

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

May 10, 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 the May 3, 2017 Board meeting and May 3, 2017 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Don Campbell, 75735 Price Road, Rainier: He wanted to bring an issue to the Board that concerns him. A few years back, he purchased some property on Nicolai Road, less than an 1 acre. When he asked the county about putting a home there, he was told no because it didn't meet the criteria, so he sold the property. However, there is a piece of property at 75728 Price Road that was originally 2 lots, but was combined into 1 on June 6, 1991, 2 days after the 50 foot ownership requirement for a home site. In 2009, they started developing that property and got approval to build a home on those 2 tax lots. This should not have happened and it should be taken out. It was done in error and when he brought it to the attention of Todd Dugdale, Don was told that LDS would not enforce the issue on that property. That's unfair to everyone else who has to follow the rules. Commissioner Heimuller asked that Don put all of this in writing and submit it to the Board who will review it with LDS.

Leigh Kenoyer, 68670 Bedell Road, Deer Island: Leigh is here today to address an issue of concern with a neighbor on her road. She had presented information and photos to Commissioner Heimuller yesterday when he visited the property. She lives on Bedell Road, which is a dead end gravel road. The Road Department has been very professional and consistent in taking care of this road for years, with no problems. A neighbor moved in about 5 years ago, Mr. Edward Monk, who lives at the end of this road. Mr. Monk feels the road should be what he feels is correct specifications to his knowledge. Mr. Monk has for sometime maintained the road because he has the heavy equipment to do so. All was good for awhile. He would fill in pot holes when needed. However, Mr. Monk has taken it upon himself to widen the road, and is basically filling in the ditches. She now has water running onto her property because it has nowhere else to go. Each resident is responsible for their own easement. Mr. Monk has

taken it upon himself to widen the road, and cut bushes and shrubs at his discretion. Leigh and neighbors have asked Mr. Monk to stop doing the work, and leave it to the professionals. They have gone to the Road Department and asked that they enforce that they have asked Mr. Monk stop with the work. She has documentation from Mr. Hill stating that Mr. Monk will no longer be allowed to use heavy equipment and not to do any work to the neighbors' easements. There have been aggressive situations. Police have responded. This has now become an escalated situation between several neighbors. Mr. Monk has made threats against us, using heavy equipment trying scare people, it has become a violent situation and the neighborhood is in conflict. Mr. Hill had agreed and it's in writing that the work was to cease. Mr. Monk could use a hand shovel and that was it. On May 5, 2017, Mr. Monk acquired a permit from the Road Department for being able to use the heavy equipment on the property; again, pushing rock into the ditches. The police were involved again and at this time informed Leigh and the neighbors about the permit. There is public intoxication, drinking on heavy equipment, aggressive and unprofessional mannerism. I am coming to you now and asking you to put a stop to this, so we can take care of our own property, and go about our own business.

Lisa Starr, 68381 Bedell Road, Deer Island: She concurs with Leigh on her comments. This has been a very difficult situation. She presented documentation to the Board. It has become a hostile situation with Mr. Monk. She would like to have the maintenance plan that was in place for years, to be that again. We do not want to add this conflict to the neighborhood. Mr. Monk is demeaning with the name calling, and drinking on the heavy equipment. When I noticed the issues he was creating, I took it upon myself to talk to Mr. Monk and asked him to be aware of the issues that he was causing. He was very hostile and demeaning and told me to just go rake it myself. I did not want any further contact with him at that time. Then in November of 2016 I thought my gardener was out working in my culvert, and was surprised to find Mr. Monk digging a ditch along my north property line and with his tools in my driveway. I was hesitant to engage conversation with Mr. Monk, but asked him to stop, I did not want him to dig on my property. He told me that I did not have a voice and it did not matter what I wanted. Then the next day he started again, Officer Peabody was called and caught Mr. Monk with alcohol again and gave him a sobriety test. No charges came against him. At this point is when Mr. Hill wrote a letter saying Mr. Monk was not allowed to work near the Kenoyer or Starr properties. So we were pretty blind sided when we went out this last Saturday and found him again working on our properties. Ms. Starr's spouse asked him to please get off his equipment and talk to her. She was wanting to talk about the letter saying he is not suppose to be doing any work. Mr. Monk with name calling threatened to hit her with the bucket of his equipment and he did not have to talk to her.

Commissioner Heimuller spent a lot of time with both Leigh Kenoyer and Mr. Monk yesterday and got the story from both sides. He wonders if there was something that happened that caused this situation because he understood that everyone were friends at

one point. Lisa explained that they were not actual friends but were neighborly for a long time. The problems began when Mr. Monk quit respecting the boundaries of the easement.

Eddie Monk moved here about 5 years ago. He builds luxury homes on a lot of hillsides, so he is familiar the dynamics of roads and drain off. He has been doing this for 40 years. He has been grading Bedell Road for 5 yrs and has never had any issues until Ms. Kenoyer pulled up next to him, while he was on his excavator, yelling and screaming because he did not call her first. The police were called, and it took awhile to calm her down. Ms. Starr has also called police making accusations that he was drinking while on the heavy equipment. Deputy Peabody had him take a sobriety test, that he passed because he had not been drinking. At this time he was pulling a tree out of the ditch that had fallen. Deputy Peabody asked me to stop work and go home for the day, because of all of the commotion the two ladies were causing. The next day Eddie called Dave Hill to let him know of some problems with the road which resulted over the winter and that he was unable to maintain the road as he has done for the last five years. He was told that the county would come and clear the culverts/ditches and would bring more gravel. That did not happen before winter. He is here to defend himself and he only wants to help the community by helping to keep the road maintained. He volunteers for many things because he knows a lot about construction and he has the equipment. Eddie talked with Dave Hill and volunteered to keep the culverts clean and the roads maintained. He also uses this road and likes to keep it maintained because it's less wear on his cars and, when he moved heavy trucks and trailers to his other properties, pot holes are very hard on his equipment.

The Board thanked all for attending this meeting and will take all of this under advisement.

HEARING: BRIAN RICHARDS APPEAL OF BUILDING VIOLATION:

This is the time set for the hearing to consider the appeal by Brian Richard on the building code violation he received from the County. He was sited for the failure to obtain a building permit. The County has the burden of proving that is in fact the case and, if so, set the amount of the fine. Robin went over the hearing process.

Robert Crain, Code Enforcement Officer, came before the Board and gave a very detailed chronological account of the code violations and enforcement actions taken on property located at 52580 Bird Road, Scappoose, Oregon, owned by Brian Richards, which began in November, 2005. While going through the detail, Robert entered the following items into the record. **Exhibit "1"** - Assessor's Records; **Exhibit "2"** - Photos; **Exhibit "3"** - Building Codes Violation Ordinance (portion); **Exhibit "4"** - original code compliance complaint filed; **Exhibit "5"** - (5653) Certified letter to Mr. Richards; **Exhibit "6"** - Certified letter, citation and court order; **Exhibit "7"** - (5936) Certified letter to Mr. Richards; **Exhibit "8"** - Building Permit application; **Exhibit "9"** - Electrical Permit

application; **Exhibit "10"** - Newly created COD case; **Exhibit "11"** - Certified letters returned unclaimed; **Exhibit "12"** - Letter to Mr. Richards showing receipt; **Exhibit "13"** - Mr. Richards appeal of \$10,000 fine; **Exhibit "14"** - Corrective Action Plan with 5 conditions signed by Mr. Richards; **Exhibit "15"** - Letter & Notice of Violation signed for; **Exhibit "16"** - Notice of Final Order and cert receipt signed for; **Exhibit "17"** - Notification of Fine and signed cert receipt; **Exhibit "18"** - Notice of Violation; **Exhibit "19"** - Mr. Richards' letter of appeal to the Board of Commissioners .

Robert added that he feels that Columbia County has been more than fair with the amount of time given to Mr. Richards to resolve this situation.

The hearing was opened for public comment.

Brian Richards, 52580 Bird Road, Scappoose, Oregon 97056: In his letter of appeal to the Board, Mr. Richards explains a lot of his situation and why this wasn't dealt with. His plan was to move the building, at a cost of approximately \$25,000. However, he didn't have the money to do that at the time. His house was in foreclosure twice, had to do 2 loan modifications and he was caring for his dying father. His intent was there but the finances were not. Now, he does have the money through new income and an inheritance, however, to pay \$95,000 in fines for a building worth only \$55,000 is hardly worth it and he would be looking at bankruptcy. He spoke with Emmert International moving company this morning and they said they can move the building in August. He is asking that the county allow him until October 2017 to get the building moved and, if not done, move forward with the fine. Brian submitted photos of the shop marked **Exhibit "20"**.

Commissioner Tardif asked Mr. Richards, about the fence he put up around the building. Brian explained that he did that to deter theft and that it is detachable so the building could be moved.

