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MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

Wednesday, August 26, 1987

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

STAFF PRESENT: Karen Richards, Treasurer
Dorene Sheldon, Recording Secretary

STAFF PRESENT FOR PORTIONS OF MEETING: Fred G. Young, County Counsel; Paul Levesque, Researcher; Vic Affolter, Community Development Director; Judge Marjorie Christensen, Justice Court; Nancy Nordlander, Assistant District Attorney; Judy Wagner, Tax Collector; Willard Berry, Forester; Darlene Cherry, Personnel Assistant; Jon Oshel, Public Works Director

ITEM NO. 1: CALL TO ORDER: By Chairman Kinkade at 10:04 a.m. in the Justice Courtroom.

UNSCHEDULED: DISCUSSION CONCERNING AUDIT: Ms. Richards said the auditors asked that the county land value for the physical asset's list be determined. Chairman Kinkade said Mr. Saddler, Chief Appraiser, would have to research the land values, but first Mr. Levesque must determine the amount of land involved.

Mr. Young said the Assessor's Office doesn't have the value on county land, but an estimate can be given after the amount of land is determined. He said this information is important; because with it, the auditors will give the county an unqualified audit, which is the highest rating on that type of audit. Mr. Levesque will also have to determine the acquisition dates.

Mr. Levesque said he could do his part of the research that day.

The Board directed Mr. Levesque to do the preliminary research.

UNSCHEDULED: REMODELING OF TAX AND CLERK DEPARTMENTS: Chairman Kinkade received the plans from Ed Kontz, and said the job should be put out for bid to cabinet shops.

Commissioner Creasy asked if the county had to do the work if it requested bids. Mr. Young said the county is not bound by going out for bid.

Mr. Young said the date of completion was important. Ms. Wagner said the work would have to be done by October 15. Chairman Kinkade didn't feel that would be enough time to complete the project. Ms. Wagner suggested just the counter be done by October 15, and the cabinets be done after the tax rush.

The Board instructed Mr. Young to prepare a notice for bid with the above consideration for next week's paper.

UNSCHEDULED: CONSIDERATION OF ORDER APPOINTING FRED GAGLIARDINI TO THE TILLAMOOK COUNTY 9-1-1 USER BOARD: Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-107.

UNSCHEDULED: CONSIDERATION OF ORDER APPOINTING DEAN KINKADE AND JEFF BRENNAN TO THE BOARD OF EQUALIZATION: Commissioner Creasy moved to approve the order.

Commissioner Woodward asked how Mr. Brennan could serve, as he is not a Budget Committee member. Mr. Young said the Budget Committee can appoint someone, and the order reflects the exception.

Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-108.

UNSCHEDULED: DISCUSSION CONCERNING OVERTIME COMPENSATION: Mr. Young asked the Board's permission to send a memo to all employees informing them of how overtime compensation would be handled. The memo stated the overtime compensation policy will be maintained in effect subject to the following: All comp-time accrued as of August 31 must be "spent" in September. Any accrued comp-time not "spent" by September 30 will be paid on the October 1 paycheck, with those funds drawn against budget lines in that Department's budget.

The Board authorized Mr. Young to send the memo.

UNSCHEDULED: DISCUSSION CONCERNING CONTRIBUTION FOR PARTY FOR LUCIA WILEY: Commissioner Woodward received a request to help with a party for Ms. Wiley, the woman who painted the murals in the Courthouse on September 20th. The money would be used to mail invitations.

Mr. Berry felt it would be good to recognize Ms. Wiley, as this could be her last trip to Tillamook.

Commissioner Creasy moved, Commissioner Woodward seconded to contribute \$50 from the Public Relations account for Ms. Wiley's party, carried with three aye votes.

ITEM NO. 2: CONSIDERATION OF AMENDMENT #2 TO THE 1987-89 INTERGOVERNMENTAL AGREEMENT WITH THE MENTAL HEALTH DIVISION: Commissioner Creasy moved, Commissioner Woodward seconded to approve the amendment, carried with three aye votes.

The Commissioners signed two copies of the letter to the State Health Division.

ITEM NO. 3: CONSIDERATION OF RESIGNATION OF JUDGE MARJORIE CHRISTENSEN: Commissioner Creasy moved, Commissioner Woodward seconded to approve her resignation, carried with three aye votes.

Judge Christensen asked if she could buy the American flag that has hung in her office. There was consensus to give her the flag.

ITEM NO. 4: CONSIDERATION OF ORDER TRANSFERRING FUNDS BETWEEN BUDGETED LINE ITEMS FOR SHERIFF'S DEPARTMENT: Commissioner Creasy moved, Commissioner Woodward seconded reluctantly to approve the order, carried with three aye votes.

The Commissioners signed Order #87-109.

