

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

June 6, 2012

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Henry Heimuller, together with Sarah Hanson, County Counsel and Jan Greenhalgh, Board Secretary.

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

MINUTES:

Commissioner Fisher moved and Commissioner Hyde seconded to approve the minutes of the May 30, 2012 Board meeting and May 30, 2012 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Richard Melton, Columbia River Hwy, Scappoose: He is back again to address the same issues he has had over the electrical permits required for everything from a porch light to hanging political signs, selling brown eggs, a garage sale and now told by the planning department that he can't even answer the phone if he makes any money on it. He is being continually harassed by this county and he will continue to be here until his concerns are answered and addressed.

Scott Groves, Old Mill Road, Scappoose: Scott is here to express his disappointment and anger over how the issue is being handled with his neighbor. Roger Kadell, under the direction of the Sheriff, has been told to back off. With the Commissioner's

allowing this, they are sending a message to everyone that these types of things are allowed. He cannot understand why the County doesn't have a procedure in place to hold these people accountable.

Commissioner Fisher noted that it is not a case of the Board not doing anything, it's that they are dealing with a maze of legal issues with regards to this person Scott speaks of.

PROCLAIM JUNE 2012 AS "FOSTER CARE MONTH":

Bruce Lofland, DHS, Supervisor of Child Welfare Office, came before the Board to present a proclamation to recognize foster families and the care they provide to our youth. Commissioner Hyde then read the proclamation in full and, with that, Commissioner Fisher moved and Commissioner Heimuller seconded to proclaim June 2012 as "Foster Care Month". The motion carried unanimously.

Bruce invited the Board to an event being held tomorrow at 6:00 pm at the Four Square Church to recognize our foster parents.

DELIBERATIONS: RABIES VACCINATION ORDINANCE:

This is the time set for deliberations on proposed Ordinance No. 2012-1, "In the Matter of the Adoption of the Columbia County Rabies Vaccination Reporting Ordinance".

Robin noted that deliberations on this matter were carried over from May. The Board felt that there are still some questions regarding the accounting details of implementing this ordinance, along with additional concerns. It was suggested that the Board meet with the effected department heads to work out the details prior to taking any action on this ordinance. With that, Commissioner Heimuller moved and Commissioner Fisher seconded to table deliberations. The motion carried unanimously.

HEARING: MASS GATHERING PERMIT FOR RAINIER EVENT:

This is the time set for the public hearing, "In the Matter of Granting a Permit for a Mass Gathering Outside of Rainier, Oregon".

Cynthia Zemaitis received an application on 4/11/12 for a mass gathering permit to hold a music event known as the "Boom Box in da Boon Docks" on June 29-30, 2012 on property owned by Kenney Gregory located at 29604 Gregory Road, Rainier. The Board has a copy of the application, staff report, maps and other information regarding this event. Cynthia reviewed the staff report and details of the event, along with the criteria/requirements to be met to hold such an event. After review, Cynthia recommended that this permit be approved subject to the conditions listed in the staff report.

There hearing was opened for public testimony.

PROPONENTS:

Oliver Zeek and Justin Brown, 1291 62nd Avenue, SE, Salem: Oliver explained that, as the event coordinators, they are here to do the right thing and learn the process. They requested this hearing to allow the neighbors to be involved in the process and express any concerns they may have because this event is being held in their community. He has been involved in events before, but none quite this large. He believes this event can be held safely and any concerns can be mitigated. Oliver clarified that there was an error on their website and stressed that only 1,072 tickets will be sold. There will be 55 volunteers to police the event and those people will be clearly identified. Alcohol is not allowed and the rules are posted. To answer Commissioner Heimuller, the financial revenue to Columbia County is unknown at this time, but feels it can be a positive

impact. He stressed that this is **NOT** a rave, it is a celebration of music - a festival without the extremes - and they want to have a positive effect on the county.

OPPONENTS:

Sheryl Teuscher, 68642 Whitney Road, Rainier. Her property abutts the subject property. There was the same type of event held there last year and the noise was so loud that she couldn't sleep. When she called the Sheriff to report it, she was told don't bother to keep calling because no one was going to respond. The application stated that there will be 4 stages but the map shows 6. This is a hay field and she wants to know if the hay will be mowed prior to the event because of the huge fire hazard. The road is a gravel one way road and she doesn't believe can support this type of event. She would suggest that, if there is not going to be drugs and alcohol, why not use the fairgrounds? If this is approved by the Board, she would ask that the music stop by at least 1:00 am.

David Teuscher, 68642 Whitney Road, Rainier: Last year was not very enjoyable - it was 24/7 and it was not music, it was noise. His wife continued to call the Sheriff's and when he finally called dispatch at 4:00 pm, he was told that no deputy was going to show. After the event, didn't think much about it as a one time event. However, if this is going to happen again, the issues with all agencies and neighbors should have been addressed long before this. There are other areas such as the fairgrounds or the Knife River property where concerts used to be held that would be a better venue. He is not sure who the the security and no alcohol rule is going to be enforced. He is not in favor of this event.

Jennifer Crawford, 68660 Whitney Road, Rainier: She has lived at this address since 1991 and her property abuts the Gregory property. She has 7 children and the noise factor was huge last year - continuous music and air horns, it also effected her cattle. She has a berry business at her residence and operates from 6:00 am to 7:00 pm. Even her customers complained about the loud noise. She has some serious concerns with the law enforcement and, as an example, last year someone came onto her property who was belligerent and actually vandalized her property. She called 911 to report it but never did see a deputy. That same person intentionally ran her husband off the road and put him in the hospital. If approved, she would ask that the music stop at 10:00 pm and not start again until 9:00 am and that security be enforced.

Regina Godfrey, 29455 Gregory Road, Rainier: She too has concerns. Her property directly faces the Gregory property. Last year, she was driving home and stopped to ask what was going on and about the permits, restrooms, security, etc. She was told that all her concerns were in place. She also experienced the same loud noise issues as the others who just spoke. She has hay on her property and is extremely worried about fire. She has a brand new home and paid a lot in permit fees. This is forest agriculture land, not the fairgrounds. She has performance horses and the noise effects them and their performance. With the layout of the land in this area, it's the best amphitheater you can get. These types of venues cannot help but be noisy. She would suggest another venue.

Commissioner Fisher asked if anyone has talked with the Gregory's? Cheryl Teuscher spoke with the Gregory's, who is renting out the property. When Mr. Gregory went out to the event last year and spoke with the group about the noise and they toned it down somewhat.

David Teuscher stated that this area is somewhat unique and gets very cold at night. These people are going to need to keep warm and he believes that there will be camp fires. He feels that if these events are being planned for every year, that needs to be addressed.

Richard Keith, 2979 Gregory Road: He lives right next to the Gregory property. The road to this property is bad - full of pot holes, dry and dusty - and it needs to be fixed before the event. With the amount of people anticipated, the dust will be horrendous because there is no dust control. This road is not made for this much traffic. The Board needs to visit the site before making a decision on this event.

Jim Gibson, 19467 Hwy 30, Clatskanie: There are state requirements for security and, Aries, the company being used for this event is not listed with the BPSST - Security should be supplied by a reputable company.

REBUTTAL:

Oliver Zeek responded to the numerous concerns brought up by the neighbors and feels that most all of those concerns have been addressed. Regarding the speed on the road and the dust - he would suggest wetting the road to keep the dust down. Regarding fires, there are no open fires allowed because they don't want to deal with that concern either. Oliver explained how issues will be dealt with, using security, volunteers, etc.

Commissioner Hyde asked about the security officers being certified. Oliver stated that he is fully agreeable to getting the certification numbers for the security officers. When asked if the field will be mowed - Oliver understands the owner will be doing that but

will have to get that verified. Regarding the possible use of the fairgrounds instead, he was unaware that was an option but may be looked at for next year. Security measures and cell services were discussed.

Justin addressed how they flow of music has changed from last year. Before, the stages were next to road and basically created an amphitheater. This year, the stages have been strategically placed to the west to hopefully eliminate the amount of noise.

With no further testimony coming before the Board, the hearing was closed for deliberations. Commissioner Heimuller asked why only \$1 million insurance is being required and, by state statute, that's as high as we can require. He spoke with the sanitarian and 7 potties is the standard. The dust mitigation is an issue and concerns with possible unintended fires in a hay field that isn't mowed. He appreciates the fact that Mr. Zeek is not doing this under the radar but would suggest that, if held again next year, that he start the process earlier and maybe even look at other venues.

The Board reopened the hearing to ask questions of Mr. Zeek.

Commissioner Heimuller asked Cynthia why the Sheriff gave a noise variance for this permit. She can't confirm this but would assume that, with the variance, they cannot be ticketed. Oliver stated that, in his conversation with the Sheriff, he was told that the variance does not mean louder music, it has to do with the decimal - but uncertain. Justin stated that they have added another \$1 million insurance so there is now \$2 million in coverage and will be getting their binder today. Justin stated that if the field is not mowed by the time of the event, they will be mowing the area to be used for parking. Discussed the use of fire extinguishers.