Commissioner Magruder asked Brian that if the County were to allow him to move the building and forgo the fine, when could that be done? Brian explained that the engineer would need to re-certify the drawings so that they meet any current codes. Once that is done, he could submit those to the building department and purchase his 4th permit. The concrete contractor will come in between mid June-July to pour the new foundation, 30 days to set then Emmert can move in 3-4 days.

In looking through the documentation, Commissioner Heimuller understands that Mr. Richards is a businessman with commercial rental properties and is a smart man. So it's hard to understand why he built a shop, knowing that a permit would be required but didn't purchase one. He also has to question if Brian really intended to move the building at all. Further, why purchase an electrical permit for the shop when the intention was to move it. This is a situation when he wished the county wasn't so lenient because this has been allowed to drag on for years. There has been a tremendous amount of staff time

involved in this one situation. A simple communication with the County may have solved some of the issues but to ignore the letters was not the answer. Commissioner Heimuller believes that swift action and swift enforcement is best for everyone involved.

Brian explained that a year ago he was administering hospice care to his father. He was not in the emotional mood to respond to the letters. His only concern at that time was his father. He did own commercial property but those were lost in the economic downturn. He already paid a number of fines and fees to the county. The bottom line is the county wants the building moved and he now has the ability to do that.

Commissioner Magruder asked Robert Crain if the existing concrete pad would be able to remain in place or would it also need to be removed. Robert explained that the concrete is part of the building permit and would have to be demolished. Commissioner Heimuller added that the setback requirements affect the concrete as well as the building. Commissioner Magruder then asked Mr. Richards if he would be able to meet the cost of removing that concrete. He stated he would be able to pay the additional \$5,000 to get it removed.

With no further testimony coming before the Board, the hearing was closed. Deliberations were carried over to Wednesday, May 17, 2017 at or after 10:00 a.m.

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 5.8.17.
- (B) Order No. 29-2017, "In the Matter of Adopting Policies and Procedures for Tax Foreclosure Property".
- (C) Order No. 30-2017, "In the Matter of Retention and Assignment of Certain County Owned Property".
- (D) Order No. 31-2017, "In the Matter of the Petition by C & P Investments and Other Property Owners to Name a Platted Public Right-of-Way Off Gunners Lake Mainline in a Rural Residential (RR-5) Zone as "Shady Way".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Memorandum of Agreement with Columbia County Deputy Sheriffs' Association regarding Sergeants.

The motion carried unanimously.

PUBLIC ROAD EVENT PERMIT “COLUMBIA CENTURY CHALLENGE BIKE RIDE”:

Lonny Welter and Cherie Moylan, Road Department, came before the Board to address the Public Road Event Permit for the “Columbia Century Challenge Bike Ride”, scheduled for June 17, 2017. Cherie sent out 25 requests to outside agencies for any impact costs they might accrue and only received 6 back stating no concerns, with the exception of one who voiced a concern about the danger to both the vehicles and bikes on Scappoose Vernonia Hwy. Commissioner Heimuller asked if this is planned for the trail or the road. Cherie stated that they plan to use the road. The Board expressed their concerns with the lack of shoulders on SV Hwy and the huge safety concerns for both drivers and bikers. The Board stated that, if approved, there would need to be signage to alert drivers on SV Hwy and that the sponsor would bear any costs. After some lengthy discussion, Commissioner Magruder moved and Commissioner Tardif seconded to approve the Public Road Event Permit and Indemnity Agreement for the “Columbia Century Challenge Bike Ride” on June 17, 2017 and that any impact fees be paid for by the sponsor. The motion carried unanimously.

TRANSIT REQUEST:

Michael Ray, CC Rider Transit Director, wanted to pass on a promotional idea from the Transit Advisory Committee, which is to offer free rides on transit for seniors and veterans over the summer months, called “13 Days on Transit”. It would be Wednesday’s only and cover all 6 fixed routes. The cost to CC Rider would be minimal and, in fact, may increase ridership once they know about the service and where it can take them.

Along that line, Commissioner Heimuller asked about sponsorships for free rides to the County Fair and 13 Nights on the River. Michael is working on that.

After discussion, there was Board consensus to have Michael move forward with the free ride Wednesday and then report back to the Board, the actual costs.

COMMISSIONER HEIMULLER COMMENTS:

No comments.

COMMISSIONER MAGRUDER COMMENTS:

No comments.

COMMISSIONER TARDIF 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 10th 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

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Henry Heimuller, Chair

By: _____
Margaret Magruder, Commissioner

By: _____
Jan Greenhalgh,
Board Office Administrator

By: _____
Alex Tardif, Commissioner