

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

April 23, 2008

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Joe Corsiglia and Commissioner Rita Bernhard, together with Spencer Parsons, 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 April 16, 2008 Staff meeting. The motion carried unanimously. The minutes of the April 16,

VISITOR COMMENTS:

Peggy Crisp, Millard Road, Warren: Peggy presented a petition to the Board to have her property removed from the hospital district.

Tammy Maygra, 34319 Cannan Road, Deer Island: She also presented a petition to the Board to have her property removed from the hospital district. She would also like a written response from the County Counsel on the ORS that was noted in the letter from the County Clerk to Georgia Keiper regarding her request to be withdrawn from the district. Tammy further requested a written explanation for the denial. Spencer stated that he forwarded his notes on this issue to Sarah Hanson for review. He also understood that Tammy and Thelma were going to put together a list of concerns and issues so that staff had specifics to address.

Commissioner Bernhard feels there has been a lot of discussion on this matter and asked if it might be agreeable to have a joint meeting with the health district to address some of these questions and concerns.

Commissioner Hyde did not feel that is appropriate and is not even sure that County Counsel should be reviewing this. He felt this is something to be reviewed by the Attorney General's office. However, if Tammy were to submit a detailed list,

the Board will respond to any questions under their jurisdiction.

HEARING: CLOSURE ORDER FOR SIERCKS ROAD SURFACE MINE #05-0032:

This is the time set for the public hearing, "In the Matter of Issuing a Closure Order for the Pacific Cascade Resources - Siercks Road Surface Mine (Operating Permit #05-0032)".

Spencer reviewed the purpose of this hearing and reviewed the portions of the Surface Mining Ordinance that apply. He stated that this hearing is specific to the closure order and the conditions of permit approval. Commissioner Bernhard disclosed that Mr. Galloway was in the office yesterday and she simply read the title from the hearing notice and suggested that if he had any comments, he should attend the meeting. She declared no conflicts of interest. Commissioner Hyde and Commissioner Corsiglia declared no ex parte contact or conflicts of interest.

Spencer then read the pre-hearing statement as required by ORS 197.763. He entered County Counsel's hearing file into the record, marked Exhibit "1" and noted all contents.

Todd Dugdale, LDS Director and Bob Brinkman, DOGAMI, were present for discussion. Bob summarized his staff report that pertains to this closure order. This report was submitted to the Surface Mining Advisory Committee on March 26, 2008 whereby they unanimously recommended closure of the Siercks Road Quarry if compliance with all conditions were not met by April 22, 2008 to the satisfaction of the Surface Mining Administrator. Bob stated that the issues at hand are Conditions #11 and #12 as part of the 5 year permit renewal and the depletion fee reporting.

As of this date, Mr. Adler has come into compliance with both Conditions #11 and #12 and has filed his depletion fee reports. Based on Bob's field work and that of Bob Crain, County Code Enforcement Officer, Mr. Adler has met the required conditions and Bob is now recommending that no closure order be issued. Spencer entered Todd Dugdale's photos as Exhibit "2" and Bob Brinkman's photos as Exhibit "3".

Commissioner Hyde asked that Todd articulate Conditions #11 and #12. Todd stated that those are conditions requiring fencing and signage along Siercks Rd, as well as along the high wall of the quarry site. As indicated in the photos, adequate fencing has been placed along the road and along the high wall, as well as signage, and therefore, Mr. Adler has come into compliance with those two outstanding conditions. It was recommended that if Mr. Adler came into compliance by April 22 (yesterday) they would recommend that the site not be closed.

The hearing was opened for public testimony.

PROPONENTS:

Lou Adler, Pacific Cascade Resources: Lou felt that staff failed to note the amount of rain we have had this past year and how that effected work being done at the site. Lou read a prepared statement into the record about how his neighbors near the site have accused him of false acts. He can only respond with the facts.

He has a pending lawsuit against some of those neighbors for what they have said about him. Commissioner Hyde informed Lou that he should limit his comments to the issue of the closure order. Lou stated that he has complied with the conditions and the closure order should not be issued. Lou started to read from Section of 9.6 of the SMO and the definition of surface mining. Commissioner Hyde explained again that this hearing is specific to the closure order and the conditions of approval. Lou stated that the conditions have been met and the depletion fee reports have been filed. He also noted that his quarries have never had a violation. Again, he is now in compliance.

OPPONENTS:

Mark Peckover, 31505 Siercks Road, Scappoose: His property directly abuts the mining site. He wanted to clarify some dates for the record. The initial county ruling was on May 2, 2007 and the appeal to LUBA of the Board's decision was filed on July 31, 2007. The LUBA denial was on October 25, 2007. Mark's concern is that if the county decides to keep this mining site open and not issue a closure order, the neighbors have lost their leverage. It is apparent that Mr. Adler is not interested in partnering with the County in running a mining operation that is consistent with the County's intent. Mr. Adler has only complied with the conditions because of the threat of closure.

