

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING**

**Wednesday, May 12, 2004**

**Page 1**

**FILED**

*shaw*  
JUN 18 2004  
4:27pm

TASSI O'NEIL  
COUNTY CLERK

1 **COMMISSIONERS PRESENT:** Paul A. Hanneman, Chairperson  
2 Charles J. Hurliman, Vice Chairperson  
3 Tim Josi, Commissioner

4  
5 **STAFF PRESENT:** William K. Sargent, County Counsel  
6 Mary Wujcik, Board Assistant  
7

8 **STAFF PRESENT FOR PORTIONS OF MEETING:** Sara Charlton, Library Director; Aaron  
9 Suko, Public Works Director; Pat Oakes, Engineering Project Supervisor; Tom Manning, Emergency  
10 Management Director; Marlene Putman, Commission on Children & Families Director; Kathy  
11 Schwinck, Solid Waste Coordinator; John Robinson, Health Department Administrator  
12

13 **GUESTS:** Eric Abrams, Water Supervisor; Dave Haugeberg, Legal Counsel, & Paul Elias General  
14 Manager of McMinnville Water & Light; Ken O'Toole, Headlight Herald; Delbert Duren, Oceanside  
15 Sanitary District; See attached guest list  
16

17 **CALL TO ORDER:** By Chair Hanneman at 9:02 a.m. in the Commissioners' Meeting Room.  
18

19 **ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST:** The Chair welcome everyone  
20 to the meeting. He noted that the Commissioners would be signing the agreement in Item #6 right  
21 away, so that the representatives from McMinnville could take it with them. He said Mr. Manning  
22 would give an update on the tsunami sirens and announced there would be an executive session  
23 immediately following the close of the regular Board meeting.  
24

25 **ITEM NO. 2: PUBLIC COMMENTS - NON-AGENDA ITEMS:** There was no public comment.  
26

27 **ITEM NO. 3: LIBRARY UPDATE:** Ms. Charlton said the library project had received a Ford  
28 Family Foundation Grant award in the amount of \$150,000. They had a good start on raising money  
29 for the new building. Their goal was \$599,000, and they were within 54% of that goal.  
30

31 Ms. Charlton reviewed all the grants they had received so far, including the Federal appropriation  
32 award. There were still three more grants they would be applying for.  
33

34 **ITEM NO. 4: CONSIDERATION OF AMENDMENT #2 TO 2003-2005 COUNTY**  
35 **INTERGOVERNMENTAL AGREEMENT WITH OREGON COMMISSION ON**  
36 **CHILDREN & FAMILIES TO MODIFY THE AWARD TO THE TILLAMOOK COUNTY**  
37 **COMMISSION ON CHILDREN & FAMILIES:** Ms. Putman said the amendment would reduce  
38 funding in the Healthy Start program. They would now only be able to include 47% of the eligible  
39 families. \$223,300 was now the total for the period of May 1, 2004 through June 30, 2005.  
40

41 Commissioner Josi asked about Exhibit C. Ms. Putman said that was part of the original agreement,

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING**

**Wednesday, May 12, 2004**

**Page 2**

1 not the amendment, but she would get a copy for him.

2  
3 Commissioner Hurliman moved to approve the amendment and authorize the Chair to sign,  
4 Commissioner Josi seconded, passed with three aye votes.

5  
6 The Chair signed the amendment.

7  
8 Commissioner Hurliman asked for an update on the Teen Recognition Night. Ms. Putman explained  
9 what would be happening on May 20<sup>th</sup>. This night recognized volunteers in the community.

10  
11 **ITEM NO. 5: MODIFICATION #1 TO PROFESSIONAL SERVICES AGREEMENT WITH**  
12 **ROBERT H. MOORE, M.D., TO EXTEND THE TERM OF THE AGREEMENT:** Mr.  
13 Robinson said Dr. Moore was hired when they received a grant for the South County Clinic. He was  
14 a pediatrician, which was a great asset. He saw patients on Mondays and Wednesdays for four hours  
15 per day for \$80 per hour, plus \$1000 for continuing education.

16  
17 Commissioner Josi asked if the program was viable, financially. Mr. Robinson said the Federal grant  
18 was paying for the program until July 1, and it would be renewed. He said Dr. Moore brought more  
19 to the County than he was being paid for.

20  
21 Commissioner Josi moved to sign the modification, Commissioner Hurliman seconded, passed with  
22 three aye votes.

