

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

December 19, 2007

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Joe Corsiglia, together with Sarah Hanson, County Counsel, Spencer Parsons, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

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

**MINUTES:**

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the November 27, 2007 Work Session; November 28, 2007 Board meeting; December 5, 2007 Board meeting; December 5, 2007 Staff meeting; December 11, 2007 Work Session; and December 12, 2007 Board meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

*Stephanie Klepel, 34067 Sykes Road, St. Helens:* When she came before the Board last week, she had expressed concern about the Fair Board not agreeing to waive the fee to the Kiwanis for their toy and food collection and distribution event. She had asked Commissioner Bernhard to contact Ronda Courtney to see if that fee could be waived because of the special circumstances. When Stephanie called Ronda, she stated that Commissioner Bernhard had never asked her to waive the whole fee.

Commissioner Bernhard stated that she did speak with Ronda about waiving the fee, who informed her that she would have to meet with the Fair Board to discuss this and get back to Commissioner Bernhard. They have been very busy the past few weeks and she has not heard back from Ronda.

Stephanie followed up with Ronda who said they would absolutely not waive the fee. Stephanie's personal opinion is that this is the stingiest thing she has heard out of this County yet and is very disappointed and aggravated. Very rarely does the Fair Board get asked for anything and especially under the current circumstances to deny this waiver is beyond her. If they can't waive an \$800 fee, then they have bigger problems than we know. Since the Fair Board wants to take that attitude, Ronda is receiving \$72,806 annually in wages and benefits and there needs to be a stop to that right now.

Commissioner Hyde stated that it is highly inappropriate to interrogate the Board. This is a time to take public comments and the Board can then follow up on them. Stephanie is upset. The county has to bail out the Fair every year, but they can't give up \$800?

Commissioner Hyde agrees there are issues that need to be looked at but doesn't agree with everything Stephanie is saying.

Commissioner Bernhard stated that what Stephanie referred to in the 1998 ordinance was to deal with a specific issue. There were a lot of different things going on back then. Commissioner Hyde stated that there was a request from the Fair Board to help them employ a manager to oversee the Fair operations.

Commissioner Corsiglia wanted to separate the two issues. The money issue can be looked at between now and the next budget session. Going back to the fee waiver and charity issues, the month is not over yet and he would like to wait until the first of January and look at the different groups who used the Fairgrounds. What he understood from the meeting last week is that the County might consider the possibility of some refunds, even if the Fair Board did not.

The Board asked that Stephanie be patient. They will be meeting with the Fair Board sometime in January and will bring up these concerns.

***Peggy Crisp, 34571 Millard Road, St. Helens:*** There has been some previous discussion on the Fair selling a piece of fair property to CRPUD, and Peggy had heard that Commissioner Corsiglia said it may not be legal because it is County property. Commissioner Bernhard understands it is legal and there has been an on-going process through our legal office. Commissioner Corsiglia clarified his comments. When the initial discussion started, it was between the Fair and CRPUD. That part of it was not justifiable, it needed to come through the Board of Commissioners because the County owns the land. The Fair Board does not own the land and therefore they cannot negotiate the sale of county property. He doesn't recall ever saying it was illegal.

***Tammy Maygra, 34319 Cannan Road, Deer Island:*** Tammy understands the Board is working on the flood issues and she wanted to commend the Board for doing an outstanding job. She also wanted to thank all the citizens in Columbia County who have helped out in labor and donations. She is very proud of all of them.

That said, Tammy wanted to speak to the Fair issue. Under the ORS, Chapter 565, the Board has the authority to make agreements regarding Fair conduct, personnel, contracts, etc. So the Board has the tools to try to straighten this out. Tammy has been to several Fair meetings over the years and, time and time again, Commissioner Hyde has stated that the County is not going to bail out the Fair anymore. Last year, the County gave the Fair \$46,455. That money comes out of her pockets as well as everyone else who pays taxes. When Tammy attended that Fair meeting last week, she asked the Fair Board to waive the fees for the Toy & Joy and Kiwanis for the food baskets. Many of the people who pay to support the Fair through taxes are the same ones effected by the recent flood. To charge people who have lost almost everything they own is a slap in their face. Commissioner Hyde feels the Board is not in disagreement here and they will be meeting with the Fair Board in the next couple of months to discuss many different issues. Tammy stated that she would like to attend that meeting. Commissioner Bernhard asked those speaking today if they have any ideas or suggestions on how the Fair can raise additional revenue. Tammy stated that when people go to the Fair Board with suggestions, they have been made fun of and laughed at. If someone comes in with a suggestions, at least have the common decency and manners to listen to them. Commissioner Hyde agreed that is not appropriate. The

Board appoints over 50 committees and they are representative of the County and decorum is expected. Again, the Board will be meeting with the Fair Board in January or February and this will be a part of that discussion.

