

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

August 10, 2011

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Henry Heimuller, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

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

MINUTES:

Commissioner Heimuller moved and Commissioner Fisher seconded to approve the minutes of the August 3, 2011 Board meeting and August 3, 2011 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Donna Coblantz, 144 Ava Court, St, Helens: She is here regarding the fairgrounds because she can remember the old fairgrounds as a child and it is dear to her heart. In past years, the Commissioners did not follow through with the original design of an indoor riding arena. Now we are all in an economic crunch, but nothing is more important than the people the Commissioners work for - we need to start working towards a grass roots. She is also concerned with Ronda Courtney being let go, all of those connections will be gone with her. It is political suicide to not support the fairgrounds and our county fair.

HEARING: PROPOSED CC RIDER ZONAL FARE SYSTEM AND FARE INCREASE:

This is the time set for the public hearing to consider the proposed zonal fare system and fare increase for the Columbia County Rider Transportation System.

Janet Wright, CC Rider Director, stated that because of a decrease in funding for the provision of public transit services, through grants, community contributions and federal transportation funding programs, along with an increase in the cost of service, the County and Citizens Transit Advisory Committee have determined that fares must be increased in order to continue the viability of service.

Commissioner Fisher asked why not just reduce services if revenue is down. A fare increase will be a hardship on many of those using this service. Janet explained

that based on the analysis completed, this was the best course of action at this time. In 6 months, it will be reviewed again and it may come to service reductions. She noted that if we cut the fixed route system, it would decimate the whole system.

Commissioner Heimuller agreed that a fare increase could a hardship, however reductions in services where 97% of the ridership is elderly, disabled and low income, would also be a hardship. He appreciates the work that Janet, Ruth and the Citizens Advisory Committee put into this and agrees that it needs to be looked at in 6 months. His only concern is the amount of participation here today. There is no one in the audience and he is concerned that the word didn't get out to those who most use these services. This proposal needs to get out to the target areas. Janet stated that notice for this meeting was published in every newspaper, however, she can send the proposed information to the senior centers, Community Action Team, ride centers, etc. to allow for comments. The Board agreed that more time is needed for public comment.

The hearing was opened for public testimony.

Donna Coblantz, 144 Ava Court, St, Helens: She is glad she was here today and able to speak. She is in agreement with the fare increase because there is such a need for this service. With more business coming into the county, it is a definite necessity. She has neighbors that use CC Rider because they can no longer drive to Portland.

With no further testimony coming before the Board, the hearing was closed. Commissioner Fisher moved and Commissioner Heimuller seconded to keep the record open to August 24, 2011 and, at that time, deliberate on this matter. The motion carried unanimously.

DELIBERATIONS: JOHN CROSLEY APPEAL OF RDF 11-01:

This is the time set for deliberations "In the Matter of an Appeal of the Decision by the Land Development Services Director to Approve a Resource Dwelling in the Primary Forest Zone (Application No. RDF 11-01) Subject to Conditions".

The Board held a public hearing on this matter on July 20, 2011, closed the hearing and, at the request by the applicant, left the record open to 8/3/11. Final arguments were received and it is now time for the Board to deliberate on this matter. Robin gave a brief update on the application and went over her response to each of the applicants arguments as outlined in her memo to the Board dated 8/9/11.

Ross Day, attorney for the applicant, objected on a procedural matter in that County Counsel is providing arguments when this is supposed to be deliberations. Because

of that, the applicant is entitled to 7 days to respond to those arguments and he is requesting those 7 days at this time. He wants his objection noted in the record.

Robin clarified that all of the issues she is addressing are laid out in the staff report and she is summarizing point by point in response to the arguments that the applicant submitted in his final arguments. The staff report clearly goes into the M49 authorization, riparian issues raised and big game habitat.

Commissioner Heimuller asked for confirmation that M49 clearly supplanted M37. Robin confirmed. He would suggest that the Board ignore anything to do with M37.

Robin agreed, the focus is on M49 which is the current regulation and provides a definition of what a protection of public health and safety regulation is.

Commissioner Heimuller then asked about the term "partially completed dwelling" - in 1979 the dwelling had a foundation, with a well and sewer system put in at some point. The fact that it was abandoned for a very long time, is it still considered a partially completed dwelling? Robin stated that this is a factual determination that the Board would need to decide. It could be argued that it is a partially completed dwelling. Under the code, the applicant loses his non conforming rights after 1 year. Commissioner Hyde stated that there was a 30 year period so this is a question of abandonment.

Ross Day objected again because the issue of vested rights was not in the original record and he is requesting that he be allowed to respond. He wants the opportunity to rebut the issue of the abandonment of vested rights.

Robin stated that the applicant did raise the issue of vested rights in his final argument and does not agree with the objection, however the Board has the option to allow an additional 7 days for the applicant to respond. There is also the opportunity for appeal.

