

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

February 25, 2004

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde, and Commissioner Joe Corsiglia, together with Sarah Tyson, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

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

MINUTES:

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the February 18, 2004 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Tammy Maygra, 34319 Cannan Road, Deer Island and Thelma Bonar, 56734 Way Lane, Warren approached the Board. Tammy informed the Board that the gate on Bishop Creek Road that she discussed last week still has not been taken down. Commissioner Bernhard stated that the Public Works Director is working on that.

Secondly, Ms. Maygra wanted to talk about a comment that Commissioner Bernhard made at the last Board meeting that she has concerns about the depletion fee ballot measure. Commissioner Bernhard clarified that she has concerns about how the county will implement it, should it pass. Ms. Maygra stated that Commissioner Bernhard's remarks have been taken quite literally by the surface mining companies. There was a debate held last Thursday on this measure and that remark was brought up by Bob Short. He stated that the three Commissioners did not support this initiative. Tammy had to get up and rebut that comment and defend the Board. However, Commissioner Bernhard was there and, as a Commissioner and a representative of the County, she should have spoken up and made it clear that the Board cannot take a political stand on this. Tammy feels that was wrong. If she had, then the public would have understood that the Commissioners are neutral on this matter.

Commissioner Bernhard believes the comment that was made was that the Commissioners chose not to take a position on this. Bob did say that one Commissioner had concerns about implementing this measure. It wasn't that the Board was either for or against it. Tammy disagrees with that, she believes that Bob Short stood up and said "even our County Commissioners do not support this initiative". Thelma also heard that. Tammy feels that was a slap in the face to not only Tammy and Thelma but the whole community for not speaking up. Commissioner Bernhard stated that is Tammy's opinion and she is entitled to that. Tammy stated that is not her opinion, it is fact that the Board cannot take a political stand on this. Commissioner Bernhard stated that, in fact, the Board can take a stand but chose not to. Tammy

still feels that Commissioner Bernhard should have stood up and clarified that because now it is being used against them. Commissioner Corsiglia understood that each Commissioner stated, in their own way, that they would be staying out of this. He is interested in what the people have to say. He is a strong proponent of the initiative petition process and doesn't ever want to see it go away.

Tammy agrees with that, which brings up another issue. It has been said that there was not money budgeted for this election process and that they were costing the county \$22,000. Again, Commissioner Bernhard should have stood up and informed everyone that whether or not you agree with the initiative, it went through the legal process and it is the right of every citizen to participate in the initiative process. Commissioner Bernhard agrees with that right. That is how this initiative was put on the ballot. As Commissioner Corsiglia stated, the voters will speak. Her concern and her comment was, if the measure passes, there may be some difficulty in implementing it and that is not unusual. Tammy feels that the amount of the election should not even be an issue. The people are the government and it is their right to be involved in the workings of the government. If the process costs the county \$22,000, so be it, because part of that \$22,000 is part of each and every signature on that initiative.

Thelma stated that the flyer, which she had with her, put out by the surface mining industry stated it was costing the taxpayers \$22,000. Commissioner Hyde feels that having that flyer here is a problem and shouldn't have even been brought into the courthouse. It's a Class C misdemeanor.

Tammy informed the Board that if this measure goes down, she and Thelma are working on another initiative just like this one.

On a lighter note, Tammy wanted to thank Commissioner Corsiglia on his great idea for the birthday celebration for the County. She is looking forward to attending and her husband's family from Yakima (13 brothers and sisters) all plan on attending.

PUBLIC HEARING: PROPOSED VACATION BY GERALD GODSEY:

As scheduled, the public hearing, 'In the Matter of the Proposed Vacation of a Portion of an Unnamed Road or Alleyway Lying Adjacent to the Neer City Subdivision near Goble, Oregon [Gerald and Cindy Godsey Petition]', was held.

Sarah gave the staff report and went over the hearing procedure. A valid petition has been received from Gerald and Cindy Godsey to vacate an unnamed alleyway abutting their property adjacent to the Neer City Subdivision. The County initiated the vacation procedure by Resolution No. 45-01, which was amended on January 14, 2004 and directed the Public Works Director to prepare and file a written report with an assessment of whether the vacation would be in the public interest. Dave Hill has submitted his written report, dated January 30, 2004, which recommends vacation of the unnamed public right-of-way. Sarah understands that the impact on the Godsey's property is more significant than any impact on adjacent property owners. The

Godsey's did not receive 100% of the abutting property owners signatures therefore a hearing must be held. The Board must consider this request and determine whether the vacation of the property is in the best interest of the public. Sarah entered County Counsel's hearing file into the record, noting all contents, marked *Exhibit "1"*.

Dave Hill, Public Works Director, presented his written report. The subject right-of-way is very close to the existing Godsey residence, and at 16 feet wide, it would be difficult (although possible) for a driveway to be constructed within this right-of-way. If a driveway was constructed in this public right-of-way to access the St. Onge property to the rear, the public might assume that they have the right to use this driveway. In general, Dave does not typically recommend removing a feasible access to a property for the benefit of another, however in this case, a new driveway in this location would have a very large impact on the Godsey property and vacation of the right-of-way seems to have a relatively minor impact on the St. Onge property. Therefore, in the matter of public interest, Dave recommends that this alleyway be vacated as proposed.

