

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

December 8, 2010

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Rita Bernhard, together with Sarah Hanson, County Counsel, Robin McIntyre, 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 Fisher seconded to approve the minutes of the December 1, 2010 Board meeting and December 1, 2010 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

*Stephanie Klepel, 34067 Sykes Road, St. Helens:* Just for some clarity, she was present to ask some questions on the hospital issue. Commissioner Hyde stated that the Board is taking visitor comments only and that they will not be answering questions at this time. The Board suggested Stephanie submit her questions in writing and they will get back to her with the answers. With that, Stephanie simply read her questions into the record. If there is a legal issue that the Board is unsure of, why haven't they directed County Counsel to take this to circuit court and do they plan to do this. Last week, the Board approved the ambulance service franchises for the 5 county areas. Brian Burrigh, CRF&R, has stated on the record that there is a shortage of ambulances in the county and that's why they wanted the hospital. Her question is why this wasn't set out for bid to independent agencies.

Commissioner Hyde stated that this did go out for bid, a public hearing was held and the franchises were approved last week. Stephanie then asked Commissioner Bernhard, who was present for many of the hospital meetings, if she took Brian Burrigh's comments into consideration. Commissioner Bernhard stated that, for years, there has never been an interest on the part of anybody other than the local fire departments to provide ambulance services. Stephanie then asked when can she expect an answer to her questions. Commissioner Hyde stated that the Board is working on this issue aggressively and will try to have the answers very soon.

*Larry Karnoski, 35367 Millard Road, St. Helens:* He is here to get an update from the Board on what is going on with the hospital issue. He, like a lot of other people, are very interested in the outcome of the ballot measure. He looks to the Board of Commissioners as the "watch dog" for the people.

*Richard Melton, 55141 Columbia River Hwy, Scappoose:* A month ago he came before the Board asking regarding the shut down of the hospital project and when the taxpayers can expect to see a refund of their tax dollars. He was told by Commissioner Hyde that he would have an answer in 30 days. Commissioner Hyde will be making comments on this issue today before this meeting is over today.

*Tammy Maygra, 34319 Cannan Road, Deer Island:* When the Board makes their comments later in the meeting, will this include any communication with the Health District Board on what they are planning to do and are they working with the County on this. Commissioner Hyde stated that the district and the county both are being represented by attorneys.

*Peggy Crisp, Millard Road, Warren:* She asked if any of the Board members will be at the hospital district meeting tomorrow night. Commissioner Bernhard stated that she would be there. Commissioner Hyde and Fisher will not. Peggy then asked who is responsible for taking down the signs on Millard Road. Commissioner Hyde stated that the county doesn't have the authority to do that and she should check with the hospital district.

*Fred Bernet, Dike Road, Scappoose:* Four weeks ago, Commissioner Hyde promised that, in 30 days, the hospital district would be eliminated. He asked how far that has gone. Again, Commissioner Hyde stated that this will be discussed later at this meeting.

At this time, Commissioner Hyde reported on the status of this issue. We know that a Judge will be involved in this and asked for a declaratory judgement. Sarah stated that she does not know exactly what they have decided to do or if the health district has actually given their attorneys authority to file anything. The last conversation she had with their attorney, he was talking about filing an action that is similar to a declaratory judgement, but it is not specific, with specific defendants. The attorney is looking at filing this in the tax court because they have exclusive jurisdiction in matters relating to property taxes.

Commissioner Hyde stated that regarding the issue of the money - the County does not have the authority to refund any tax dollars. To the extent the Board can monitor what is going on, that tax issues are being addressed, they will do that. This includes making sure that the measure that was passed is carried out. As for the county's authority over the existing health district Board, they have none.

Commissioner Fisher has asked both the Assessor and Finance Director (Treasurer) to prepare something in writing and have it available for the Commissioners next week. What Commissioner Hyde said is correct, the county has almost zero authority over any special district. The Board has talked with the district, county counsel and has the Attorney General's opinion. The Board is happy to take questions and will try to provide some answers and direction where they can.