**HEARING: STEPHEN EDNEY MINOR PARTITION IN PF-76:**

This is the time set for the public hearing, "In the Matter of the Application of Stephen M. & Sally Edney for a Minor Partition in the Primary Forest (PF-76) Zone".

Spencer has received a request from the appellant to continue this hearing once again. The parties are continuing to work on a settlement agreement, however it is still not finalized. Spencer suggested that, instead of coming back every other week, the date of this hearing should just be carried over to March 5, 2008 to allow the time to finalize the agreement. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to continue this hearing to Wednesday, March 5, 2008, at or after 10:00 a.m. The motion carried unanimously.

**HEARING: ADOPTING THE COLUMBIA COUNTY KENNEL ORDINANCE:**

This is the time set for the public hearing on proposed Ordinance No. 2007-2, "In the Matter of Adopting the Columbia County Kennel Ordinance".

Due to time constraints, Commissioner Hyde moved and Commissioner Corsiglia seconded to continue this hearing to Wednesday, January 16, 2008, at or after 10:00 a.m. The motion carried unanimously.

**HEARING: IMPOUNDMENT OF A DOG OWNED BY MICHELLE MCKINNEY:**

This is the time set for the public hearing requested by Michelle McKinney, owner of a dog which has been impounded.

The purpose of this hearing is to determine if the dog belonging to Michelle McKinney harmed or chased livestock. The procedure for this hearing is set out in ORS 169 to 190. Spencer reviewed the statutes. The purpose of this hearing is to develop a record to help the Board make a determination based on reliable, probative and substantial evidence. Spencer entered County Counsel's hearing file into the record, marked Exhibit "1", and noted all contents.

Jim Huffman, Attorney for the applicant, objected to anything being entered into the record that his client has not received. Spencer explained that the purpose of this hearing is to build the record and reviewed the statutes that apply. Jim stated that he would like a continuance of this hearing, however the dog is impounded and fees are accumulating daily. After some discussion, it was determined that he would rather continue with the hearing today. Spencer presented Jim Huffman with the list of questions and the photos from Roger Kadell, Animal Control Officer.

Roger Kadell, Animal Control Officer, was present to give the staff report and went over the sequence of events. In summary, the one surviving dog was impounded.

The hearing was opened for public testimony.

**TESTIMONY:**

***Jim Huffman***, Attorney for the applicant, presented the Board with some photos of evidence which dispute the facts the Board has been given. Jim presented his case. He does not agree with the testimony from the neighbors and believes the dog was killed on his own property. The body of the dog shot has never been produced or returned to the owner. He feels the facts in this case have been altered and there is no evidence to prove the surviving dog attacked the pig. The impounded dog is not an aggressive animal and should be released.

***Mike Marble, 67929 Carl Road, Deer Island:*** He has a problem with the credibility of the attorney because he is the shooter of the dog, he was there and knows what happened. The first week he moved out there, the neighbors that live on the corner, Dan & Debbie fired a shot at a dog that was in their chicken coup, killing their chickens and asked him if this was his dog. He said no, that dog lived down the road. The three years that Mike has lived there, the dogs have never been kenneled and just run wild. On the day in questions, Mike had just got back from elk hunting when he heard some squealing and looked out his window to see two dogs attacking something. Mike grabbed his shotgun and ran outside and shot one dog. That dog had the pig by the neck and the surviving dog had the pig by the throat. When he shot the one dog, the other dog ran off. The neighbors and Mike chased down the pig to see what damage had been done and, because of the extent of the injuries, it was determined that it had to be put down. Mike moved the dog off the road and took photos of the dog and the pig.

