.

FOREST TRUST LANDS SB1077:

Commissioner Bernhard moved and Commissioner Hyde seconded to endorse the Forest Trust Lands SB 1077. The motion carried unanimously.

EXECUTIVE SESSION UNDER ORS 192.660(1)(I) - EVALUATION:

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(I). Upon coming out of Executive Session, no action was taken by the Board.

BIDS FOR LOGO, PAINTING & DECALS FOR TRANSIT VEHICLES:

Janet Wright approached the Board with the three bids received for the logo, painting and decals for the transit vehicles. The low bidder is Gillespie Graphics at \$7,563.00. She is asking for Board approval to move forward with a personal services contract with Gillespie. With that, Commissioner Bernhard moved and Commissioner Hyde seconded to authorize Janet Wright to pursue the completion of a personal services contract with Gillespie Graphics for the logo art design and art files, graphic production and removal and installation of the logo on 9 vehicles for the total project cost of \$7,563.00. The motion carried unanimously.

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

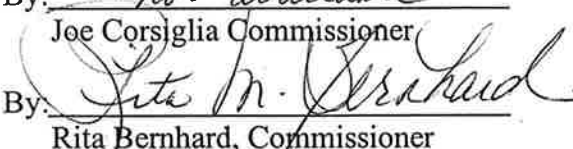
Dated at St. Helens, Oregon this 15th day of June, 2005.

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: 
Anthony Hyde, Chair

By: not available
Joe Corsiglia Commissioner

By: 
Rita Bernhard, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh