

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

June 25, 2008

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Joe Corsiglia and Commissioner Rita Bernhard, together with Sarah Hanson, County Counsel, 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 June 11, 2008 Board meeting; June 18, 2008 Board meeting; and June 18, 2008 Budget Hearing. The motion carried unanimously.

VISITOR COMMENTS:

Scott Groves, 57218 Old Mill Road, Scappoose: He came before the Board about a month ago regarding the need for a zoning ordinance amendment restricting the number of dogs allowed on a residentially zoned property. He is asking if any progress has been made on that effort. He has an ongoing problem with a neighbor regarding a trash dumpster near his property. When he checked into this, Roger Kadell stated that there are codes to address this problem, but he hasn't been given authorization from the Board to move forward on that. Scott is requesting that the Board immediately give Roger Kadell authority to enforce this nuisance.

Commissioner Bernhard stated that the Board has received a recommendation from the Kennel Ordinance Task Force yesterday, but it has not yet been reviewed by staff or the Board. Scott stated that this is a separate issue from the Kennel Ordinance.

Commissioner Hyde stated that the Board will take this into consideration and have Spencer check with Roger on this situation.

Dave Maloney, West Publishing, addressed the Board on a prior request for public

computer access at the Law Library. He asked where this request stands. The Board stated that meetings have been scheduled to address this request however no action has been taken as of yet.

HEARING: CDBG GRANT FOR FAMILY RESOURCE CENTER PROJECT:

This is the time set for the public hearing to solicit input on the CDBG grant for the Family Resource Center project. This hearing is simply a requirement of the grant and no action is required by the Board.

The hearing was opened for public testimony. With none, the hearing was closed.

HEARING: PROPOSED ROAD VACATION IN GILTNER'S ADDITION - TERRA LLC:

This is the time set for the public hearing, "In the Matter of the Proposed Vacation of a Portion of Platted Rights-of-Way in the Giltner's Addition to Columbia City, Oregon [Terra, LLC - Petitioners]".

Spencer explained that Terra, LLC has submitted an application on a proposed road vacation. Without signatures from the required amount of abutting property owners, a hearing must be held. The Road Department and Land Development Services have submitted a staff report with their recommendations.

Cynthia Zemaitis, Paralegal, presented the staff report. She has supplied the Board with a color coded map to outline the properties and proposed vacation areas. Terra, LLC filed petition for vacation of several platted streets and alleyways in the Giltner's Addition to Columbia City. Terra owns Blocks 61 and 62 in this subdivision immediately outside the city limits. The current petition requests vacation of ½ of 9th Street, 8th Place, 8th Street, 7th Place and the western 30' of 7th Street. Because the petition did not contain 100 percent of the abutting landowners consents, a hearing is required. Notice of hearing was published, posted and sent to all adjoining property owners and the City. LDS has no objection to the vacation as requested, but recommended the following conditions: 1) petitioners to irrevocably bind vacated rights-of-way and all lots with Blocks 61 and 62; 2) that the deeds binding the lots and rights-of-way be recorded and only changed upon approval of the Board and through a majority vote of the surrounding property owners.

The City of Columbia City initially objected to all but the western-most 15' of 7th Street but had no objection to the remaining vacation request. Objections to the vacation of ½ of 9th Street were received from Mr. and Mrs. Knight, owners of the property to the west of the Terra property. Objections to the vacation

of any of 7th Street were received from the property owners to the east, the Tracy's, DeLaCruz and Zadows. Dave Hill, Public Works Director, made a recommendation on June 3rd that indicated it would be in the public interest to vacate only the western 15' of 7th Street, 7th Place, 8th Street, 8th Place, and recommended that no portion of 9th Street be vacated. The City of Columbia City subsequently sent a letter indicating they now have no objections to the western 30' of 7th Street.

This letter has been sent to Dave but Cynthia does not know if this has changed his recommendation for 7th Street.

Dave Hill drew a map of the property and the proposed vacation area. Anytime there is a request like this that is so close to city property, he would go with what the city recommends. Dave gave his original recommendation, however based on the recent letter from the City of Columbia City, he would now agree with vacating 30 foot of 7th street, which would leave 50 feet. The current width of 9th Street is 80 feet and Dave would recommend that either all or nothing be vacated on 9th Street.

The hearing was opened for public testimony.

PROPONENTS:

Karen Erlandson, 33475 Church Road, Warren: She is here speaking on behalf of Terra LLC. She explained the processes that they have already gone through and that they have already obtained a conditional use permit. The intent of the road vacation is to combine all four lots into one and build one home. The 30 feet on 7th Street is to meet the requirements for setbacks, fire breaks, easements, etc. The property is not in the UGB. Karen has talked with the City of Columbia City about annexing this property into the UGB, but there is no interest on the part of the city because of the terrain of the property. She would ask that the Board approve the vacations.