23  
24 The Commissioners signed the Modification #1.

25  
26 There was discussion regarding the closure of the dental clinic. Commissioner Hurliman asked Mr.  
27 Robinson to explain how the limited dental funds of \$85,000 would be spent. Mr. Robinson said  
28 he had met with three local dentists regarding continuing dental services for the low-income public.  
29 They were concerned over the services they could provide. Mid-Willamette Valley Dental, Inc. was  
30 interested in coming and had plans to hire the County's former dentist. Priorities would be set for  
31 services, but no one would be turned away. Services would be reduced but they were not going  
32 away.

33  
34 **ITEM NO. 6: CONSIDERATION OF INTERGOVERNMENTAL AGREEMENT WITH**  
35 **McMINNVILLE WATER & LIGHT FOR CONSTRUCTION AND MAINTENANCE OF AN**  
36 **EMERGENCY WARNING SYSTEM FOR THE McGUIRE DAM:** Mr. Manning introduced  
37 the three representatives from McMinnville Water & Light. He said the agreement specified the role  
38 and responsibilities in case of dam failure. Replacement upgrades and maintenance were included.

39  
40 Commissioner Josi asked what the County's recourse would be if McMinnville defaulted. Mr.  
41 Manning outlined the responsibility of the various entities. Commissioner Josi asked what was

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING**

**Wednesday, May 12, 2004**

**Page 3**

1 being done to let residents along the Nestucca River know what was going on. Mr. Manning said  
2 they had held three public meetings, but the turnout was very low. They were now working off the  
3 tax lot maps and letting people know by letter that they had a warning radio available to them.  
4

5 Mr. Manning explained why he believed there had been such a low turnout for the meeting.  
6 Commissioner Josi asked him to come to the Board before the next outreach meeting so they can  
7 make sure everyone was informed.  
8

9 Commissioner Josi moved to sign the agreement, Commissioner Hurliman seconded, passed with  
10 three aye votes.  
11

12 The Commissioners signed the Agreement, after the signature block was corrected to reflect the  
13 current Chair and Vice Chair.  
14

15 The representatives from McMinnville Water & Light took the agreement as they left the meeting.  
16

17 Mr. Root joined Mr. Manning at the speaker's table.  
18

19 Mr. Manning thanked Mr. Root and explained what he was doing regarding the testing. They were  
20 working with the Radio User Group to make sure things were operational.  
21

22 Commissioner Hurliman asked what would happen if there was a real emergency on the same day  
23 as the testing. Mr. Manning explained what they would do in that case.  
24

25 Chair Hanneman also thanked Mr. Root for his volunteer services.  
26

27 **ITEM NO. 7: CONSIDERATION OF ORDER APPOINTING FR. RAY FERGUSON TO**  
28 **THE NORTHWEST OREGON HOUSING AUTHORITY:** Commissioner Josi said he was  
29 really pleased to appoint Fr. Ferguson to NOHA. He would be a strong advocate for low income  
30 folks.  
31

32 Commissioner Josi moved to sign the order, Commissioner Hurliman seconded, passed with three  
33 aye votes.  
34

35 The Commissioners signed Order #04-50.  
36

37 **ITEM NO. 8: CONSIDERATION OF ORDER INCREASING CUSTOMER RATES FOR**  
38 **SOLID WASTE DISPOSAL FOR SOLID WASTE COLLECTION FRANCHISER,**  
39 **OCEANSIDE SANITARY SERVICE:** Ms. Schwinck reviewed the order. She said the Solid  
40 Waste Advisory Committee (SWAC) approved the increase in rates, contingent upon Oceanside  
41 Sanitary Service keeping their recycling service. The company had not had an increase since 1996.

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING**  
**Wednesday, May 12, 2004**

**Page 4**

1 Mr. Duren had informed his patrons that he was discontinuing the recycling in December. The  
2 proposed increase was based upon his reinstating those services.

3  
4 Commissioner Hurliman asked how the recycling services would be provided. Ms. Schwinck  
5 explained. The SWAC wanted to see recycling in the County grow. She noted that two members  
6 of SWAC, Mr. Reiersgaard and Mr. Walker, were in attendance at the meeting.

