

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

February 18, 2015

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

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

**MINUTES:**

Commissioner Hyde moved and Commissioner Fisher seconded to approve the minutes of the February 11, 2015 Board meeting and February 11, 2015 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

None.

**2<sup>nd</sup> READING: ORDINANCE #2015-1 - AMEND RURAL ADDRESSING ORDINANCE:**

This is the time set for the second reading of Ordinance No. 2015-1. With no objections, Sarah gave the seconded reading of Ordinance No. 2015-1, by title only. After which, Commissioner Hyde moved and Commissioner Fisher seconded to adopt Ordinance No.

2015-1, "In the Matter of Amending the Columbia County Rural Addressing System Ordinance". The motion carried unanimously.

**CHRIS BRUMBLES - 2<sup>ND</sup> AMENDMENT PRESERVATION COMMITTEE:**

***Chris Brumbles, 64835 Deer Island Road, Deer Island:*** Chris began with some words from the constitution and about our liberties. He is here today fighting for that cause and our right to bear arms. He addressed the ordinance that he is bringing before the Board today to preserve our second amendment rights. This ordinance would send a message to Salem that our rights are off limits. He has traveled to Washington, Idaho and Montana over the past few years fighting for this because for the first time in his life, he is afraid for himself and his children under the current administration. Every year, the government is going after our gun rights. The people are the ones who make the government and they are saying enough is enough. He will no longer comply with any unconstitutional laws. He would ask that the Commissioners honor the oath they took, to stand up for the county and send a message to Salem, which also send a message to the federal government by passing the ordinance he has brought forth.

***Ray Biggs, 1535 4th St., Columbia City:*** He read a sentence from the 2nd amendment that states "a well regulated militia being necessary to secure a free state and the right of the people to keep and bare arms shall not be infringed". He noticed a sign posted in the Courthouse today and everything in his military, government and law enforcement background tells him that sign is unconstitutional because it infringes on his right to keep and bare arms. Senator Johnson and Representative Witt are pro-gun showing that this issue crosses party lines. The people that are not pro-gun are those who don't understand guns and afraid of the unknown.

***Mark Baylets, 131 Oakwood Drive, St. Helens:*** No prepared speech but agreed with the comments made by both Mr. Brumbles and Mr. Biggs. He would say that if we look at

some of the countries around the world, they did not believe in a higher power in the way that the framers and founders of our constitution did. Is that where our country is going?

***Ed Perry, 13120 Edgewood Drive, Scappoose:*** He would just say that he would rather see politicians going after criminals and how to deal with them instead of going after the law abiding citizens - those members of your families and community. These people need to be able to protect themselves and their 2nd Amendment rights should not be infringed upon at any time. He would ask that the Board consider this and help protect the peoples rights.

***Robert Nicholas, 61004 Gensman Road, St. Helens:*** He is an elected official in the county, working to make this a better community. He's been carrying a gun since he was a little boy and it's basically a tool. He talked with a police officer not long ago who said, if he knew when he was going to need his gun, he wouldn't need to carry it. In other words, he would be able to avoid the situation. The reality is we never know when we will need to protect ourselves. He would appreciate the Board standing by the people and adopt this ordinance protecting our 2nd Amendment rights.

***Jeff Ford, 1213 31st Avenue SE, Albany:*** He came up here today to ask the Board to honor their oath to support and defend the constitution. Guns are our property and our constitution is based on our property rights and no one has any right to do anything with our property. It also states that our rights shall not be infringed upon and no laws should be passed that would do that.

***Ted Devork, 33234 SW Rogers Way , Scappoose:*** He asked the Board to support him as one of their constituents and impose an ordinance in favor of the 2nd Amendment.

***Robert Maak, 33823 Shamrock Lane, Scappoose:*** He asked that the Board pass this ordinance. With the new legislators we have in Salem now, we cannot expect to have Senator Johnson carry the full load. The counties need to let themselves be heard and that we need to protect our 2nd Amendment rights.

***Jim Wilson, 591 Columbia Blvd., St. Helens:*** He is one of the 6,000 veterans that live in this county. Learning about and using firearms is a tool of the trade in protecting our country. It's coming to a day when his grandkids will need a background check before they can go target shooting or hunting. He doesn't want to see that happen.

***William Allen, 175 N. 1st Street, St. Helens:*** He loves it when people talk about their rights, but he rarely hears the word "responsibility" along with it. What about others rights, i.e., Guantanamo Bay - where was their rights. He just doesn't see people taking a lot of reasonability or their rights.

***Nancy Sealer, 33654 Bennet Road, Warren:*** There appears to be no women in the audience today to support this so she would just add that women also need to protect themselves. She agrees that everyone needs to take responsibility and teach that to their children when it comes to gun safety. She was taught at a very young age in Montana to respect the gun and you don't touch it unless you mean to use it.

***Sally Telford, 1213 31st Avenue, Albany:*** She is a member of the Old Keepers and one of their main missions is to remind people in government to uphold the oath they took. She just cannot understand people who think they have the authority to take away her right to defend herself and her family. She shouldn't even have to be here today talking about this.

***Mark Baylets, 131 Oakwood Drive, St. Helens:*** In reference to the comment made about the shooting at the Clackamas Town Mall. The facts of the case are that "Mike", a retired police officer, was one of the first individuals to be confronted by the gunman. Mike was at the mall with his family but had left his revolver at home. The gunman, 8 feet away, leveled his gun at Mike but it jammed and the gunman walked away. That is when another person, with a concealed gun permit appeared.

With no further comments, the Board thanked everyone for coming today and presenting their comments. Commissioner Heimuller stated that he has personally not seen any legislation on this, so if anyone has information they want to share with the Board, please forward it to the Board office.

