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MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING  
Wednesday, March 25, 1987  
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COMMISSIONERS PRESENT: Dean J. Kinkade, Chairman  
Gerald J. Creasy, Vice-Chairman  
Gerald A. Woodward, Commissioner

STAFF PRESENT: Fred G. Young, County Counsel  
Karen Richards, Treasurer  
Dorene Sheldon, Recording Secretary

STAFF PRESENT FOR PORTIONS OF MEETING: Jim Stanford, Data Processing; Bob Wilson, Assessor; Sue Cameron, Health Department Administrator; Lynda Willard, Community Development

GUESTS PRESENT: Mike Sims, Headlight Herald; John Hathaway

ITEM NO. 1: CALL TO ORDER: By Chairman Kinkade at 10:05 a.m. in the Justice Courtroom.

UNSCHEDULED: SIGNING OF UTILITY EASEMENT FOR PACIFIC CITY WATER DISTRICT: This item was approved at the March 18, 1987 Board meeting.

The Commissioners signed and Ms. Sheldon notarized the utility easement.

UNSCHEDULED: DISCUSSION CONCERNING THE PURCHASE OF COMPUTER EQUIPMENT FOR THE ASSESSOR'S OFFICE: Mr. Stanford acquired a B20 computer by trading some old parts, and Mr. Wilson would like it in his office, but needs a printer to go along with it. Mr. Wilson said he has the money in his budget, and it would give him access to programs Washington County is using.

Commissioner Creasy asked what the cost would be. Mr. Stanford said \$800 maximum. Chairman Kinkade asked what line item it would be taken from. Mr. Wilson said his gas budget.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve the purchase of the printer for the Assessor's Office, passed with three aye votes.

UNSCHEDULED: DISCUSSION CONCERNING RONALD GRAEBER LAWSUIT: Mr. Young said he received notice of a lawsuit against Tillamook County and the Sheriff's Department on the death of Mr. Graeber. Mr. Young feels the county was not negligent.

ITEM NO. 2: CONSIDERATION OF TWO TAX DEEDS FOR D. MICHAEL SHEPHERD AND ROGER A. AND EDNA R. HECKER FOR LAND SALES CONTRACTS #890 AND #891: Commissioner Creasy moved, Commissioner Woodward seconded, to approve and execute the two deeds, passed with three aye votes.

The Commissioners signed and Ms. Sheldon notarized the two tax deeds.

ITEM NO. 3: CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT: Commissioner Creasy moved, Commissioner Woodward seconded, to approve the four-month professional services agreement with Ken Hill to evaluate the county's communication systems as discussed at the March 20, 1987 workshop, passed with three aye votes.

The Commissioners signed the agreement.

ITEM NO. 4: PUBLIC HEARING: LIQUOR LICENSE APPLICATIONS FOR SUNSET WEST RESTAURANT AND LOUNGE, PIRATE'S COVE CLUB, GOLDEN COVE RESTAURANT AND LOUNGE, AND PACIFIC CITY SPORTING GOODS: Ms. Cameron recommended approval of the licenses.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve the liquor license applications, passed with three aye votes.

Chairman Kinkade signed the applications.

ITEM NO. 6: CONSIDERATION OF GILL NETTING RESOLUTION: Commissioner Creasy moved to support the resolution. Chairman Kinkade asked what the county would gain from supporting it. Commissioner Creasy said it supports economic development on the Oregon coast. Commissioner Woodward seconded the motion, passed with three aye votes.

Resolution/Order #87-44 will be signed later in the day.

ITEM NO. 5: DISCUSSION CONCERNING WEED SPRAYERS: Rudy Fenk said the weed sprayers are important to the county, and he doesn't want them in the wrong hands, because of the potential danger.

Mr. Young said Bill Miles previously brought up the issue that tansy ragwort was not a problem anymore in the county. Mr. Fenk said there was still a need for spraying.

Commissioner Woodward asked if the local Soil and Water Division had discussed further the option of taking over the sprayers. Mr. Fenk said they probably would if they had to.

There was discussion on raising the rental rates to be competitive with private businesses and selling all but two or three of the sprayers.

It was the Board's consensus to have a workshop on this matter, involving Soil and Water, Bill Miles, the agriculture extension agent, and the Board. Mr. Fenk volunteered to get costs and expenses from the rental center and the Road Department.

ITEM NO. 7: DISCUSSION CONCERNING AUTO MAINTENANCE PROPOSALS:  
Chairman Kinkade said two proposals were received and The Car Connection had the lower price. Commissioner Creasy moved, Commissioner Woodward seconded to have The Car Connection take care of the auto maintenance program for county vehicles.

Mr. Young said he would like the Board to not make a decision yet, as he is still negotiating with Mr. Wester from The Car Connection.

Commissioner Creasy withdrew his motion and Commissioner Woodward withdrew his second.

Chairman Kinkade said he spoke to Mr. Wester, who is trying to work with the station next to his to store county vehicles.

It was the Board's consensus to postpone this item.

ITEM NO. 8: CONSIDERATION OF ORDER UPHOLDING APPROVAL OF BUILDING PERMIT FOR A 20' ADDITION TO A RESIDENTIAL STRUCTURE IN PACIFIC CITY FOR FRED PFEIFER: Mr. Young said the Board made its decision on this matter in November. He said Mr. Hathaway requested the Findings of Facts not be signed until April 10, 1987 to allow another firm time to review them. Mr. Young discussed this with Ms. Albright, who would like them executed today. Mr. Young saw no need to postpone it, as the Findings of Facts will not be changed.

Mr. Hathaway said Mr. Pfeifer has requested and obtained other counsel to go over the Findings, which were not delivered to him until a week ago. He was told he would have a reasonable amount of time to review them.

Mr. Young said Mr. Hathaway's statements were true, but said even if the counsel has objections to the Findings, no changes will be made. He said this is a dispute between two neighbors, and the county is under no obligation to wait to sign the Findings of Facts.

Commissioner Creasy moved, Commissioner Woodward seconded, to postpone the signing of the Findings of Facts until April 15, 1987, with the understanding that no changes will be made in them, passed with three aye votes.

ITEM NO. 9: CONSIDERATION OF TRANSFERRING FUNDS BETWEEN BUDGETED LINE ITEMS FOR COMMUNICATIONS: Mr. Young said propane to run the generator at Cape Lookout and repairs on a frequency motor are necessary. He will seek some reimbursement from the Road Department.

Mr. Young said funds are not available in the line items because the Sheriff's Department, District Attorney's Office, 9-1-1 System and Mr. McKie have been aggressively acquiring communications equipment and charging it to this line. Funds will come from the Courthouse fuel line.

Commissioner Creasy felt fuel should be bought for the Courthouse now, as he feels it will increase substantially in the fall. Ms. Richards said \$3,000 will still be available, and Mr. Young said the two expenses for Communications will still need to be taken care of.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve the order transferring funds between budgeted line items for Communications, passed with three aye votes.

The Commissioners signed Order #87-42.

ITEM NO. 10: CONSIDERATION OF ACCEPTANCE OF OTZEN WAY: Mr. Young felt the legal description was correct.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve the order accepting property deeded to Tillamook County from Walter C. and Thelma R. Otzen, passed with three aye votes.

The Commissioners signed Order #87-43.

ITEM NO. 11: DISCUSSION CONCERNING FIXED ASSET LABELS: Ms. Richards said Ms. Wagner estimated the county would need 10,000 labels. The ones Ms. Wagner prefers cost \$3,000, and if removed, leave a void and void the number. Another type costs \$1,000, but the surface must be treated first and involves more work. Mr. Young said this is part of the fixed asset list and felt strongly the labeling should be done.

Chairman Kinkade felt the more permanent labels would be best. Commissioner Woodward suggested using the Sheriff Department's labeling machine. Mr. Young checked with the Sheriff's Department and was told the machine had been stolen six years ago. Commissioner Woodward will check with the Farm Bureau on the use of their machine.

Ms. Richards asked who would implement the project. Commissioner Woodward said the Maintenance Department should do it.

Chairman Kinkade said American Appraisal had called this morning asking what the status was on the labeling program.

SITTING AS THE BOARD OF THE  
HEBO SERVICE DISTRICT:

ITEM NO. 12: MISCELLANEOUS SERVICE DISTRICT MATTERS: There was no discussion.

