

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

December 6, 2006

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 Hanson, 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 November 28, 2006 Work Session and November 29, 2006 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Tammy Maygra, 34319 Cannan Road, Deer Island and Thelma Bonar, 56734 Way Lane, Warren, came before the Board to discuss their concerns about the Depletion Fee and what the citizens originally voted on. The Board and the electors did not intend to impose a transportation fee on natural resources which are not severed and depleted within the county such as gypsum and clay. She and Thelma disagree with this and, so there is no confusion, Tammy read the exact language in the ballot measure and how the citizens voted in 1996, 2000 and 2001. There is no room for interpretation on this ballot measure that was passed by the citizens of Columbia County. The Board is in the process of considering an interpretation of the Depletion Fee ordinance but Tammy feels that the only way to correct this is to re-write the ordinance and bring it back before the voters. The Board should not just make changes by interpretation. Thelma believes the language was very clear and agrees that any changes should go back before the voters. She is tired of hearing the County doesn't have any money when they could be collecting more by enforcing depletion fees. Tammy stated that the corporations can write this off on their taxes and that it is a win-win for all. The Board does not have the right to interpret the intent of this ordinance, and feels it is a slam to the voters. This ordinance has been in effect for 10 years and has not been fully enforced. Thelma stated that she and Tammy went out for two different initiatives trying to increase resources to help the county. These companies are getting enough tax breaks in this county and should be glad to pay the depletion fee.

Commissioner Corsiglia is impressed with the information just given and would like to meet with both Tammy and Thelma to take a better look at this.

HEARING: SUPPLEMENT BUDGET FOR FY 2006-2007:

This is the time set for the public hearing on a supplemental budget for FY 2006-2007 Columbia County Budget.

Ruth Baker, Finance Director, explained the need for the supplemental budget. The county has successfully refunded the Jail bonds, which has saved the taxpayers \$312,000 over the life of the bond. Because this is over 10% of the county budget, a supplemental budget must be approved.

The hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed for deliberation. Commissioner Hyde moved and Commissioner Bernhard seconded to approve the supplemental budget for 2006-2007 Columbia County Budget. Under discussion, Commissioner Hyde commended Ruth Baker for her work with the bond counsel and saving the county a great deal of money. The motion carried unanimously.

HEARING: CONSTRUCTION OF ACCESS APPROACHES:

This is the time set for the public hearing on Ordinance No. 2006-4, "In the Matter of Regulating the Construction of Access Approaches".

Sarah Hanson went through the changes to the ordinance. One major change is that the deposit requirement has been done away with and explained the new process. She noted that there is an emergency clause in the ordinance but that can be deleted. Regarding the emergency clause, Dave Hill stated that he has met with the contractors and Sarah and feels it is beneficial for everyone to have this done as quickly as possible. He thanked Sarah for her work on this. Sarah stated that this ordinance is not yet ready for adoption today.

The hearing was opened for public testimony.

COMMENTS:

Jay Fisher, 24613 Warren Road, Rainier. He asked about the \$2,000 that would have to be put up to be able to move in before the final inspection and where that money would go? Sarah stated it would go to the Road Department. Commissioner Hyde explained how the old process worked and the purpose of access approaches. Before, the applicant would put up the money but they may never construct the access. Now, the money goes into a fund and, if the applicant doesn't build the access approach, the county will have it done. The intent is to get the access approaches completed. Mr. Fisher's concern is that the homeowner may lose the deposit and get no benefit. Sarah stated that a person could request an extension prior to the expiration of the original permit.

Jim Connors, 66121 East Meissner Road: He has paid the \$500 deposit but understands that is not enough to get the access approach completed. He is currently in litigation about this exact issue. Sarah explained that a person can get more than one extension.

Jay Stoel, 34115 Cannan Road, Deer Island. He just wants to make sure the after so many years, the deposit should be a lien, not in a holding account. These may be very few and far between, however, there will always be one.

REBUTTAL:

Dave Hill and Lonny Welter responded. There are some firm dates set in the ordinance. Also, Dave doesn't want to see it a requirement that the Road Department construct the access approaches. It may require a larger deposit and he is not sure if it is economically feasible for the Road Department.

Jim Connors - the fees are not there to penalize the homeowner, just to get the access approach built. The homeowner should not be allowed to move in until the access approach is built. The Board agrees, but there are extenuating circumstances. Jim feels that if the \$2,000 is forfeited and the cost is over that amount, a lien could be placed on the property. Commissioner Corsiglia stated that is what Dave Hill just suggested. He feels that the ordinance still needs some fine tuning.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Corsiglia feels the ordinance is good, with the exception of Section E, which needs some work. Sarah understands that the Board is wanting language that the Road Department "may" do the work or contract it out. Commissioner Corsiglia would like to see that the Road Department administer getting the work done, either by themselves or contract it out. Discussion was held on the issue of the Road Departments capability of doing this work.

After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to table this discussion until Wednesday, December 20, 2006, at 10:00 a.m. The motion carried unanimously.

HEARING: APPEAL OF ACCESS APPROACH PERMIT DEPOSIT FORFEITURES:

This is the time set for the public hearing, "In the Matter of the Appeal of Access Approach Permit Deposit Forfeitures".

Sarah Hanson explained that these are all appeal forfeitures under the old ordinance. They all gave a \$500 deposit, the work was not done, the deposit was forfeited and appeals were filed. The appellants are here to state their case. She would suggest that the Board hear from each appellant that is present.

Lonny Welter informed the Board that Josh Luttrell and Joshua Thomas have both completed their access approaches.

