

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

May 17, 2017

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Margaret Magruder and Commissioner Alex Tardif, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator.

Commissioner Heimuller called the meeting to order and led the flag salute.

**MINUTES:**

Commissioner Tardif moved and Commissioner Magruder seconded to approve the minutes of May 10, 2017 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

***Leigh Kenoyer, 68670 Bedell Rd, Deer Island:*** Leigh attended the meeting last week on 05.10.17 to express concerns regarding the road department and her neighbor Eddy Monk doing continuous road work on Bedell Road. She and other neighbors have tried to mitigate the issues, with no results. In fact, it has escalated to violence. She is in the process of obtaining reports from 911 along with body cam footage, so the Board will have the overall picture of the issues and reasons for concern. Detective Peabody has spoken with Judge Grove, and informed her that Judge Grove is willing to give all involved some time for mediation on the issue on Bedell Rd., and would like to extend the invitation for the Board to attend. Leigh feels that her property is impacted directly by Mr. Monk's actions, causing future run off that will impact her yard, her drain field and septic. The road work needs to be left to the professionals. She feels threatened by Mr. Monk when she is on her own road almost being run over by him. She is here to ask for a cease and desist order against Mr. Monk. Commissioner Heimuller informed Leigh that Mr. Monk has been asked not to put any of his equipment on the road because his equipment is not covered in doing work on a county road. He suggested that Leigh stop by the road department and ask Dave Hill for a copy of that information.

***Don Campbell 75735 Price Rd. Rainier, OR.*** Don shared his complaint on the property located on 75728 Price Rd that is in non-compliance with the 50 foot frontage criteria. This property only has 33 feet vs 50 feet of road frontage. Reading from the activity report he obtained from LDS, "Todd Dugdale advised that we are not going to investigate the complaint without a court order and we have the right to determine what is or is not a violation." Don believes that Todd is not even looking at the issue, and refusing to investigate. This mistake was made before any investment or development. The big issue begins on June 4<sup>th</sup> of 1991 when the 50 feet of frontage was required, and the development began on June 6<sup>th</sup> 1991 with only 33 feet of road frontage. Commissioner Heimuller asked Don how does this particular property affects his property. Don believes

it will add more people to the county road (which is already hard enough to have the county keep it maintained), it causes road congestion and it has the potential to increase his property taxes. The neighbor to the west of this driveway, has had issues with PUD putting transformers in her yard because the road access not wide enough. Don feels that with the county's refusal to investigate and give oversight prior to development is causing a conflict in the neighborhood. With the rise in the road he also feels that it is a safety issue for this driveway. It is a huge problem that this is not being corrected after it has been pointed out.

### **WARREN GRANGE PROPOSAL FOR 4H BUILDING IMPROVEMENTS:**

***Eva Frost - Warren Grange:*** The Warren Grange rents the 4H building at the fairgrounds and they would like to put covered patios on each side of the building to encourage a gathering place for the 4H kids. The project will be in two to three phases, due to funding and possible volunteer labor and only one tree will need to be removed. They would like to put concrete slabs on both sides with metal roofs to match the rest of the fair buildings, install a water fountain, gas or electric fire pit, picnic tables and benches that they hope to sell sponsorships to, outside patio lights, improved side doors, possible low fence that borders one or both sides. They have completed the electric, gas and waterline check. It has been marked and copies are at the fair office. Al Peterson has done the first phase drawing and the Fair Board approved it on 4/10/17. Once all information is completed, they will go to the planning department for whatever permits are needed. Members from the Warren Grange talked to the 4H extension office and asked that they be involved in the project. There is an interested party that is wanting to lay the concrete patios at next to no cost. Eva has contacted a lot of companies for quotes to get a rough idea of the project cost. Commissioner Heimuller asked who was paying for this. Eva responded that Grange is going to. They have already had one fund raiser and have received one donation in the amount of \$6,000.00. With fund raisers and donations, they hope to be able to make this happen.

***Butch Guess - Fair Board Chair:*** The Fair Board has looked at this and they think it's a great idea. It will definitely enhance the area at the grange. The only problem is if they use natural gas lines, it would require another meter and could cause some extensive work. Propane lines would be a better option. They would help with the water to the fountain. The Fair Board feels that this would help with the revenue of the 4H building. Commissioner Heimuller disclosed that he is a Warren Grange member. Commissioner Magruder is happy with the work that Warren Grange has done, and enjoys the breakfast that the Grange serves. Commissioner Tardif thinks that it is great to see Warren Grange step up again. His only question is about the tree removal, and will trees take its place? Yes, with a couple of trees and additional landscaping around the fountain. Commissioner Heimuller commented that this sounds like a great community project and there was Board consensus to move forward with this project.

**DELIBERATIONS: BRAIN RICHARDS CODE VIOLATION APPEAL:**

Robin McIntyre noted that this is the time set for the deliberation in the matter of the Brian Richards Code Violation appeal. The Board held a hearing last week and took in evidence and testimony. Staff is here to answer any questions.

Commissioner Heimuller reminded all that this is a situation where Mr. Richards built a structure on Bird Rd without the appropriate building permits and not within the setback criteria of a county right-a-way. Fines have been determined to be \$95,571.00.

Commissioner Magruder mentioned that, during the hearing last week, Mr. Richards indicated that he could and would move the building. She would like to ask Mr. Richards to get permits and admit the violations by a certain date, and perhaps she might entertain the idea of reducing the fines.