OPPOSITION:

James Tracy, 655 Franklin Street, Columbia City: He is opposed to any vacation of any part of 7th Street. After explanation, he stated that would be acceptable to the other vacations, just not any part of 7th Street. Commissioner Corsiglia asked James if his property is in the city limits and does the city maintain 7th Street. James stated that he is not in the city limits and the city does not

maintain it, however it is a designated city street.

Lisa Smith, Planner for the City of Columbia City: She is here only to clarify the city's position on this application. The city does not object to the proposal, provided that Terra, LLC, provides the city with a Non-Remonstrance Agreement for street improvements. The existing street improvements within 7th Street are one-half street improvements and the city may condition the issuance of access permits on the west side of 7th Street upon the development of full street improvements. She noted that the city has no concerns with the other requested vacations.

Pam Rensch, Maple Street, St. Helens: Pam stated that 7th Street is a dead-end road. The fire concerns addressed by Mr. Tracy are unwarranted. Garfield Street has always been used as a hammer head for trucks, which can also be used for fire trucks and no part of Garfield is being proposed for vacation.

Curtis LeMont, 56448 Hazen Road, Warren: He is the potential buyer of this property and if he was to purchase it, he would have a hard time meeting the setback requirements without the 30 foot vacation on 7th Street. He believes that the reason Mr. Tracy is opposed to this application is because he wanted to buy that property.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Bernhard feels that the 50 foot width on 7th Street is adequate. If this property is vacated, it seems to her that the property would be better maintained and should eliminate the concerns about fire hazards. Commissioner Hyde reviewed Dave Hill's recommendation which has been revised based on the recent letter from the city and would agree with the 30 foot vacation of 7th Street. Commissioner Corsiglia would agree with vacating 30 feet of 7th Street and leave 9th Street alone. After discussion, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the vacation of the western 30' of 7th Street between Franklin Street and Garfield Street, and all of 7th Place, 8th Street and 8th Place between Franklin Street and Garfield Street, and deny the request for the vacation of any portion of 9th Street. The motion carried unanimously. Staff will prepare the final order for Board action.

HEARING: REQUEST TO LIFT CLOSURE ORDER - SIERCKS ROAD MINE:

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

Spencer stated that the Board approved a Closure Order (38-2008) on May 7, 2008 for failure by Pacific Cascade Resources to meet condition #12 of Final Order 105-2007, which approved the renewal of the surface mining operating permit for the Siercks Road mine. Specifically, the Board determined that the requirement "to prevent access to the highwall" was not met by the installation of a temporary fencing. No ex parte contacts or conflicts of interest were declared by the Board.

Spencer read the pre-hearing statement into the record as required by ORS 193.763, entered County Counsel's hearing file into the record, marked Exhibit "1" and noted all contents.

Todd Dugdale, LDS Director, gave the staff report. This is a land use action and notice was given. On May 28, 2008, Robert Crain, Code Enforcement Officer, visited the site and verified that the existing fence has been increased in height, reinforced and strengthened along the highwall as required to prevent access to the highwall. Based on the findings and site visit, staff recommends lifting of the closure order for the Siercks Road mine.

The hearing was opened for public testimony.

Lou Adler, Pacific Cascade Resources: He has met all the requirements by the County and asked that the closure order be lifted. He stated that when they move the highwall, they will move the fencing back accordingly.

OPPOSITION:

Ed Smith, PO Box 1086, Scappoose: He would not agree that the fence Mr. Adler put up is adequate, it's only a barrier. He presented information from Home Depot and a photo of the fence taken this morning. Entered as Exhibit "2" and "3" accordingly. He is trying to be a good neighbor. Then he submitted another picture of the fence taken this morning Exhibit "4", with filthy graffiti. It's been there for over a week and although he is not implying that the property owner

did his, it is his responsibility to remove it.

REBUTTAL:

Lou viewed the photo submitted by Mr. Smith showing the graffiti and agrees it's disgusting. When he leaves here today, he will get some paint and remove the graffiti.

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

Commissioner Corsiglia asked about the fencing and if the owner was ever given specifics on the type of materials to be used. Todd stated that did come up but no specifics were given, only a guideline to restrict access to the highwall. Commissioner Bernhard feels it looks like Mr. Adler has done a good job of fencing the property, understanding that it is only a temporary fence. She is not sure what else the County can ask for. Although this can be called fencing, Commissioner Corsiglia does not feel that the Board was specific enough on the type of fencing to be used and is opposed to lifting the closure order at this time.