Commissioner Hyde had a conversation with Jay Tappen and their attorney to ask where they are on this. They stated they are prepared to stand down and cease and desist on the hospital project, determine and pay any outstanding bills and put the rest aside. He would assume to refund back to the taxpayers.

Tammy Maygra is hoping that the County has the best interest of the voters in mind when working on this. As adults, the Hospital Board is sorely lacking in being forth right and honest with the voters. If Jay Tappen is really saying that the Hospital Board is going to stand down and not collect any more tax revenue, then it should be in writing. If not in writing, there is no guarantee that they can change their minds and go back up to the 38 cents per thousand. Commissioner Hyde understands and is of the opinion that the Hospital Board cannot collect the 38 cents anymore because the voters have said "no more hospital". Tammy still feels strongly that there should be a legal document to reflect that and protect the voters.

Larry Karnoski asked, for clarification, that the County has no control over this special district, but does have ultimate control over Public Health. Commissioner Hyde stated that the County signs a multi year contract for public health services and does have control over that portion.

*Joe Crisp, 34571 Millard Road, Warren:* He commented on the last Hospital Board meeting. It was over crowded, had police present and locked the doors. The Board stated at that meeting that the hospital project is dead but the 38 cents is still theirs for public health. Joe reminded the Board that the 38 cents is only paid by designated taxpayers and not for "county" public health. The Hospital Board basically told the people to go fly a kite!

**RESPONSE LETTER TO OREGON BUSINESS DEVELOPMENT:**

Jim Tierney, Community Action Team, 125 N. 17<sup>th</sup> Street, St. Helens, came before the Board to address the letter of response to a finding in the monitoring report received from the Oregon Business Development Department (OBDD) on CDBG, Project D08016. OBDD provides the funding for the flood recovery. Jim briefly reviewed the finding and the response. If the Board is in agreement with CAT's letter, they will need to formally approve it and send it, along with a letter from the Board, to OBDD by December 15<sup>th</sup>. After discussion, the Board directed Sarah to prepare a letter from the Board for approval next week.

**POWERPOINT PRESENTATION ON FLOOD RECOVERY:**

While present, Jim Tierney, Community Action Team, gave a 30 minute power point presentation on the 2007 Flood Disaster Recovery. After the presentation, the Board took the opportunity to publicly thank the Community Action Team staff and others for the tremendous amount of work and effort they have put forth on the flood recovery process.

**CONSENT AGENDA:**

Commissioner Hyde read the consent agenda in full. With no changes/additions, Commissioner Bernhard moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 12/7/10.
- (B) Ratify letter to Oregon Business regarding the County's waiver of rights under the Oregon Investment Advantage program with David Stocker's signature.
- (C) Order No. 79-2010, "In the Matter of Adopting a Policy and Procedure for Approving Transfer Station Fee Waivers for Community Clean-Up Events".

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (D) Amendment #1 to the Oregon Commission on Children and Families 2009-2011 County Healthy Start - Medicaid Administrative Activities Intergovernmental Agreement COL0911-MAC and authorize the Chair to sign.
- (E) Intergovernmental Agreement #26,284 with ODOT for Right-of-Way Services, Fishhawk Road Bridge No.13670A.
- (F) Amendment #1 to Community Development Block Grant Agreement No. D08029 and authorize the Chair to sign.
- (G) Addendum #1 to Oregon Emergency Management Flood Mitigation Assistance (FMA) Program Contract, FY 09 Project Grant (PJ-CFDA 97.029) and authorize the Chair to sign.
- (H) Contract with PCR, Inc., for Elk Creek Bridge Installation.

The motion carried unanimously.

**GINGER LEE ROAD MODIFICATION REQUEST:**

Robin addressed the application by Ginger Lee to modify a road standard, specifically

to allow her to have an access approach without paving it. The Board has a staff report in their packets and Dave Hill is here to answer any questions. The applicant, Ginger Lee, is present to address the Board on her application. Robin has drafted an order and the Board has three options to consider: (1) approve; (2) approve with modifications or (3) deny. Staff has recommended denial because the applicant does not meet the criteria for a road modification.

