MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS MEETING  PAGE 1
Wednesday, April 6, 1983

COMMISSIONERS PRESENT:  Carol Williams, Chairman
                           Gerald A. Woodward, Vice-Chairman
                           F.E. Knight, Commissioner was in Washington
                           D.C. attending a meeting concerning the Port
                           of Nehalem

STAFF PRESENT:           Lynn Rosik, County Counsel
                           Barbara Legoo, Acting Recording Secretary

CALLED TO ORDER: By Chairman Williams at 10:00 a.m.

CONSIDERATION OF MINUTES: Commissioner Woodward made a motion to
approve the minutes of January 26, 1983 and March 30, 1983. The
motion was seconded by Chairman Williams and it carried with two
aye votes.

Commissioner Woodward made a motion to approve the Commission Pro-
ceedings for the month of January, 1983. The motion was seconded
by Chairman Williams and it carried with two aye votes.

UNSCHEDULED ITEM: REGARDING ORDERING PAPER FOR THE COPY MACHINES:
Commissioner Woodward reported that he had been told by Irv West,
custodian, that there are only 2 ½ boxes of 8 ½ X 11 paper left and
that will not last more than a couple of weeks. He said he had
been doing some price checking and found the County could buy paper
in Portland cheaper than at Nashua Corporation in Newport. He said
he would get the exact price and report to the Chairman.

Commissioner Woodward made a motion to buy xerox paper at the low-
est price and no less than 40 cartons. Chairman Williams seconded
the motion and it carried with two aye votes.

UNSCHEDULED ITEM: REGARDING THE PAINTING OF THE FLAG POLE ON THE
COURTHOUSE LAWN: Commissioner Woodward asked for authorization to
pay for the painting of the Courthouse flag pole at a cost of $111.
The cost would come out of Courthouse Maintenance and no motion
was needed.

ITEM NO. 3: CONSIDERATION OF APPOINTMENT OF JOYCE L. MARTIN AS
JUSTICE OF THE PEACE PRO TEM: Commissioner Woodward made a motion
to approve the appointment of Joyce L. Martin as Justice of the
Peace Pro tem for a period of 60 days to commence April 2, 1983.

The motion was seconded by Chairman Williams and was carried with
two aye votes.

The Commissioners signed the Order (0-83-30).

UNSCHEDULED ITEM: REGARDING ENGAGEMENT ANNOUNCEMENT OF VIC AFFOLTER:
Ms. Rosik announced the engagement of Vic Affolter and Kathy Ashton.
The wedding is planned for the end of June.

Chairman Williams recessed the meeting at 10:06 a.m. to make a
phone call and reconvened the meeting at 10:19 a.m.

ITEM NO. 4: MONTHLY CTIC REPORT: Rainmar Bartl was present. Mr. Bartl said he would be meeting with Citizens Advisory Committees on Thursday to go over the draft of the Goal Five report (Open Space and Natural Resources) and let the CACs know what Goal Five is all about! He said the changes that will have to take place in the County's plan to meet Goal Five will be minimal in terms of impact. Another item that he will be going over in that meeting will be the Solar Protection Ordinances.

He said CTIC has been working with Bay City to update their Comprehensive Plan and Zoning Ordinance, primarily their estuary and coastal shorelands. Hearings have been scheduled in April and June for the Planning Commission and City Council. They are starting the same thing with Wheeler as far as the Comprehensive Plan is concerned. Commissioner Woodward said he would like to see CTIC go ahead with these plans as soon as possible.

UNSCHEDULED ITEM: REGARDING LETTER FROM PAUL HANNEMAN TO DOUG KAUFMAN: Mr. Affolter read a letter from Paul Hanneman, State Representative to Doug Kaufman, attorney regarding the Citadel Corporation. Mr. Affolter pointed out three mistakes in the letter pertaining to acreage and the number of landowners who would be adversely impacted. The letter stated 1,200 acres was in question and the correct number of acres is 12,000. It stated 6,000 acres would ultimately be removed from RR designation and the correct number of acres is about 4,000. The number of landowners impacted should be no more than 100 and the letter stated 200.

Mr. Affolter thought a letter should be sent to Mr. Hanneman, with a copy to Mr. Kaufman, correcting these mistakes. Chairman Williams agreed and authorized Mr. Affolter to write such a letter.

