

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

January 10, 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 and Jan Greenhalgh, Board Secretary.

Commissioner Corsiglia called the meeting to order.

NACo PRESCRIPTION DISCOUNT CARD PROGRAM:

Jean Ripa - The Board discussed this a few weeks ago and held it over to allow John Knight time to review the agreement. There were also a couple questions, one was could the county actually distribute, not just the brochures, but also the cards themselves. Jean Ripa checked into that and yes we can. We don't want to do that just anywhere, but there might be certain other public agencies that make sense to do that - the school health districts, CAT, public health and possibly mental health. Probably not private doctors' offices because again, we have to commit to the terms of the contract and make sure everybody else does too. There probably should be some kind of monitoring system.

John Knight had some questions on the agreement itself and if this would conflict with the relationship we have with Kaiser (regarding medications), but he would suspect not. Commissioner Hyde understands that this is a gap type benefit for those who need it, such as seniors on medicare.

John has one main concern with the master agreement which provides that we will hold (NACo) and the member counties who signed up by separate agreement, will indemnify and hold Advance PCS harmless from any claim in connection with the services. The problem is that our tort liability insurance will cover basically the same kind of liability that their willing to assume, but it won't go so far as to cover any claim in connection with the services. The agreement is just too broad.

Commissioner Hyde stated that he was on the NACo Board and had a hand in crafting the agreement and bottom line is that it's not negotiable.

John feels that, at this point, he could not recommend that the Board approve this agreement. It almost looks like a line got lost when it was being typed. If there was some language in there with regards to our indemnification obligation, he probably wouldn't have a problem with it, but that needs to be checked out. Commissioner Hyde will get John a phone number to call. John feels this should be ready for action next week.

ENVIRONMENTAL SERVICES PROGRAM:

Todd Dugdale, LDS Director, approached the Board regarding the Environmental Services program and the issues with staffing. We have two positions that operate the on-site sewage program or on

half of DEQ to operate essentially the local level of the state program. We had been seeking to recruit the second of the two positions for three rounds without attracting what we consider a qualified candidate. In addition to that, we became aware that the incumbent was offered a position with another county and obviously, that creates the risk of losing both positions which means losing the program. There are situations similar to ours, such as Tillamook County, which they've not had a program due to the inability to attract staff for almost two years. It's been an extremely undesirable situation. They don't have any control over the time frames for governing on-site reviews, lot evaluations, construction permits, and the entire building permit process is held captive to the time frames in Salem for getting staff. Todd has been working with Jean on a plan to avoid what could be an extremely adverse situation for Columbia county by not having our own local on-site program. How we can attract and retain a qualified wastewater sanitarian. Todd would suggest one way to deal with this would be to have the Board authorize a \$300 per month increase for this position.

Jean wanted to state that the county is not actually uncompetitive with other counties, in fact other counties can't find or hire a sanitarian either. This is a market problem, not an internal problem. She would recommend that if the Board does this, they be up front about it and are doing it solely because you cannot hire given the current market and you do it in a way that doesn't necessarily trap you in terms of the salary range. Keep in mind, too, that this is a union position and that in this county all of the classification plan is tied together. If you bump one up, then it may cause problems with internal equity. But if you lay it out on the table that we are doing it solely for this reason, that makes it a little more clear and a little easier to hold back that flood for additional requests for salary increases. Jean noted that she will have to take this to the union as well and they have the right to object.

After discussion, Commissioner Bernhard moved and Commissioner Hyde seconded to authorize the Registered Wastewater Sanitarian license pay of \$300 per month, effective January 1, 2006. The motion carried unanimously.

EXTENDING FRANCHISE WITH WASTE MANAGEMENT:

Todd explained that we need to extend the franchise agreement in order to accommodate the final preparations for the opening of our facility. After a brief discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to extend the franchise agreement with Waste Management for a 60 day period. The motion carried unanimously.

UPDATE ON TRANSFER STATION:

Todd gave a brief update on the opening of the new Transfer Station. He stated that the station is done and we are all anxious to get the facility opened. The remaining step that has to be taken in order to move the operation over there and get things going is the fabrication of a hopper to receive the compactor that we're moving from the old station. There have been some delays on that but they are working to get that done. One other final step is the paving of Railroad Avenue however that will not effect the opening. It may be late spring before that is complete.

VACATION OF ROW IN SCAPPOOSE ACRE TRACTS:

Cynthia Zemaitis, Natural Resources Administrator, came before the Board along with Dave Hill and Lonny Welter. Rosalind McKenna was also present to address the Board. The McKenna's have petitioned to have a portion of a platted but unused road vacated. That portion of the platted road that they wish to have vacated is highlighted in pink on the map. The McKenna's own the property on either side of that platted right-of-way. Cynthia will let Mrs. McKenna explain why this vacation is important to them, but wanted to point out a few things to the Board so they will have a better understanding of what the concerns are here. The whole area in pink this is the platted right-of-way; the green is the right-of-way as traveled. This portion of the "as traveled" right-of-way, basically it appears to be just easements to the various properties, it is not a legal public right-of-way. It's more like a private road than a public right-of-way. It has never been dedicated. The red line on the map is the property line that divides these four properties, which is actually the center line of the easement, that appears on each of the deeds for these four properties. Whether the as-traveled actually follows the center line or not, I think might be questionable.