The hearing was opened for public testimony.

PROPONENTS:

Gerald & Cindy Godsey, 70850 Neer City Road, Rainier: Gerald explained the situation and why they are requesting this vacation. They built a home and once they put up their deck, it will be about 8 feet onto the road. Cindy Godsey stated that they applied for and were issued a building permit two years ago. One of the conditions of approval was that before the road vacation process, they had to consolidate their smaller piece of land into their main parcel so that it wouldn't be landlocked. Also, the county had to have known that the road was there because one of the conditions were that they had to talk to the Road Department about using it as a part of their fire break, which they did.

Gerald entered a photo showing where the house sits and how close it is to the road. The photo was marked *Exhibit "2"*. Cindy submitted a copy of letter from County Counsel's office marked *Exhibit "3"*. Sarah read a portion of the letter into the record regarding the county's recommendation to combine the two parcels to eliminate the issue of land locking. Cindy stated that that consolidation has been completed.

With that, Mr. Godsey just asked the Board to please consider where their home sits in connection with the road and approve this vacation.

OPPONENTS:

David St. Onge, 71172 Terry Road, St. Helens: He wanted to clarify his feelings on this. He is reluctant to give up any kind of right-of-way that gives him access to the bottom part of his property. However, he has since spoken with Dave Hill and visited the area to see how close the house is to the road. He noted that he was never approached about this or asked to sign a

petition. He is not going to contest this. The house is too close to the road. Go ahead and give it to him.

With no further testimony coming before the Board, the hearing was closed for deliberation. Based on the recommendation of the Public Works Director and because there was no opposition to this request, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve this vacation request as presented. Under discussion, Commissioner Corsiglia wanted to thank Dave St. Onge for his willingness to work with his neighbor on this. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Bernhard read the consent agenda in full. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 2/24/04.
- (B) Authorize the Fair Board to fill the position of Fairgrounds Administrator.
- (C) Authorize Ruth Baker to hire (1) temporary part-time position in the Finance & Taxation Department.
- (D) Order No. 9-2004, "In the Matter of Delegating Authority to the County Public Works Director to Deploy County Resources for Emergency Aid to Other Public Entities".
- (E) Order No. 10-2004, "In the Matter of Conveying Certain County-Owned Real Property Known as Tax Account No. 03-91 7216-042-04300 to Cinda M. Meyers".
- (F) Order No. 11-2004, "In the Matter of Amending the Rules and Regulations and Fee Schedule for the Use of Columbia County Forests, Parks, Beaches, Docks and Other Recreational Facilities Subject to Ordinance No. 94-9".
- (G) Reappoint Kim Tierney to the Commission on Children & Families for a four (4) year term. Term to expire on December 31, 2007.
- (H) Appoint Mary Brown to the Commission on Children & Families for a four (4) year term, term to expire on December 31, 2007.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (I) Amendment #11 to the 2003-2005 County Financial Assistance Contract #05-001 with State Mental Health.

- (J) Amendment #12 to the 2003-2005 County Financial Assistance Contract #05-001 with State Mental Health.

The motion carried unanimously.

COMMISSIONER BERNHARD COMMENTS:

The Board will be attending the grand opening of the Rainier Senior Center today at 1:00 pm. A lot of people have been involved in seeing this happen.

She attended Senator Wyden's town hall meeting last weekend which was very well attended.

Yesterday, she and Commissioner Hyde attended Boise's luncheon.

COMMISSIONER HYDE COMMENTS:

Friday, Commissioner Hyde attended the O&C Board meeting in Grants Pass. They are continuing to work on the RAC projects in terms of Title money and also getting the O&C funding reauthorized.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia wanted to praise the Sheriff's department. Gerry Simmons was on the news last night about the shooting in Clatskanie and was very professional.

PEGGY CRISP - ASBURY ACRES UPDATE:

Peggy Crisp updated the Board on the Asbury Acres Task Force meeting last night. They have come up with a plan to submit with the permit.

TAMMY MAYGRA:

In defense of Thelma Bonar, Commissioner Hyde earlier stated that to have propaganda in the courthouse is a misdemeanor. Tammy just called Salem and under ORS 260.695(2), it does not fall under a Class C Felony at all. It would only be illegal if she was circulating a polling place, which she was not and Section 4 is only an A misdemeanor if she was trying to vote for someone else. The Board clarified that the courthouse is a polling place. Sarah stated that it was up to each individual to protect their own legal interest.

There was no Executive Session held.

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

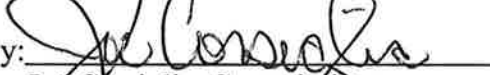
Dated at St. Helens, Oregon this 25th day of February, 2004.

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: 
Rita Bernhard, Chair

By: 
Anthony Hyde, Commissioner

By: 
Joe Corsiglia, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh