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MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, April 22, 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: Kathy Kelso, Personnel Director; David Wilson, Sheriff; Judge Del Mayer, Circuit Court; Robert Wilson, Assessor; Sue Cameron, Health Department Administrator; Jon Oshel, Public Works Director; Frances Hollett, District Court; Carol Johnson, Justice Court; Don Saddler, Assessor's Office

GUESTS PRESENT: Mike Sims, Headlight Herald; Mike Mahoney, City Manager; Don Mason, Economic Development Director; Denny Green, Ken Bell, John and Naomi Giles

ITEM NO. 1: CALL TO ORDER: By Chairman Kinkade at 10:00 a.m. in the Justice Courtroom.

UNSCHEDULED: CONSIDERATION OF TAX DEED FOR RJAY LLOYD ON PARCEL 2N1032CB-3100HL: Mr. Young said the county owns $\frac{1}{2}$ interest in this parcel. In order to clear up the situation, Mr. Young offered to deed the county's interest in the parcel for the administrative fee after back taxes were paid. This is the deed back to Mr. Lloyd.

Commissioner Creasy moved, Commissioner Woodward seconded to approve and sign the tax deed, passed with three aye votes.

The Commissions signed and Ms. Sheldon notarized the tax deed.

UNSCHEDULED: CONSIDERATION OF AGREEMENT WITH NORTH TILLAMOOK COUNTY T.V. TRANSLATORS, INC.: Chairman Kinkade said this agreement was for the translator site on Neah-kah-nie.

Commissioner Creasy moved, Commissioner Woodward seconded to approve and sign the agreement, passed with three aye votes.

The Commissioners signed the agreement.

UNSCHEDULED: DISCUSSION CONCERNING PERSONNEL REQUEST: Ms. Kelso said Ms. Cherry will begin a six-week leave of absence for medical reasons next week. Ms. Kelso requested Ms. Worthey be promoted to do Ms. Cherry's job in her absence. It would involve paying Ms. Worthey \$50 extra over the six-week period.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the additional funds for Ms. Worthey in Ms. Cherry's absence, passed with three aye votes.

UNSCHEDULED: DISCUSSION CONCERNING BOYD LUCICH'S PROPOSAL:

Commissioner Woodward said he needed an opinion from County Counsel on Mr. Lucich's proposal to vacate a road in Pacific City. Mr. Lucich would like the county to vacate the road in trade for a 5' strip of Lot 2000 for a drainage easement. Mr. Young said the county could trade, but he didn't feel it would be getting value for value.

Commissioner Woodward will discuss the matter further with Mr. Young.

ITEM NO. 2: CONSIDERATION OF RESOLUTION/ORDER SUPPORTING COASTAL MARKETING PLAN: Commissioner Creasy said he supported the concept but felt the resolution was premature.

Mr. Mason said the Oregon Coast Association has the same concerns because some of the counties have not signed off on the 9-county regional plan. He said this could be discussed at the Economic Development meeting tomorrow.

It was the Board's consensus to postpone signing the order.

ITEM NO. 3: CONSIDERATION OF TAX DEEDS TO PORT KENDALL FOR TAX LOT 1S10 2CA 100 AND TAX LOT 1S8 8 400: Commissioner Creasy moved, Commissioner Woodward seconded to approve and sign the tax deed, passed with three aye votes.

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

ITEM NO. 4: BID OPENING: RESTROOM CONSTRUCTION FOR PACIFIC CITY NEIGHBORHOOD PARK: This agenda item was postponed.

Chairman Kinkade recessed the meeting at 10:15 a.m. and reconvened at 10:20 a.m.

DISCUSSION CONCERNING PARKING METERS: Mr. Mahoney said there has been an ongoing problem with the negative impact of parking meters in the downtown area. He said they are efficient and do provide approximately \$74,000 in revenue with coins and fines.

Mr. Mahoney explained how the proposal he was presenting was arrived at. Businesses would pay so much per parking spot they provide on the street. If off-street parking is provided, the business is required to pay 15% of the potential total assessment. The city is not paying a direct assessment, but of the total money that has to be generated (\$22,000), it is estimated the city will forego their revenue in the amount of approximately \$6,000. Fines will increase to \$5.00 and parking will be enforced through the chalking of tires.

Commissioner Creasy was under the impression the county would pay \$1,000.

If parking meters were allowed to remain in front of the Courthouse, people would not park there and the businesses would be paying for it. The Committee felt the County should pay \$2,500.

Commissioner Creasy asked how the figure was determined. Mr. Bell said the city needed \$22,000 from the merchants. After numerous meetings, the amount was lowered to \$16,000. The city would lose the \$6,000. The Committee felt the county should pay approximately half that amount, or \$2,500.

Chairman Kinkade asked if this was an annual fee. Mr. Green said, "yes." Mr. Mahoney said one of the proposals would put this on a diminishing scale.

