

POLK COUNTY BOARD OF COMMISSIONERS
MINUTES January 20, 2016

1. CALL TO ORDER & ATTENDANCE

At 9:00 a.m., Commissioner Wheeler declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Ainsworth and Commissioner Pope were present.

Staff present: Greg Hansen, Administrative Officer
 Matt Hawkins, Administrative Services Director
 Morgan Smith, County Counsel
 Todd Whitaker, Public Works Director
 Eric Berry, County Surveyor

2. ANNOUNCEMENTS

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The Tuesday meeting is held in the Board of Commissioners' Office Conference Room, 850 Main Street, Dallas, Oregon. The Wednesday meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda.

Department Head/staff meetings with the Board of Commissioners are held on Monday, Thursday, and Friday. The meetings are held in the Board of Commissioners' Office Conference Room and are conducted between 9:00 a.m. and 5:00 p.m. The principal subjects anticipated to be considered are on-going, upcoming, and new matters bearing on County operations. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects not listed within this announcement.

The Board of Directors for the Polk Extension Service District will meet on Wednesday, January 20, 2016 at 1:30 pm in the Polk Extension Service District office, 289 E Ellendale Ave Suite 301, Dallas, OR 97338.

The Board of Commissioners will attend a meeting of the Local Public Safety Coordinating Council on Monday, February 1, 2016 in the Polk County Courthouse conference room, 850 Main St., Dallas beginning at noon.

3. COMMENTS (FOR ITEMS NOT ON THIS AGENDA)

4. APPROVAL OF AGENDA

MOTION: COMMISSIONER AINSWORTH MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE AGENDA.

MOTION PASSED UNANIMOUSLY.

5. APPROVAL OF CONSENT CALENDAR

MOTION: COMMISSIONER POPE MOVED, COMMISSIONER AINSWORTH SECONDED TO APPROVE THE CONSENT CALENDAR.

MOTION PASSED UNANIMOUSLY.

6. APPROVAL OF MINUTES OF BOARD MEETING OF JANUARY 13, 2016

MOTION: COMMISSIONER AINSWORTH MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE MINUTES OF THE BOARD MEETING OF JANUARY 13, 2016.

MOTION PASSED UNANIMOUSLY.

At 09:05 a.m., County Counsel announced that the meeting was recessed to Executive Session pursuant to ORS 192.660(2)(d) to conduct deliberations with persons you have designated to carry on labor negotiations and ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law, including written advice from your attorney. Although the public is excluded, no vote may be taken in executive session. Written minutes from the meeting are on file in the Board of Commissioners' office, but are confidential under ORS 192.660.

Commissioner Wheeler called the meeting back into regular session.

BY CONSENSUS, THE BOARD DIRECTED STAFF TO PROCEED AS DISCUSSED.

8. PUBLIC HEARING

Commissioner Wheeler opened the public hearing regarding a County Road Hazard on Dejong Rd. Todd Whitaker presented a power point presentation. The violations of this road hazard documented by Public Works' staff include ORS §368.251, prohibiting the obstruction of road drains, ORS §368.256 prohibiting the creation of a road hazard, and Polk County Code of Ordinances §31.120 prohibiting working in the right-of-way without a permit.

Mr. Whitaker gave an overview of the timeline of events leading to these violations: Public Works received a complaint from a neighbor about the work on 10/27/15. Public Works visited the site the next day and advised the Creekside Valley Farms LLC project foreman not to proceed with the project until a permit had been issued. An application for a permit was received on 10/29/15, but the County contacted the Creekside Valley Farms LLC on 11/3/15 explaining that proper documentation from a licensed engineer is needed to process the permit. No documentation is received and Creekside Valley Farms LLC continues work in the right of way without a permit (observed by Public Works Staff 11/10/16 and 11/12/15). On 11/16/15, the County notifies Creekside Valley Farms LLC of the ORS and County Code violations, and directs Creekside Valley Farms LLC to abate by 11/30/15. Creekside Valley Farms LLC responds on 11/30/15, but does not abate, and on 12/15/15, Polk County notices the public hearing due to the continued violation.

Paul Keuning, 4570 SE Lafayette Hwy, Dayton, explained that he is the owner of the company (Willamette Valley Land LLC) that owns the property the work was being done on and is also the owner of the tile company (Creekside Valley Farms LLC) that was performing the work. Mr. Keuning explained that this is the first time he has done this kind of work in Polk County, and was not aware than a permit was needed. In other projects in other counties, he has not encountered these types of regulations.

The work on this project was based on the recommendation of a non-certified engineer, who felt that (in violation 4) the ditch could be filled in to increase the farming area and a 15 inch pipe would be adequate for drainage because the grade of the field is lower than the road and sloped, so water would run across the field before overflowing the road. Mr. Keuning also explained that in violation 5, Mr. Keuning replaced an existing 4" pipe with a 5" pipe, which should have increased capacity for drainage, but Todd disputed that it appears the road is overtopping more than it has in the past.

Mr. Keuning also testified that the work on this project lasted approximately seven days, which did not give him much time to obtain a permit once notified that he needed one. Commissioner Wheeler countered that once Creekside Valley Farms LLC was notified that a permit was needed, work on the project should have been stopped until requirements were met and a permit was issued.

MOTION: COMMISSIONER AINSWORTH MOVED, COMMISSIONER POPE SECONDED, TO DIRECT STAFF TO DRAFT AN ORDER TO ALLOW CREEKSIDE VALLEY FARMS LLC A THREE MONTH TIMELINE TO OBTAIN A REPORT FROM A CERTIFIED ENGINEER WITH SUGGESTIONS TO MEDIATE AND ABATE THE HAZARD CREATED BY THE CHANGES TO THE DRAINAGE SYSTEM, AND HAVE ALL CONSTRUCTION PURSUANT TO THE ENGINEER'S REPORT COMPLETED BY JUNE 30, 2016 TO THE SATISFACTION OF THE POLK COUNTY PUBLIC WORKS DIRECTOR.

MOTION PASSED UNANIMOUSLY.

Order 16-05 will be on the agenda for the following Wednesday Board Meeting, January 27, 2016.

Commissioner Wheeler adjourned the meeting at 10:35 am.

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- (a) **ORDER 16-04**
Adopt Order 16-04 in the matter of canceling uncollectible personal property taxes.
- (b) **TREASURER'S FISCAL REPORT**
Accept the Treasurer's Biannual Fiscal Report under ORS 294.085.
- (c) **CLERK'S FISCAL REPORT**
Accept the Clerk's Biannual Fiscal Report under ORS 294.085.
- (d) **BEHAVIORAL HEALTH - CONTRACT NO 16-04**
Approve Contract #16-04 with Candice Elliott for mental health services.
- (e) **SHERIFF'S OFFICE - CONTRACT NO 16-05**
Approve Contract #16-05 grant agreement with the Oregon Department of Transportation for SRP Interoperability Funds

POLK COUNTY BOARD OF COMMISSIONERS

Jennifer Wheeler, Chair

Mike Ainsworth, Commissioner

Craig Pope, Commissioner