

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, October 20, 2004
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FILED

NOV 16 2004

4:30pm

TASSI O'NEIL
COUNTY CLERK

- 1 **COMMISSIONERS PRESENT:** Paul A. Hanneman, Chairperson
2 Tim Josi, Commissioner
3
4 **COMMISSIONER ABSENT:** Charles J. Hurliman, Vice Chairperson
5 (Attending Association of O&C Counties Meeting)
6
7 **STAFF PRESENT:** William K. Sargent, County Counsel
8 Mary Wujcik, Board Assistant
9
10 **STAFF PRESENT FOR PORTIONS OF MEETING:** Dr. Paul Betlinski, Medical Officer; Aaron
11 Suko, Public Works Director; Pat Oakes, Engineering Project Supervisor
12
13 **GUESTS:** Mark Labhart, County Commissioner Candidate; Gus Meyer; Bob Simonsen, Nestucca
14 School District Superintendent; John Snyder & Chuck Mikkola, Federal Highway Administration;
15 Jim Schultz; Tom & Glenna Stacey
16
17 **CALL TO ORDER:** By Chair Hanneman at 6:35 p.m. at the Kiawanda Community Center in
18 Pacific City.
19
20 **ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST:** Chair Hanneman welcomed
21 everyone to the meeting. He discussed changes and additions to the agenda. He said Commissioner
22 Hurliman was not able to be in attendance as he had an early morning meeting in Roseburg the
23 following day. The Chair read a statement from Commissioner Hurliman regarding the purpose of
24 the meeting of the Association of O&C Counties and referring to the snowy plover issue.
25
26 **ITEM NO. 2: PUBLIC COMMENTS - NON-AGENDA ITEMS:** There was none.
27
28 **ITEM NO. 3: UPDATE ON STATUS OF FLU VACCINE IN TILLAMOOK COUNTY:** Dr.
29 Betlinski said there was a shortage of the vaccine in the County but, as of the present time, no virus
30 had been identified in Oregon. He said 45 million dosages from a certain company in England had
31 been embargoed due to contamination, leaving only 55 million dosages that were usable.
32
33 Dr. Betlinski said six counties in Oregon had no vaccine at all. The majority of the physicians in
34 Tillamook County had ordered from the company whose product had been contaminated. The
35 Health Department had ordered 1800 doses but not all had been received. The Pacific City Clinic
36 had only 100 doses; Fred Meyer and Safeway each had 80 doses; the Hospital may get some.
37
38 Dr. Betlinski said the Health Department had 900 doses currently; they were going to target nursing
39 homes, assisted living facilities and adult foster care homes first, as those populations were confined
40 and a flu outbreak would rapidly progress through the group. Any dosages left after that would be
41 given to local physicians, who would decide which of their patients would receive a vaccination. He

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1 reviewed the high risk groups. He noted that if the Health Department did get the additional 900
2 doses, they would hold a flu shot clinic. There was no nasal spray vaccine, but it was not for the
3 high risk group; it was mainly for caregivers.

4
5 Dr. Betlinski said the County only had 15% of the amount of vaccine that was needed. The Center
6 for Disease Control (CDC) was working on getting more. Unfortunately, it was not an option to
7 make more vaccine. It would take too long, and the flu season would be over before it could be
8 made. The vaccine was only effective for a few months, so the best time to give it was in late
9 October, early November.

10
11 **ITEM NO. 4: UPDATE ON SANDLAKE-GALLOWAY ROAD PROJECT:** Mr. Oakes
12 introduced Mr. Mikkola and Mr. Snyder from the Federal Highway Administration. Mr. Mikkola
13 said the project had been filled with problems from the beginning, so it was not going to be finished
14 as expected. There were 1.3 miles left to pave; most of Galloway Road was completed; Three Capes
15 Road to Galloway Road was nearly completed. They discovered the PUD conduit was not buried
16 as deep as it should have been, so Alpine Construction was trying to lower it sufficiently.

17
18 Mr. Mikkola said they were hoping to have all the road given a preliminary paving, with re-striping
19 and delineators added for visibility before winter. Eleven more weeks of work were remaining,
20 depending on the weather. The short section between the Three Capes Road and Highway 101 would
21 be worked on first. He explained some of the problems they had encountered, from a 12 foot fir log
22 that had been buried, to blue clay, to landslides.