ITEM NO. 5: CONSIDERATION OF ORDERS (1) SETTING FEES TO BE CHARGED FOR CAMPING IN COUNTY PARKS; (2) PLACING HONOR BOXES IN SOUTH COUNTY PARKS; AND (3) ESTABLISHING A FEE FOR USE OF THE NETARTS BOAT LAUNCH: Charlie Cruse, Parks Department was present. Mr. Cruse said he checked with Mr. Heckrotb Department of Wildlife, and he said there is no problem with installing honor boxes at the boat launches.

Chairman Williams said there is some concern as to the fact the boxes will not be safe from theft. There does not seem to be any lock that can keep people from breaking into the boxes. There was some discussion as to the best way to keep them safe. Mr. Cruse said he had some ideas and said the boxes would be steel and in full view of everyone around.

Commissioner Woodward made a motion to approve "Order
In the Matter of Setting Fees to be Charged in Barview Jetty Park, Webb Park, Whalen Island Park, Kilches River Park and Woods Park."

The motion was seconded by Chairman Williams and it carried with two aye votes.

The Commissioners signed the Order (0-83-31).

Commissioner Woodward made a motion to approve an "Order In the Matter of Authorizing the Placement of "Honor Boxes" for Collection of Camping Fees in Certain County Parks". The motion was seconded by Chairman Williams and it carried with two aye votes.

The Commissioners signed the Order (0-83-32).

Commissioner Woodward made a motion to approve an "Order In the Matter of Establishing a Fee for Use of the Netarts County Boat Launch and Setting the Fee at $1.00 and to be Collected by Use of an Honor Box". The motion was seconded by Chairman Williams and it carried with two aye votes.

The Commissioners signed the Order (0-83-33).

Ms. Rosik said the new fee for the campsites would go into effect May 1.

With these new fees, it is expected the Parks Department will pay for itself this next year.

ITEM NO. 6: MISCELLANEOUS ROAD MATTERS: Jon Oshel was present. Mr. Oshel wanted to confirm the fact the County will not approve a fill permit for Bud Smith. This was confirmed.

Mr. Oshel read the amount of money spent on "no charge" work orders. They are: Chamber of Commerce, $208; Bay Ocean Spit Road, $348; Baseline Road, $1,000; Kilches Park tree removal, $184; Reject rock for Glenwood Road, $184.50; and the Campfire Site, $158.

Regarding the house on Winema Road, the County has a court order to tear the house down because it is seven feet onto County property. Ms. Rosik asked Mr. Oshel to get a cost estimate to tear the house down. Mr. Oshel said he would ask for three proposals and with his cost and the cost of processing everything, it could come to $10,000.

Chairman Williams asked how the County would be paid for this and Ms. Rosik explained the County would submit a bill to the court which then holds a hearing and approves the bill. The bill is then due and owing from Mr. Lamb, the owner of the house. If he does not pay within a certain amount of time, the County can then sell the property to pay for the bill.

Mr. Oshel explained that the County would get only what had been spent and Mr. Lamb would get any amount over that, if the property had to be sold.
UNSCHEDULED ITEM: REGARDING SENATE BILL 79: Mr. Oshel and Commissioner Woodward arrived at the hearing in Salem after testimony had begun. They believed, however, the bill would make it out of Committee, and if so, it would mean the revenue from timber sales would be split 50-50 with the school system. Mr. Oshel thinks even if the bill passes, it will not lower the school taxes at all. All agreed.

Ms. Rosik said she would write a letter to Margie Hendrickson, who is in favor of the bill and explain what the passage of the bill would do to the County.

There was some discussion about the amount of reserves in other counties.

CONTINUATION OF ITEM NO. 6: MISCELLANEOUS ROAD MATTERS REGARDING FEDERAL AID SECONDARY SYSTEM: Mr. Oshel said he found out the roads that are on the Federal Aid Secondary System and those going to the Federal Aid Secondary System. He said all that would have to be done to get the McDonald and Scoville bridges on the System would be to write a letter (to the highway division) and request they be put on.

Mr. Oshel showed the Commissioners a map of roads and said the last time the roads were reviewed for this purpose was in 1969. Mr. Oshel was given authorization to write a letter to request the McDonald and Scoville Bridges be put on the Federal Aid Secondary System.

ITEM NO. 7: CONSIDERATION OF PERSONNEL REQUISITION FOR THE COUNTY PARKS DEPARTMENT: Brenda Woodroof was present. Ms. Woodroof presented the Commissioners with a requisition for five temporary Park positions. Two of the positions will last until September 15th, two until the middle of October and one until the end of September. These positions are in the budget.

Commissioner Woodward made a motion to approve five temporary Park positions. Chairman Williams seconded the motion and it carried with two aye votes.

ITEM NO. 8: CONSIDERATION OF SHERIFF’S DEPARTMENT BUDGETARY REDUCTIONS: Brenda Woodroof was present. Ms. Woodroof showed the Commissioners what the net savings will be due to the lay offs in the Sheriff's department. She showed where the savings for the next year will be $162,912.

Chairman Williams said the Budget Committee should have a copy of the amounts. She asked Ms. Woodroof the percentage of savings over last year, and Ms. Woodroof said it was close to 37 percent savings.

Ms. Woodroof said the lay offs would take effect April 15th for the patrol, May 1st for dispatch, and June 1st for Civil.
explained it will take some time for all the warrants to be cleared up and for dispatch to make arrangements, therefore the reason for the delay of the dispatchers and civil lay offs.

There was a lot of discussion about re-scheduling the dispatchers and the problems that will arise due to the shortage of this staff.

**ITEM NO. 9: CONSIDERATION OF COST SHARE CONTRACT WITH DEPARTMENT OF AGRICULTURE:** Guest present was John Massie.

Ms. Rosik read the contract with the Department of Agriculture which said the County would be a participating agency and supervise the local level in weed control. The amount of the contract is $4,000 and runs from January to July 1, 1983.

Commissioner Woodward made a motion to approve the Cost Share Program between the Department of Agriculture and Tillamook County and authorize the Chairman to sign the contract. Chairman Williams seconded the motion and it carried with two aye votes.

Chairman Williams signed the contract.

Chairman Williams recessed the meeting at 11:21 a.m. and reconvened at 11:25 a.m.

**ITEM NO. 10: EXECUTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION IN THE APPEAL OF VARIANCE REQUEST V-82-27:** Robert DuMoulin, Applicant; Robert Tinker, Jean Reed Prentis and W.L. Parker, Appellants.

Ms. Rosik read the Findings of Fact, Conclusions of Law and Decision in the Appeal to the Commissioners and reviewed the Variance request.

Commissioner Woodward made a motion to approve the Findings of Fact, Conclusions of Law and Decision in the Appeal of the Variance Request. The motion was seconded by Chairman Williams and it carried with two aye votes.

The Commissioners and Ms. Rosik signed the Findings.

**UNSCHEDULED ITEM REGARDING LIQUOR LICENSE FOR MCDONALD:** Ms. Rosik said she had received a call from Mr. Tuthill regarding the liquor license application made by Mr. McDonald (Cracker's Place) She said Mr. Tuthill was representing Mr. McDonald and was requesting a public hearing because the OLCC had turned Mr. McDonald down for a license. Mr. Tuthill agreed Mr. McDonald had presented a very poor application, but he was unaware of the procedure. He thinks Mr. McDonald should have another chance to apply.

Ms. Rosik said she told Mr. Tuthill she would suggest to the Commissioners they allow Mr. McDonald to apply again through normal channels, but that a public hearing was not the usual procedure. Mr. Tuthill asked that the Commissioners write a letter to OLCC and let them know Mr. McDonald will be given another opportunity to apply. Ms. Rosik read the letter she had drafted to send to
Commissioner Woodward made a motion to approve the letter to OLCC. Chairman Williams seconded the motion and it carried with two aye votes.

The Commissioners signed the letter.

**ITEM NO. 11: EXTENSION OF TIME TO PREPARE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION IN THE APPEAL OF ZONE CHANGE REQUEST ZC-82-8: CITADEL CORPORATION, APPLICANT:** Ms. Rosik said she had given the first draft to Mr. Affolter to review. When he has done this and made any changes or corrections, Ms. Rosik will have the Findings, Conclusion, and Decision typed and given to the Commissioners. Ms. Rosik asked for an extension of two weeks.

