

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

APRIL 18, 2007

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde, and Commissioner Joe Corsiglia, together with John Knight, County Counsel, Sarah Hanson, Assistant County Counsel and Linda Waters, Acting Board Secretary.

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

**MINUTES:**

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the April 11, 2007 Board Meeting. The motion carried unanimously.

**PROCLAIM APRIL AS AWARENESS MONTH:**

Deborah Holton, Sexual Assault Victims Advocate from Columbia County Women's Resource Center, came before the Board to explain that April is a very busy month and the proclamation in front of the Board covers all state and national services. It declares the month of April to be: Sexual Assault Awareness Month; Child Abuse Awareness Month; Crime Victims' Awareness Month and Violence Against People with Developmental Disabilities Awareness Month. This shows that working together works. Commissioner Bernhard read the Proclamation into the record, which is will be signed by the full Board.

**VISITORS COMMENTS:**

*Thelma Bonar, 56734 Way Lane, Warren:* She wanted to address a couple things. She stated that she had attended a Public Health Board meeting on March 22<sup>nd</sup> at 7:00 p.m. The meeting lasted until 7:45 p.m. and no one introduced themselves, they had no new business and Thelma felt it was a waste of her time and the public's time. She felt they misrepresented the public from the levy that the people approved because they have changed their plans from 15 beds to 12, no surgery, no rehabilitation, no dietician, etc.

The next thing she wanted to talk about was the roads. She was unable to attend the big meeting held with the loggers but she has concerns about the road budget and the fact that there's not much money left to take care of the roads after wages and service expenses are taken out. There was some discussion with the loggers to get their opinions and to see if they could up with some solution, but you need to hit everyone, all truckers including dump trucks, concrete trucks, buses they are all going over the same roads with heavy weight. Why are we just now worrying about the roads?

Commissioner Hyde stated that we have been working on the road issues for quite awhile. Columbia County has no intention of taxing the loggers and every one of the truckers and trucking associations were asked to attend that meeting to present ideas and possible plans and solutions. Commissioner Hyde state that property taxes cannot be used to pay for roads, that the State gives us gas tax and PUD permits only gives us \$14 thousand per road and compared to our neighboring county who gets \$140 thousand per road. That is an inappropriate appropriation distribution formula and they have been working very diligently to try and get some changes to that. There are a lot of pieces to how we fund our roads and no one has ever been lax on that. Commissioner Bernhard stated that we only get \$42.00 off each vehicle/truck registration through the State. Further discussion on Port Westward has lots of money for roads, her initiatives and that \$1 was too extreme, good support but wrong amount, and the need to find something in between, find some harmony.

***Tammy Maygra, 34319 Cannan Rd, Deer Island:*** Tammy asked the Board if the Depletion Fee discussion was going to be today. Commissioner Corsiglia stated that John Knight, County Counsel has been off sick and it would be another week before it comes back before the Board for discussion. Tammy questioned if the Board is looking at tweaking the Depletion Fee or taking it back to the voters and redoing the whole Ordinance. Commissioner Bernhard stated that they haven't decided what to do and they need to get something workable. Tammy felt that for the time being, the Depletion Fee Ordinance as presently written, and passed by the voters in 1997, should be enforced until another Ordinance is taken back to the voters. Eleven years is a long time to take for interpretation of an Ordinance.

***Nellie Arnold, 544B South 12th St., St. Helens:*** Nellie came before the Board to try to prevent the death of her daughter by the Columbia County Jail. She explained that this is a medical crisis and that was not part of her sentence. The treatment her daughter is getting from the Jail medical staff is unacceptable and something needs to be done. After discussion and questions concerning medical qualifications, treatment by CCOM operator, and other people she has contacted, it was suggested that she get a Public Records Request form to help get some of the information and answers she is requesting. The form can be obtained in the Board office.

**DELIBERATIONS: PACIFIC CASCADE RESOURCES - OPERATING PERMIT:**

This is the time set for deliberations, "In the Matter of the Matter of the Application of Pacific Cascade Resources - Siercks Road Site for Renewal of a Surface Mining Operation Permit #05 0032 for the Period 2006-2011".

Todd Dugdale, LDS Director, addressed the process so far. This matter has been discussed at length during the April 14, 2007 meeting and because of the need to review the information and answer some questions, deliberations were set over to today. Todd stated that due to absences and the inability to contact the operator, staff recommended that this matter be carried over two

weeks. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to carried over deliberations in the matter be carried over two weeks. The motion carried unanimously.

**PUBLIC HEARING- MEASURE 37 CLAIM FILED BY DONNA TEWKSBURY:**

This is the time set for the public hearing, "In the Matter of a Measure 37 Claim filed by Donna Tewksbury for Compensation Under Measure 37".