23
24 Mr. Mikkola said they posted a newsletter on the Public Works website, as well as mailed it to local
25 residents. They would continue to do that during the winter.

26
27 Chair Hanneman said there had been some complaints in the past from property owners, regarding
28 access to their driveways. Mr. Mikkola said they did their best to take care of those problems as
29 quickly as possible.

30
31 Mr. Snyder added that they appreciated the help and assistance from Mr. Oakes, Mr. Suko and others
32 at the County Public Works Department.

33
34 **ITEM NO. 5: DISCUSSION REGARDING REQUEST FOR HISTORICAL MARKER NEAR**
35 **COUNTY BRIDGE (KENNETH L. RUESSER BRIDGE) IN CLOVERDALE:** Chair
36 Hanneman said Mr. Ruesser's son could not be present and had requested the item be held over until
37 he returned. There was Board consensus to do so. There were no comments from those in
38 attendance.

39
40 **ITEM NO. 6: DISCUSSION REGARDING FIRE SAFETY ISSUES ON SOUTH COUNTY**
41 **ROADWAYS:** Chair Hanneman said the Nestucca Fire Chief was unable to be present. Mr. Suko

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1 gave the report. He said that in 1992, The Commissioners established a 10-ton load limit on Fischer
2 Road. No issues had been raised regarding that until recently when a contractor approached him
3 about it when beginning a building project. At that time, the Fire Department became concerned
4 about the limit.

5
6 Mr. Suko said County Ordinance #20, which was enacted in 1983, established weight limits. Using
7 that ordinance and his civil engineering background, he was cautious about making any
8 recommendation outside of his licensing. Load limits on roads were not as easily established as on
9 bridges. Some use of the road above the weight limit had not done any damage.

10
11 Mr. Suko had told the Fire Department they could get a permit for driving their equipment on the
12 road, but the Department was uncomfortable with that. The developer had gotten one, and Public
13 Works had documents and inspected the road while the developer hauled 320 loads, which were
14 quite a bit over the limit. Public Works had observed no significant deterioration of the roadway.

15
16 Mr. Suko cautioned that he was not a geological technician but he was comfortable with the Fire
17 Department's occasional use and with the developer getting a permit. However, the developer would
18 not be permitted to do any hauling during the winter season. He made a comparison with Cape
19 Meares Road and how it tended to slide in the winter after the rain set in.

20
21 Commissioner Josi asked about liability issues and waiving liability for the Fire Department. Mr.
22 Suko said he had not discussed that with Counsel Sargent. Counsel Sargent did not know what the
23 liability would be. He would have to look into the matter further. Mr. Suko explained what they did
24 with the private developer.

25
26 Chair Hanneman asked them to have the discussion and include the Fire Chief so that they could get
27 the issue resolved. He believed some of the tanker trucks were 70,000 pounds, whereas the
28 developers dump trucks were 48,000 to 50,000 pounds.

29
30 Mr. Suko added that he could not find any scientific basis for establishing the weight limit in the first
31 place. He said some of the road had stabilized; however, he would be reluctant to just remove the
32 limit without some scientific studies.

33
34 **ITEM NO. 7: REPORT BY NESTUCCA SCHOOL DISTRICT #101 (SECOND IN A SERIES**
35 **OF TILLAMOOK COUNTY SCHOOL DISTRICT REPORTS):** Mr. Simonsen said he had
36 started at the Nestucca School District in July, after 32 years in the Klamath Falls Districts. He said
37 the Nestucca District consisted of three schools and he was the Principal of the elementary school,
38 as well as the District Superintendent. The elementary school had 226 students; 139 at the middle
39 school; and 224 at the high school. He discussed the reasons for the decrease in the number of
40 students in recent years.
41

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1 Mr. Simonsen said he was pleased to see the kinds of things that were occurring in the schools.
2 There were 42 SMART® volunteers in the elementary school. He noted that in Klamath Falls, there
3 were over 4000 students and they only had 35 volunteers. He was pleased with how many people
4 were willing to help out with the schools.

5
6 Mr. Simonsen talked about the Heritage project in the middle school where the students were learning
7 about and documenting local cemeteries and where the old small schools in the District had once
8 been located. The high school was doing a number of natural resource projects with the Title III
9 money.