Edward Smith, 31635 Conifer Heights Road, Scappoose: Mr. Smith's agrees with Mr. Peckover, that the operator didn't comply with the fencing conditions until the threat of closure. Also, he doesn't believe that the fencing that was installed may stop some vehicle traffic, but won't stop the kids from going in there on the weekends. Also, the fencing on the high was is not even a fence and doesn't provide any security.

REBUTTAL:

Lou couldn't hear very well the testimony from opponents. Commissioner Hyde explained that the two who spoke were concerned with the timing with meeting the conditions. Lou stated that he explained that during his testimony. With waiting for the LUBA decision and the wet weather, it took much longer than anticipated. Everyone in the industry call this a political fence. However, the conditions have now been met. Commissioner Corsiglia wonders why Lou did not take advantage of the warmer weather during the summer.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Corsiglia stated that the Board held a hearing on this permit about a year ago and they were very clear about the conditions of approval. He does not feel that the SMO committee is a legal source of advise and he is not sure if the fencing that was installed is sufficient. Because of the Mr. Adler's history over the last year, he would be in favor of the closure order. Commissioner Bernhard agreed and felt Mr. Adler did not comply with some of the conditions until the last minute and it is clear that Mr. Adler didn't want to comply. Commissioner Hyde asked what are the Boards options with this. Bob explained that if Mr. Adler has met the conditions, although not in a timely manner, and the Board approves a closure order, Bob is not sure how the miner would come back into compliance, with the conditions already being met. Spencer gave his opinion - the Board doesn't have an option to issue a closure order simply because of the time it took to meet the conditions. However, if the fencing is not adequate or to the standard required by the Surface Mining Operator, the Board could move forward with the closure order until that is resolved.

For the record, Commissioner Hyde stated that he personally takes offense to Lou's comment that this is a "political" fence. The hearing process is in place to allow public comment and for the Board to address any concerns. The conditions for fencing this property was a result of the amount of safety concerns raised during the hearing. He stated that he will be personally watching the fencing for any movement.

The Board is not comfortable with the false security of the orange fence and,

after lengthy discussion, Commissioner Corsiglia moved and Commissioner Bernhard seconded to direct staff to prepare a closure order based on finding that conditions 11 and 12 were not met to the satisfaction and intent of the Board. The motion carried unanimously.

Commissioner Corsiglia asked Spencer to identify any other types of actions that the Board may want to consider.

HEARING: 2008 CDBG GRANT FOR FLOOD RECOVERY HOUSING PROGRAM:

This is the time set for the public hearing to solicit input on the 2008 CDBG Grant from OECD for the Columbia County Flood Recovery Housing Rehabilitation Program.

Jim Tierney and Beverly Danner, of Community Action Team, came before the Board to give a report on this grant program. The CDBG grant process requires a hearing to solicit public testimony on the specific grant program. Jim presented a request that the county submit a CDBG block grant in the amount of \$500,000 to OECD for flood recovery. The proposal is that the \$500,000 serve a minimum of 16 households. The money is from urgent need funding, which is one of the three CDBG objectives. The State has \$4.1 million set aside for urgent needs as a result of the December storm event. There is a matching request that the City of Vernonia authorized on Monday night, so it would be a total of \$1 million. CAT is prepared to administer this grant program. This grant will be going for flood repair and rehabilitation and for elevation costs.

The hearing was opened for public hearing.

With no testimony coming before the Board, the hearing was closed for deliberations.

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the CDBG grant application to OECD in the amount of \$500,000 for Flood Recovery Housing Rehabilitation Program. The motion carried unanimously.

FLOOD RECOVERY UPDATE & OTHER ITEMS:

While present, Jim gave a brief update on the results of the flood recovery efforts to date. Since December 4, 2007, they have met with over 700 households affected

by the December storm and related disastrous events. The value of the goods passed through the Distribution Center exceeds \$150,000. Since December 3rd, they have logged over 55,000 hours of volunteer time and given credit through FEMA for their tabulations in December of over \$1.2 million, which essentially releases the city of out of pocket costs to near zero.

As the Board will recall, the City of Vernonia and the County had agreed to submit a common Hazard Mitigation Grant application. Jim reviewed how he would suggest those funds be used. A public hearing will need to be held, so he will be in contact with Jan to schedule that before the Board.

