

MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

Wednesday, September 3, 2008

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FILED

11:30am

SEP 24 2008

[Signature]

**TASSI O'NEIL
COUNTY CLERK**

COMMISSIONERS PRESENT:

Charles J. Hurliman, Chair
Tim Josi, Vice-Chair
Mark Labhart, Commissioner

STAFF PRESENT:

Paul Levesque, Facilities, Fleet and
Contracts Director
William K. Sargent, County Counsel

STAFF PRESENT FOR PORTIONS OF THE MEETING: Del Schleichert, Director, Parks Department; Jennifer Purcell, Solid Waste Coordinator; Gordon McCraw, Director, Emergency Management; Liane Welch, Director, Public Works and Walt Gile, Public Works.

GUESTS: John Gettman, Lena Etuk, Scott Reed, Shirley Kalkhoven, Linda Buell, Vicki Amussen and Chris Medine.

CALL TO ORDER: By Chair Hurliman at 9:00 a.m. in Commissioners' Meeting Room A.

ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST: Chair Hurliman welcomed everyone and reminded them to sign the guest list.

ITEM NO. 2: PUBLIC COMMENT – NON-AGENDA ITEMS: There were none at this time.

ITEM NO. 3: PRESENTATION CONCERNING THE VITAL TILLAMOOK INDICATORS PROJECT, A JOINT PROJECT OF THE TILLAMOOK COUNTY FUTURES COUNCIL AND THE OREGON STATE UNIVERSITY: Shirley Kalkhoven, Lena Etuk, Jennifer Purcell and Scott Reed were present. Ms. Purcell described a recent agreement with Oregon State University (OSU) for expanding on the benchmarks. The project will be funded by the Ford Family Foundation. Ms. Etuk said it will be a two (2) year project. She described the four (4) project elements.

Ms. Purcell said Tillamook County is one (1) of three (3) communities that OSU is working with in this capacity. We are far ahead of the other two (2) because of our completed visioning process. Mr. Reed said this project is important to the community vitality, especially with changing demographics. It is a learning opportunity for OSU. This will establish a model that can be replicated.

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Commissioner Labhart thanked Mr. Reed, as vice-provost, for coming. Ms. Etuk discussed the first year time frame for the project. Mr. Reed talked about OSU's open campus project, working with Tillamook Bay Community College and the local work force in this County. It will involve some shared facilities.

Vice-Chair Josi said he will be willing to help testify before the legislature to support this. Ms. Kalkhoven talked about Onno Husing's interest in the project. Commissioner Labhart expressed his appreciations for Ms. Kalkhoven's leadership on the Futures Council.

ITEM NO. 4: COUNTY COMMISSIONERS' MEETING MINUTES FOR JUNE 18, 25 AND 30; JULY 2, 9, 16, 21, 23, 28, 30, AND AUGUST 4 AND 12, 2008: A motion was made by Vice-Chair Josi to approve the Consent Calendar. The motion was seconded by Commissioner Labhart. The motion carried with three (3) aye votes. The Commissioners signed the Minutes.

ITEM NO. 5: DISCUSSION AND CONSIDERATION OF ORDER APPOINTING MARIE HEIMBURG, DOUGLAS MONTGOMERY, ROBERT M. EMANUEL AND MARY M. KIMBALL TO THE TILLAMOOK COUNTY FUTURES COUNCIL:
Commissioner Labhart discussed the interviews.

Commissioner Labhart made a motion to approve and sign the Order appointing Marie Heimburg, Douglas Montgomery, Robert M. Emanuel and Mary M. Kimball to the Tillamook County Futures Council. The motion was seconded by Vice-Chair Josi.

Chair Hurliman said he could not support Mary Kimball because she recently used her position to support her personal views. The motion carried with two (2) aye votes. Chair Hurliman voted nay. The Commissioners signed Order #08-083.

ITEM NO. 6: DISCUSSION AND CONSIDERATION OF ORDER RE-APPOINTING MEMBERS AND ALTERNATE MEMBERS TO THE FISHERMAN ADVISORY COMMITTEE FOR TILLAMOOK COUNTY (FACT): Linda Buell said these were approved at the last meeting. Dave Vandecoevering has not agreed yet. The Commissioners will reappoint him any way and then remove him if he disagrees.

Vice-Chair Josi made a motion to approve and sign the Order re-appointing members and alternate members to FACT. The motion was seconded by Commissioner Labhart. The motion carried with three (3) aye votes. The Commissioners signed Order #08-084 which does not appoint Dave Vandecoevering.

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Ms. Buell discussed the FACT letter about marine reserves and the proposed addition of marine protected areas. She described how this would affect fisheries. She says Oregon has one (1) of the most highly regulated fisheries in the Country. Chair Hurliman suggested the Commissioners look at the FACT letter and consider endorsing it. Commissioner Labhart wanted to read it first. He thanked Ms. Buell.

ITEM NO. 7: DISCUSSION AND CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH OREGON ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT FOR A ONE PERCENT TECHNICAL ASSISTANCE GRANT FOR PREPAREDNESS TRAINING AND WORKSHOPS IN TILLAMOOK COUNTY: Gordon McCraw said this provides a part-time position for eighteen (18) months for emergency management outreach. Tom Manning has been hired.

A motion was made by Vice-Chair Josi to approve and sign the Community Development Block Grant Contract with Oregon Economic & Community Development Department for a one (1%) percent technical assistance grant for preparedness training and workshops in Tillamook County. Commissioner Labhart seconded the motion. The motion carried with three (3) aye votes. The Commissioners signed the Contract.

ITEM NO. 8: DISCUSSION AND CONSIDERATION OF PREVAILING WAGE CONTRACT FOR CONSTRUCTION BETWEEN TILLAMOOK COUNTY AND BIG ROCK EXCAVATION INC. FOR THE TILLAMOOK TRANSFER STATION STORMWATER MANAGEMENT PLAN: Ms. Purcell said they will construct drainage improvements and erosion control to enhance stormwater collection. Liane Welch said this will limit off-site water into our monitoring of water on the closed land fill.

Commissioner Labhart made a motion to approve and sign the Prevailing Wage Contract for Construction between Tillamook County and Big Rock Excavation Inc. for the Tillamook County Transfer Station Stormwater Management Plan. The motion was seconded by Vice-Chair Josi. The motion carried with three (3) aye votes. The Commissioners signed the Contract.

ITEM NO. 9: DISCUSSION AND CONSIDERATION OF NON-PREVAILING WAGE CONTRACT FOR CONSTRUCTION BETWEEN TILLAMOOK COUNTY AND DIAMOND N CONSTRUCTION FOR THE MEMALOOSE POINT BOARDING FLOATS: Del Schleichert said the Forty-Four Thousand Eighty (\$44,080) Dollars came from the State Marine Board.

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A motion was made by Vice-Chair Josi to approve and sign the Non-Prevailing Wage Contract for Construction between Tillamook County and Diamond N Construction for the Memaloose Point boarding floats. The motion was seconded by Commissioner Labhart.

Mr. Schleichert said it will be completed by mid-December.

The motion carried with three (3) aye votes. The Commissioners signed the Contract.

ITEM NO. 10: DISCUSSION AND CONSIDERATION OF CHANGE ORDER #1 TO CONTRACT #3931 WITH CLATSOP ELECTRIC FOR ELECTRICAL MATERIALS FOR THE TILLAMOOK COUNTY FAIRGROUNDS GRANDSTAND: Paul Levesque said this was a design/build project. The additional contract amounts reflect the materials used in the project. The grandstand was completed within the funds available.

Vice-Chair Josi made a motion to approve and sign Change Order #1 to Contract #3931 with Clatsop Electric for electrical materials used for the Tillamook County Fairgrounds Grandstand. Commissioner Labhart seconded the motion. The motion carried with three (3) aye votes. The Commissioners signed the Change Order.

ITEM NO. 11: DISCUSSION AND CONSIDERATION OF MODIFICATION #1 TO PROFESSIONAL SERVICES AGREEMENT #3974 WITH WESTECH ENGINEERING, INC. FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE WATER SYSTEM IMPROVEMENTS FOR THE HEBO JOINT WATER AND SEWER AUTHORITY (HJWSA): Mr. Levesque said this adds the required Oregon Community Development Block Grant language to the Grant Contract.

A motion was made by Commissioners Labhart to approve and sign Modification #1 to the Professional Services Agreement #3974 with Westech Engineering, Inc. for engineering services in conjunction with the water system improvements for the HJWSA. Vice-Chair Josi seconded the motion. The motion carried with three (3) aye votes. The Commissioners signed the Modification.

ITEM NO. 12: DISCUSSION AND CONSIDERATION OF CONTRACT FOR GENERAL SERVICES WITH DETEMPLE COMPANY TO REPAIR THE TILLAMOOK COURTHOUSE BOILER: Mr. Levesque described the upgrades that will be made as a result of this Contract. It should result in a balanced system and eliminate the need for space heaters.

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Vice-Chair Josi made a motion to approve and sign the Contract for General Services with DeTemple Company to repair the Tillamook Courthouse heating system. Commissioner Labhart seconded the motion. The motion carried with three (3) aye votes. The Commissioners signed the Contract.

ITEM NO. 13: DISCUSSION AND CONSIDERATION OF SERVICES CHANGE ORDER #1 TO CONTRACT #3881 WITH PACIFIC OFFICE AUTOMATION FOR COUNTY COPIER MAINTENANCE: Mr. Levesque complimented Su Yaremchuk for her good work on this contract and the savings being realized from her work as reflected in this modification.

A motion was made by Commissioner Labhart to approve and sign Change Order #1 to the Contract for General Services #3881 with Pacific Office Automation for County copier maintenance. Vice-Chair Josi seconded the motion. The motion carried with three (3) aye votes. The Commissioners signed the Change Order.

Chair Hurliman recessed the meeting at 9:52 a.m. and reconvened it at 9:53 a.m.

ITEM NO. 14: PUBLIC HEARING CONCERNING ENCROACHMENT REQUEST BY VICKI AMUSSEN, PROPERTY OWNER, REGARDING 4365 INDEPENDENCE AVENUE, IN NESKOWIN, OREGON: Counsel Sargent outlined the history and procedures for road encroachments.

Liane Welch showed pictures of the forty (40') foot right-of-way and the fifteen (15') foot traveled surface. She said there are many existing encroachments, but in 2005 the Commissioners signed an Encroachment Order prohibiting such encroachments unless authorized by the Board. She outlined the history of this encroachment beginning with the road approach permit. Ms. Welch contacted utilities and neighbors. She read the letter from the Neskowin Regional Sanitary Authority requesting denial of the license. She also read the Tillamook People's Utility District and the Fire Department responses requesting it be removed. Likewise, with Embarq. Six (6) letters and several phone calls were received, some for and some against. She read each of these. Staff recommends denial.

Vicki Amussen and Chris Medine, her attorney, were present. Mr. Medine said this was a mistake based on what was already going on in the neighborhood. He said the Order and State Statute were based on safety issues. He argued that this was safe and plenty of parking was provided. She will remove rocks and ground cover up to the fence for parking, if requested. She would like to keep the fence and remove it when needed.

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Commissioner Labhart discussed the rationale for the 2005 Policy. He read from the Policy. He said safety is one (1) of the factors. The Fire Department said they need twenty (20') feet and there is only fifteen (15') feet now. He reviewed what was involved in the encroachment. He also quoted from the attachment to the Order regarding fences. This encroachment significantly violates the Policy. He also read from the Staff Report that the request was after the fact. Commissioner Labhart said he was not going to approve the request because there was no good reason. He said we have to put our foot down to stem these encroachments.

Vice-Chair Josi said in the past he has disagreed with Commissioner Labhart but in this case he is in substantial agreement. He said he did not feel it was a mistake or the contractor's fault. All the utilities are opposed to it. He looked at the site. It should be taken back to the rock wall (one [1'] foot into the right-of-way).

Chair Hurliman said without knowing where the utilities are located, he is not willing to approve at all.

A motion was made by Commissioner Labhart to deny the request to approve the encroachment at 4365 Independence Avenue, Neskowin, Oregon. The motion was seconded by Vice-Chair Josi.

Vice-Chair Josi said he wanted to stay with the rock wall but will not vote against the majority. He asked Ms. Welch if the rock wall was a hazard. She wanted to look at it, but might be willing to go along with that.

Commissioner Labhart and Vice-Chair Josi removed their motion and second. It will come back to the Commissioners on Tuesday, Staff Meeting, September 9, 2008 at 9:30 a.m. for discussion.

ITEM NO. 15: BOARD CONCERNS – NON-AGENDA ITEMS & ANNOUNCEMENTS:

Commissioner Labhart talked about reauthorization efforts in Congress for Secure Rural Schools.

ITEM NO. 16: PUBLIC COMMENTS: There were no comments today.

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Vice-Chair Josi read the announcements.

There being no further business Chair Hurliman adjourned the meeting at 10:23 a.m.

RESPECTFULLY SUBMITTED this 24 day of September, 2008.

County Clerk: Tassi O'Neil

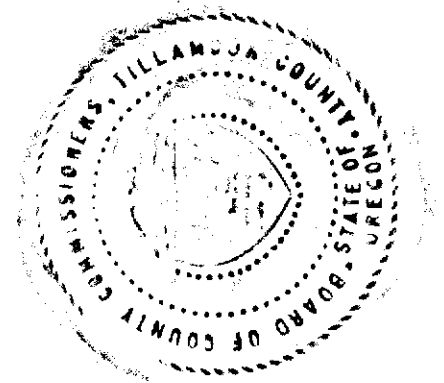
Susan L. Becraft
Susan Becraft, Recording Secretary
& Special Deputy

APPROVED BY:

Charles J. Hurliman
Chair

Vanessa
Vice-Chair

Wojtek Zabat
Commissioner



**NOTICE OF MEETING AND AGENDA
of the
TILLAMOOK COUNTY BOARD OF COMMISSIONERS**

Also sitting as the Board of the
SOLID WASTE SERVICE DISTRICT &
THE 4-H AND EXTENSION SERVICE DISTRICT
to be held

Wednesday, September 3, 2008, at 9:00 a.m.

Commissioners' Meeting Room A
County Courthouse, 201 Laurel Avenue
Tillamook, Oregon

BOARD OF COMMISSIONERS

Charles J. Hurliman, Chair
E-mail: churlima@co.tillamook.or.us

Tim Josi, Vice-Chair
E-mail: tjosi@co.tillamook.or.us

Mark Labhart, Commissioner
E-mail: mlabhart@co.tillamook.or.us

201 Laurel Avenue
Tillamook, Oregon 97141
Phone: (503) 842-3403 FAX: (503) 842-1384

ANY QUESTIONS? Contact
Paul Levesque (503) 842-1809
E-mail: plevesqu@co.tillamook.or.us

COUNTY WEBSITE: <http://www.co.tillamook.or.us>

WATCH THIS MEETING ON TV: TLCTV Channel 35

Monday – 1:00 p.m.
Thursday – 1:00 p.m.
Sunday – 1:00 p.m.

Tuesday – 8:00 p.m.
Friday – 8:00 p.m.

Wednesday – 9:00 a.m.
Saturday – 9:00 a.m.

NOTE: The Board of Commissioners reserves the right to recess to Executive Session as may be required at any time during this meeting, pursuant to ORS 192.660(1).

NOTE: The Tillamook County Courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual or manual impairments who wish to participate in the meeting, please contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

CALL TO ORDER: Wednesday, September 3, 2008 9:00 a.m.

BOARD OF COMMISSIONERS

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items
3. Presentation Concerning the Vital Tillamook Indicators Project, a Joint Project of the Tillamook County Futures Council and the Oregon State University/Shirley Kalkhoven, Lena Etuk

CONSENT CALENDAR

4. County Commissioners' Meeting Minutes for June 18, 25 and 30; July 2, 9, 16, 21, 23, 28, 30, and August 4 and 12, 2008

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of Order Appointing Marie Heimburg, Douglas Montgomery, Robert M. Emanuel and Mary M. Kimball to the Tillamook County Futures Council/Shirley Kalkhoven
6. Discussion and Consideration of Order Re-Appointing Members and Alternate Members to the Fisherman Advisory Committee for Tillamook County (FACT)/Linda Buell
7. Discussion and Consideration of Community Development Block Grant Contract with Oregon Economic & Community Development Department for a One Percent Technical Assistance Grant for Preparedness Training and Workshops in Tillamook County/Gordon McCraw
8. Discussion and Consideration of Prevailing Wage Contract for Construction between Tillamook County and Big Rock Excavation Inc. for the Tillamook Transfer Station Stormwater Management Plan/Jennifer Purcell
9. Discussion and Consideration of Non-Prevailing Wage Contract for Construction between Tillamook County and Diamond N Construction for the Memaloose Point Boarding Floats/Del Schleichert
10. Discussion and Consideration of Change Order #1 to Contract #3931 with Clatsop Electric for Electrical Materials for the Tillamook County Fairgrounds Grandstand/Paul Levesque
11. Discussion and Consideration of Modification #1 to Professional Services Agreement #3974 with Westech Engineering, Inc. for Engineering Services in Conjunction with the Water System Improvements for the Hebo Joint Water and Sewer Authority (HJWSA)/Paul Levesque
12. Discussion and Consideration of Contract for General Services with DeTemple Company to Repair the Tillamook Courthouse Boiler/Paul Levesque
13. Discussion and Consideration of Services Change Order #1 to Contract #3881 with Pacific Office Automation for County Copier Maintenance/Paul Levesque

9:30 a.m.

14. **Public Hearing** Concerning Encroachment Request by Vicki Amussen, Property Owner, Regarding 4365 Independence Avenue, in Neskowin, Oregon/Liane Welch, Walt Gile

15. Board Concerns – Non-Agenda Items & Announcements

16. Public Comments

ADJOURNMENT

BOARD MEETINGS AND ANNOUNCEMENTS

LABOR DAY is an observed holiday for Tillamook County, as well as the Circuit Court. All of the offices in the Courthouse will be closed on **Monday, September 1, 2008**.

The Commissioners will hold a Workshop on **Tuesday, September 2, 2008** at **3:00 p.m.** with the Oregon Department of Forestry to receive an update and discuss forest issues. The Workshop will be held in the Commissioners' Meeting Room B at the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The Commissioners will hold a Special Board meeting and tour with Lynn Peterson, Chair, Clackamas County Board of Commissioners, to discuss matters of mutual concern on **Friday, September 5, 2008** beginning at **1:00 p.m.** The meeting will begin in the Commissioners Conference Room B at the Courthouse, 201 Laurel Avenue, Tillamook.

The Commissioners will hold an Executive Session on **Tuesday, September 9, 2008**, at **8:00 a.m.** pursuant to ORS 192.660(2)(i) to conduct a performance evaluation. The Executive Session will be in the Commissioners' Meeting Room B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook. The Executive Session is not open to the public.

The Commissioners will hold a Special Board meeting and tour with Ted Wheeler, Chair, Multnomah County Board of Commissioners and his staff immediately following the Commissioners' Staff meeting on **Monday, September 29, 2008**. Commissioner Wheeler is interested in learning more about rural Oregon and about Tillamook County's issues and concerns. The meeting will begin in the Commissioners Conference Room B at the Courthouse, 201 Laurel Avenue, Tillamook around **10:00 a.m.**

Commissioners' Staff Meetings are held on Monday except for the second week each month when it is held on Tuesday. The second Tuesday, Staff Meeting schedule for the remainder of 2008 is:

- September 9
- October 14
- November 11 – No meeting (Veterans Day)
- December 9

The Commissioners' evening meeting schedule will resume in the Fall as follows:

October 15, 2008	Manzanita City Hall
November 26, 2008	County Courthouse
December 17, 2008	Cape Kiwanda Community Center
January 21, 2009	Manzanita City Hall
February 18, 2009	County Courthouse
March 18, 2009	Cape Kiwanda Community Center
April 15, 2009	Manzanita City Hall
May 20, 2009	Cape Kiwanda Community Center

**BOARD OF COMMISSIONERS'
MEETING**

Wednesday, September 3, 2008

PLEASE PRINT

Name Address Item of Interest

Del Schleicher Parks # 9

JOHN GETTMAN all

Jennifer Purcell FC and SW

Lena Etuk OSU 1101 Milam Hall ^{Tillamook} Corvallis Vital Indicator Project

SCOTT REED 101 BACCARO EXTENSION Hall OSU CORVALLIS, OR 97331 "

Gordon McLraw TCSO # 7

LINDA BULL Forest 2

(Please use reverse if necessary)