7  
8 Mr. Duren said he was just waiting for the Board's decision. Chair Hanneman asked if he could  
9 continue the recycling effort. Mr. Duren said he had been doing it for 25 years and enjoyed it. He  
10 had provided those services for free. Unless it was on his route, he could not charge for it. His  
11 business was currently tied up in lawsuits; he had not received a raise for eight years. He was willing  
12 to do the recycling again if the County subsidized it or allowed them to charge for collecting it. He  
13 reviewed his costs. He said anyone had the right to recycle but it should not be mandated for small  
14 businesses such as his.

15  
16 Commissioner Hurliman asked for more specifics. Mr. Duren said the first Saturday of each month,  
17 he put out a box with separate barrels for different items. His patrons could bring their items to  
18 recycle and do it then. He talked about residents of Netarts using it illegally when they had their own  
19 recycling shack.

20  
21 Commissioner Josi said he was prepared to accept SWAC's recommendation if Mr. Duren began  
22 to recycle again. If he did not, he shifted the burden to other franchises.

23  
24 Commissioner Josi moved to approve the order, providing that the rate increase only went into effect  
25 if the recycling was restored.

26  
27 Mr. Duren wanted to have a clear definition of recycling. Currently, he pulled recyclable material  
28 out of the dumpsters himself and recycled that way. He takes that material to Portland. He said they  
29 had been recycling all along, even if he was not doing it as it had been done in the past.

30  
31 Commissioner Josi would like to hear what Ms. Schwinck had to say. It was a judgement call if the  
32 matter should go back to the SWAC to determine if the recycling was being done.

33  
34 Commissioner Hurliman seconded the motion.

35  
36 Ms. Schwinck said it was a difficult situation to define. In the order and in the franchise agreement,  
37 recycling was encouraged but not mandated. If all the franchisers do not do that, they would not  
38 meet the DEQ requirements. She asked Mr. Reiersgaard to address the issue on behalf of SWAC.

39  
40 Mr. Reiersgaard said the Committee recognized that recycling was an expense. There were different  
41 standards for different franchisers. The Committee felt recycling was important and helped the

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING**

**Wednesday, May 12, 2004**

**Page 5**

1 County meet DEQ's goals. They wanted to see recycling restored in Oceanside.

2  
3 Commissioner Josi asked if it should include a monthly time to recycle. Mr. Reiersgaard said it  
4 would have to include provisions to collect glass, paper, etc. The SWAC was happy with the  
5 Saturday collection.

6  
7 Commissioner Josi reiterated his motion, as long as Mr. Duren could convince the SWAC that his  
8 program for recycling was adequate.

9  
10 Chair Hanneman asked if SWAC had the flexibility to adjust this requirement. Mr. Reiersgaard  
11 explained what the SWAC's deliberations were. Chair Hanneman asked if Mr. Duren could be  
12 invited to the next SWAC meeting. Mr. Reiersgaard said yes.

13  
14 Chair Hanneman asked about a time frame for readdressing the issue at a SWAC meeting. Ms.  
15 Schwinck said SWAC established requirements that all franchisers come in April to request rate  
16 changes. There was a hardship exception, under which matters could be reviewed at any given time.  
17 If the matter at hand was not acted upon, it could be readdressed at a later date as a hardship.

18  
19 Mr. Suko said the County's Solid Waste Ordinance #4 appointed the Board to make definitions and  
20 rulings, not SWAC. He was the administrator of the Board's rulings. The hardship provision was  
21 not in the Ordinance but was recommended by SWAC, as was the recycling reinstatement. The  
22 ordinance defined recycled materials, and he discussed net costs of the program.

23  
24 Chair Hanneman said he would like to review the hardship provision.

25  
26 Commissioner Josi said they should work with SWAC to develop a definition of recycling. He was  
27 willing to withdraw his motion; Commissioner Hurliman withdrew his second.

28  
29 Mr. Reiersgaard said the hardship exemption was developed just by SWAC. He discussed the  
30 possibility of allowing Mr. Duren to fulfill his obligations to the Committee by explaining his  
31 process.

32  
33 Ms. Schwinck said her recommendation was that the order be signed by the Board and she would  
34 re-word Paragraph #1.

35  
36 Mr. Duren said the ordinance was very clear on how the rates were set. He would like the Board to  
37 make a decision based on the ordinance.

38  
39 Commissioner Josi said he had withdrawn his motion until the issue was resolved. Commissioner  
40 Hurliman did not understand how it as more expensive to recycle himself or by the bin.