Based on the information submitted, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the lifting of the closure order on Siercks Road Mine #05-0032. Commissioner Corsiglia opposed. The motion carried.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda. Sarah requested that **Item (D)** be pulled and held over one week. Some discussion was held on the CPAC appointments and the appointment process. Afterwards, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 6/24/08.
- (B) Approve all Personnel Actions for COLA increases.
- (C) Order No. 46-2008, "In the Matter of Establishing Maximum Funding

Levels for Hazard Mitigation Grant Program Funds”.

- (D) Order No. 47-2008, “In the Matter of Exempting a Personal Services Contract for the Provision of Grant Management Services From the Screening and Selection Procedures of the Personal Services Contracting Rule”. *(PULLED AND HELD OVER ONE WEEK)*.
- (E) Order No. 48-2008, “In the Matter of the Distribution of Forest Trust Land Revenues [2008 Distribution]”.
- (F) Order No. 49-2008, “In the Matter of the Distribution of Proceeds Under ORS 275.275 [2008 Distribution]”.
- (G) Order No. 50-2008, “In the Matter of Reimbursing the Vernonia Rural Fire Protection District Pursuant to ORS 275.275(2) [2008 Distribution - Mist Gas Field Revenues]”.
- (H) Order No. 51-2008, “In the Matter of Reimbursing the Mist-Birkenfeld Rural Rural Fire Protection District Pursuant to ORS 275.275(2) [2008 Distribution - Mist Gas Field Revenues]”.
- (I) Approve the Columbia County Commission on Children & Families Self Assessment.
- (J) Appoint Susan Goodhope, Richard Gardner, Carol Ostrander, Patty Brockman and Jim Lee to the Upper Nehalem CPAC representing their respective neighborhoods for a term of two years.
- (K) Appoint Pat Zimmerman to the Scappoose-Spitzenburg CPAC representing her neighborhood for a term of two years.
- (L) Appoint Tammy Maygra to the St. Helens - Columbia City CPAC representing her neighborhood for a term of two years.
- (M) Approve the renewal of the Property & Liability Policy with City/County Insurance Services in their standard program at a premium of \$269,624.65.

- (N) Approve the renewal of the Workers' Compensation Policy with SAIF in their quarterly pre-pay discount plan for a total premium of \$193,772.00.
- (O) Approve the renewal of the Docks & Piers Policy with Empire Indemnity Insurance Company for a premium of approximately \$7,900.00.
- (P) Approve the renewal of the Flood Policies with the National Flood Insurance Program for a premium of \$794.00.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (Q) Amendment No. 1 to the Personal Services Contract with Community Action Team, Inc. for veterans services.
- (R) Amendment #1 to the IGA with the City of St. Helens for Community Corrections work crews.
- (S) Approve Purchase of 1994 Ruhal Striper Vehicle and Authorize the Public Works Director to Sign Bill of Sale.
- (T) Terminate all Volunteer Agreements with Tim E. Abels, Trine Abrahamsen, Robert Alverts, Jennifer Armstrong, Mark Baldwin, Bobbi J. Barry, Johanna Bender, Alexandra N. Benologa, Jenna M. Benologa, Nolan J. Benologa, Terry Ryun Bradfield, William Breese, Mary L. Brunette, Boring Fire, Deena Camilli, Juan Cardy, Bill Celson, Francesca Cafferath Coe, Kelly Comley, Richard Courtney, Angela DeBo, Kathleen Delahunty, John DeWitt, Gordon Dolfie, Connie Dooley, Anna Dooley, Don Dooley, Silke Duellmann, Ashley Duquette, My-Hanh Eastep, Steve Fairweather, Todd Fieken, Alvin Flanegin, Andrea Formella, Charles Foulk, David Fuhrman, Rey Garak, Martin Garcia, Reyunda Garcia, Jose Guzman, Andy Hartsock, Curtis Head, Arthur Henderson, Patricia Henderson, Jorge Hezedia, Megan Hinzdei, Julie Howard, James Howard, Eric Howard, Raven Hughes, Kira Hynson, Mark Hynson, Dana Hynson, Tim Isakson, Cecilia Jarneteg, Miles Kingston, Christina Knopf, Jamie Knopf, Jason Knopf, Parrick Knopf, Denise Latscha, Jonathan Lee, Emily Lewis, Rank Loren Loomis, Roger Lord, Richard