Mr. Mahoney said the entire proposal would be presented to each merchant for their approval or rejection before going before the City Council. The Committee would like to know if the county feels this is a realistic program and if it will give funds towards it.

Commissioner Woodward felt it was a good idea to remove the meters, but would like to know how the figure was determined.

Mr. Mahoney said this involves meters in front of the Courthouse only, and not the Museum or Library. Commissioner Woodward said it should only include the meters in front of the Courthouse. The street between the Courthouse and Museum is county property, and the county has traded those parking meters for the street behind the Courthouse.

Commissioner Creasy moved, Commissioner Woodward seconded to support the concept with dollar figures to be determined at a later date, passed with three aye votes.

Mr. Young asked if there had been any discussion on a municipal parking lot for state, county and city parking. Mr. Mahoney said the lot across the street that the Post Office bought was available for parking, and was seldom used.

ITEM NO. 6: PUBLIC HEARING: CONSIDERATION OF ESTABLISHING A FORFEITURE ORDINANCE FOR THE COMMISSION OF DRUG CRIMES: Chairman Kinkade opened the public hearing.

Mr. Young said Sheriff Wilson and District Attorney Neal Lemery are in support of the Ordinance and asked him to represent them today. They recommend the Board declare it an emergency.

Commissioner Creasy said he would not vote for the emergency.

Sheriff Wilson said if the county has the ordinance and the federals seize bank accounts, etc. with drug money, the county would receive 95% of the money. If the county waits 90 days, it could lose a lot of money.

Commissioner Creasy said if the part about homes and property was taken out, he would approve it. Chairman Kinkade said it is a jury decision before homes, property, etc. are taken.

Mr. Young explained the procedure of a forfeiture. After the Sheriff makes a drug-related arrest, if the individual is indicted through a grand jury and charged, he is tried. If he is convicted by the jury of the crime, the Board of Commissioners makes the decision to go after the property and instructs the County Counsel to proceed. The County Counsel files the forfeiture action in the Circuit Court and the defendant has the right, again, to a jury trial. The jury decides whether the property should be forfeited or not. Mr. Young said there are a number of safety valves to prevent the District Attorney, County Counsel, or Sheriff from just taking the property.

Commissioner Creasy said he was concerned with broadening police powers.

As there was no further public testimony, Chairman Kinkade closed the public hearing.

It was the Board's decision to read the ordinance by title only. Chairman Kinkade read the ordinance title.

Mr. Young asked if the Board wished to declare an emergency to have the ordinance go into effect immediately upon its passage.

Commissioner Woodward moved, Chairman Kinkade seconded to approve the ordinance as written and declare an emergency, passed with two aye votes, Commissioner Creasy voted nay.

Chairman Kinkade asked if there was a unanimous vote to adopt the ordinance today. Commissioner Creasy said, "no."

Chairman Kinkade said the ordinance will be read by title only two weeks from today, passed, and enforced at that time because of the declaration of emergency.

ITEM NO. 7: DISCUSSION CONCERNING SUBSCRIPTION TO FEDERAL LAND PAYMENTS REPORT: Commissioner Woodward said it would be worth getting the report for a period of time to see if it provides information the Board wants.

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Commissioner Creasy moved, Commissioner Woodward seconded to subscribe to the "Federal Land Payments" report, passed with three aye votes.

ITEM NO. 8: CONSIDERATION OF NOTICES OF BEGINNING, COMPLETION, AND APPLICATION FOR CAPE MEARES LAKE SPILLWAY: Chairman Kinkade said the Watermaster brought this matter to the Board's attention.

Commissioner Creasy moved, Commissioner Woodward seconded to approve and sign Water Right Permits #49592 and #R-10602 for beginning, completion and application for Cape Meares Lake Spillway, passed with three aye votes.

Chairman Kinkade signed the permits.

ITEM NO. 9: DISCUSSION CONCERNING SPECIAL TRANSPORTATION FUND: Commissioner Creasy explained the county could apply for the balance of funds available within the Special Transportation Fund and put it into a contingency fund.

Mr. Young asked if funds had to be used by June 30, 1987. Commissioner Creasy said, "no."

Commissioner Creasy moved, Commissioner Woodward seconded to authorize Ms. Richards to set up a contingency account within the Special Transportation Fund, passed with three aye votes.

ITEM NO. 10: CONSIDERATION OF COUNTY VEHICLE POLICY: Mr. Young recommended a workshop be scheduled to discuss log books, keys and the card-lock system.

Mr. Young said Mr. Wester is getting the cars into good running condition.

It was the Board's consensus to schedule a workshop.

ITEM NO. 11: CONSIDERATION OF ORDER APPOINTING CANDIE WALLMARK AND EDNA ROTH TO THE TILLAMOOK COUNTY MENTAL HEALTH ADVISORY COMMITTEE: Commissioner Creasy moved, Commissioner Woodward seconded to approve and sign the order appointing Candie Wallmark and Edna Roth to the Tillamook County Mental Health Advisory Committee, passed with three aye votes.