JAMES CONNORS - Connors indicates he timely requested an extension on his permit; the Road Department refutes that. His appeal of the deposit forfeiture indicates that they had trouble getting the home on the property, and that the driveway is now ready for the blacktop of 20 feet.

James Connors, 66121 East Meissner Road, Deer Island: He has had quite a few problems getting his manufactured home in the site. The business that he was purchasing the home from has pulled out and he is currently in litigation with them. He is now seeking funding to complete his housing. He is not living on the property and would ask that the Board grant him an extension of 2 years to allow him time to obtain the funding and get the work done.

Sarah explained the process that has been followed under the old ordinance, which is to allow a 60 day extension. Dave Hill stated that he would agree that 60 days would not be time enough to complete the work and would agree with a 6 month extension. Mr. Connors appreciates any extension the Board can grant.

After discussion, Commissioner Bernhard moved and Commissioner Hyde seconded to deny the appeal by James Connor, but allow a 6 month extension. The motion carried unanimously.

ADAM FISCHER - *In his appeal of the deposit forfeiture, Fisher claims that he has made slow, steady progress on the development of the property, and intends to complete the access once the home is done, which should be soon.*

Lonny Welter just confirmed that Mr. Fischer has completed his access approach and been signed off on.

Commissioner Hyde moved and Commissioner Bernhard seconded to deny the appeal of Adam Fischer, but refund the \$500 deposit. The motion carried unanimously.

JOSH LUTTRELL - *Luttrell's permit expire on April 29, 2004. He has recently completed construction on his house and, in order to obtain a final inspection and/or Certificate of Occupancy, has re-applied for an access approach permit and paid \$2,000.*

Lonny Welter stated that the work has been completed, however the \$2,000 is incorrect. It should only be \$500.

Commissioner Hyde moved and Commissioner Bernhard seconded to deny the appeal by Josh Luttrell and refund the \$500.

THOMAS MILLER - *Miller's permit expired on September 2, 2004. He has been building his own house and problems with the building permit prevented him from beginning until May 2006. He is requesting an extension of time to allow completion of building and the access approach.*

Commissioner Bernhard moved and Commissioner Hyde seconded to deny the appeal by Thomas Miller and extend the permit for 6 months. The motion carried unanimously.

JAY STOEL - *Stoel's permit expired February 6, 2004. He states he was unaware the access approach had to be completed within 2 years. He is requesting an extension to give him reasonable time to comply.*

Jay Stoel came before the Board to request an extension to complete the work. He is sure he can complete the work sooner, but would ask for 6 months.

Commissioner Bernhard moved and Commissioner Hyde seconded to deny the appeal by Jay Stoel and grant a 6 month extension. The motion carried unanimously.

JOSHUA THOMAS - *Mr. Thomas' permit expired July 31, 2005. He is in the process of building his home, debt free, and is up to date on permits and inspections. He is requesting an extension of time and is confident that he will soon be able to comply with the access approach requirements.*

Mr. Thomas approached the Board and informed them that he has now completed the access approach and it has been signed off by the Road Department. He is requesting a refund of the \$500 deposit.

Commissioner Hyde moved and Commissioner Bernhard seconded to deny the appeal filed by Joshua Thomas and refund the \$500 deposit. The motion carried unanimously.

With no further comments, the hearing was closed.

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 12/5/06.
- (B) Approve Partition Plats for Arzie & Anna Walters and Pioneer Crossing.
- (C) Order No. 97-2006, "In the Matter of Claim Number CL 06-22 and CL 06-23, Submitted by Dixie Blaha, Trustee for the Joseph F. Blaha Credit Shelter Trust". (Order Number corrected from 91-2006)
- (D) Order No. 98-2006, "In the Matter of Authorizing Kevin Bernt to Construct a Gate in the Right-of-Way of Old Clatskanie-Rainier Road".
- (E) Authorize the LDS Director to fill the Solid Waste Program Administrator position.
- (F) Reappoint Larry Lucas and Sue Ziglinski to the Commission on Children & Families for a four year term.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (G) Approve the Memorandum of Agreement with the CCDSA regarding Patrol Deputies Work Schedules.
- (H) Amendment #4 to the Oregon Commission on Children and Families 2005-2007 Intergovernmental Agreement #0507COL.
- (I) Memorandum of Amended and Restated Gas Storage Lease, Calvin Creek.
- (J) Approve changes to the Personal Services Contract with Acti-Dyne Survey Research, LLC.

The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia attended the Transitional Housing Opening.

He attended the Traffic Safety Committee meeting this morning. They continue to deal with the problems of water run-off on Rainier Hill. ODOT is going to try to cure that problem.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the Transitional Housing grand opening.

She also attended the Toy & Joy auction Friday night. There was a very good turnout.

On Saturday, she did bell ringing outside of Safeway, then on to a Kiwanis gathering and then attended the Scappoose City Hall Christmas lighting.

She went to a meeting at the Columbia Maritime Museum in Astoria for the National Heritage Area designation.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde also attended that discussion on the Heritage area in Astoria.

He was in Dublin, Ohio last week to attend a NACo Board meeting. They were able to convince the NACo Board that the PL 106.393 is a priority for the next year.

He was glad to announce that Portland, Oregon was selected to host the 2011 NACo Annual conference.

EXECUTIVE SESSION UNDER ORS 192.660(1)(h):

The Board recessed the regular session to go into Executive Session, as allowed by 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.

Dated at St. Helens, Oregon this 6th day of December, 2006.

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