Commissioner Tardif agrees somewhat with Commissioner Magruder, except for the fact that this has been going on for 12 years. Mr. Richards knew that when he built his house he obtained permits so he should have known that he would need permits to build the garage. After years of citations, fines, etc., the building still has not been moved. So if the Board plans to entertain something as Commissioner Magruder presented, he would like to recommend stipulations to set time lines such as the building needs to be moved to its new location by 09/01/17. We cannot allow this to go on any further, however, Mr. Richards has made it very clear that if we impose the full fine that he would walk away from the property, so at the end of the day we still have a building in the wrong spot.

Commissioner Heimuller understands that Mr. Richards feels that the county should eliminate the fine, however, he has looked at all the staff time and energy that have gone into this over the course of the 12 years and \$95,000 doesn't even cover the staff time. He could go along with a reduced fine, but this needs to be dealt with. Staff is very frustrated with this situation and definite timelines need to be put in place and a fine determined.

Discussion was held on the completion date, amount of fine and what would happen should the building not be moved within the allotted time frame. When asked, Todd Dugdale stated that permits can be issued in the time allotted for the move. Commissioner Heimuller suggested that, if the building is not moved by a specific date, the full fine of \$95,571.00 will be imposed, along with any additional daily fines up to that date. Robin explained that a new citation would need to be issued for any additional fines. She also noted that payment of any fine does not relieve the defendant of complying with the code. Even if the Board were to allow him to sign an agreement and give him time to move the building, if he does not comply, he would still be out of compliance and the county would enforce the fines. Any decision made by the Board today would be tentative and staff would prepare the appropriate documents for final action.

After all discussion, Commissioner Tardif moved and Commissioner Magruder seconded that Mr. Richards be fined \$45,000.00 for non compliance with a final order imposing that fine and have the building completely moved by October 1, 2017 and, if not in compliance by October 1, 2017, then the full fine of \$95,571.00 will be imposed, with the added condition that Mr. Richards has until June 15, 2017 to obtain the necessary permits. The motion carried unanimously.

### **CONSENT AGENDA**

Commissioner Heimuller read the consent agenda in full. With no changes/additions, Commissioner Magruder moved and Commissioner Tardif seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for the week of 5.6.17.
- (B) Order No. 25-2017, (Setting Auction Date and Terms, Conditions and Regulations) "In the Matter of Leasing County-Owned Oil and Gas Rights for Underground Gas Storage in the Mist Gas Field".

### **AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (C) Intergovernmental Agreement with the City of Rainier for the Collection of the City's Marijuana Tax.

The motion carried unanimously.

### **COMMISSIONER HEIMULLER COMMENTS:**

Commissioner Heimuller mentioned that tomorrow is second budget meeting here in Room 308.

He was invited by Business Oregon to go to Salem to visit C-tech. This vocational school has a lot of similarities to the project that the OMIC will be offering in Scappoose. C-tech Vocational School adds programs every year with currently over 300 students and will hold up to 1,000. In addition, the homebuilding class builds a house every year, sells it and the funds go back into the school. It's a great program.

He will be spending time this week at Head Start reading to the kids.

A reminder that the Columbia County Fair is coming up in July and they are always looking for volunteers.

He will be attending a fundraiser at Sacagawea on Saturday at 4:00 pm.

He will be spending time next week with Scappoose High School civil rights program.

A reminder that the Board and Staff meetings next week have been canceled. The full Board will be attending the NACo conference next week in Bend, OR.

Finally yesterday was a special election day. Thank you for all that ran and congratulations to all that won.

He also attended Cynthia Dugdale's service this past Saturday. Thoughts and prayers go out to Todd and his family.

**COMMISSIONER MAGRUDER COMMENTS:**

Commissioner Magruder mentioned that May 14-20, 2017, is Invasive Weed Week. She would encourage all to study how weeds are spread, so it can be reduced.

Congratulations to all those who ran for office and won. She pointed out that only 25% of our voters voted. That means about 9,000 out of 35,000 voted. These are important positions and is somewhat disappointed that so few voted.

She is looking forward to going to County College this Friday and Saturday with Commissioner Tardif in Salem.

**COMMISSIONER TARDIF COMMENTS:**

Commissioner Tardif wanted to thank everyone who came out to Chapman Landing to volunteer in the clean up. It was a great turn out. More projects are being planned and he is very excited about them.

As mentioned by Commissioner Magruder, they will be in Salem on Friday and Saturday to attend AOC County College, learning about economic development.

He will be reading to the kids at Head start next week and is looking forward to it.

Condolences to the Johnson family who lost their daughter over the weekend to a motocross event. Our prayers and thoughts are with the family.

//  
//  
//  
//  
//  
//  
//

There was no Executive Session held.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 17<sup>th</sup> day of May, 2017.

NOTE: An audio CD of this meeting is available for purchase by the public or interested parties. A video of the meeting is also posted on our website at [www.co.columbia.or.us](http://www.co.columbia.or.us)

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Henry Heimuller, Chair

By: \_\_\_\_\_  
Margaret Magruder, Commissioner

By: \_\_\_\_\_  
Alex Tardif, Commissioner

By: \_\_\_\_\_  
Jan Greenhalgh,  
Board Office Administrator