

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING  
MINUTES

November 26, 2014

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde and Commissioner Henry Heimuller, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator. Commissioner Fisher was not present.

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

**MINUTES:**

Commissioner Heimuller moved and Commissioner Hyde seconded to approve the minutes of the November 12, 2014 Board meeting and November 12, 2014 Staff meeting. The motion carried unanimously.

**VISITORS:**

None.

**HEARING: ENERFIN CONDITIONAL USE PERMIT TO DRILL NATURAL GAS WELL:**

This is the time set for the public hearing, "In the Matter of the Application of Enerfin Resources Northwest for a Conditional Use Permit to Drill a Natural Gas Well in the Primary Forest (PF-80) Zone".

Robin McIntyre informed the Board that the applicant has requested this hearing be carried over to January. With that, Commissioner Heimuller moved and Commissioner

Hyde seconded to carry over this hearing to Wednesday, January 21, 2015 at or after 10:00 a.m. The motion carried unanimously.

**HEARING: DOGS HARMING OR CHASING LIVESTOCK OWNED BY LEBECK:**

*Robin McIntyre* reviewed the procedure for this hearing and then entered the following into the record: Notices to Dog Owners as *Exhibit "1"*; Request by Benjamin and Kimberly Lebeck for a hearing as *Exhibit "2"*; Animal Control Officer's 11/18/14 staff report and recommendation as *Exhibit "3"*; Animal Control Officer's Revised staff report and recommendation as *Exhibit "4"*; and a letter from the LeBeck's attorney as *Exhibit "5"*.

*Roger Kadell, Animal Control Officer*, came before the Board to give his staff report and recommendation as outlined in his investigative report and memo to the Board. After reviewing the incident and subsequent investigation, he mentioned that the dog owners have requested that he considered the fact that one of the dogs at issue is a therapy dog for the owners minor daughter. After consideration of all the facts, Roger recommended that both dogs Ace and Lilli be found to have chased and harmed livestock and ordered their surrender to Columbia County for disposition as determined by the County. That both Ace and Lilli be found to have a prior history of having chased livestock and the \$500 minimum civil penalty by paid to the County. That the dog Ezio be found to have chased and harmed livestock, but be allowed to return to the Lebeck home with the specials restrictions as follows: 1) Ezio will be maintained within the Lebeck's homes physical structure; 2) Ezio when outside the physical structure of the Lebeck's home shall be harnessed and on a leash at all times; 3) Ezio shall be micro chipped and registered with the Department of Agriculture prior to being returned to the custody of the Lebeck's; 4) Ezio may not be re-homed without notification to the county of the new owner and their address; 5) The County hall be advised of any address changes for Ezio within 15 days; and 6) the County shall be advised within 15 minutes of the escape of Ezio from his residence by call CCOM at 503-397-1521. Finally, he would recommend that the Lebeck's be assessed all impound, boarding and surrender fees due as of November 26, 2014. He noted that in his revised recommendation, he withdrew the assessment of double damages.

The hearing was opened for testimony.

***Kimberly Lebeck, 11683 Carver Road, Clatskanie:*** Mrs. Lebeck came before the Board, along with her daughter April. Mrs. Lebeck shared a letter from her daughter's former counselor, Steven Powell, addressed to her former psychiatrist Susan Meho recommending that April be allowed to have a service dog. This document was entered into the record as ***Exhibit "6"***. Due to the nature of April's condition, they found it easier to find a therapy dog rather than a service dog and they got Lilli. However, Lilli ended up bonding more with her son and husband and has been helpful for their stress and anxiety. They got Ezio for the service dog and that has worked out. April stated that Ezio is not a very smart dog, he is soft tempered and basically lazy. He would not have done this on his own. She is requesting that Ezio be allowed to return to the family so he can continue being April's service dog. The family is also hopeful that Lilli could come home.

Commissioner Hyde noted that the ORS gives very clear instructions on what the Board can and cannot do with regards to the disposition of the animals in these types of cases.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Heimuller confirmed that it was the two pit bull mix dogs (Ezio and Lilli) that were heading to attack Mr. Maul during this incident and that Ace was not involved in that part of it and that Mr. Maul did not shoot his gun until the dogs actually charged him. Commissioner Heimuller would add that, if Ezio were to be allowed go home, that the Lebeck's cannot own any other dogs while Ezio resides at the home. Commissioner Hyde feels it is quite clear that the two dogs have done this before and should not be returned. Commissioner Heimuller asked about the goat vet

bills. Roger explained that the process for the victim to recoup their costs would be through civil action or resolve it outside of court.

After discussion and clarification, Commissioner Heimuller moved and Commissioner Hyde seconded to have Ace and Lilli removed from the Lebeck home and housed at Animal Control who will try to rehouse the two dogs, impose a fine of \$500 each for Ace and Lilli, Ezio will be allowed to return home with a fine of \$250 and all restrictions recommended by staff, along with the condition that the Lebeck's have no other animals in their care as long as they have ownership of Ezio and that the Lebeck's pay all fines/fees assessed by Animal Control to date. The motion carried unanimously.

**CONSENT AGENDA:**

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

- (A) Ratify the Select to Pay for week of 11/17/14 & 11/24/14.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (B) Ratify ServPro Authorization to Perform Services and Direction of Payment for Emergency Water Damage Restoration at Community Corrections and Authorize Janet Evans to sign.
- (C) Ratify ServPro Customer Equipment Responsibility Form for Emergency Water Damage Restoration at Community Corrections and authorize Janet Evans to sign.\

The motion carried unanimously.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde reported on the annual AOC conference held last week in Eugene. He had a very busy schedule and attended many various meetings, i.e. Council of Forest Trust Lands, O&C meeting to discuss public lands and a lot of time spent on transportation, economic development and a number of AOC resolutions that they took action on.

He attended the annual Columbia County Economic Team breakfast meeting yesterday. It was very well attended, with over 100 showing up to discuss economic development issues.

He attended another meeting yesterday with graduate students from Portland State and others who are interested in designing a bridge to connect the Banks Vernonia Trail to the CZ Trail at their cost.

Lastly, he attended the Homeland Security Emergency Management Committee meeting yesterday. They discussed a number of things, one being that every community in Columbia County is now recognized by FEMA as having a current hazard mitigation plan.

**COMMISSIONER FISHER COMMENTS:**

Not present.

**COMMISSIONER HEIMULLER COMMENTS:**

Commissioner Heimuller also reported on the AOC conference the Board attended last week. One of the big topics discussed was the marijuana legalization bill that was approved by the voters and the many, many issues surrounding this.

He attended the Community Action Team planning meeting this week. With Jim Tierney planning to retire in the next couple of years, they need to determine how this program will continue to move forward. It was a very productive meeting and some good solid direction.

Last Monday he was in Salem to attend the Public Transportation Advisory Committee meeting on which he represents Columbia County and AOC. There was discussion on how to fund public transportation in our state in times when federal transportation dollars are declining.

He also attended the Columbia County Economic Team meeting yesterday.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 26<sup>th</sup> day of November, 2014.

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: \_\_\_\_\_

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Anthony Hyde, Chair

By: \_\_\_\_\_

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Henry Heimuller, Commissioner

By: \_\_\_\_\_

Jan Greenhalgh,

By: \_\_\_\_\_ Not Present

Board Office Administrator

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Earl Fisher, Commissioner