MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS’ MEETING
Wednesday, May 20, 1998
COMMISSIONERS PRESENT: Gina Firman, Chairperson
Jerry A. Dove, Vice Chairperson
Sue Cameron, Commissioner
STAFF PRESENT: William K. Sargent, County Counsel
Paul Levesque, Management Analyst
STAFF PRESENT FOR PORTIONS OF MEETING: Lt. Todd Anderson, Jail Commander; Jon Oshel, Public Works Director; Pat Oakes, Engineering Technician;
GUESTS: Pete Daniels, Milstead & Associates; Wendell Hesseltine, Tillamook Hospital Administrator; Tim Lutz, Assessor/Tax Collector; Mark Labhart, State Forester; Steve Nelson, NEP Director; Rudy Fenk & Rich Felley, Soil & Water Conservation District.
CALL TO ORDER: By Chair Firman at 9:00 a.m. in the Justice Courtroom.
UNSCHEDULED: JAIL UPDATE: Lt. Anderson reported the video arraignment was working well for the past four weeks. It had cut down on transports. However, the jury room was often scheduled, interfering with the process. He would like to work with the Board to find other space. Lt. Anderson said he had negotiated with Sprint to eliminate all charges, $3,500, which had accumulated prior to the time the system was operational. The Board discussed the space issues.
ITEM NO. 1: BID OPENING FOR CART’M RECYCLING CENTER IN MANZANITA:
Chair Firman opened the following bids:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRL Construction</td>
<td>$133,850</td>
</tr>
<tr>
<td>Interwest Construction</td>
<td>$121,806</td>
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</tbody>
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Mr. Oshel said he would not be recommending an award. Mr. Laviolette (LRL) said the design was difficult. Interwest had done several bids on buildings and said their bid was rock bottom. Mr. Oshel said the low bid was still $40,000 above the budget.

ITEM NO. 2: DISCUSSION CONCERNING SPEED ZONE REVIEW REQUESTS: Mr. Oakes reviewed the two-year history of speed zone reviews and noted there had been four requests in the current year. He referred to a chart which he had prepared for the Board. The Road Advisory Committee and he recommended that three of the four be forwarded to ODOT. There was Board consensus to forward the recommendation.

ITEM NO. 3: MISCELLANEOUS PUBLIC WORKS: Mr. Oshel reported on the Road Advisory Committee meeting regarding Makinster and Trask River roads. The Committee recommended against memorial signing, but realized the Board would probably decide differently. Mr. Oshel would be submitting the proposed policy to the Board. There was discussion regarding public education. The recycle booth at the Fair would be a Public Works booth this year.
SITTING AS THE BOARD OF
THE SOLID WASTE SERVICE DISTRICT

ITEM NO. 4: MISCELLANEOUS SERVICE DISTRICT MATTERS: There was no discussion.

SITTING AS THE
BOARD OF COMMISSIONERS

ITEM NO. 5: HOSPITAL REMODELING PROJECT UPDATE: Mr. Daniels gave his report (attached). Mr. Hesseltine reported on a rumor that certain sheet metal workers had been laid off due to a lack of pay. That was incorrect. Several had been given a long weekend as an incentive to increase their lagging work.

ITEM NO. 6: CONSIDERATION OF CHANGE ORDER #4 TO AGREEMENT WITH HBE CORPORATION FOR HOSPITAL REMODELING PROJECT: Mr. Daniels noted that the change order affected 17 items, but only four were cost items. The Board discussed Item #15, regarding sewer blockage. It involved relocating a pipe which did not have the proper slope. He also discussed the $25,000 portion of the change order involving electrical power transfer capability for dietary/food service.

Commissioner Dove moved to authorize the Chair to sign the change order, Commissioner Cameron seconded, passed with three aye votes.

Chair Firman signed Change Order #4.

UNSCHEDULED: DISCUSSION CONCERNING INTEREST ON HOSPITAL BOND ISSUE: Commissioner Cameron said that Mr. Weissenfluh, a member of the County’s Budget Committee, brought up the issue of using the interest on the hospital bond proceeds to retire the debt.

Mr. Hesseltine referred to two reports, one on June 19, 1997, showing how interest was to be put toward the project. He also pointed out an April 13, 1998 report that showed the same thing.

There was a consensus to discuss the matter further with Mr. Hesseltine at the May 21 Budget Committee meeting. The interest was currently committed to the project, rather than bond payback. The Board discussed the scheduling of a workshop.

SITTING AS THE BOARD OF
THE 4-H & EXTENSION SERVICE DISTRICT

ITEM NO. 7: CONSIDERATION OF ORDER CONTINUING THE BUILDING RESERVE FUND OF THE TILLAMOOK COUNTY 4-H & EXTENSION SERVICE DISTRICT: Mr. Faudskar said this needed to be renewed and extended, if appropriate, because it was only good for ten years.
Commissioner Cameron moved to sign the order, Commissioner Dove seconded, passed with three aye votes.

The Commissioners signed Order #98-71, 4-H & Ext. Order #98-03.

**ITEM NO. 8: CONSIDERATION OF ORDER TRANSFERRING FUNDS BETWEEN BUDGETED LINE ITEMS FOR THE DISTRICT:** Commissioner Dove moved to sign the order, Commissioner Cameron seconded, passed with three aye votes.

The Commissioners signed Order #98-72, 4-H & Ext. Order #98-04.

**SITTING AS THE BOARD OF COMMISSIONERS**

**ITEM NO. 9: CONSIDERATION OF ORDER CANCELING PROPERTY TAXES OF LESS THAN $5.00 PURSUANT TO ORS 311.795(2)(3) AS OF THE CLOSE OF BUSINESS ON FRIDAY, MAY 22, 1998:** Mr. Lutz said this would end the practice of sending bills for less than $5. In this category, there were 212 accounts with a total billing of $329.54.

Commissioner Cameron moved to sign the order, Commissioner Dove seconded, passed with three aye votes.

The Commissioners signed Order #98-73.

**ITEM NO. 10: CONSIDERATION OF AGREEMENT WITH OREGON DEPARTMENT OF REVENUE FOR 1998-99 MAP MAINTENANCE:** Mr. Lutz said this agreement was the Department of Revenue’s estimate of what the next year’s costs would be. The Budget Officer had recommended doing this rather than hiring an in-house cartographer.

Commissioner Dove moved to sign the agreement, Commissioner Cameron seconded, passed with three aye votes.

The Commissioners signed the agreement.

**ITEM NO. 11: CONSIDERATION OF LIQUOR LICENSE APPLICATION FOR LEE’S CAMP:** Chair Firman said AOC would be putting together a work group to look at OLCC licensing.

Commissioner Cameron moved to authorize the Chair to sign the application, Commissioner Dove seconded, passed with three aye votes.

Chair Firman signed the application.

**ITEM NO. 12: CONSIDERATION OF ORDER TRANSFERRING FUNDS BETWEEN**
BUDGETED LINE ITEMS FOR THE FAIR: Commissioner Dove moved to sign the order, Commissioner Cameron seconded, passed with three aye votes.

The Commissioners signed Order #98-74.

ITEM NO. 13: PERFORMANCE PARTNERSHIP UPDATE: Mr. Labhart introduced Mr. Nelson, Mr. Fenk, and Mr. Felley, and stated he hoped the outcome of the presentation would be Board agreement to act as the recipient (fiscal agent) for the Performance Partnership. He said this would implement the NEP CCMP as well as other plans.

Mr. Labhart presented charts showing the concepts for structure and identifying local plans that were involved. The Board of Directors would consist of the Board of Commissioners’ representative who would be the “Chair”, a Federal representative, a State representative, local representative and Implementation Committee representative. The Implementation Committee would be similar to NEP’s management committee with many federal, state, county and local partners. The intent of the Implementation Committee would be to not leave anyone out.

Mr. Labhart described the primary responsibilities. Staff would include a director, contract/grant coordinator, GIS professional and a secretary. Staffing would be funded for the next three years by NEP. The Board discussed matching funds and salary issues. Mr. Nelson said the County could create a new policy committee; this item was negotiable with the state and federal agencies.

Chair Firman asked that Mr. Levesque draft a resolution supporting the implementation and agreeing that the County would act as fiscal agent.

Mr. Nelson said OSU took 15% of the grant for administrative overhead. He added that PSU was also interested in working locally. Commissioner Cameron suggested he work with Mr. Schwinck. Chair Firman suggested the local community college may also have an interest in partnering. Mr. Felley suggested that a foundation of watersheds may have some role in revenue issues.

ITEM NO. 15: LIAISON REPORT ON NATIONAL ASSOCIATION OF COUNTIES, NATIONAL WATERSHED MANAGEMENT COMMITTEE REGARDING ROLE OF COUNTIES IN COASTAL WATERSHED RESTORATION & MANAGEMENT: Chair Firman reported on her watershed meeting in Kenai, Alaska, which was paid for by many public and private partners. She described an educational interactive computer program designed by a 9th grader, which won a Presidential award. She described how the conference addressed counties’ role in watershed management. GIS was a necessary tool in these efforts. She discussed Alaska’s efforts to deal with erosion issues caused by fishermen, and the Tillamook Performance Partnership’s relation to Alaskan program. She invited everyone to attend the NACo Watershed Committee meeting at the NACo Conference in Portland in July.

Chair Firman said they also met with the EPA field base representative, and she suggested talking with John Gabrielson about getting a local field person. She was encouraged by the meeting. Mr. Labhart said he was meeting with Federal and State people the following day to discuss the Federal role in the Performance Partnership. The Board thanked him for his presentation.
ITEM NO. 14: CONSIDERATION OF RESOLUTION PROCLAIMING THE WEEK OF MAY 17-23, 1998 AS EMERGENCY MEDICAL SERVICES WEEK: Terry S. And Robert Eastman from Pacific West Ambulance thanked the Board for the opportunity to make the presentation. They described their role in the County and read a statement about the local emergency health care system. Mr. Terry invited the Board to a barbeque the following evening at 5:30 p.m. in their Lincoln County office. Ms. Terri presented the plaque to the Board.

Commissioner Cameron moved to sign the resolution, Commissioner Dove seconded, passed with three aye votes.

The Commissioners signed Resolution #R-98-12.

Chair Firman and Commissioner Cameron thanked the Pacific West representatives.

ITEM NO. 16: DISCUSSION CONCERNING HABITAT FOR HUMANITY’S REQUEST FOR DONATION OF PROPERTY IN BAY CITY AND WHEELER: Chair Firman said the Board had attended the first dedication of a Habitat for Humanity home, and they were now requesting additional properties. Mr. Norris described the parcels they would like the County to donate and identified the assessed values. Mr. Levesque described the options for withdrawing properties from the sale.

Commissioner Cameron moved to withdraw all three from the sale list, Commissioner Dove seconded.

The Board discussed procedures of the sale.

Motion passed with three aye votes.

Mr. Carlson thanked the Board for their action, as well as for being at the dedication.

UNSCHEDULED: DISCUSSION REGARDING DONATION OF LAND IN SOUTH COUNTY: Commissioner Dove said he had attended a meeting earlier about forming a South County Recreation District that would include child care, Head Start, etc.

Tawnya Dimmit and Mary Schons spoke about the project. Ms. Schons discussed the Fisher Point parcel for the North County Recreation District. The Board discussed issues around donees selling donated properties. Ms. Schons thanked the Board for their time.

UNSCHEDULED: DISCUSSION CONCERNING WATER-RELATED ISSUES: Mr. Boge discussed issues around getting cows out of rivers, the building of a bridge across the river and a $150 fee requested by the State. He suggested that the Board do everything they could to get the State to waive the fees on these clean water issues. He would leave copies of the application with the Board Secretary, so the Board could send a letter to the State.
UNSCHEDULED: DISCUSSION CONCERNING KILCHIS PARK:  Mr. Stryffler and his family was present to discuss the Kilchis County Park rule of a 14-day limit on camping in the Park. They stayed there all summer in the past and paid the fees. The Board discussed this issue with those present, as well as developments at the Park. They would discuss the matter with the Parks Superintendent. Counsel Sargent pointed out the waiver provisions in the revised ordinance.

UNSCHEDULED: Various Matters: Chair Firman referred to and confirmed the Board actions the previous week on the Hanson legal action.

Chair Firman discussed a request by the Pacific City Chamber of Commerce for a kiosk at Cape Kiwanda. The request should be discussed with Parks, Community Development and Public Works. Commissioner Dove said he would pass the request on to Mr. Anderson, Parks Superintendent. Mr. Gitschlag said there was a meeting on Saturday to discuss the configuration of the Cape Kiwanda parking lot.

Chair Firman discussed the request by Debbie Von Heeder to use the funding for the Trask River Road improvement. The Board was interested in a more long-term solution.

The Board discussed the Wendell Johns property in Cape Meares and the possibility of litigation. Mr. Wakefield wanted to set up a tour of the property for the Board. The issue was being pushed by a neighbor, Mr. Reid. Mr. Wakefield thought Mr. Johns was making good progress. Chair Firman thought that Counsel Sargent, Mr. Affolter and Mr. Levesque should also see the property, in addition to the Board.

Commissioner Cameron asked Commissioner Dove to ask Mr. Anderson when the restrooms at the Kilchis County Park would be handicapped accessible.

UNSCHEDULED: Consideration of Letter of Agreement with Greg Hathaway, Attorney at Law, for Legal Services in Connection with The Capes: Counsel Sargent discussed the contract letter with Mr. Hathaway, which had not been signed. He also reported on the twenty tort claim notices received from homeowners at The Capes, which had been forwarded to the County’s insurance carrier. Counsel Sargent suggested the Board not discuss the matter with the homeowners.

The Board discussed Mr. Hathaway’s rates and the genesis of his work. Counsel Sargent gave a history of how and when Mr. Hathaway was retained.

Commissioner Cameron moved to authorize the Chair to sign the letter of agreement, Chair Firman seconded.

Commissioner Dove said he would not be signing the letter of agreement because he felt uncomfortable with the timing of the hiring of Mr. Hathaway. The Board discussed further with Counsel Sargent how Mr. Hathaway was initially retained.
Motion passed with two aye votes. Commissioner Dove voted nay.

**UNSCHEDULED: Various Issues:** Mr. Levesque received authority to remove the maple tree, which could be killed during the burning of the H&R Block house.

Judge Gahagan said she had received an inquiry from a collection agency, asking about collecting the Justice Court’s uncollected fines. She could arrange a formal presentation for the Board in a week or two. The collection agency was willing to make a presentation, as they already represent State courts. Counsel Sargent would look at public contracting issues and work with Judge Gahagan on the matter.

Chair Firman adjourned the meeting at 11:40 a.m.

**RESPECTFULLY** submitted this _____ day of __________, 199__.

County Clerk: Josephine Veltri

Mary Wujcik, Recording Secretary  
& Special Deputy

**APPROVED BY:**

_________________________  ________________________  _______________________
Chairperson            Vice Chairperson            Commissioner