41

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING**

**Wednesday, May 12, 2004**

**Page 6**

1 Chair Hanneman moved to grant the rate increase.

2  
3 Ms. Schwinck said she could get the order re-written and bring it back to the Board. Commissioner  
4 Josi wanted to hold the motion until they saw the new language.

5  
6 Chair Hanneman said his motion was to grant the rate increase now, with the recycling issue to be  
7 resolved.

8  
9 Mr. Duren said the Board could make a decision that day, according to Ordinance #4.

10  
11 Chair Hanneman said the motion died for lack of a second.

12  
13 Mr. Reiersgaard said the SWAC could work with the franchiser to resolve the issue.

14  
15 Commissioner Hurliman moved to increase the rates and sign the order as it was presented, Chair  
16 Hanneman seconded, passed with two aye votes. Commissioner Josi voted no.

17  
18 The Commissioners signed Order #04-43, SWSD Order #04-11.

19  
20 Chair Hanneman recessed the meeting at 10:20 a.m. and reconvened at 10:27 a.m.

21  
22 **ITEM NO. 9: BID OPENING: GIST ROAD/SMITH CREEK CULVERT REPLACEMENT**

23 **PROJECT:** Mr. Oakes said six bids had been received. He outlined the procedures. The first bids  
24 had been due at 9:00 a.m. and the second tier bids at 11:00 a.m. He was hoping to sign the Notice  
25 of Intent to Award on the 17<sup>th</sup>. He noted that \$104,000 was the engineer's estimate.

26  
27 Mr. Suko opened and read the following bids:

28

<u>Company</u>	<u>Bid Amount</u>
29 Alpine Construction	\$79,875.00
30 Devils Lake Rock Company	110,274.60
31 Enterprises NW, Inc.	105,276.81
32 Brant Construction, Inc.	118,700.00
33 Teamm, Inc.	99,823.00
34 Bill Booker Construction	118,765.50

35  
36

37 Mr. Oakes said Alpine Construction was the apparent low bidder. He would review the bid for  
38 completeness and return to the Board the following week with a Notice of Intent to Award.

39  
40 **ITEM NO. 10: BOARD CONCERNS, NON-AGENDA ITEMS & ANNOUNCEMENTS:**

41 Commissioner Hurliman said he had received a letter from State Parks asking the County to rejoin

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING**

**Wednesday, May 12, 2004**

**Page 7**

1 the Habitat Conservation Plan committee. He was working with Mr. Campbell to make State Parks  
2 aware of the County's Comprehensive Plan, which addressed many of the same issues already. He  
3 said the meeting was June 29<sup>th</sup>, but he had not yet made up his mind whether or not to attend.

4  
5 Commissioner Josi discussed his trip to Jackson and Douglas counties. He was asking for donations  
6 for the State Forest Interpretive Center. He felt confident they would use some of their Title III funds  
7 to make a contribution.

8  
9 **ITEM NO. 11: PUBLIC COMMENTS:** There were no comments.

10  
11 **ITEM NO. 12: BOARD CONCERNS - NON-AGENDA ITEMS & ANNOUNCEMENTS:**

12 Chair Hanneman read the announcements and future meeting notices.

13  
14 Chair Hanneman recessed the meeting at 10:36 a.m. and convened an Executive Session, pursuant  
15 to ORS 192.660(l)(h) to discuss litigation, at 10:39 a.m.

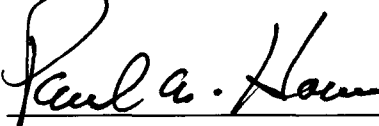
16  
17 At 10:41 a.m., Chair Hanneman adjourned the Executive Session and reconvened and adjourned the  
18 regular Board meeting

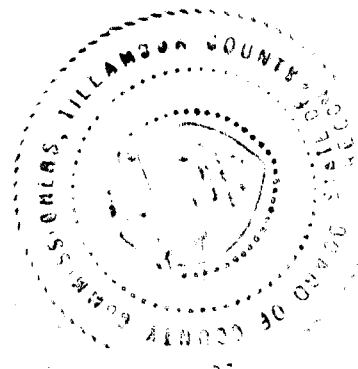
19  
20 **RESPECTFULLY** submitted this 16 day of June, 2004.