The Commissioners signed Order #87-55.

ITEM NO. 12: CONSIDERATION OF ORDER APPOINTING MEMBERS TO THE AMBULANCE SERVICE AREA BOARD: Chairman Kinkade said two lay people are included on the Board.

Commissioner Creasy moved, Commissioner Woodward seconded to appoint Ray Westermeyer, M. D., Bill Pollard, Stan Sheldon, Dan Arthur, R. N., Father Raymond A. Ferguson and Fred May to the Ambulance Service Area Board, passed with three aye votes.

The Commissioners signed Order #87-56.

ITEM NO. 13: CONSIDERATION OF AGREEMENT WITH THE EDUCATIONAL SERVICE DISTRICT FOR PRE-SCHOOL EXAMINATIONS: Ms. Cameron said there is an increase from \$5,000 to \$7,000 to do the ordering for the pre-school examinations.

Commissioner Creasy moved, Commissioner Woodward seconded to approve and sign the agreement with the Educational Service District, passed with three aye votes.

The Commissioners signed the agreement.

SITTING AS THE BOARD FOR
THE HEBO SERVICE DISTRICT:

ITEM NO. 14: CONSIDERATION OF REQUEST FOR REFUND OF HOOK-UP FEE: Chairman Kinkade said Raymond Bones requested a \$500 refund for a sewer and water hook-up. When the District was formed, Mr. Bones sub-divided his rental property into 13 lots. He paid a \$500 hook-up fee for each lot; however, one lot wasn't approved due to its size.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the refund for Raymond Bones, passed with three aye votes.

ITEM NO. 15: MISCELLANEOUS SERVICE DISTRICT MATTERS: There was no discussion.

SITTING AS THE BOARD OF THE
SOLID WASTE SERVICE DISTRICT:

ITEM NO. 16: CONSIDERATION OF ORDER APPOINTING MEMBERS TO THE TILLAMOOK COUNTY SOLID WASTE BUDGET COMMITTEE: Commissioner Creasy moved, Commissioner Woodward seconded to approve and sign the order appointing Al Griffin, Dale Stockton, and Eleanore Dye to the Tillamook County Solid Waste Budget Committee, passed with three aye votes.

The Commissioners signed Order #87-57 (SWSB #21).

Chairman Kinkade recessed the meeting at 11:15 a.m. and reconvened at 11:35 a.m.

ITEM NO. 17: MISCELLANEOUS SERVICE DISTRICT MATTERS: Mr. Young asked if Mr. Oshel was ready to schedule a budget meeting. Mr. Oshel said, "yes."

Mr. Young said he would like to do the 1987-88 budget and this year's supplemental budget at the same time. Mr. Oshel saw no problem with that.

SITTING AS THE
BOARD OF COMMISSIONERS:

ITEM NO. 18: MISCELLANEOUS PUBLIC WORKS: Request to Remove Trees on Private Property: Mr. Oshel requested the Board sign the Permission to Work on Private Property form to allow the Public Works Department to remove trees on Susan Fagereng's property. Mr. Oshel said the trees are hanging over county property and are a potential hazard.

Commissioner Creasy moved, Commissioner Woodward seconded to sign the Permission to Work on Private Property Permit, passed with three aye votes.

The Commissioners signed the permit.

Amendment #1 to Consulting Agreement for Preliminary Engineering with OBEC Engineers for the Kilchis River Bridge: Mr. Oshel said this would increase allowable engineering costs from \$27,050 to \$30,160. He felt this was appropriate, because increases were not given on the Woods, Scoville and McDonald Bridges.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the increase in engineering costs on the Kilchis River Bridge, passed with three aye votes.

Mr. Oshel will sign four copies of the agreement and mail them.

State Six-Year Plan: Commissioner Creasy said he would like a list of road improvement projects compiled the six-year plan. Mr. Oshel will prepare the list.

Commissioner Creasy said he would like a workshop with citizens, especially elected officials throughout the county to review the plan.

Request for Dory Days Festival July 18 and 19, 1987: John and Naomi Giles asked to have the public parking lot at Pacific City closed for the two days. Parking will be available across the street. Mr. Oshel saw no problem with the concept.

As the lot is county property, the Board has the final decision.

Commissioner Creasy moved, Commissioner Woodward seconded to assign the public parking lot to the Pacific City Chamber of Commerce during the Dory Days Festival, passed with three aye votes.

Ms. Willard presented the Board with a temporary use permit application.

Chairman Kinkade signed the permit.

Mr. Anderson, Parks Superintendent, had requested extra solid waste dumpsters be available, and Mr. Giles said the dumpsters will be provided.

Chairman Kinkade adjourned the meeting at 11:45 a.m.

RESPECTFULLY Submitted this 27th day of April, 1987.

Dorene Sheldon
Dorene Sheldon, Recording Secretary

APPROVED BY:

DJK
DJK

GJC
GJC

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GAW