The hearing was again closed for deliberation. Commissioner Heimuller comments:

- time line for on/off music;
- Security to be certified;
- enforce no alcohol and drugs
- plan on how to contact deputy;
- specific noise levels;
- hay needs to be harvested and other fire suppression required

Commissioner Fisher comments:

- agrees there needs to be some noise control at night;
- reality is that nothing is going to help the dust on the road, it just is what it is;
- would suggest that other local venues be looked at if next year

With these questions/concerns and understanding the short time line, the Board carried over deliberations to the afternoon staff meeting at 3:30 pm.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for week of 6/4/12.
- (B) The Board Meeting and Staff meeting of 6/13/12 is canceled.
- (C) Create the position of Director - Community Justice and assign to Exempt Salary Range 07.
- (D) Create the position of Juvenile Division Supervisor and assign to Exempt Salary Range E05.

- (E) Reclassify Walt Pesterfield from Director of Community Corrections to Director of Community Justice, effective 7/1/12.
- (F) Reclassify Stacia Tyacke from Director of Juvenile to Juvenile Division Supervisor, effective 7/1/12.
- (G) Eliminate the classifications of Juvenile Director and Community Corrections Director, effective 7/1/12.
- (H) Authorize the conversion of one full time Juvenile Probation Officer to a split position .55 FTE Juvenile Probation Officer/.45 Adult Parole & Probation Officer, effective 7/1/12.
- (I) Retract furlough letter sent to Millie Wagner in the Sheriff's Office.
- (J) Resolution No. 20-12, "In the Matter of a Resolution Regarding USACE and ODOT Consultations for HMGP/FMA Acquisition Projects - 2007 Flood Event (Chestnut, Berntsen and Tomlinson)".
- (K) Resolution No. 21-2012, "In the Matter of Adopting the 2012-2013 Columbia County Community Corrections Plan".
- (L) Ratify homeowner letter to Joe Chestnut of Chestnut Properties LLC related to acquisition of property at 64975 Nehalem Hwy N., Vernonia, Oregon and authorize the Chair to sign.
- (M) Ratify Certification of Authorization to Exceed Current Fair Market Value for acquisition of property at 64975 Nehalem Hwy N., Vernonia, Oregon (Chestnut Properties) and authorize the Chair to sign.
- (N) Ratify Site Specific Review for acquisition of property at 64975 Nehalem Hwy N., Vernonia, Oregon and authorize the Chair to sign.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (O) Amendment #5 to Intergovernmental Agreement #720-07 with Portland Community College.

- (P) Amendment #3 to the Oregon Commission on Children and Families 2011-2013 County Intergovernmental Agreement #COL1113 and authorize the Chair to sign.
- (Q) Amendment #1 to the Intergovernmental Agreement #4535 with the Oregon Department of Corrections and authorize the Chair to sign.
- (R) Purchase and Sale Agreement with Chestnut Properties, LLC for 64975 Nehalem Hwy N., Vernonia, Oregon - Flood Relief Buy-Out.
- (S) Purchase and Sale Agreement with Gary L. And Darlene M. Berntsen for 11926 Hwy 30 and 11944 Hwy 30, Clatskanie, Oregon - Flood Relief Buy-Out.
- (T) Purchase and Sale Agreement with Maxine Tomlinson, Trustee of the Tomlinson Family Trust for 11877 Eddings Road, Clatskanie, Oregon - Flood Relief Buy-Out.

The motion carried unanimously.

APPLICATION FOR VETERANS FUNDING:

Commissioner Fisher moved and Commissioner Heimuller seconded to approve the application with the Oregon Department of Veterans Affairs for funding the local VA services and authorize the Chair to sign. The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde gave his condolences to the family of a student of the Vernonia High School who tragically committed suicide yesterday. He had just graduated from high school on Saturday.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher moved and Commissioner Heimuller seconded to send a letter of support to GOBHI's Coordinated Care Organization application. The motion carried unanimously.

COMMISSIONER HEIMULLER COMMENTS:

No comments.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 6th day of June, 2012.

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: _____

Anthony Hyde, Chair

BOC Minutes

6/6/12

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By: _____

Earl Fisher, Commissioner

Recording Secretary:

By: _____

By: _____

Henry Heimuller, Commissioner

Jan Greenhalgh