***Jason Yazzalino, 67970 Carl Road, Deer Island:*** He is the owner of the pig and gave his version of what happened. He and his friend went outside to look at the pig and they could see that one side of the fence had been pushed in and the gate was propped open. The pin is made out of 4x4 pig wire and has a lot line 6 inches off the ground inside to keep the pig from getting out. Jason had just got the pig within the past 24 hours. It had tried to jump the fence but touched the hot line. They have had problems in the past with the dogs in question coming up behind their house and chasing their dog and coming at the back of the horse pen. Jason and his friend heard the pig squealing, ran down the driveway and heard gunshots. They saw Mike with the gun pointing away from the dog owners house. They chased down the pig and saw that it had 2 inch cuts under its neck and was bleeding pretty bad. The chain on the gate had been pushed open about 6 inches.

***Jerry Braun, 215 SW Adams, Hillsboro:*** Just prior to this incident, he and his father had just driven up the road - they saw no dead dog, no dead pig, nothing. They were there to possibly purchase the pig so they stopped by the pen to look at the pig, but it was gone. They inspected the pen and could see that the back of the pen had been pushed in from the outside. This couldn't just happen on its own. Then they heard two shots and could hear the pig squealing as they were running toward it. He saw Mike walking back to his property, a wounded dog was limping back up the road. The pig was bleeding a lot and was obviously in distress so it was shot. That is when he and his father left.

**Laura Yazzalino, 67970 Carl Road, Deer Island:** She presented the Board with a picture of the pig after the attack. She explained what happened, which is the same as explained by her husband. She stayed up by the house and didn't actually come down until a couple of minutes later. The dogs continually run loose and have even attacked her vehicle.

**Karen Marble, 67929 Carl Road, Deer Island:** This is not the first time they have seen these dogs attack other animals. This summer, there was a Rottweiler and a smaller dog in their yard. The dogs in question were let out and both of those dogs attacked the smaller dog, which has not been seen since. During this recent incident, both dogs were involved.

Spencer explained the process from here. The dog owner should be allowed to rebut the testimony, however cross examination is not part of the process.

Jim Huffman stated that he has witnesses present that also want to testify.

**Michele McKinney,** stated that "Jamie" the dog impounded is old, has glaucoma and is not an aggressive dog. She has a bird on her porch and Jamie has never bothered the bird and, in fact, was licking the rabbit at animal control. The dog that was killed has chased cars before, but neither dogs have ever attacked other animals before. Michelle explained the difference between the two dogs - again, Jamie is not an aggressive dog.

**Roger Rauch, 68003 Carl Road, Deer Island:** Using the board, Roger drew a diagram to explain his version of the events. He only heard one shooting that day, so he can only assume that was the shot that hit his Camero, as shown in the photos submitted by Jim Huffman. He did not get home until the next day and did not witness this, however, the holes in his car were fresh with no rust. They are now getting rusty.

Jim asked that the record be left open so that he could replace the photos with color photos.

**REBUTTAL:**

Jim Huffman rebutted testimony. Again his photos, along with testimony, show that the dogs were on their own property when shot.

With no further testimony coming before the Board, Commissioner Hyde moved and Commissioner Corsiglia seconded to close the hearing to oral testimony, leave the record open for written comments until Thursday, December 20, 2007 at 5:00 pm and hold deliberations to Friday, December 21, 2007 at or after 10:00 a.m. The motion carried unanimously.

**CONSENT AGENDA:**

With that, Commissioner Corsiglia moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 12/18/07.

- (B) Cancel the December 26, 2007 Board meeting.
- (C) Reappoint Robert Gott, Darla Knytych and Pam Ruddell to the Local Alcohol and Drug Planning Committee for 3 year terms.
- (D) Appoint Marcia Rush to the Local Alcohol and Drug Planning Committee for a 3 year term.
- (E) Resolution No. 157-2007, "In the Matter of Acquiring a Permanent Drainage and Slope Easement from the Estate of Franciene Urban for the Bridge Replacement on Chapman Grange Road".
- (F) Order No. 158-2007, "In the Matter of Amending the Rules and Regulations and Fee Schedule for the Use of Columbia County Forests, Parks, Beaches, Docks and Other Recreational Facilities Subject to Ordinance No. 94-9".
- (G) Approve the Board taking original jurisdiction for Glacier Bates/Roth Site Design Review and Surface Mining Operating Permit review.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (H) Amendment #5 to the 2007-2009 Intergovernmental Agreement #119925 with DHS.
- (I) Authorize County Counsel to Submit Comment on Filing Draft EIS Regarding the Bradwood Landing LNG Facility and Pipeline.
- (J) Approve Amendment No. 1 to the Beaver Landing Facility Grant Agreement No.1256 and authorize Board Chair to sign.
- (K) First Amendment to the Agreement for the Operation of the Solid Waste Transfer Station and Transfer and Disposal of Solid Waste.
- (L) Amendment #2 to IGA 90G000099 with the Oregon Department of Consumer and Business Services, Building Codes Division and authorize the Chair to sign.
- (M) Personal Services Contract for Janitorial Services for Columbia County Rider Transportation.