Commissioner Woodward made a motion to extend the preparation of Findings of Fact until April 20, 1983. Chairman Williams seconded the motion and it carried with two aye votes.

Chairman Williams recessed the meeting at 11:30 a.m. and reconvened at 11:44 a.m.

Sue Becraft took over the taking of the minutes at this point.

**ITEM NO. 12: PUBLIC HEARING - IN THE MATTER OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR WATER SYSTEM IMPROVEMENTS TO THE PACIFIC CITY WATER DISTRICT:** Dick Pearson was present. Guest present was Nicki Heath, Pacific City Water District.

Ms. Heath presented the Commissioners with a map and rough draft showing the areas that will receive the grant money. These are the most urgent areas. The map also showed the area that would be covered with money received from their application to the Water Resources Department. This application is still in effect. She explained they are going for a "urgent loan" because their need is so bad. She said the storage of water is a real problem. They really have storage for only one day. They are hoping to expand this storage time to three days.

Commissioner Woodward made a motion to close the Public Hearing and authorize the Chairman to sign the application for Pacific City Water District for Community Development Block Grant Funds. Chairman Williams seconded the motion and it carried with two aye votes. Chairman Williams signed the application.

Mr. Pearson said the application has to be submitted a week from Friday, April 15th.

Chairman Williams recessed the meeting for lunch at 12:00 and reconvened at 1:27 p.m.

Barbara Legoo took over the taking of the minutes at this point.
UNSCHEDULED ITEM: REGARDING JAIL LITIGATION: Guest present was Jim Hibbard. Mr. Hibbard came into the meeting and reported on the Consent Decree. Mr. Hibbard said there were two major issues and one was whether the County was going to remodel the jail. If so, he suggested the architect be notified and to proceed with the plans. Chairman Williams said the Budget Committee said to go ahead with the plans.

Mr. Hibbard said the second issue was how the jail would operate in the interim. The construction of the new jail will probably not get under way until the middle of June. He said Mr. Haber is unwilling to let the County operate the jail in the same fashion it has been operating while waiting for the construction.

After a meeting with Mr. Haber this morning, the following terms were set down: The County will house no women over an eight hour period; will house no felons, whether convicted or pretrial, longer than 20 days; will house no people on work release or trustee status, whether felons or misdemeanors, for longer than 30 days; will house no people charged with misdemeanors at all, unless stemming from a "failure to appear" charge or a "second time charge" on a drunk drive. In this case the County would house the person 3 days if the charge was "failure to appear" and 7 days if the charge was "second time charge". The County could house a person 14 days if it was a convicted misdemeanor, unless they qualified for trustee status or work release. Also there would be a limit of 15 people jailed at a time. The present area known as the "bull pen" would be utilized as a day room. A doctor would come in and evaluate the medical procedures and the County would agree to this only if NIC paid for this so it would be no cost to the County.

Mr. Hibbard said he saw no problem in complying with the Consent Decree, except perhaps with the medical. The Decree will state the County will do the renovation and comply with the time limitations from next Monday, April 11th until the jail is closed to do the renovation.

He said an alternative would be to say the County could not comply because the judges sentence people to longer periods of time and if they could not stay here, the County would have to pay to have them sent to other counties. The bottom line would be whether it would be worth it to fight the suggestions.

Ms. Rosik said she would like to take the Decree and talk with each judge and see if they can comply with the sentencing periods. She would point out the cost of sending the prisoners to other counties.

Mr. Hibbard said he thought the judges would be cooperative. He said the Decree would be ready to sign later in the day. He will sign on behalf of the County.
ITEM NO. 13: SECOND HEARING - IN THE MATTER OF ANNEXATION OF PROPERTY TO THE NESKOWIN REGIONAL SANITARY AUTHORITY; Guest present was Les Fultz. Mr. Fultz showed the Commissioners where the boundary lines of the present sanitary areas are located on the map. This line was fixed by a petition in 1977. He showed on the map the areas that are to be annexed which will add about 150 acres to the district.

Ms. Rosik asked if there was a sewer system there now. Mr. Fultz said there is a private sewer system there that serves Neskowin Lodge and has about 10 - 20 users.