Mrs. McKenna, 27159 Eversole Lane: They are in the process of building a home and are about 95% complete and it came to their attention that a part of the home may be on the easement. They would like to correct this problem, but they are 55 days to closing so there is a huge financial impact if something isn't done. They would like to have it vacated because it's been like this since 1918. Cynthia noted that the other property owners have consented to this vacation.

Dave Hill felt a problem might be that there are about 10 to 15 other properties up there that currently use this road and he is not sure if they have easement rights. So, it is his recommendation that it either be dedicated by these property owners which they don't want to do, I don't think, or that the property be surveyed and then the county go through a legalization process. That would give all these properties that live beyond this the legal right to use this road. Otherwise, I'm not sure that they currently have documented legal rights. In order to legalize it, part of the requirement is that the right-of-way be surveyed and Dave would recommend that the applicant pay for the survey.

After lengthy discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to move forward with the vacation, subject to the applicant paying for the survey. The motion carried unanimously.

OFFER TO PURCHASE COUNTY OWNED PROPERTY:

Cynthia Zemaitis, Natural Resources Administrator, came before the Board with two offers to purchase county owned property.

3202-044-00600 - Cynthia reviewed the request to purchase this property from David Kolar for \$500. This property has not been up for auction before, so notice would need to be published if the Board were to accept this offer. Because of the transmission lines, Commissioner Hyde is not comfortable with selling the property. After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to reject the offer to purchase. The motion carried unanimously.

3222-014-11000 - An offer has been received from Terri Lahti for \$1,000, which is the assessed value. Cynthia published notice and received no comments. She would recommend the Board accept this offer. With that, Commissioner Bernhard moved and Commissioner Hyde seconded to accept the offer to purchase TL #3222-014-11000 by Terri Lahti. The motion carried unanimously.

GAS EXPLORATION/PRODUCTION AUCTION:

Cynthia Zemaitis, Natural Resources Administrator, has received authorization to move forward with this auction of gas production leases. She is getting ready to publish notice of this auction which will be held sometime mid to late February. Once she publishes notice, everyone is going to want to know what the lease terms are. She wants to know from the Board if there should be any changes in the dollars amount in the lease. At the 1999 auction, the County asked for \$1 per acre and she would suggest that be increased to at least \$2.50 per acre. Rental has been holding steady at \$2.50 per acre and she would suggest increasing that to \$5.00. These are places to start, the Board still has the option to negotiate. Regarding the delayed drilling penalty, which comes into play if they have not spudded a well in the first 5 years of the lease. It has been \$10 per acre for several years, as has the Shut-In royalties. She would suggest raising both of those to \$15. Lastly she would like to make some changes to the reporting requirements. They have been getting very lax and she would like to see that improve, so she would recommend that failure to report will now cost them \$1,000 per month. The Board agreed with all changes.

PROCESS FOR ROAD VACATIONS:

Cynthia would like to change the procedures for Road Vacations to streamline the process. The Board directed Cynthia to draft an order to reflect the changes.

PORT OF ST. HELENS - BUSINESS RECRUITMENT:

Paul Pulliam, Port Commissioner, Greg Jenks, Port of St. Helens and Brian Little, City of St. Helens, came before the Board regarding an Enterprise Zone application on McNulty Park.

Greg Jenks spoke about some of the issues regarding communications between the local agencies and the goals to improve that. He reported that the Port is receiving a record number of business inquiries right now. He feels that internal conflicts and bickering between political jurisdictions send the wrong message to both current and potential businesses. We should all be working together. In the interest of doing that, the Port is sponsoring business leaders briefings termed "the coffee series". He gave the Board a copy of that presentation.

Commissioner Corsiglia asked Greg about Pacific Stainless and what is happening with that. He has heard that if they are not offered the Enterprise Zone incentives, they would go away. Greg received a call from Pacific Stainless and it moved faster than anticipated. He strongly suggested to the company that we hold a pre-application meeting and go through all the jurisdictions involved, which they declined. During the initial phase of this recruitment, Greg set up a meeting with Brian Little and the company where they discussed the Enterprise Zone. The purpose of the meeting was to introduce the company to Brian and inform them that both the development review issues and the

Enterprise issues were the jurisdiction of the City of St. Helens. Greg then reviewed the details of what has happened since. There is a partition issue that the Port is going to undertake with the City of St. Helens on the piece of property.

Commissioner Bernhard had a concern that the Board didn't know up front that the company was asking for an Enterprise Zone. Greg explained that there was a confidentiality issue and the company requested a need-to-know basis on all issues. He didn't have the authority by the company to release anything.