The motion carried unanimously.

**EMPLOYEE SERVICE AWARDS:**

The Board will present employees with Service Awards for their years of service to Columbia County during the holiday luncheon.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard stated that the Board has been very busy dealing with flood issues. She wanted to thank everyone for everything they have done during the recent storm activities.

**COMMISSIONER HYDE COMMENTS:**

None.

**COMMISSIONER CORSIGLIA COMMENTS:**

None.

*The Board recessed the meeting at 11:40 a.m. and reconvened on Friday, December 21, 2007 at 10:00 a.m. Those present were Commissioner Bernhard, Commissioner Hyde, Commissioner Corsiglia, Spencer Parsons, Assistant County Counsel and Jan Greenhalgh, Board Secretary.*

Commissioner Bernhard called the meeting back to order.

**DELIBERATIONS: MICHELLE MCKINNEY DOG IMPOUNDMENT:**

Spencer received a fax from Jim Huffman requesting until today to submit his written rebuttal, as opposed to yesterday at 5:00 pm. This has been entered into the record marked Exhibit "4". It is at the Board's discretion to allow this request or not and, depending on the decision, deliberate today or carry over deliberations until the first of the year. Jim Huffman was not present by 10:15, so the Board decided to hold deliberations today.

Discussion was held on the 3 questions that the Board needs to consider before taking action. Roger explained that if a dog, deemed dangerous, is returned to the owner, conditions would apply such as kenneling, locks, etc.

Under deliberation, Commissioner Hyde knows that once a dog gets into the hogs, it's gone. He has had to do that himself and one of the hardest thing he's had to do was putting his own dog down. The dog in question may be a great dog, but he believes this dog did harm the livestock and should not go back to the homeowner. Commissioner Corsiglia understands all that, but he heard that the pig was killed for economics. One pet dog is gone, which appeared to be the more aggressive dog and the owner has to deal with that. It sounded like the remaining dog is not an aggressive dog. In testimony, he heard that the pig got out of the fence and was not taken from his property. He would agree with allowing the remaining dog to go home if properly kenneled and licensed. Commissioner Bernhard understood from testimony that the fence was pushed in which allowed the pig to get out. She feels that the dog should go elsewhere and not back to the owners property. She has heard that once a dog does this type of thing, it gets in their blood. More discussion on what to do with the dog, after which, Commissioner Hyde stated that he is willing to go with sending the dog home, as long as the dog is kenneled and licensed, to the approval of the Animal Control Officer. Commissioner Bernhard would also go along with that,

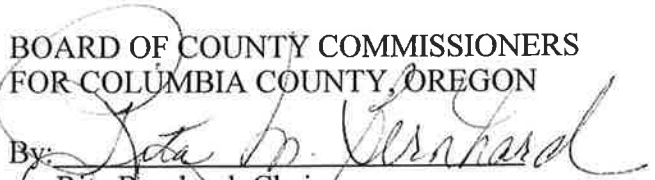




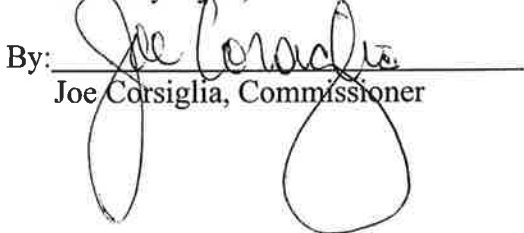
Dated at St. Helens, Oregon this 19<sup>th</sup> day of December, 2007.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

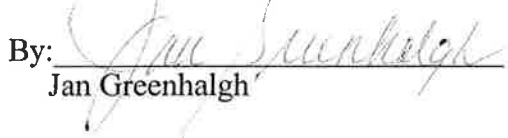
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Rita Bernhard, Chair

By:   
Anthony Hyde, Commissioner

By:   
Joe Corsiglia, Commissioner

Recording Secretary:

By:   
Jan Greenhalgh