SITTING AS THE BOARD OF COMMISSIONERS:

Chairman Kinkade recessed the meeting at 11:00 a.m. and reconvened at 1:30 p.m. Chairman Kinkade, Commissioner Creasy, Fred Young, Lynda Willard and Dorene Sheldon were present. Commissioner Woodward was absent speaking at an AARP meeting.

ITEM NO. 13: PUBLIC HEARING: ORDINANCE AMENDMENT OA-87-1(33):  
AMENDMENT TO ORDINANCE #33 TO BRING THE FLOOD PLAIN MANAGEMENT  
SECTIONS INTO COMPLIANCE WITH RECENT FEDERAL REGULATION CHANGES:

Ms. Willard said she sent the Commissioners a summary of the proposed changes last week for their review. Some of the changes would involve deregulation. For the sake of the Parks Department and other publicly owned open land recreation areas within the flood plains and flood waves, a special section is included regarding restroom facilities. The amendment brings the rules into compliance, and have to be in effect by April 1, 1987.

Commissioner Creasy moved, Chairman Kinkade seconded, to approve Ordinance Amendment OA-87-1(33), passed with two aye votes.

The Commissioners signed the Ordinance Amendments to Land Use Ordinance #33.

Chairman Kinkade adjourned the meeting at 1:40 p.m.

RESPECTFULLY Submitted this 26<sup>th</sup> day of March, 1987.

Dorene Sheldon  
Dorene Sheldon, Recording Secretary

APPROVED BY:

BJK  
BJK

CJC  
CJC

GAW  
GAW

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COMMISSIONERS PRESENT: Dean J. Kinkade, Chairman  
Gerald J. Creasy, Vice-Chairman

COMMISSIONER ABSENT: Gerald A. Woodward, Commissioner  
(speaking at an AARP Meeting)

STAFF PRESENT: Dorene Sheldon, Recording Secretary

GUESTS PRESENT: Mike Sims, Headlight Herald; Mark A. Mercier,  
Ken Smith, Jim Willis

CALL TO ORDER: By Chairman Kinkade at 3:10 p.m. in the Commis-  
sioners' Conference Room.

Mr. Mercier distributed the finalized copy of the hunting and fishing agreement signed off by all interested parties. He also distributed a handbook showing the legal description where the tribe can hunt, which is applicable to all state laws.

Mr. Mercier said they are still negotiating with the timber companies regarding the log export situation. The tribe drafted a memorandum of agreement through the Bureau of Indian Affairs, stating the tribe is willing to ban export for ten years and not bid on timber during that time. Mr. Mercier said the timber companies have not responded, except Hampton said he would battle the timber question. He feels the ban should be forever.

Chairman Kinkade asked why the advisory council wasn't listed in the memorandum. Mr. Mercier said the tribe still intends to set up the advisory board for the duration of the management plan, which would include representatives from the local timber companies. Mr. Willis said the idea was discussed two years ago, but at that point there was no interest. The council would allow the industry people to have input into the development of future tribal plans. Chairman Kinkade felt that was a good idea.

Mr. Willis said the tribe's interest is not to upset the economy, because a good portion of the tribal members are employed in the industry. Mr. Smith said the tribe is more dedicated in keeping jobs within the community, rather than creating jobs elsewhere. He felt it is a positive thing to see the tribe get on its feet and generate revenue and create jobs.

Mr. Willis asked if the provisions of the agreement are clear. Chairman Kinkade said, "yes."

Mr. Mercier asked if the county was still comfortable with the 20-year payment plan the tribe has offered to make. Chairman Kinkade said, "yes, there have been no changes in that."

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Chairman Kinkade adjourned the meeting at 3:30 p.m.

NOTE: After the adjournment, Mr. Mercier asked if the Commissioners would support a resolution for the Grand Ronde Reservation Plan. Chairman Kinkade felt because the timber companies still opposed it, and the Board's original position was to neither support or oppose the plan, there would be no resolution at this time.

RESPECTFULLY Submitted this 31<sup>st</sup> day of March, 1987.

Dorene Sheldon  
Dorene Sheldon, Recording Secretary

APPROVED BY:

DJK      GJC      GAW  
DJK                      GJC                      GAW