21  
22 County Clerk: Tassi O'Neil

23  
24   
25  
26 Mary Wujcik, Recording Secretary  
27 & Special Deputy

28  
29 **APPROVED BY:**

30  
31   
32   
33   
34 Chairperson Vice Chairperson Commissioner  
35



*Bob  
MW BS*

*Jack Root  
Dus Ken  
John R.  
Sharon R.  
3 McMinn.  
Delbert  
LeRoy  
Bob Reed*

*Sara  
Caron  
Pat  
John M.  
Marlene  
Kathy Sch.  
John R.*

**CALL TO ORDER: Wednesday, May 12, 2004**

**BOARD OF COMMISSIONERS**

- 1. **9:00 a.m.** Welcome & Request to Sign Guest List
- 2. Public Comment - Non-Agenda Items
- 3. Library Update/Sara Charlton

**LEGISLATIVE – ADMINISTRATIVE**

- 4. Consideration of Amendment #2 to 2003-2005 County Intergovernmental Agreement with Oregon Commission on Children & Families to Modify the Award to the Tillamook County Commission on Children & Families/Marlene Putman *Chair signs*
- 5. Consideration of Modification #1 to Professional Services Agreement with Robert H. Moore, M.D., to Extend the Term of the Agreement/John Robinson *Bob signs*
- 6. Consideration of Intergovernmental Agreement with McMinnville Water & Light for Construction and Maintenance of an Emergency Warning System for McGuire Dam/Tom Manning *Bob signs*
- 7. Consideration of Order Appointing Fr. Ray Ferguson to the Northwest Oregon Housing Authority *Order #04-50*
- 8. Consideration of Order Increasing Customer Rates for Solid Waste Disposal for Solid Waste Collection Franchiser, Oceanside Sanitary Service/Kathy Schwinck *#04-43*
- 9. **9:30 a.m. Bid Opening:** Gist Road/Smith Creek Culvert Replacement Project/Pat Oakes *SUSD #04-11*
- 10. Board Concerns - Non-Agenda Items & Announcements
- 11. Public Comments

**ADJOURNMENT**

On **Wednesday, May 19**, the Commissioners will be holding their weekly Board Meeting at **6:30 p.m.** in the Nehalem City Hall, 35900 8<sup>th</sup> Street, Nehalem, OR.

**MEMORIAL DAY** is an observed holiday for Tillamook County, as well as the Circuit Court. All the offices in the Courthouse will be closed on **Monday, May 31, 2004.**



# BOARD OF COMMISSIONERS' MEETING

**Wednesday, May 12, 2004**

PLEASE PRINT CLEARLY

Name	Mailing Address	Item of Interest
JACK ROOT	P.O. Box 5, R.B. 97136	# 6
JOHN BETTMAN		all
Gas Meyer	On Record.	General
ARON SUTO	FW	#8 & 9
Sara Charlton		Library
ERIC ARBIMS	40615 <sup>th</sup> <sup>97138</sup> McMinnville OR	#6
Dave Haugeberg	PO BOX 480 McMinnville OR	#6
PAUL D. EGERTS	POB 1468 McMinnville	#6.
Tom/Manning	Tillamook Emerg. Mgt.	FFG
Kathy Schwinick		Solid WASTE
Rochel Wernner	TEP	Gist Road
Jon Keiersgaard	TCSWAC	
Lee Walker	SWAE	
KEN TOOLE	H-H	
Doug Sevels	granite	Gist PG.
Doreen	OSS	
Bill Howard	P.O. Box 1049 Pacific City	General
RICK TOWNSEND	7527 HARLEY WAY SE SALEM. 97301	GIST PD.

(Please use reverse if necessary)

**Gist Rd/Smith Creek Culvert Replacement Project**  
 Bidder Results Opened May 12, 2004 at the  
 Tillamook County Board of Commissioners Meeting

<b>BIDDER</b>	<b>FROM</b>	<b>BID AMOUNT</b>
Alpine Construction	(Tillamook)	\$79,875.00
Teamm, Inc.	(Salem)	\$99,823.00
Enterprises NW	(Pacific City)	\$105,276.81
Devils Lake Rock Company	(Lincoln City)	\$110,274.60
Brant Construction	(Vancouver, WA)	\$118,700.00
Bill Booker Construction	(Troutdale)	\$118,765.50

The above bidder results are subject to verification in accordance with the project Invitation to Bid. A recommendation of contract award is anticipated to be presented to the Board of Commissioners during their regular meeting on 5/17/04.