On another subject, FEMA has offered him 2 brand new mobile home trailers which are currently sited at the Portland Airport. The lease at the airport runs out April 30th and FEMA has asked if the county wants them. Jim informed FEMA that we have no place to put them and feels this puts the county and the flood fund at risk if something goes wrong. The liability to use them as homes is huge. Therefore, Jim feels the best use would be to use them as office space. The flood recovery committee has been asked by the City of Vernonia to pay \$1,400 per month for the use of the Learning Center and the flower shop is asking \$1,000 for office space, without utilities and the owner of the flower shop is leasing them other space for around \$2,000 per month. So they are looking at around \$5,000 per month in lease fees. Gordon Smith is willing to lease his property behind the Sentry Market for \$1 per year to site the trailers. Before moving forward with this, Jim needs the County to agree to take possession of the trailers and approve a lease with Gordon Smith. Jim is also working with Sarah on the insurance and legal issues. Jim will get a copy of the lease agreement to the Board right away. The Board is in agreement and directed Spencer to connect with Sarah on this and bring it to the afternoon staff session for action.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. With no changes/additions/deletions, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 4/22/08.

- (B) Resolution No. 29-2008, "In the Matter of Creating a New Fund to be Called the "Columbia County Building Program Services" fund.
- (C) Resolution No. 31-2008, "In the Matter of the Application of Columbia County to Participate in the Assessment and Taxation Grant".
- (D) Resolution No. 32-2008 , "In the Matter of Acquiring a Perpetual Right of Way Easement and a Temporary Construction Easement from John F. and Betty Jean Cook for the Replacement of the Bridge on Lost Creek Road".
- (E) Accept Perpetual Right of Way Easement and Temporary Construction Easement from John F. and Betty Jean Cook and authorize payment in the amount of \$600.00.
- (F) Officially sanction the Board of Commissioner's to attend the Portland & Western Railroad Fact Finding trip on April 28, 2008.
- (G) Award the contract for Construction Manager/General Contractor to J.E. Dunn Northwest, for the Jail Addition Project.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (H) Approve the Columbia County Rider Transportation 5311 Application for Transit Operations for FY 2009 and authorize the Chair to sign.
- (I) Approve the Construction Contract with Waldron and Sons, Inc. for OTIA III Bridge Replacement - County Bridges 42, 58 and 85.
- (J) Amendment #1 to the Personal Services Contract with CASA for Court Appointed Special Advocate Services.
- (K) Approve Amendment #1 to the State Grant Agreement #24312 with ODOT, Public Transit Division.
- (L) Memorandum of Understanding between Columbia County, Oregon Emergency

Management and FEMA Region X.

The motion carried unanimously.

ORDER #33-2008 - EXEMPT CONTRACT FOR ELECTRONIC SYSTEMS SERVICE:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve Order No. 33-2008, "In the Matter of Exempting the Contract for Electronic Systems Service at the Columbia County Jail from the Competitive Bidding Requirements of ORS 279B.070 and the Columbia County Public Contracting Rules". The motion carried unanimously.

PSC WITH JUSTICE SYSTEM CORPORATION:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve Public Services Contract with Justice Systems Corporation for electronic systems services in the County Jail. The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde was at the Governor's office Wednesday to discuss impacts of the loss of timber revenue and shared services.

Last Friday, he was at *ConnectOregon* meeting in Portland to review and rate the submitted project.

He attended an OEM meeting regarding flood recovery efforts.

On April 14th, he attended the AOC Legislative Board meeting in Salem. There was a full house and a lot of discussion was held on the timber revenues and the lack thereof and the reorganization of OECDD.

On Tuesday, he attended a rail corridor meeting on the contract.

Last Wednesday, he was at the FEMA RAC meeting from 8-5. The topic of the day

was the flood with most of the focus on what happened in Columbia County and where we are now.

He also attended the Governor's Recovery Cabinet meeting in Salem last Thursday. Again, one point of discussion was the re-authorization of the timber revenue.

He attended an Oregon Solutions meeting yesterday - Vernonia Schools was a top project that was reviewed.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia congratulated MTC and employment department on the Job Fair held last week. There was a huge turnout.

He attended the Chamber of Commerce event last week in Rainier.

On Saturday, he attended the NRA banquet. They raised a lot of money and there was a lot of good safety information for the kids. Jerry Simmons received an award from them for this work on this.

On Monday morning, he attended the Chamber event for candidates.

Yesterday, the Cultural Trust group went to Point Adams. They are looking at this as a potential site for the 150 anniversary for Columbia County. Janet and Henry supplied the transportation through CC Rider.

Another full week coming up.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended an Oregon Consortium conference last Thursday and Friday in Kee-Nee-Ta.. There was a lot of discussion about reorganization on how they are doing business. A lot of this had to do with the Klamath Falls issue which is still not resolved.

She attended the candidates forum on Monday morning at the Chamber.

Last night, she attended the Oregon Traffic Commission reception at Wilf's at the Union Station in Portland. It turned out to be a very good event and she had the opportunity to talk with some of the commission members about the different projects going on in Columbia County and the Cornelius Pass safety concerns.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 23rd day of April, 2008.

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: _____

Joe Corsiglia, Commissioner

Recording Secretary:

By: _____

By: _____

Rita Bernhard, Commissioner

Jan Greenhalgh