Todd Dugdale, LDS Director came before the Board to give the staff report. The claimant has filed a claim CL 07-68 for compensation under Measure 37 on a 26.4 acre parcel, zoned Forest Agriculture (FA-19) located on Dahlgren Road in Scappoose, Oregon. The claimant alleges that one or more county regulations restricts the use of the property and reduces its value. The property owner proposes to divide the existing parcel into 5 acre parcels for residential development. The amount of the claim is \$800,000. Based on the findings, staff concludes that the claimant has not met the threshold requirements for proving a Measure 37 claim.

The hearing was opened for public testimony.

**PROPONENTS:**

*Donna Tewksbury, 33217 Gift Place, Scappoose:* Donna stated that she would like Columbia County to consider the acceptance of her Measure 37 claim and turned it over to her attorney Dave Peterson.

*David J. Peterson, Tonkon Torp, LLP, 888 SW 5th Ave., 16th Floor, Portland, OR 97204:* He is the attorney for Donna Tewksbury. Dave referred to his letter of April 16, 2007 and pointed out that the key issue or purposes of this claim, as is for all Measure 37 claims, is date of acquisition. LDS has stated that Ms. Tewksbury's date of acquisition is May 28, 1987, where in fact the correct acquisition date should be August 16, 1977. With no gap in ownership since the court amended her divorce decree and gave the property back to her in lieu of child support in 1987. Dave stated that there are some questions about interpretation of the law and that it doesn't state "continuously". His second point was the correct value of the claim. Discussion followed on interpretation of the law and what the measure really says.

**OPPONENTS:**

None.

**REBUTTAL:**

None.

With no further testimony coming before the Board, the hearing was closed for deliberations. Based on the fact that the attorney's letter refers to the Staff report, which the Board just received today, they would like more time to consider the information. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to carried deliberations over in the matter to Wednesday, April 25, 2007, at or after 10:00 a.m. The motion carried unanimously.

**HEARING: CLATSKANIE SANITARY SERVICE-DROP BOX RATE INCREASE:**

This is the time set for the public hearing, "In the Matter of the Application by Clatskanie Sanitary Service For A Drop Box Rate Increase".

Todd Dugdale, LDS Director, came before the Board to explain the rate increase proposal. The Company has not realized a drop box rate increase since 1991 and until recently the Clatskanie Sanitary Service had one regular drop box customer in the area. With the increase in development and construction in the Port Westward region, the demand for drop box services has increased. The staff finds that the rate increase proposal is reasonable based on the length of time since the last change in rate (15 years): the current fee basis which does not include current cost factors such as mileage and the pro-forma analysis that addresses actual and projected costs for the service. The comparison with Columbia County Drop Box show that the rates are fair when mileage distances to the disposal are factored in. The Solid Waste Advisory Committee reviewed the request and recommended approval with the condition that if the truck is not used for drop box operations that the rate should be modified. Based on the findings, staff recommends approval of the proposed rates as submitted.

The hearing was opened for public testimony.

**PROPOSERS:**

Jason Hudson, 33629 Mazour Dr, Scappoose: Jason wanted to thank Todd for the excellent job he did in summarizing the staff report. Jason stated that they do currently use that truck for one other thing but those rates were adjusted to account for that. Discussion was held on the rate and was determined to be 1.58 after the first 14 miles.

**OPPOSERS:**

None.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve the application by Clatskanie Drop Box Service for a drop box rate increase, to include the recommendation by SWAC regarding the truck being dedicated to drop box use and directed staff to prepare a final order. The motion carried unanimously.

**CONSENT AGENDA:**

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

- (A) Ratify the Select-to-Pay for 4/17/07.
- (B) Ratify Partition Plat for Creekside Condominiums and Watts Road Condominiums.
- (C) Ratify Order No. 66-2007, "In the Matter of Claim No. CL 07-102 Submitted by Jean Neve for Compensation under Measure 37".
- (D) Ratify Order No. 67-2007. "In the Matter of Claim No. 07-124 Submitted by Sheryl Mathews for Compensation Under Measure 37".
- (E) Ratify Order No. 68-2007, "In the matter of Claim No. 07-81 Submitted by Charles and Marie Anderson for Compensation Under Measure 37".
- (F) Ratify Order No. 69-2007, "In the matter of Claim No. 07-95 Submitted by Alvin and Audrey Sinner for Compensation Under Measure 37".
- (G) Ratify Order No. 70-2007, "In the Matter of Claim No. 07-76 Submitted by Richard and Janet Beebe for Compensation Under Measure 37".
- (H) Ratify Order No. 71-2007, "In the Matter of Claim No. CL 07-77 Submitted by Auletta A. Christie for Compensation Under Measure 37".
- (I) Ratify Order No. 72-2007, "In the Matter of Claim No. 07-123 Submitted by John Crosley for Compensation Under Measure 37".
- (J) Ratify Order No. 73-2007, In the Matter of Claim Nos. CL 07-116 and CL 07-117 Submitted by David Wilson for Compensation under Measure 37".
- (K) Ratify Order No. 75-2007, "In the Matter of claim No. CL 07-33 Submitted by Thomas L. And Mary E. Whittaker, Trustees for the Whittaker Living trust and Fred and Marian D. Pouch, Trustees for the Rauch Family Living trust for Compensation Under Measure 37".
- (L) Order No. 77-2007, "In the Matter of Claim No. 07-45 Submitted by Cedric and Barbara Olsen for Compensation Under Measure 37".

- (M) Order No. 79-2007, "In the Matter of Designating a Temporary Maximum Speed of 15 MPH for a Portion of 5 Scappoose- Vernonia Road".
- (N) Ratify Order No. 80-2007, "In the Matter of Claim No. 07-122 Submitted by Charles and M. Jill Wardle for Compensation Under Measure 37".
- (O) Ratify Order No. 81-2007, "In the Matter of Claim No. 07-52 Submitted by Richard and Ellen Foulhober for Compensation Under Measure 37".
- (P) Ratify Order No. 82-2007, "In the Matter of Claim No. CL 07-121 Submitted by Jesse and Shirley Hudson for Compensation Under Measure 37".
- (Q) Authorize Stan Mendenhall to recruit for a Juvenile Probation Officer.
- (R) Approve Job Descriptions for County Counsel and Assistant County Counsel positions.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (S) Amendment #59 to the 2005-2007 Intergovernmental Agreement #113022 with DHS.
- (T) Amendment #2 to the ODOT Public Transit Division Grant Agreement #22591.
- (U) Approve GIS Data License Agreement between Columbia 9-1-1 Communication District and Columbia County.
- (V) Approve GIS DATA License Agreement between Columbia County and Columbia 9-1-1 Communications District.

The motion carried unanimously.

**FOREST HEMEON MINOR PARTITION REQUEST - JURISDICTION:**

Todd Dugdale, LDS Director, presented a recommendation that the Board take original jurisdiction over the Minor Partition application MP 07-20 filed by Forest and Geraldine Hemeon. Hemeon's filed a successful M37 claim allowing division of property on Wallace Road and the final order stipulated that all road improvements be completed and approved by the County Road Department, including Wallace Road extension and off site road improvements prescribed by the Road Department under the County Road Standards. They filed an appeal on that, primarily on the road requirements. With recent discussions at the Board level, Todd felt it would be appropriate for the Board to take jurisdiction in this matter. If the Board agrees, Todd

will work with Jan to schedule a hearing date. After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded the motion for the Board to take original jurisdiction over (MP-07-20) - Minor Partition Conditions of Approval - Road Improvements filed by Forest and Geraldine Hemeon. The motion carried unanimously.

**GYPSY MOTH SPRAYING:**

Commissioner Bernhard reported that the Department of Agriculture has contacted the county regarding the infestation of the gypsy moth and their request for approval of low flying aircraft for spraying. After little discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve the Department of Agriculture's request to spray for the gypsy moth from low flying aircraft. The motion carried unanimously.

**STATUS OF FORFEITED ANIMALS:**

Sarah Hanson updated the Board on the status of the Marsh hearing regarding the forfeited horses and donkey. Due to the forfeiture, Animal Control will be auctioning off the animals to help offset restitution of costs incurred, however this needs Board approval. After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to agree to offset proceeds from the sale of the Marsh horses and donkey from restitution in the Marsh criminal case. The motion carried unanimously.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard attended the United Way volunteer recognition dinner Friday night.

She also attended the County Parks meeting where there was a lot of discussion on the trail in Vernonia and our county parks.

She attended the Scappoose City Council meeting with parks discussions there.

On Sunday, Commissioner Bernhard attended the Fire Works fund raiser concert. It was an excellent concert but not a very good turnout.

Commissioners Bernhard also attended Spring Regional Partnership Forum in Astoria.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde sat on the interview board for the replacement of Judge Smith when he retires.

He attended the Spring Regional Partnership Forum in Astoria, Friday and Saturday; had a

birthday; attended a meeting in Portland with PGE on Hermo Road; on Tuesday met the new CEO of Longview Fibre and then on to the Quincy Water Association meeting to discuss their water line issues.

**COMMISSIONER CORSIGLIA COMMENTS:**

Commissioner Corsiglia attend both the Natal and Warren grange meetings and took a minor beating on road complaints. The general consensus is they don't trust Congress.

He also attended the Kiwanis meeting, where Bill Etter with the DEA spoke about the problems everyone is dealing with regarding meth.

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**EXECUTIVE SESSION UNDER ORS 192.660(2)(h):**

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(h). Upon coming out of Executive Session, no action was taken by Board.

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

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

Dated in St. Helens, Oregon this 18<sup>th</sup> day of April 2007.


BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Rita Bernhard, Chair

By:   
Anthony Hyde, Commissioner

By:   
Joe Corsiglia, Commissioner

Recording Secretary

By:   
Linda Waters