*Ginger Lee, 16819 Timber Road, Vernonia:* As the applicant, she is present to state her case. She understands that this is the first time that anyone has asked for such a variance. With regards to the staff report, she spoke with Lonny Welter, who agreed the first 2 paragraphs were in error but he did not want to change the report and stated those issues could be dealt with at this meeting. There is no new construction on their property, it happened some time ago and she did not know they needed a permit for the work they did. She is the primary care giver for her mother and, as a hardship case, they converted their shop office into housing for her mother. She is requesting this modification because they do not have the funds to do the road access. They don't have the money for this because they lost their very lucrative cabinet business as a result of the flood. It took their business and her husbands health. She is now the sole provider for their home, her husband and her mother.

They are trying to come into compliance. This was originally built as a county road even though it was just their driveway. Over many years, this driveway has been used by delivery trucks, employees, 4 teenage girls, friends and family. Now only used by her husband and herself. There has been no damage to Timber Road over these years. They maintain their driveway and there has been no drainage problems and no gravel on the road. She has gone out for bids but no one seems to be interested in coming to Vernonia to do a road access but has received some verbal bids for \$2,000 to \$5,000, but nothing written. This is an extreme hardship to do this road access. She doesn't want to set any precedence, she just wants to take care of her husband and mother and not have the extra hardship. She noted that the fire department has been out to the site and states no problem with this access. She simply cannot afford to do this.

Dave Hill, Public Works Director, reviewed his memo to the Board recommending denial as the applicant does not meet the criteria for a modification to the Road Standards.

As some background, this property was partitioned in 1997 and a permit was obtained for an access permit. That permit expired and the deposit was forfeited. In 2009, Ms. Lee obtained a hardship permit and another access permit was obtained to pave the access approach. She still has a valid permit and won't expire until 2011.

Dave addressed the road itself, location, condition and reason for the paving requirement.

Commissioner Fisher asked Dave if this is something the Road Department can do and,

if so, what would it cost. Dave stated this is something they can do and would cost roughly \$1,200.

Commissioner Bernhard is sympathetic to the situation but concerned with setting a precedence. She asked if additional time could be given to accommodate Mr. Lee. Robin stated that the current permit is good until December 2011 and an extension may be available.

Dave stated that this access permit is connected to the hardship permit in Land Development Services that may have time constraints. He could look at the Road department possibly doing the work on charge over time but he will have to look into that.

After discussion, the Board stated that they will take this request into consideration, have staff review any options and get back to Ms. Lee in writing.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde attended the RSVP annual holiday lunch this week. This event recognizes the work being done by the retired citizens in our community who give a tremendous amount of hours.

Last Thursday, he was present for the ground breaking of the Vernonia School system.

Later on Thursday he left for Dallas, Texas to attend the NACo Board meeting where a lot of discussion was held on the reauthorization of the Rural School Funding.

While in Texas, his wife had a knee replacement and he will be leaving directly after this meeting to be with her.

**COMMISSIONER FISHER COMMENTS:**

Commissioner Fisher read an article in the Oregonian about county funding and the dire situation.

On Monday he attended the first meeting of the ODOT Hwy 30 Safety Corridor meeting. It was very well attended with good discussion. There will be another meeting next month and also a link on the ODOT website.

He attended the CEPA meeting yesterday. There was a representative from the Corp of Engineers who spoke on flooding. The Corp has found over the years that, when

people pull together, the recovery is much quicker.

Last Thursday, the Port of St. Helens selected a new Executive Director.

He was in Vernonia on Thursday for the ground breaking of the Vernonia School project.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard was out of town last week and had no report.

QUESTIONS TO THE BOARD SUBMITTED BY STEPHANIE KLEPEL:

Stephanie submitted a list of written questions to the Board on the hospital issue, as instructed earlier. Commissioner Hyde read the questions into the record.

There was no Executive Session held.

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

Dated at St. Helens, Oregon, this 8<sup>th</sup> day of December, 2010.

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: \_\_\_\_\_

Earl Fisher, Commissioner

Recording Secretary

By: \_\_\_\_\_

Rita Bernhard, Commissioner

By: \_\_\_\_\_

Jan Greenhalgh, Recording Secretary

*BOC Minutes*

*12/8/10*

*Page 8*