#### **CONSENT AGENDA:**

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

- (A) Ratify the Select to Pay for week of 2/16/15.
- (B) Cancel the 2/25/15 Board and Staff meetings.
- (C) Appoint Patty Rismoen to the Civil Service Commission for a 6 year term.
- (D) Order No. 5-2015, "In the Matter of Conveying Certain Real Property Adjacent to County Road P-77, aka Timoney Road, near Rainier, Oregon to Dale R. And Gail A Gaillien [Tax Map ID No. 7N2W21-AB-01700.
- (E) Quitclaim Deed to Dale R. And Gail A. Gaillien (Tax Map ID No. 7N2W21-AB-01700) and authorize the Chair to sign.
- (F) 2015 Social Gaming License for the St. Helens Moose Lodge #591.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (G) Courthouse Art Project Release Agreement with Luanne Kreutzer.
- (H) Extension Request for ODOT Immediate Opportunity Fund Agreement No. 21,270.
- (I) Public Services Contract with Trappers Mobile Home Services, Inc.
- (J) Manufactured Structure Notice of Sale/Change of Ownership for Mobile Home at Prescott Beach and authorize Chair to sign.
- (K) Affidavit to Establish Ownership of a Manufactured Structure for Mobile Home at Prescott Beach and authorize Chair to sign.

The motion carried unanimously.

**CYNTHIA ZEMAITIS UPDATE ON COUNTY PROPERTY & OIL & GAS DUTIES:**

o Cynthia Zemaitis, Public Lands Administrator and Erin O'Connell, LDS Sanitarian, was present to discuss the Ebert property located on Old Portland Road. Erin has been out to the property to inspect the site. The neighbor to the south has put in two new wells close to the property line of the county property so that left the question as to whether the county property would be buildable because of setbacks. Erin presented the Board with a plat map showing the placements of the wells. Basically, by drawing a 100 foot circumference around the existing well, the setback cannot be met and a septic system cannot be installed. The records are not complete on this property but Erin was advised that there was a house and store on property in 1991 that burned down. She is not sure what type of system they were using at that time, but if research were to show that there was an existing well, it would negate the 100 foot setback.

o Disposition of Surplus Properties: Cynthia has talked with Jean Ripa about her replacement and the steps that should be taken to reduce the inventory of county owned property. There was prior discussion held some time ago about hiring a realtor to help dispose of those properties. The Board would like to have some more discussion on the individual properties before deciding what needs to be declared surplus and what should be retained.

o Cynthia contracted a woman who performs title searches for her who is interested in taken over the property management parts of her job. She is still looking at someone to take over the oil & gas part of the position. Jean gave her opinions on how some of

Cynthia's duties could be dealt with. Because the oil & gas requires some very specialized knowledge, it may need to be an outside consultant. Cynthia is willing to stay on for the oil & gas because of the upcoming activity in Mist.

**COMMISSIONER HEIMULLER COMMENTS:**

Commissioner Heimuller reported that things are ramping up in the new legislative session. The Health and Human Services Steering Committee that he co-chairs met last Friday to discuss bills related to human services. They will now be meeting every week by phone because of all of the movement in the legislature.

Yesterday, he was invited to sit in on the interview for the new ODOT Planner for our region. The Director will make the selection of the 2 applicants recommended.

We have a new Governor today - Kate Brown. Our state has gone through an important time recently, seen some significant changes and heard things we would rather not have heard. We just need to remember that we are all Oregonians and working towards a common goal for our state. We don't need to let this issue with the governor cloud our vision.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde wanted to thank Senator Wyden for dropping a bi-partisan bill last Thursday for the reauthorization of the PILT and Secure Rural School funding. It doesn't



get it us to where we want to be but it's movement. Hopefully it will move on to the House.

Last Thursday, he met with the Public Infrastructure Commission that he sits on. They are tasked with making a recommendation to the legislators on ways to development private and public funding partnerships for large infrastructure projects. Large being anything from \$50 million on up.

Yesterday he was in Salem to attend the Forest Trust Lands Committee that he sits on. This group looks at our trust lands and makes judgment calls with regards to the Department of Forestry on State forests. There are a lot of issues around the harvest plan which isn't quite there yet. They also looked at some legislation that puts some teeth in dealing with the raves and concerts happening on forest lands and the penalties involved. Those events do a lot of property damage.

#### **COMMISSIONER FISHER COMMENTS:**

Commissioner Fisher reported on the various meetings he attended over the past week. He wanted to comment on the earlier discussion regarding upholding their oath. That oath is to the Constitution of the United States, not the 2nd Amendment, not to the 1st Amendment but to the entire Constitution of the United States. Article III of the Constitution says in part "the judicial power of the United States shall be vested in one supreme court". In Article II says that the judicial power shall extend to all cases arising under this constitution. It doesn't say that any one of us has the right to interpret the constitution. This is not a free will document, it is determined by laws. That's what

makes our civilization work. If you don't have that, you end up like some of those counties mentioned earlier. We must all obey the laws.

He also mentioned that there are times when the people ask the Board to pass a resolution or ordinance that the County Commissioners have no control over.

**EXECUTIVE SESSION UNDER ORS 192.660(2)(h)(e):**

The Board recessed the regular session to go into Executive Session as allowed under ORS 196.660(2)(h)(e). Upon coming out of Executive Session, no action was taken by the Board.

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

Dated at St. Helens, Oregon this 18<sup>th</sup> of February, 2015.

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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BOC Minutes

2/18/15

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Henry Heimuller, Chair

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

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

Jan Greenhalgh

Anthony Hyde, Commissioner

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

Board Office Administrator

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Earl Fisher, Commissioner