Commissioner Corsiglia asked where we go from here. Greg explained that the Port has to complete a real estate transaction by February 3rd. To do that, they have to partition the property, which Skip Baker doesn't feel should be a problem.

Brian Little stated that, for this specific issue, there are two things going on. He has been the zone manager for the City of St. Helens for almost 18 years. All requests during that 18 years have been the automatic 3 years. This is the first time that a company has come in and asked for the extended abatement. It's a little different here because the company is already an Oregon company. Under the Enterprise Zone law, we can take business from one area of the state and offer them incentives to locate here. The exception is that if the business is located within 30 miles of the zone, it may relocate here if it increases employment by 110%, which they cannot do. If they can't, they can agree that they will increase productivity within 18 months, by 110%, not reduce employment in the zone or where they came from. That has to be done by resolution. What Brian is asking for, as the zone sponsor here, is two things. He gave Sarah the draft resolution saying that the sponsors would allow the company to move in here and not increase employment by 110%, but increase productivity by 110%, put 25% of their tax savings go into a workforce fund, and would agree to the extended abatement for a total of 5 years. Brian also put in the resolution that the sponsor designate him as the Enterprise Zone manager, with the ability to negotiate any additional agreements necessary on behalf of the sponsors. Brian stated that he cannot do authorization as the zone manager until he gets all sponsors to agree to the extension.

After discussion, Commissioner Corsiglia asked Sarah if she could review the resolution and have it ready for the 1/18/06 Board meeting.

PUBLIC ROAD EVENT ORDINANCE:

John Knight reviewed this with the Board last week and then sent it out to the Sheriff and Dave Hill for their review and comments. Dave felt there should be an exclusion for utility work in the right-of-way and road construction and maintenance work. If there are no problems with that, John will exclude that type of activity from the definition. He will also tweak the ordinance to deal with road rallies that need to be covered. Concerts are taken care of by the Sheriff's department and they are getting paid to do that.

ORDER NO. 4-2006 - ESTABLISH FEES FOR MEDIATION SERVICES & MOU:

John Knight briefly reviewed the order and the administrative costs. This is not yet ready for action

because he is still working with the State courts on this. He asked this be held over one week.

McKENNA ROAD VACATION:

Cynthia just received a call from Mrs. McKenna asking what to do now. Cynthia informed her that she needs to get consent from the property owners to vacate the whole section of the platted road. We would then move forward on vacation of the road, conditioned upon the legalization of the public right-of-way. Mrs. McKenna did not agree that that was what the Board said, because that wouldn't do her any good. She understood that the County would vacate the platted road if she paid for a survey. Cynthia is here to get a clarification from the Board. Sarah questioned if the county or the McKenna's were getting the survey. The motion was that they would just pay for it. The Board felt the county could order the survey, but get the money up front from the McKenna's.

After lengthy discussion, Cynthia asked if the Board wanted to proceed with the vacation of the whole platted road and take our chances on whether we can legalize it or not.

After discussion, it was determined that Mrs. McKenna would only need to survey a portion of the road, not the as traveled. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to rescind their previous motion. The motion carried unanimously.

Cynthia then clarified that the Board will approve the vacation of the small section that runs through the McKenna property only, upon dedication of a subsequent right-of-way and surveyed at a 25 foot width.

REGULATE DRIVEWAY ACCESSSES:

Commissioner Corsiglia asked Dave Hill and Lonny Welter to talk about a way to regulate driveway accesses. Lonny explained that, by ORS, the Roadmaster has the authority over county, public and private roads. The County Road Standards basically follows the Uniform Fire Code book for driveways, regarding grade and width. It is important the emergency vehicles have the ability to get up the roads in case of emergencies. There was an informal agreement with the Fire Board that the fire department would take care of anything beyond what the access permit required, so they weren't stepping over each other. Some of them are good about maintaining the standards and some are not. So they had a meeting in December with the fire districts to determine what standard they were going to maintain, and the standard is 17% in both the fire code and the county road standards. The one issue that was discussed at length was if the standard should be held at 17% or be less or greater. He believes that all agreed on 17%.

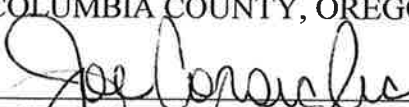
Discussion then went on about the Weighmaster and the outdated ORS that he was using on citations. Dave stated that he will no longer be writing any more citations until this is clarified.

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

Dated at St. Helens, Oregon this 10th day of January, 2006.

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

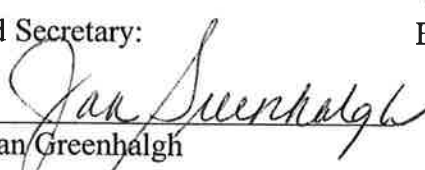
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Joe Corsiglia, Chair

By: 
Rita Bernhard, Commissioner

By: 
Anthony Hyde, Commissioner

Board Secretary:

By: 
Jan Greenhalgh