

BOARD ORDERS AND MINUTES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in combined session on January 12, 2023, at 10:01 a.m. in Room 32 of the courthouse and a virtual meeting via Zoom, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

Also present were Ken Huffer, County Administrator; Justine Hogue, Deputy County Administrator; Christian Boenisch, County Council; Jodi Gollehon, Assistant County Counsel II; Ken Friday, Planning and Development Director; Mike Kemper, Code Enforcement; Jason Foose, Planner; Shane Hoffman, IT Manager; and Carolina Rook, BOC Staff. Nohely Barajas, Legal Assistant, and Carrie Martin, Grants participated via Zoom.

Guests: B. Todd Godfrey, Heidi McNelly, Truman Stone, Hannah Hurty, Dennis Goecks, Adam Garvin, and Steve Leonard. Rich Leipfet, Lee Schrepel, Tyler C Yeoman, Amy K and Nicole Montesano participated via Zoom.

Welcome! Thank you for attending today’s meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda, you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any item, please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak. NEW – Public participation also includes the ability to attend Formal Session via Zoom. For attendees that are attending the meeting via Zoom, the Chair will ask if any Zoom attendees wish to provide public comment in same manner as provided above. At that time, attendees will be asked to use the “raise hand” function in Zoom and staff will unmute the participant. Meetings will also continue to be available for view via a live stream on the Commissioners’ You Tube channel. Written public comments may be submitted via email at [cocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us).

A. CALL TO ORDER Commissioner Berschauer called the meeting to order at 10:01 a.m.

B. FLAG SALUTE

C. PRESENTATION: American Legion Oratorical Candidate – Hannah Hurty

Ms. Hurty provided presentation on aspects of the United States Constitution.

D. CALENDAR SESSION: This time is reserved for the review of the commissioners' joint schedule (if needed).

The commissioners reviewed the joint schedule for the week of January 16 – January 22, 2023. No other county business was discussed.

E. PUBLIC COMMENT: This time period is reserved for public comment on any topic other than: 1) agenda items, 2) A quasi-judicial land use matter, or 3) a topic scheduled for public hearing. The Chair may limit the length of individual comments.

No public comment was received.

F. DEPARTMENT UPDATES:

a. Planning Department – Ken Friday

Ken Friday provided an update on the bypass, psilocybin, and accessory dwelling units. Director Friday answered questions and provided an update on the “Planning Director’s Interpretation” that he issued in December for the Newberg-Dundee Bypass. The proposed code amendments are still pending at the Planning Commission. Interchange at HWY 219. Phase 2A of the project is expected to move forward in April of 2023. The Planning Director’s interpretation was not appealed and therefore ODOT will proceed with the latest phase of the bypass project and allow more time for the Planning Commission and Board to consider the requested Code Amendments. DLCDC filed a notice of intent to appeal Psilocybin Ordinance. Director Friday provided an update on Senate Bill 391 which allows Accessory Dwelling units in rural residential zones.

G. WORK SESSION: This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

1. Work Session - None

H. CONSENT AGENDA: Commissioner Starrett moved approval of the consent agenda. The motion passed, Commissioners Berschauer and Johnston voting aye.

Committees

1. **B.O. 23-09** - Approval of the following changes to the Parkway Committee:
 - a. Appoint Denise Harvey to a two-year term to expire September 20, 2025.
 - b. Appoint Bruce Starr for a four-year term ending January 15, 2027.
 - c. Appoint Brett Baker for a four-year term ending January 15, 2027.
 - d. Appoint Rick Olson for a four-year term ending January 15, 2027.

I. OLD BUSINESS:

1. **B.O. 23-10** - Consideration of approval of a sealed bid in the amount of \$15,250.00 for Tax Lot #R5926 00400. *[Continued from January 5, 2023]*

Commissioner Johnston provided that he found a permit on file for temporary power service which is now disconnected. Also, aerial footage suggests the possibility of an easement. Ken Friday noted that based on his review thus far the lot does not appear buildable. Ms. Marcheig Wallace, a representative of potential bidder Dennis and Starlene McKinley, asked the Board to consider additional photos the Board declined to view the photos.

Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

2. **B.O. 23-11** – Discuss Areas of Liaison for 2023. *[Continued from January 5, 2023]*

Commissioner Starrett moved approval of item I2. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

J. OTHER BUSINESS (Add-ons and non-consent items):

1. **B.O. 23-12** - Consideration of approval to Add 1.0 fulltime equivalent (FTE) HS Specialist I (406.22) in the Health and Human Services position management roster.

Commissioner Starrett moved approval of item J1. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

2. **B.O. 23-13** - Consideration of approval of Service Element Prior Authorization (SEPA) #59207127 for \$159,941 under the agreement between Yamhill County Health and Human Services and the Department of Human Services for the financing of our Community Developmental Disabilities Program.

Commissioner Starrett moved approval of item J2. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

3. **B.O. 23-14** - Consideration of approval for the intent to award a contract to CivicPlus for development and hosting a new County website.

Commissioner Berschauer moved approval of item J3. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

K. PUBLIC HEARINGS:

1. Second public hearing In the Matter of an Order Approving the Formation of the McMinnville Fire District; Adopting Notice of Elections to Refer to the Voters in the Special District Election of May 16, 2023 the Measure for Formation of the McMinnville Fire District and Establishment of a Permanent Tax Rate.

Commissioner Berschauer opened the public hearing at 10:50 a.m.

Mr. Dennis Goecks gave testimony in opposition of the proposed measure. He believes that if a single fire district outside of McMinnville were to be created then it would cause tax rates to double. The Commissioners asked Mr. Goecks if he knew when the last tax increase took place as this could be a case of “sticker shock” for the lack of annual increases. Mr. Goecks said the increase usually occurs every two or three years.

Steve Leonard, the chair of the McMinnville Rural Fire Protection District Board spoke in favor of placing the measure on the ballot and confirmed that tax rates have been stable for the last eight years. Mr. Leonard also mentioned that the city is running out of funding to be able to continue paying for the rural fire protection, and that he would like to see the voters decide on the matter.

Councilor Adam Garvin presented public comment in favor of the putting the measure on the ballot. According to an ESCI study, substations should be located at the both the Northwest and South sides of McMinnville. The exact location would be determined by a newly elected five-member fire board. Due to technical issues the remainder of the meeting was not recorded correctly. The public hearing closed at 11:26 a.m.

B.O. 23-15 - Consideration of approval of a Board Order to consider the calling of an election for the formation of the fire district and for the establishment of a permanent property tax rate of \$2.00 per one thousand (\$1,000) assessed value pursuant to ORS 198. 815. After discussion, Commissioners Berschauer moved approval of item K1. The motion passed, Commissioners Berschauer, Johnston and Starrett voting aye.

2. Public Nuisance- Consideration of an alleged violation of the solid Waste Ordinance. The consensus of the board was to postpone the hearing until January 26, 2023. No action taken.

L. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county’s website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners’ office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

2. For questions regarding accessibility or to request an accommodation contact the Board of Commissioners’ office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at bocinfo@co.yamhill.or.us

3. Electronic versions of all meeting agendas and meeting information packets can be found at the county’s website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 11:46 a.m.

Nicole Necas
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LINDSAY BERSCHAUER

Commissioner KIT JOHNSTON

Commissioner MARY STARRETT