

REGULAR MEETING MINUTES
COOS COUNTY BOARD OF COMMISSIONERS
Owen Building Large Conference Room
February 5, 2019
8:30 A.M.

In Attendance: Chair John Sweet, Commissioners Melissa Cribbins and Bob Main, County Counsel Nathaniel Johnson, Business Operations Manager Bobbi Brooks (see roster for others)

County employees were on a 2-hour delay due to weather conditions, so the executive session was moved to the end of the meeting.

Chair Sweet led the pledge of allegiance and opened the public portion of the meeting.

2. CITIZEN COMMENTS (agenda items or general comments) – limited to 3 minutes per person

Phil Thompson said that this is not the first time he has brought up this idea, but he would like the Board to make the first meeting in February the "Andy Jackson" meeting. He said that former Commissioner Jackson was popular and well liked, and he deserves more than just a rock in front of the courthouse. Mr. Thompson said that he wishes the commissioners would consider this, and Chair Sweet asked Mr. Thompson to remind them next year, in January.

Dick Mork said that the smart meter meeting was mostly just a discussion, and he was blindsided by the fact that the Board did not go forward with the ordinance. He said that he had questions that he wanted to ask at the meeting but there was no opportunity to do so. Mr. Mork then said that the Board just signed on to tax marijuana growers, and he wondered if this meant that they would also tax timber growers, as they are all ag.

Commissioner Main said that timber is not ag, according to the Department of Revenue, and Commissioner Cribbins added that marijuana isn't either. Chair Main said that there is a distinction, as marijuana increases our need for law enforcement. He said that the way the tax is set up, it all goes to sales and not growing, and the county doesn't get a very big share of that revenue. Mr. Mork then said that it appears that the Board is singling out one business over the others, but Commissioner Cribbins said that the voters approved of the advisory question in November, so it's what people want to see.

PUBLIC HEARING

3A. Vacation Request from Tait & Karen Edwards VAC-18-002

Mr. Johnson said that he needed to call attorney Fred Carlson, attorney for the opponents, as Mr. Carlson was stuck out of town due to weather. Once Mr. Carlson was on the phone, Planning Director Jill Rolfe read from the attached "hearing procedures". She also said that she did not know the intent of the petitioners, as this application was received by the Surveyor's office and not Planning.

Commissioner Main asked what commercial uses would be allowed, and Ms. Rolfe replied there would be several. She said that it could be a grocery store, vehicle rental and repair, storage, bed & breakfast, just about anything that caters to the community. Commissioner Cribbins asked how wide the road is now, and Ms. Rolfe replied that the road is not developed at all.

Surveyor Mike Dado said that the petitioners wanted to vacate the strip in front of them, which made sense to him, as this would not put an undue hardship on the remaining property. Commissioner Main then asked, if the Board approves this vacation, does the other property owner also receive 20'? Ms. Rolfe said no, they don't, but they could ask the Board the same as the petitioners did. Ms. Rolfe then said that the only thing that can be considered today is the application in front of the Board, and if this is in the public's best interest.

Chair Sweet asked if there were any more proponents who wished to speak; there was no response. He then asked if there were any opponents wishing to speak.

Mr. Carlton said that he would like to begin by having his client, David Hopkins, hand out a couple of documents, which included assessment and tax information. Commissioner Cribbins informed Mr. Carlton that his clients only had one copy to provide, and Chair Sweet said that the commissioners would take a moment to review these documents. Shirley Hopkins had included her property deed, which Commissioner Main returned to her, noting that we need to keep these documents for the record. Commissioner Cribbins asked what was the relevance of these documents, and Mr. Carlton replied that they show lawful ownership, and that the Hopkins are not just adjoining land owners but abutting owners. He then said that vacations are a policy matter for the county, and he isn't sure what the Board's policy is, but the statute is clear about abutting owners. He said that the petitioners put "none" on the application for abutting owners, so their application should fail on this technical aspect. Mr. Carlton then said that the report from the Roadmaster does not address Fairview Road, which it should. He said that the Edwards' have all sorts of development plans, including the possibility of storing equipment for the LNG

project, if this vacation is granted, so he feels that this vacation would be detrimental to his clients. He then added that any future vacation requests would result in a "checkerboard" for the road.

Mr. Hopkins said that a long truck would not be able to turn onto Rodgers Drive. He said that he has done some culvert work, and that the folks who have talked about developing are aware that more work would need to be done.

Chair Sweet asked if there was anyone else who wished to speak against this vacation; there was no response.

Commissioner Cribbins asked, for clarification, if the Hopkins' objection was to both roads or just Rodgers Drive. Mr. Carlton said that the objection is to both, and that he doesn't think that the petition is proper.

Mr. Johnson said that if Mr. Carlton ever finds himself in this situation again, it would be appropriate to raise these types of concerns before the hearing takes place. He said that he doesn't have the ability right now to determine the question of "proper" petition, but he could have reviewed it before today.

Commissioner Cribbins then said that there is a valid concern about the 10' on Fairview Road not being addressed by Roadmaster John Rowe, and she asked if Ms. Rolfe could clarify this. Ms. Rolfe said that she can't address the issue but she does agree that we need to be more clear in our reports.

Commissioner Main said that the commercial use requires 60'. Ms. Rolfe said that it's good to note this procedural issue but it shouldn't apply today. Commissioner Cribbins said that the commissioners understand this, but it doesn't meet the standard as it is currently written. She then wondered if the Board could give Mr. Rowe more time to address the issue in his report.

Mr. Carlton said that the idea that he raised the jurisdictional question at the last minute is disingenuous, since he wasn't allowed to comment prior to the hearing. He said that he did correct an error in the order when he was given the opportunity to do so, but he was not aware that he could raise any other issues at that time. He said that the time to raise these issues is at the hearing, which is what he is doing.

Mr. Johnson said that if the Board would like more time, it would be appropriate to set this matter forward. Commissioner Cribbins said that without the finding from the Roadmaster, she would like to set this over. Ms. Rolfe then said that if Mr. Carlton is correct, it would also give the petitioners a chance to withdraw their petition.

Commissioner Cribbins moved to set this hearing over to March 5 at 9:30 AM. Chair Sweet seconded the motion.

Commissioner Main said that he is prepared to deny the application now, understanding the point that Mr. Carlton made but this is just dragging things out. Commissioner Cribbins said that it gives them time to do this right, so that we don't create any other issues for the future.

Vote was taken and unanimously carried.

DEPARTMENT HEADS

4A. Request Approval of IGA with Department of Corrections & Authorize Director to Sign- Community Corrections

Director Mike Crim stated that the IGA originally given to the Board had some grammatical errors, so he presented the corrected version. He then said that this IGA pays for a business analysis to see if the state's computer system and the one the county uses can be interfaced. Mr. Crim said that the system they currently use is antiquated, having been in use when he first was hired by the county in 1993, and they want to see if the information in this system can be converted to what the state is using.

Commissioner Cribbins moved to approve the IGA in the amount of \$2,001 and to authorize Director Mike Crim to sign. Commissioner Main seconded the motion. Vote was taken and unanimously carried.

4B. Request Approval to Purchase Yamaha Side by Side ATV- Sheriff

Sheriff Craig Zanni said that staff is requesting to purchase a 2019 Yamaha YXZ 100R side by side ATV from Florence Yamaha, the lowest quote. He said that they held off making this purchase in order to insure that the funds would be available.

Commissioner Main moved to approve the purchase from Florence Yamaha plus outfitting in the total amount of \$19,999. Commissioner Cribbins seconded the motion.

Commissioner Cribbins asked if Florence Yamaha was doing the outfitting, as the agenda coversheet is not clear about this, and Sheriff Zanni said that he isn't sure but he could check and let the Board know.

Vote was taken and unanimously carried.

4C. Request Approval to Purchase Computers- Sheriff

Sheriff Zanni said that they need to replace a 2011 Surface Pro and 3 2012 computers.

Commissioner Main moved to approve the purchase of a Surface Pro & 3 computers from CDW-G in the amount of \$6,038.83. Commissioner Cribbins seconded the motion. Vote was taken and unanimously carried.

4D. Request Award of Contract for Repairs to Owen Building- Maintenance

Maintenance Supervisor Mike Hagen said that he asked 3 companies to submit quotes for the needed repairs but only 1 contractor sent a response. He then said that they are still working with the insurance company of the woman who ran into the Owen Building to try and get them to pay the full amount of the repairs. Mr. Hagen then said that this seemed like a good time to upgrade the doors and replace them with a sliding door; this would solve the problems that we have when the wind is blowing the doors open and bending the frames.

Chair Sweet said that the math on the agenda coversheet doesn't add up, but Commissioner Cribbins said that there are enough funds in the Major R&I line item to cover all the expenses. Megan Simms, Treasurer/Finance Director, said that the Board needs to approve the total expenditure and then they will figure out the math once the insurance claim is resolved.

Commissioner Cribbins moved to award the contract to Morrison Gederos LLC in the amount of \$24,114.53 and to authorize County Counsel & Maintenance to continue negotiations with the insurance company for payment. Commissioner Main seconded the motion.

Eldon Rollins asked how the woman was able to hit the doors and not the pillar. Mr. Hagen said that no one knows how that happened.

Vote was taken and unanimously carried.

4E. Request Approval of Order Initiating Transportation District Formation- Counsel

Mr. Johnson said that Transit Manager Sergio Gamino is here today to answer any questions that the commissioners may have, but all the cities have signed resolutions approving the county going forward with the formation of a transportation district. He said that 2 hearings will be required, with the first hearing taking place on March 19 at 9:30 AM. He said that he also understands that a new name has been proposed.

Mr. Gamino said that the issue of rebranding has come up, and getting away from the negativity about CCAT being for drug users and the poor. He said that the proposed name is "Bay Area Transportation District". Commissioner Cribbins said that this name leaves out the rest of the county, and Chair Sweet said that he agrees. She said that she doesn't have an issue with rebranding, but it needs to be all inclusive. Commissioner Main said that he didn't realize that there was a stigma attached to CCAT, as he had never heard anything negative about it. Commissioner Cribbins then said that they could do "doing business as", if they want, but the name of the district must include the entire county.

Commissioner Cribbins moved to approve Order Initiating Transportation District Formation 19-01-004L, In the Matter of the Formation of the Coos County Area Transportation District in Coos County, Oregon as presented. Commissioner Main seconded the motion. Vote was taken and unanimously carried.

5. **CONSENT CALENDAR- administrative matters not up for discussion**

A. **Approval of Minutes**

Worksession- Fleet Services- November 6, 2018
Regular Meeting Minutes- January 2, 2019
Regular Meeting Minutes- January 15, 2019
Executive Session (2)(b)- January 17, 2019
Joint Workgroup Minutes- January 22, 2019

B. **Ratification of All Routine Expenditures, Tax Overpayments and Adjustments and Transfer of Funds Within the Budget**

Transfer of Appropriation within Department- Sheriff/Jail- unanticipated expenses

C. **Orders & Resolutions**

Order 19-01-005C, In the Matter of Appointing Janice Wilkerson to the Garden Drive Special Road District Board of Directors
Order 19-01-006C, In the Matter of Reappointing Elise Ciruolo to the Cedar Crest Special Road District Board
Order 19-01-007C, In the Matter of Appointing Lexi Snell to the Coos County Noxious Weed District Advisory Board
Resolution 19-01-011P, In the Matter of Classifying and Placement of Various Employees on the Regular Coos County Payroll Effective Their Hire Date
Resolution 19-01-012P, In the Matter of a Personnel Transfer for Kristie Rempelos Effective January 31, 2019
Resolution 19-01-013P, In the Matter of a Personnel Transfer for Lindsay Otton Effective January 31, 2019
Resolution 19-01-014P, In the Matter of Granting Salary Merit Step Increase for Kurt Brecheisen Retroactive to January 1, 2019
Resolution 19-01-015P, In the Matter of Granting Salary Merit Step Increases for Various Employees Effective February 1, 2019
Resolution 19-01-016P, In the Matter of a Personnel Transfer for Thomas VanLeuven Within the Sheriff's Department Effective February 1, 2019
Resolution 19-01-017P, In the Matter of a Personnel Transfer for Zachary Smith Within the Sheriff's Department Effective February 1, 2019

D. **Items Previously Approved (authorize Chair to sign where necessary)**

Contract with North Pacific Security- CHW- building security
Contract Amendment with Gonzaga University- CHW- interns
Contract Amendment with Gold Coast- CHW- HIPAA compliance
Agreement with Bay Clinic- CHW- HIPAA compliance
MOU with OSU Extension Service- CHW- SNAP program
Contract Renewal with C&S Fire-Safe Services- Maintenance- fire extinguisher services

Commissioner Main moved to approve the Consent Calendar as presented. Commissioner Cribbins seconded the motion. Vote was taken and unanimously carried.

7. **COMMISSIONERS REPORTS**

Commissioner Cribbins said that we are 3 weeks into the legislative session, and that the cap & trade bill was released on Thursday. She said that Ag and the counties do not approve of this bill, as it is not good for the south coast at all. She said that this is going to be a busy session, and there are several bills that she is keeping a close eye on. Commissioner Cribbins then said that she will be taking part in the strategic planning for Energy Trust next week, and that she and the other commissioners attended the Bay Area Chamber awards banquet on Saturday.

Commissioner Main said that all 3 commissioners attended the Board of Health meeting and they had a worksession to discuss the CEP last week. He also attended a fundraiser held at SWOCC, the Jordan Cove open house for their new offices, the STEP and the Riverman's meeting. He then said that the Board did some budget planning, discussed the tobacco policy and conducted interviews for the position of Maintenance Director, hiring Mr. Hagen into the position.

Chair Sweet said that he participated in the state's exit interview for the Behavioral Health and he also attended the SHPO meeting, the Senator Merkley town hall, the monthly code enforcement meeting and held a meeting sponsored by AOC to discuss tide gate issues.

Chair Sweet recessed the regular meeting so that the Board could meet in executive session. He explained that county employees were told to report to work 2 hours late today due to weather conditions, so the executive session portion of the meeting was moved to the end of the meeting. Chair Sweet then said that audience members are welcomed to stay until the end of the session, as any decisions would need to be made in open session.

EXECUTIVE SESSION under the authority of ORS 192.660

Chair Sweet read the statutory authority for the Board to meet in executive session, noting that no media were present.

1B. (2)(h) Consultation with Counsel

Mr. Johnson discussed a tort claim notice, an appeal of a Planning matter and a possible civil suit that could be filed. He then discussed the MERS litigation that he has been working on.

Chair Sweet adjourned the executive session and returned to open session; there were no audience members left in the large conference room.

LATE AGENDA ITEMS

6A. Request Approval to Withdraw from Litigation- County Counsel

Commissioner Cribbins moved to authorize Nathaniel Johnson to negotiation an exit from the MERS class action lawsuit. Commissioner Main seconded the motion. Vote was taken and unanimously carried.

Chair Sweet adjourned the meeting.

Respectfully submitted,



Bobbi Brooks
Business Operations Manger



Commissioners Approval for Submission to the Board

ROSTER

Meeting: Box Meeting

Date: 2/5/19

Name:

Address:

David D Jennings	Coquille
Dick Monk	CB
Phil Thompson	CB
Dave & Dolores Hopkins	Coquille
Megan Simms	Finance
LeRoy Scrags	Piney Flats
Jacko Benitz	
Michael R. CMM	Community Collection

Langston Corp. L. Smith's Office

A G E N D A
COOS COUNTY BOARD OF COMMISSIONERS
Owen Building Large Conference Room
February 5, 2019
8:30 A.M.

1. **EXECUTIVE SESSION under the authority of ORS 192.660**
 - A. (2)(e) Real Property Transactions
 - B. (2)(h) Consultation with Counsel

PLEDGE OF ALLEGIANCE

2. **CITIZEN COMMENTS (agenda items or general comments) – limited to 3 minutes per person- scheduled to begin at 9:30 AM**

3. **PUBLIC HEARING**

A. Vacation Request from Tait & Karen Edwards VAC-18-002

4. **DEPARTMENT HEADS**

A. Request Approval of IGA with Department of Corrections & Authorize Director to Sign- Community Corrections

B. Request Approval to Purchase Yamaha Side by Side ATV- Sheriff

C. Request Approval to Purchase Computers- Sheriff

D. Request Award of Contract for Repairs to Owen Building- Maintenance

E. Request Approval of Order Initiating Transportation District Formation- Counsel

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Resolution 19-01-014P, In the Matter of Granting Salary Merit Step Increase for Kurt Brecheisen Retroactive to January 1, 2019

This agenda does not limit the ability of the Commissioners to consider additional subjects. The Board reserves the right to place a time limit on public testimony on any matter. The meeting place is handicapped accessible; if special accommodation is needed, please contact the office at least 24 prior to the meeting.

Resolution 19-01-015P, In the Matter of Granting Salary Merit Step Increases for Various Employees Effective February 1, 2019

Resolution 19-01-016P, In the Matter of a Personnel Transfer for Thomas VanLeuven Within the Sheriff's Department Effective February 1, 2019

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Agreement with Bay Clinic- CHW- HIPAA compliance

MOU with OSU Extension Service- CHW- SNAP program

Contract Renewal with C&S Fire-Safe Services- Maintenance- fire extinguisher services

6. LATE AGENDA ITEMS

7. COMMISSIONERS REPORTS

Coos County Board of Commissioners Hearing Procedures

Introductions

Chair

This is a hearing in the matter of considering a vacation of a 10 foot strip of Road "Fairview-Summer" and a 20 foot strip of road "Rogers Drive" that is located in Block 1, Lot 1 in the subdivision plat of Fairview. Order Number 19-01-008PL submitted by Tait & Karen Edwards.

Staff please review the matter.

Staff

Now Before the Board of Commissioners on the 5th day of February, 2019, is the matter of granting the vacation of the following property; a 10 foot strip along the north east and a 20 foot strip along the southeast line of Block 1, Lot 1 in the plat of Fairview Subdivision 1957. This vacation has been process in accordance with ORS 368.326 to 368.66.

The Board of Commissioners initiated this vacation process on November 20, 2018 through order 18-11-075. This was done by the Surveyor's Staff and then this file was transferred to the Planning Department to complete the process. There was a hearing set January 9, 2019, notice was sent out and published as required. Due to scheduling conflicts with the Board of Commissioners and a request from an adjacent property owner for more time to review the vacation information the hearing was continued until the regularly scheduled Board meeting to be held on February 5, 2019 starting at 9:30 am.

Planning Staff reviewed the application to determine that ownership was consistent with ORS 368.336 and the application was complete. Planning Staff provided notices as required ORS 368 for the public hearings.

The Board of Commissioner shall consider the following:

1. 368.331 Limitation on use of vacation proceedings to eliminate access. A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.
2. ORS 368.346(1)(b) An assessment by the county road official of whether the vacation would be in the public interest; and(c) Any other information required by the county governing body.

Planning Staff is requested that the Board of Commissioners consider whether the proposed vacation is in the public interest.

Staff's understanding is that an adjoining property owner has some concerns about reduction of the of the road width. The area of concern is platted at 60 feet and would be reduced to 40 feet.

The property is within Rural Center. This would allow for residential and some commercial uses. Reduction of the road would have to be shown that it would deprive the other owner of access. The only proposal provided for use of the other property was for log chipping or some type of processing but this is an industrial use. The other issued raised was if this would limit about dividing the property. However, this property is zoned RC and cannot be further divided. It is already in lots and blocks but the minimum lot size is 1 acre (he has 1.98). Due to the fact it has already been divided up and the roads were approved they are considered pre-existing and are not required to be 60 feet wide.

Staff is happy to answer any other questions.