ITEM NO. 5: CONSIDERATION OF ORDER APPOINTING CAROL POVEY TO THE TILLAMOOK COUNTY PLANNING COMMISSION: After discussion concerning Ms. Povey's credentials, Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-110.

ITEM NO. 6: CONSIDERATION OF PARTICIPATION AGREEMENT WITH ASSOCIATION OF OREGON COUNTIES FOR 1987-88 GROUP INSURANCE: Commissioner Creasy moved, Commissioner Woodward seconded to approve the agreement, carried with three aye votes.

Chairman Kinkade signed two copies of the agreement.

UNSCHEDULED: DISCUSSION CONCERNING OREGON DENTAL SERVICE (ODS): Ms. Cherry said she has received complaints from employees because the doctors will not bill ODS. People are having to pay the doctor and bill ODS themselves. Ms. Cherry will direct the concerns to Bill Penhollow from AOC.

ITEM NO. 7: CONSIDERATION OF CONTRACT AMENDMENT WITH DON H. PEARSON, JR. FOR LARSON PATTERSON TIMBER SALE: Mr. Berry said Mr. Pearson was not able to get all the logs off the sale area before the contract deadline, and the amendment allows an extension until October 15 to remove them.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the amendment, carried with three aye votes.

The Commissioners signed the letter approving the extension of the contract until October 15, 1987.

UNSCHEDULED: DISCUSSION CONCERNING MISCELLANEOUS TIMBER MATTERS:
Mr. Berry asked if Mr. Young had reviewed the right-of-way situation at the Brooten Road transfer site. Mr. Young said not completely, but he would give Mr. Berry a written opinion.

Mr. Berry said logging is complete on the Mills Bridge sale, and fire trailing will be done the first of next week.

Woodcutting permits were discussed. Commissioner Woodward felt a policy should be established, and Mr. Berry agreed. Mr. Oshel said he has a standard form he uses on road right-of-ways. Mr. Young asked if Mr. Berry could get a copy of the policy and forms the state uses. Mr. Berry wasn't sure the state had a policy, but he has made up a sample permit.

Commissioner Creasy asked what the public perception was of burning a timber sale before they have an opportunity to cut wood. Mr. Berry said the county has to weigh the value of waiting; he felt it was more important to begin the reforestation.

Mr. Young asked who makes the determination of burning days. Mr. Berry said the State Forestry in conjunction with DEQ.

The Board directed Mr. Berry to work with Mr. Young on a draft for a wood cutting permit.

SITTING AS THE BOARD OF
THE HEBO SERVICE DISTRICT:

ITEM NO. 8: MISCELLANEOUS SERVICE DISTRICT MATTERS: Chairman Kinkade asked the status of Rothenberger's bill. Mr. Young said he has been sued. Chairman Kinkade asked if Donna Eichelberg had paid. Mr. Young wasn't sure.

Mr. Young asked if Ms. Wagner has the new rate schedule and was billing accordingly. Chairman Kinkade said, "yes." He said several people are not happy with the increase, but some remember that fee was originally discussed at the meetings in Hebo.

Chairman Kinkade said there is a farm that has been irrigating at night and the system is almost out of water. There is also very little pressure coming out of the stream. There are notices in the stores to limit the amount of water usage. Mr. Adams will check on the lines and notify the Board.

Commissioner Woodward said he would talk to Bill Balmer regarding the bill for repairing his damaged water line. Mr. Young said Mr. Balmer felt it wasn't his private line. Commissioner Woodward said it definitely was Mr. Balmer's private line, and he will investigate the situation.

Commissioner Woodward said there will be a water training short school Sep. 14 - 16, and the registration is \$35. He felt this would be good for Mr. Thompson to attend. Chairman Kinkade felt Mr. Adams should attend, because Mr. Thompson wouldn't attend the last school. Commissioner Woodward will contact Mr. Adams.

SITTING AS THE BOARD OF THE
SOLID WASTE SERVICE DISTRICT:

ITEM NO. 9: MISCELLANEOUS SERVICE DISTRICT MATTERS: Solid Waste Options: Mr. Oshel said tomorrow the Solid Waste Recycling Advisory Committee will consider three proposals submitted for various types of recycle shacks around the county. The Solid Waste Advisory Committee will meet tomorrow night to review the Recycling Advisory's recommendation and to listen to Riedel's composting prices.

Stryffeler's Truck: Mr. Oshel said Mr. Stryffeler dumped his transfer station truck, and the insurance company basically told him the truck was totaled. Mr. Stryffeler has a contract for Mr. Walker to haul for him, but according to Commissioner Woodward, the Walkers are not happy with the proposal. Mr. Oshel recommended not getting involved because it is a contract between the two of them. Mr. Stryffeler has the option of renting a truck from the valley, so he can stay in service.