Under discussion, Commissioner Hyde polled the Board on keeping the record open for an additional 7 days for rebuttal. Commissioner Heimuller has read the entire record, but is fine with keeping it open 7 additional days. Commissioner Fisher feels it is an exercise in futility but he will be here in 7 days and agreed. Todd noted that the County has not received a waiver of the writ of mandamus in writing.

With that, Commissioner Heimuller and Commissioner Fisher seconded to allow an additional 7 days for rebuttal, based on the verbal commitment from the applicant to the 150 day waiver and presented in writing to the LDS department today. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. Item (D) was pulled and carried over. With no other changes/additions, Commissioner Heimuller moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of August 8, 2011.
- (B) Application for FY 2012 Veterans funding with Oregon Department of Veterans Affairs and authorize the Chair to sign.
- (C) Resolution No. 63-2011, "In the Matter of Authorizing Chad Olsen to Sign an Extended Enterprise Zone Agreement with Oregon Paper Company, Inc."
- (D) Order No. 64-2011, "In the Matter of Conveying a 40-Foot Wide Strip of Land to Weyerhaeuser Company by Quitclaim Deed and Accepting a 40-Foot Wide Strip of Land from Weyerhaeuser Co. By Special Warranty Deed for the Extension of the Crown-Zellerbach Recreation Trail". (***PULLED AND CARRIED OVER***)
- (E) Ratify Order No. 65-2011, "In the Matter of Granting Permission to the Vernonia School District 47J, Echoing Evergreens Day Camp, Vernonia Boosters, to Conduct Archery and BB Gun Classes at Camp Wilkerson During its Reserved Use from 8/7/11 to 8/12/11".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Collective Bargaining Agreement with the Federation of Parole and Probation Officers, effective 7/1/11 to 6/30/15.
- (G) Intergovernmental Agreement No. 27885 with ODOT for Right-of-Way Services for Coon Creek Bridge.
- (H) Intergovernmental Agreement No. 27886 with ODOT for Right-of-Way Services for Pebble Creek Bridge.
- (I) Intergovernmental Agreement No. 27882 with ODOT for Right-of-Way Services for S. Fork Scappoose Creek Bridge.
- (J) Addendum #7 to the Hazard Mitigation Grant Program Contract DR-1733-OR Contract Funding with Oregon Emergency Management and authorize the Chair to sign.
- (K) Approve Contract Addendum No. 8 (Gray); No. 9 (Murray); No. 10 Ruehmann); and No. 11 (Schively) to the Flood Relief Buy-Out Demolition Contract and authorize the Chair to sign.

- (L) Amendment #2 to the Personal Services Contract with LRS Architects.
- (M) Amendment #53 to the 2009-2011 Intergovernmental Agreement #127291 with DHS and authorize the Chair to sign.
- (N) Amendment #54 to the 2009-2011 Intergovernmental Agreement #127291 with DHS and authorize the Chair to sign.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde reported on the Vernonia Jamboree. He rode in the parade on Saturday with the other Commissioners and then on Sunday he participated in the logging show. There was a huge turnout and it all went well.

This past Sunday thru Tuesday, the Board attended the AOC spring conference in Silverton. A lot of information was shared and many changes in the air.

He will be in Portland this afternoon for the special Oregon Business Development hearing on PGE's SIP Application.

COMMISSIONER FISHER COMMENTS;

On Saturday, Commissioner Fisher he was in Vernonia with his family for the Jamboree and had the pleasure of riding in the parade with his granddaughter. That night, he attended the Blue Jean/Black Tie event. There was a great turnout for both events

On Monday, he was in Silverton for the AOC conference. There are some real fundamental changes coming down from the state on how we provide services for early learning but there is still a lot of unknowns.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller commented on the AOC conference and what he took away from that regarding the program for re-entering prisoners back into society and when these types programs are effective, it drives down the costs of incarceration statewide.

He met with Ken Johnson from Community Action Team for an update on the Veterans

Services program. The VA volunteer program is now up and running and doing very well. This will be a tremendous benefit to our veterans considering possible cuts in VA funding.

He also met with the Fair Board this past week. There are some tough times ahead and the county is looking for a lot of community support to help us to see the 97th County Fair next year.

Commissioner Heimuller wanted to mention the loss of past Senator Mark Hatfield. He was instrumental in about every level of government. This is a tremendous loss to our State but his legacy will live on forever. He offered his condolences to the family.

EXECUTIVE SESSION UNDER ORS 192.660(2)(d) - BARGAINING:

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(d). Upon coming out of Executive Session, Commissioner Fisher moved and Commissioner Heimuller seconded to approve and send the letter to the AFSCME representatives. The motion carried unanimously.

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

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Dated at St. Helens, Oregon, this 10th day of August, 2011.

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

BOC Minutes

8/10/11

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parties.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

By: _____

Earl Fisher, Commissioner

Recording Secretary

By: _____

Henry Heimuller, Commissioner

By: _____

Jan Greenhalgh, Board Secretary