Maloy, Marius Marcu, Carlos Martin, Arturo Medina, Brian Messner, Linda Miller, Brian Miller, Linda M. Miller, Villanueva Moises, Les Moore, Truc Nguyen, Donald O'Dell, Ronald Outcalt, Daniel Parry, Umesh Patel, Bob Pohaska, Joe Postler, Bob Promaska, Fredick Prosser, Imtiaz Qureshi, Mark Rasmussen, Curtis Reed, Ulrich Reich, Scott Rethwill, Sarah Robinson, Eduardo Sanchez, Bryan Schewot, William Schlaebitz, William Schloebitz, Jeff Schwartz, Kim Scranton, Mark Seconi, Art Serafn, Marge Silvers, Jose Sosa, Arne Stolle, Jessica Teigland, Kimberly Teigland, Chris Temple, John Tennant, Ron Thornburg, Brian Tirey, Danielle Trezek, David Tuhy, Jim Vandling, Julie Vandling, Jessica Vayda, W. Verheggen, William Verheggen, Eduardo Villarueva, Robert Williams, Miranda Williams, Andrew Winsinger, Thomas Wynn, Tiffany Zapico and Dave Zentzis.

- (U) Grant Agreement PO 07-06 with the Oregon Parks and Recreation Department and authorize the Chair to sign.
- (V) Grant Agreement PO 07-05 with the Oregon Parks and Recreation Department and authorize the Chair to sign.

The motion carried unanimously.

DESIGNATION OF NEWSPAPER OF RECORD:

This matter was held over to the afternoon staff meeting.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde stated that this has not been a good week for counties regarding the federal

timber revenue. In the next week, the Board is going to be making some very difficult decisions with the County budget, which will most likely effect public services.

On Monday, he met with the Governor to roll out the task force for county services and what the state can do to help counties offset services. We are looking at

BOC Minutes

6/25/08

Page 10

a 15% cut in revenue for Columbia County.

He attended an Oregon Solutions meeting last week regarding the new school system in Vernonia.

Yesterday, he met with the Governor's Recovery Cabinet and other stake holders on recovery issues dealing with the December flood. He discussed expenses that have been incurred, what is reimbursable from FEMA, etc.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia attended the induction ceremony at the Women's Zenith Club.

He spent last week on the Prineville reservoir camping and relaxing.

The Board will be meeting with all the department heads on Thursday to discuss the budget, possible cuts and getting information out to the employees regarding our budget situation.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard talked with Senator Johnson's office yesterday. The County receives an A&T grant for the Assessor's office which is based on requirements in staffing, etc. She asked if it may be possible for the State to waive or lessen some of the grant requirements considering our funding crisis.

The Board held a Budget Hearing last Wednesday, but no public attended.

She attended the CCCCf meeting last week. They reviewed and affirmed the CCCCf Mission Statement and Self-Assessment for our local CCCCf. MTC was also there to give a presentation on employment issues.

She attended a Community Action Team meeting. They are also having financial struggles with unemployment problems which creates a bigger demand for their services.

She also attended the Democratic Central Committee meeting last night.

The Board recessed the meeting at 11:45 a.m. and reconvened on Monday, June 30, 2008 at 10:00 a.m. Those present: Commissioner Hyde, Commissioner Bernhard, Sarah Hanson, Jan Greenhalgh and Ruth Baker. Commissioner Corsiglia was not present.

MINUTES:

Commissioner Bernhard moved and Commissioner Hyde seconded to approve the minutes of the June 24, 2008 Work Session and June 25, 2008 Staff meeting. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda. He explained that the County Budget is being adopted with the inclusion of the timber revenues although not they have not been received, however, the Board continues to hope that some funding can be found. We have until October 1, 2008 to make changes to the budget. With the addition of **Item (G)**, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the consent agendas as follows:

- (A) Resolution No. 52-2008, "In the Matter of the Adoption of the Columbia County Budget for Fiscal Year 2008-2009 and the Appropriation and Levying of Ad Valorem Taxes".
- (B) Resolution No. 53-2008, "In the Matter of Transferring Appropriations within the Various Funds of the 2007-2008 Columbia County Budget".
- (C) Order No. 54-2008, (Finalizing Road Vacation) "In the Matter of Vacating a Portion of Certain Streets and Alleyways in Giltner's Addition to Columbia City, Oregon [Terra, LLC Petition]".
- (D) Appoint Mardi Erickson and Ed Serra to the Commission on Children & Families for a four year term.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Amendment #33 to the 2007-2009 IGA #119925 with DHS.
- (F) Amendment #34 to the 2007-2009 IGA #119925 with DHS.
- (G) Resolution No. 55-2008, "In the Matter of Authorizing Supplemental Budget Adjustments for the Columbia County Rider Fund". (ADDED)

The motion carried unanimously.

The Board canceled the Wednesday, July 2, 2008 Board meeting but will still conduct the Staff meeting.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 25th day of June, 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: _____

BOC Minutes

6/25/08

Page 13

Joe Corsiglia, Commissioner

Recording Secretary:

By: _____

By: _____

Rita Bernhard, Commissioner

Jan Greenhalgh