Commissioner Woodward asked if there was any plan to enlarge the private system, Mr. Fultz explained the owners are Neskowin Lodge investors and thought it would be expensive and a lot of trouble. They would have to get permission from all the surrounding land owners. The last time they put the question to the land owners, they got an overwhelming response to drop the project entirely.

Ms. Rosik asked if the property has been accepted by the State as an RR area. Mr. Fultz said it was all in the "red line" area. He explained the State said the County has never justified the zoning that is shown on the map. He said the County had never asked him for any information on how that property had been committed. He is preparing that information at this time. Over $25,000 has been spent on this property.

Ms. Rosik said she would like to talk to Mr. Affolter, Planning Director, about the area and asked for a continuation for next week. Mr. Fultz said he would agree to that.

Commissioner Woodward made a motion to continue the hearing until 2:30, Wednesday, April 13, 1983. Chairman Williams seconded the motion and it carried with two aye votes.

Chairman Williams recessed the meeting at 2:07 p.m. and reconvened at 2:30 p.m.

ITEM NO. 14: SECOND PUBLIC HEARING - IN THE MATTER OF AN ORDINANCE ESTABLISHING A FEE SCHEDULE FOR VARIOUS SERVICES AND PURPOSES OF TILLAMOOK COUNTY AND DECLARING AN EMERGENCY: Ms. Rosik said she had read the Ordinance at the first public hearing and would read only the title today. She said she had presented the Ordinance at the Bar meeting she had attended today and also the Title and Escrow offices had been notified. She said there was some discussion at the Bar meeting about the money that should go to the Law Library and where future funding will be coming from.

Ms. Rosik said all the fee schedules will go into effect Friday, April 8, 1983.
Commissioner Woodward made a motion to approve "In the Matter of an Ordinance Establishing a Fee Schedule for Various Services and Purposes of Tillamook County and Declaring an Emergency." The motion was seconded by Chairman Williams and carried with two aye votes.

The Commissioners signed the Ordinance (0-83-18)

Chairman Williams recessed the meeting at 2:40 p.m. and reconvened at 3:00 p.m.

ITEM NO. 5: DISCUSSION AND DECISIONS REGARDING REMODELING OF THE COUNTY JAIL: Guests present were Jim Hibbard, Jim Wagner, Sheriff's Office, Ralph Snell, Public Defender and Steve Simpson, Treasurer.

Ms. Rosik read the draft of the proposed Consent Decree which listed all the items Mr. Hibbard had mentioned earlier in the day. One item not mentioned earlier was the County would make an attempt to get some exercise equipment for the prisoners. Within sixty days prior to opening the new renovated jail, defendants will propose a plan to remedy the following conditions: law library, mail censorship, use of restraints, methods of handling psychiatric patients and disciplinary procedures.

There was some discussion about the amount of medical services the jail would supply for the prisoners.

There was also some discussion about the Recog program.

Commissioner Woodward made a motion to accept the Consent Decree in principle and authorize the attorney for Tillamook County to sign same. The motion was seconded by Chairman Williams and carried with two aye votes.

Commissioner Woodward made a motion to authorize Ms. Rosik to contact an architect to proceed with plans to remodel the existing jail to a 21 bed facility. The motion was seconded by Chairman Williams and carried with two aye votes.

Chairman Williams asked how much money would the County owe Mr. Haber after today. Mr. Hibbard was not sure about the amount, but felt if it was less than $15,000 the County would be lucky.

There was some discussion about Mr. Haber's charges and the fees other counties have had to pay him.

Ms. Rosik and Mr. Hibbard had talked about the possibility of leasing some property to use as a jail.

UNSCHEDULED ITEM: Harry Randall was present. Mr. Randall asked for permission to get some rock at Oceanside, Commissioner Woodward directed him to Jon Oshel, Director of Public Works.
The meeting was adjourned by Chairman Williams at 3:30 p.m.

LIQUOR LICENSE: Jerry Peterson and Roseanna Peterson: Roseanna’s Cafe and Store. Retail Malt Beverage. 3-8-83.

RESPECTFULLY submitted on this _____ day of April, 1983

Barbara Legoo, Acting Recording Secretary

APPROVED this _____ day of April, 1983

Carol Williams, Chairman

Garald A. Woodward, Vice-Chairman