10
11 In spite of the district's financial problems, Mr. Simonsen said they were doing all right, and they
12 had enough teachers. He believed the challenges were coming, especially with the building. He
13 talked about the repairs that they needed. The School Board was looking at a bond in May for a new
14 high school main building and putting \$1.4 million into repairing the middle and elementary schools.
15 To him, it looked like a responsible request. The District had never had any bonded indebtedness,
16 and they would be keeping the current gym, stadium and shops.

17
18 Mr. Simonsen said they would continue to do the best they could with whatever resources they had,
19 even if the bond did not pass.

20
21 **ITEM NO. 8: CONSENT CALENDAR: Board of Commissioners' Meeting Minutes for:**
22 **September 22, 27, 29, October 4, 6 & 11, 2004!**

23 **Commission Proceedings for September, 2004:** Commissioner Josi read the items in the
24 calendar and moved to approve them, Chair Hanneman seconded, passed with two aye votes.

25
26
27 [The items were signed after the meeting.]

28
29 **ITEM NO. 9: CONSIDERATION OF NOTICE OF INTENT TO AWARD A**
30 **CONSTRUCTION CONTRACT FOR THE WILSON/TRASK SALT MARSH**
31 **RESTORATION PROJECT:** Commissioner Josi moved to sign the order, Chair Hanneman
32 seconded, passed with two aye votes.

33
34 The Commissioners signed Order #04-93.

35
36 **ITEM NO. 10: CONSIDERATION OF AMENDMENT #4 TO OREGON WATERSHED**
37 **ENHANCEMENT BOARD GRANTS #99-421 & 99-804 FOR WETLAND RESTORATION**
38 **PROJECT CONTINUATION AT THE CONFLUENCE OF THE TRASK & WILSON**
39 **RIVERS:** Commissioner Josi moved to authorize the Chair to sign the amendment, Chair
40 Hanneman seconded, passed with two aye votes.

41

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1 The Chair signed Amendment #4.

2
3 **ITEM NO. 11: BOARD CONCERNS - NON-AGENDA ITEMS & ANNOUNCEMENTS:**

4 **Consideration of Agreement with Winstead & Associates for Building Official Service:**

5 Commissioner Josi said Ms. Steiner, the Building Official, was on Family Medical Leave (FMLA),
6 and this agreement would provide coverage of her duties during her absence.

7
8 Counsel Sargent said he and Mr. Campbell were working on some findings as to why this was not
9 sent out for bid, and why it was an emergency and needed to be exempt from Public Contracting
10 Rules.

11
12 There was a consensus to delay the matter until the October 25 Staff Meeting.

13
14 **Riparian Ordinance/Goal 5:** Chair Hanneman said the County had approved hiring a private
15 attorney to review the ordinance developed by the citizens group. He explained what had happened
16 and discussed the invitation to meet with DLCD.

17
18 Commissioner Josi said that as a member of Land Conservation & Development Commission
19 (LCDC), he would not be participating.

20
21 There was discussion regarding the directions the Board had given regarding the draft citizen
22 ordinance. Chair Hanneman wanted to give the private attorney and the Community Development
23 Department the instructions, which he read:

24
25 *“Instruct the County’s contracted land use attorney to complete a final review of the Analysis*
26 *(estimated time frame, 2 weeks), and approve an expenditure not to exceed \$8,000 for all*
27 *work including this final review; and*

28
29 *Instruct Community Development to continue the Goal 5 process in accordance with the*
30 *timeline established by the Board as recommended by the Planning Commission; and further*
31 *instruct Community Development to:*

32
33 *Proceed with the inventory process and its application to significance or non-significance*
34 *of the resource; and*

35
36 *Report to the Land Conservation & Development Commission on November 4.”*

37
38 Commissioner Josi said the instructions to the Community Development Department were
39 appropriate, but he was concerned that Mr. Wyman, the private attorney, had some major concerns
40 over the citizens’ ordinance. He also felt the process the citizens group had used was backward.
41

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1 Commissioner Josi moved to give the direction as detailed in the Chair's statement as the process
2 to move forward with Task 10/Goal 5, Chair Hanneman seconded, passed with two aye votes.

3
4 Counsel Sargent said he thought Mr. Wyman would do what he could with the limited budget and
5 would not comment on the substance.