Complaint by Delbert Durren: Mr. Oshel said a complaint was filed by Delbert Durren claiming someone is violating his franchise. Mr. Oshel said information in the complaint indicates that it is not a violation of his franchise, but Mr. Oshel will investigate the situation. Mr. Durren claims the owners of a motel in Netarts (which is outside his franchise) have bought a motel in Oceanside, and they are having one of their employees haul trash for them. Mr. Oshel said if the person hauling the trash is an employee, it is not a violation.

SITTING AS THE
BOARD OF COMMISSIONERS:

ITEM NO. 10: CONSIDERATION OF ORDER ACCEPTING CERTAIN COUNTY OWNED PROPERTY IN WHISKEY CREEK RANCH SUBDIVISION AS LOCAL ACCESS ROADS: Mr. Oshel said the roads are within Whiskey Creek Ranch, which is Hayden Hauptert's subdivision. On the plat Mr. Hauptert did not dedicate the roads to the public. He didn't pay taxes, and they were foreclosed by the county. Mr. Oshel's preference is to make them public roads, which will make the liability a little different. The county is not liable for maintenance of a local access road. If it remains county property and someone gets hurt, the county could be liable.

Mr. Young asked if it was Mr. Oshel's understanding that if it is deeded to the county without a declaration by the county as to whether it is local access road or county road, (just simply county property) that the county's liability is more minimized by calling it a local access road. Mr. Oshel said he got that interpretation from former County Counsel Lynn Rosik.

Mr. Young had no problem with Mr. Oshel's logic, but Mr. Young's understanding, as a matter of law, is there is no distinction between county property and a local access road. However, the proposed order gives the county the statutory protection and clarifies the type of road.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-111.

ITEM NO. 11: MISCELLANEOUS PUBLIC WORKS: Tree Cutting on County Road Right-of-Way: Mr. Oshel said he hasn't come up with a policy that makes sense, because on a great many of the roads the trees technically belong to the adjoining property owner. It almost takes a road by road research. The county has a right to cut or trim trees because that is part of maintaining the road. However, if the county paid for the land, then the county probably bought the rights to the trees.

Mr. Oshel said when they have cut trees down, and the adjoining property owner asks for them, he lets them have the trees. If the property owner doesn't claim them, they leave the trees which disappear.

Mr. Young said research would find that most of road right-of-ways are not county owned. Mr. Oshel agreed.

Mr. Oshel said he could not come up with a policy that will be better than having no policy. If a tree is hazardous to a road, it is cut down. If a person says it is hazardous to their property, they are given a permit to cut it.

Wilks' Property: Commissioner Woodward asked about the status of the Wilks' claim. Mr. Oshel thought P.U.D. had done the cutting, but he is checking with Mr. Urrey.

Gates on Eckloff Road: Mr. Oshel said he is publishing a Notice of Public Hearing for gate locking on Eckloff Road from South Prairie to Netarts Highway. He received a request by Cavenham to lock the gate. In the past, neighbors haven't wanted the gate locked. It is a county road, and the Board needs to decide whether to lock the gate or to begin maintaining the road.

Mr. Young asked if the county would want to pursue moving it away from county road status. Mr. Oshel said that was an option, but he didn't recommend it. Mr. Young asked about making it a local access road. Mr. Oshel said that was another possibility.

Commissioner Woodward asked if the road is currently open. Mr. Oshel said it has opened and closed twice this year, and he wasn't sure if it was currently open. Chairman Kinkade said according to Mrs. Neilsen, it is open.

Commissioner Creasy moved, Commissioner Woodward seconded to have Mr. Oshel publish the Notice for Public Hearing, carried with three aye votes.

Neskowin Bridge: Mr. Oshel had the pre-construction conference yesterday. A petition with a lot of names was filed requesting the county to preserve an old snag. Mr. Oshel said the problem is solved, as he backed the project up 30' to go around the snag.

The President of the Homeowner's Association in Neskowin attended the meeting and told Mr. Oshel the vast majority of the citizens in Neskowin are very appreciative of the county for doing the project.

Mr. Oshel said there would probably be no extra charge for delay in the time schedule of the project.

UNSCHEDULED: DISCUSSION CONCERNING JACK CREEK WATER DISTRICT:
Mr. Young asked the Board if it would like him to respond to Ms. Albright's letter of August 25, 1987 regarding the Krakes. The Board said, "yes."

Chairman Kinkade adjourned the meeting at 11:40 a.m.

RESPECTFULLY SUBMITTED this 2nd day of September, 1987

Dorene Sheldon
Dorene Sheldon, Recording Secretary

APPROVED BY:

ADK EJC GAW
DJK EJC GAW