

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

April 11, 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.

ACCESS APPROACH DEPOSIT REFUNDS:

Cynthia Zemaitis, Natural Resources Administrator, came before the Board to discuss the Access Approach Deposit refunds. We are now getting to the end of these refunds, with 6 exceptions. The Road Department confirmed that access approaches had been completed on five of these and refunds were mailed out. They were each returned as undeliverable. Steps were taken to locate these people, through phone books, assessor records, deed records, etc., to no avail. The sixth deposit was made by an individual named "Toman". Unfortunately, that is all the information we have on that one. No permit, documentation or file could be found concerning this deposit. Based on this information, Cynthia would recommend that these deposits be deemed forfeited and transferred to the Road fund. She has drafted an order that includes language that should any of these individuals come forward, their deposit is to be promptly refunded from the Road Fund. Both Dave Hill and Lonny Welter were in agreement with this. The Board agreed and added the order to the Board agenda.

DETERMINE STATUS OF COUNTY OWNED PROPERTY:

Cynthia Zemaitis discussed a piece of property that the County took possession of last fall. This property is very close to the CZ trail, so she needs direction from the Board on how to designate this property, either surplus or retain it. Commissioner Bernhard suggested Cynthia talk with Dave Hill on this first. Commissioner Hyde suggested the possibility of donating the structure to the fire department and have them burn down the building. On how this would effect the value, Todd felt the dwelling could be replaceable, which would effect the value of the property. Todd will have one of the Planners look into this and determine the requirements for rebuilding the dwelling and the effects on the value. Cynthia will also talk with Dave Hill. She will report back to the Board with the findings from both Dave Hill and LDS.

MEASURE 37 CLAIMS FILED BY LENSKE:

Todd Dugdale, LDS Director, came before the Board with (4) Measure 37 claims. These Measure 37 claims were filed by Shirley Lenske, of Lenske Properties, LLC, for parcels in the Clatskanie area. The property is zoned PF-76. The claimant is claiming a reduction in fair market value in the amount of \$301,000 due to land use regulations which restrict the proposed division of the property into 5 to 10 acre lots for residential development. A 14 day notice was sent out and no request for a hearing was received.

Lenske Properties LLC acquired the property from Rueben Lenske, President of Manifold Business and Investment, Inc. by deed recorded March 26, 2001. Manifold Business and Investment, Inc. acquired the property in March, 1968. The claimant asserts that the date of acquisition for the purposes of establishing a Measure 37 claim is March 11, 1968. The claimant appears to assert a claim based on a familial relationship between the officers of Manifold Business and Lenske Properties. Staff disagrees that a limited liability corporate owner acquiring property from another corporate owner can benefit from the provisions of Measure 37. The Measure allows an owner to file a claim based on title being held by a family member. The claimant has not established the familial relationship. One of the purposes of an LLC is to shield the individual owners from liability arising from the ownership of the property. A member is not a co-owner of and has no interest in a specific limited liability company property. Therefore, staff has determined that the claimant has not met the threshold requirements of a Measure 37 claim. If the Board should conclude that the claimant may use the relationship between the principals of two corporate entities to establish eligibility for a Measure 37 claim, then staff asserts that the "date of acquisition" should relate back to the date the family member became associated with the corporate owner, and not the date the corporation acquired the property. In this case, it appears that Reuben Lenske was name agent and president of Manifold Business and Investments in 1986, two years after the imposition of the PF-76 zoning on the subject properties. After discussion, the Board agreed with staff findings.

Commissioner Corsiglia asked if the claimants were invited to attend this meeting. Todd explained the process is to give notification and, if no hearing is requested, then the staff recommendation is just put before the Board for action. Discussion was held on if the claimant should be notified of the date when their claim(s) will be on the agenda. It was decided that Todd would notify the claimant when the claim will be before the Board. As for their ability of the claimant to make comments, no comments will be taken. After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to deny the 4 Measure 37 claims filed by Lenske Properties, LLC. The motion carried unanimously.

EXECUTIVE SESSION UNDER ORS 192.660(1)(h)(f):

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(f)(h). Upon coming out of Executive Session, no action was taken by the Board.

COLUMBIA RIDER DRIVER CITED:

John Knight informed the Board that one of the buses was pulled over for doing 52 in a 55 mph zone. The driver did not have the registration in the vehicle. The statutes say that the "owner" is required to have the registration. The officer wants the ticket for no registration to stand. John has been working on this and has been promised that this ticket will be dismissed. John just wanted the Board to know about this.

WENDY HART HEARING SET FOR TOMORROW:

John explained that the Board will be holding a hearing tomorrow and that they will need to make a determination on the disposition of the dogs owned by Wendy Hart. John would like to have Roger

Kadell present for the hearing to deal with this and John will just be present to answer any questions. However, John will be working to get this settled prior to tomorrow's hearing.

MOU TO PURCHASE PAGERS FOR DENT TRIAL:

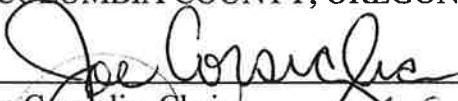
Judge Reed has asked for an MOU to purchase pagers for the Dent trial from the Courthouse Security fund. If the Board is in agreement, John will draft an MOU. The cost is about \$800. The Board agreed and authorized John to move forward with the preparation of an MOU.


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

Dated at St. Helens, Oregon this 11th day of April, 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