6
7 **Forest Issues/Measure 34:** Chair Hanneman introduced Mr. Labhart. Mr. Labhart and
8 Commissioner Josi talked about the recent Board of Forestry meeting in Tillamook. Commissioner
9 Josi said one of the speakers was Dr. Hal Salwasser who talked about the three forest models. The
10 first one was the industrial model, with a 40-60 year rotation. The second was the U.S. Forest
11 Service model, with preservation and ambiguous values. The third model was the Forest
12 Management Plan, which was more defined and flexible, with a review every ten years. It was a
13 collaborative plan.

14
15 Mr. Labhart said the people from Oregon State University thought the Forest Management Plan had
16 the most scientific input, and Dr. Salwasser thought it had the most public input.

17
18 Mr. Labhart said Simpson Lumber would be attending the Board of Forestry meeting on Thursday,
19 and Governor Kulongoski would be attending on Friday.

20
21 Chair Hanneman read the announcements.

22
23 **ITEM NO. 12: PUBLIC COMMENTS:** there were no public comments.

24
25 The Chair adjourned the meeting at 7:50 p.m.

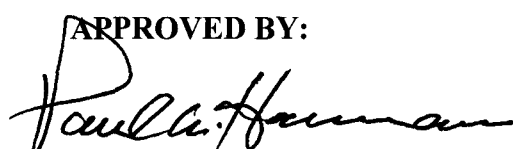
26
27 **RESPECTFULLY** submitted this 10 day of Nov, 2004.

28
29 County Clerk: Tassi O'Neil


30
31 
32 Mary Wujcik, Recording Secretary
33 & Special Deputy



34
35
36 **APPROVED BY:**

37
38 
39 Chairperson

40 
Vice Chairperson

41 
Commissioner

CALL TO ORDER: Wednesday, October 20, 2004 @ Kiawanda Community Center, Pacific City

BOARD OF COMMISSIONERS

1. 6:30 p.m. Welcome & Request to Sign Guest List
2. Public Comment - Non-Agenda Items
3. Update on Status of Flu Vaccine in Tillamook County/Dr. Paul Betlinski & Laurie Ammerman, Health Department
4. Update on Sandlake-Galloway Road Project/Pat Oakes
5. Discussion Regarding Request for Historical Marker near County Bridge (Kenneth L. Reusser Bridge) at Cloverdale
6. Discussion Regarding Fire Safety Issues on South County Roadways
7. Report by Nestucca School District #101 (second in a series of Tillamook County School District Reports)

CONSENT CALENDAR

8. Board of Commissioners' Meeting Minutes for: September 22, 27, 29, October 4, 6 & 11, 2004
Commission Proceedings for September, 2004

LEGISLATIVE - ADMINISTRATIVE

9. Consideration of Notice of Intent to Award a Construction Contract for the Wilson/Trask Salt Marsh Restoration Project
10. Consideration of Amendment #4 to Oregon Watershed Enhancement Board Grants #99-421 & 99-804 for Wetland Restoration Project Continuation at the Confluence of the Trask & Wilson Rivers
11. Board Concerns - Non-Agenda Items & Announcements
12. Public Comments

ADJOURNMENT

At **6:30 p.m. on Wednesday, November 10, 2004** the Commissioners will hold their weekly meeting at the Pine Grove Community Center, Laneda Avenue in Manzanita. The Commissioners' meeting will follow an Oregon Department of Transportation Open House on the STIP Program, which begins at 4:30 p.m.

Veteran's Day is an observed holiday for the County, as well as the Oregon State Circuit Court. All the offices in the Courthouse and the Administrative Section of the Justice Facility (Sheriff's Office and Parole & Probation offices) will be **CLOSED** on **Thursday, November 11, 2004**.

There will **NOT** be any Commissioners' meetings the **week of November 15-19, 2004**. The Commissioners will be attending the annual Association of Oregon Counties Conference in Portland.

BOCC Direction on Task 10:

Instruct the County's contracted land use attorney to complete a final review of the Analysis (estimated timeframe, 2 weeks), and approve an expenditure not to exceed \$8,000 for all work including this final review, and

Instruct Community Development to continue the goal 5 process in accordance with the timeline established by the BOCC as recommended by the Planning Commission, and further instruct Community Development to

Proceed with the inventory process and its application to significance or non-significance of the resource, and

Report to the Land Conservation and Development Commission on November 4.