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MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Tuesday, November 17, 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: Paul Levesque, Researcher; Jo Veltri, Clerk

GUESTS PRESENT: Mark Dickson, Headlight Herald; Orella Chadwick and Tim Josi, Tillamook County Farm Bureau; Leo Musaraca

ITEM NO. 1: CALL TO ORDER: By Chairman Kinkade at 10:04 a.m. in the Emergency Management Conference Room.

UNSCHEDULED: DISCUSSION CONCERNING TIRES ON ASSESSOR'S CARS: Commissioner Creasy moved, Commissioner Woodward seconded to approve the purchase of tires for the Assessor's car, based upon The Car Connection's recommendation, carried with three aye votes. The tires will be purchased from Les Schwab Tire Center.

UNSCHEDULED: DISCUSSION CONCERNING MILLS BRIDGE TIMBER SALE: Commissioner Woodward received a call from Larry Hayes of Willamina Lumber, who wasn't pleased with the large refund to Nygaard. Mr. Hayes said he was told it was a lump sum sale, and he would have bid if he would have known the circumstances.

ITEM NO. 2: CONSIDERATION OF RESOLUTION PROCLAIMING TILLAMOOK COUNTY AGRICULTURE WEEK: After a brief history of the project by Ms. Chadwick, Commissioner Creasy moved, Commissioner Woodward seconded to approve the order proclaiming the week of November 22-29 as Tillamook County Farm-City Week, carried with three aye votes.

The Commissioners signed Proclamation Order #87-142.

ITEM NO. 3: CONSIDERATION OF BONNEVILLE POWER ADMINISTRATION'S REQUEST TO ACQUIRE DANGER TREE CUTTING RIGHTS: Chairman Kinkade said Mr. Berry reviewed the request and felt BPA was being generous.

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

The Commissioners signed the Voucher Request.

ITEM NO. 4: CONSIDERATION OF ORDER APPOINTING JAN GLARUM AS REPRESENTATIVE OF NEHALEM BAY MEDICS 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 #87-143.

ITEM NO. 5: CONSIDERATION OF ORDER CORRECTING ELECTION PRECINCT BOUNDARIES: Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-144.

ITEM NO. 6: CONSIDERATION OF COMMISSION PROCEEDINGS: Commissioner Creasy moved, Commissioner Woodward seconded to approve the Commission Proceedings for October, carried with three aye votes.

The Commissioners signed the Commission Proceedings.

ITEM NO. 7: CONSIDERATION OF TAX DEED TO CARL MITCHELL FOR LANDSALE CONTRACTS FOR TAX LOTS 2N10 29DB 8700 AND 3N10 27CA 6400: Mr. Levesque said Mr. Mitchell purchased the lots at last year's landsale and paid the contracts off early.

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

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

SITTING AS THE BOARD OF
THE HEBO SERVICE DISTRICT:

ITEM NO. 8: DISCUSSION CONCERNING PAST DUE WATER BILLS: This item was postponed.

ITEM NO. 9: CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH TOM ADAMS TO SERVE AS ADMINISTRATOR OF THE HEBO SERVICE DISTRICT: Commissioner Creasy moved, Commissioner Woodward seconded to approve the agreement, carried with three aye votes.

The Commissioners signed the agreement.

ITEM NO. 10: CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH JOE GARDNER TO SERVE AS OPERATOR OF THE HEBO SERVICE DISTRICT: Commissioner Creasy moved, Commissioner Woodward seconded to approve the agreement, carried with three aye votes.

The Commissioners signed the agreement.

ITEM NO. 11: MISCELLANEOUS SERVICE DISTRICT MATTERS: Commissioner Woodward said Mr. Gardner purchased a 4-wheel drive pickup with no bed. He would like to trade the utility bed off the Courthouse's pickup for a flat bed. This would help him in his work for the District, and Mr. West would rather have a flat bed.

There was consensus to make the trade, with no monetary exchange.

SITTING AS THE BOARD OF THE
SOLID WASTE SERVICE DISTRICT:

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

SITTING AS THE
BOARD OF COMMISSIONERS:

UNSCHEDULED: DISCUSSION CONCERNING RESEARCHER POSITION: Mr. Levesque said very little landsale work has been done the last few months, because of the extra County Counsel work he has done. He asked for the Board's direction.

After discussion, there was consensus to wait until after the Budget workshop next week, before making a decision.

UNSCHEDULED: DISCUSSION CONCERNING JACK CREEK WATER DISTRICT: Chairman Kinkade said the pump quit, and he thought it was caused by a problem in the electrical system. He told Mr. Musaraca to have Tillamook Implement take the pump out and inspect it.

Mr. Musaraca arrived and said the light indicating pump failure was on. Tillamook Implement told him he would have to take the pump out and bring it to them.

Chairman Kinkade said he would call Stettler Supply.

Mr. Musaraca said he has been purchasing the chlorine for quite some time. Chairman Kinkade said an account should be established at the Creamery to purchase the chlorine.

Mr. Musaraca said when he turns on to the creek, it will be surface water. Chairman Kinkade told him to inform the Health Department.

There was discussion on administration of the district. Commissioner Woodward thought the district should be dissolved before the county did anything regarding jurisdiction. Commissioner Creasy suggested a letter be enclosed with the bills notifying the residents of the county's options.

After further discussion, there was consensus to get Mr. Lemery's opinion.

ITEM NO. 13: CONSIDERATION OF ORDER ESTABLISHING KAHNIE TRAIL LOOP AS A COUNTY ROAD: Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-145.

ITEM NO. 14: MISCELLANEOUS PUBLIC WORKS: There was no discussion.

Chairman Kinkade recessed the meeting at 11:10 a.m. and reconvened at 1:35 p.m. in the Commissioners' Conference Room with all three Commissioners; Neal Lemery, District Attorney; Ed Brunson, Coastal Planner; and Vic Affolter, Community Development Director present.

Chairman Kinkade said Diane Spies had requested to meet with the Board that afternoon to discuss the Botts Marsh issue, but she didn't arrive.

UNSCHEDULED: CONSIDERATION OF ORDER POSTING A REDUCED SPEED ZONE ON BEWLEYS STREET IN BAY CITY: Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-146.

UNSCHEDULED: CONSIDERATION OF ORDER ORDERING A SURVEY FOR THE LEGALIZATION PROCEEDINGS FOR THE SOUTH PRAIRIE--NETARTS HIGHWAY: Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, carried with three aye votes.

The Commissioners signed Order #87-147.

SITTING AS THE BOARD OF
THE HEBO SERVICE DISTRICT:

ITEM NO. 11: MISCELLANEOUS SERVICE DISTRICT MATTERS (CONTINUED): Chairman Kinkade said the Sullivan property was sold, and Ms. Wagner suggested the Board forgive this. The amount was a monthly service fee, and the county didn't lien the property.

Mr. Lemery suggested instituting a small claims action to collect from the prior owners. It was determined the bill was \$208.37 as of September 29, so it would be \$218.37 as of October 29, 1987. There was consensus for Mr. Lemery to file a small claims suit.

SITTING AS THE
BOARD OF COMMISSIONERS:

UNSCHEDULED: DISCUSSION CONCERNING BOTTS MARSH: Chairman Kinkade said there evidently was a misunderstanding as to whether Diane Spies was to meet with the Commissioners that afternoon.

Mr. Affolter reported that negotiations were still on-going. He spoke with Ed Zajonc, Director of the Division of State Lands (DSL). Mr. Affolter will meet soon with Gail Achterman, the Governor's Assistant.

Mr. Affolter said one scenario is for the Governor's Office to intervene more actively. Ms. Spies is eager to start an inverse condemnation suit with the State. Mr. Affolter felt the Commissioners would be pressured at the AOC meeting to join Vern Scovell as an amicus in that suit. AOC has not yet made a commitment. He said once a lawsuit is filed, negotiations are difficult. Ms. Spies may file, even without appealing the DSL findings and order to the Court of Appeals.

Mr. Affolter said Fish and Wildlife's major issue is the water quality in the upper estuary. He questioned whether the county could get DSL to amend their permit to address Fish and Wildlife's concerns. He said the county's interest is seeing that the project goes ahead.

Mr. Lemery expressed concern for the county setting a bad precedent for agreeing with the concept of inverse condemnation and risking the county also being named as a defendant. Commissioner Creasy felt it would not set a precedent. He said the comprehensive plan is governing overall, and not the DSL process.

Mr. Affolter felt timing was very critical. The Supreme Court opinion only addressed the land use aspect and not the DSL process - which hasn't reached a final decision at the DSL level. He read a portion of the Attorney General's opinion on an administrative rule on this issue regarding a conflict between the two state agencies.

Mr. Affolter felt Mr. Scovell should amend his permit application to resolve most, if not all of the issues.

Mr. Lemery suggested the county could intervene in the DSL administrative process, to assert the county's belief that the land use process is paramount.

Chairman Kinkade adjourned the meeting at 2:10 p.m.

RESPECTFULLY Submitted this 1st day of December, 1987.

Dorene Sheldon
Dorene Sheldon, Recording Secretary

APPROVED BY:

DJK
DJK

GOC
GOC

GAW
GAW