

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 formal/informal session on January 23, 2014, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary P. Stern, Allen Springer, and Kathy George being present.

Also present were Laura Tschabold, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Assistant County Counsel; Sue Lamb, Emergency Manager; Nathalie Hardy, News-Register; Jim Galba, 524 SW Drumwood Ave, McMinnville; and Neal Lockhart, 945 E Main, Yamhill.

Commissioner Springer called the meeting to order at 10:13 a.m.

A. **PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other topic scheduled for public hearing. Unless extended or restricted by the Chair or majority of the Board, public comment will be limited to three minutes per person.

Neal Lockhart stated that Conservative Friends of Yamhill County has paperwork ready and is prepared to file an initiative to ban medical marijuana dispensaries in Yamhill County if the Board does not take action to do so. He stated that the majority of marijuana that youth are getting is coming from medical marijuana cards, and he strongly encouraged the Board do whatever it can to keep the process from moving forward.

Jim Galba stated that when the City of Carlton tried to pass an ordinance a few years ago to impose additional restrictions on growing medical marijuana, the American Civil Liberties Union saw it as being unconstitutional and urged to city not to adopt such an ordinance. He added that a medical marijuana-related case in Washington County failed and ended up costing the county \$800,000.

See Other Business, item D(1), for additional discussion on medical marijuana dispensaries.

B. **AGENDA:**

Minutes

1. Consideration of approval of the following minutes:
 - a. **B. O. 14-23** - November 25, 2013, formal/informal session;

- b. **B. O. 14-24** - December 2, 2013, informal session;
- c. **B. O. 14-25** - December 5, 2013, formal session;
- d. **B. O. 14-26** - December 5, 2013, work session;
- e. **B. O. 14-27** - December 12, 2013, formal/informal session;
- f. **B. O. 14-28** - December 16, 2013, informal session.

Ms. George moved approval of item B(1). The motion passed, Commissioners Stern, Springer, and George voting aye.

Personnel

2. **B. O. 14-29** - Consideration of authorizing intermittent 5.5% out-of-class pay for Erin Fochoer, Assessor's Office, while performing certain duties, effective January 24, 2014.

Mr. Springer moved approval of items B(2) through B(4), praising Scott Maytubby's strategy of intermittent out-of-class pay. The motion passed, Commissioners Stern, Springer, and George voting aye.

3. **B. O. 14-30** - Consideration of authorizing intermittent 5.5% out-of-class pay for Christina Kronenberg, Assessor's Office, while performing certain duties, effective January 24, 2014.

4. **B. O. 14-31** - Consideration of authorizing intermittent 5.5% out-of-class pay for Nathanael Long, Assessor's Office, while performing certain duties, effective January 24, 2014.

5. **B. O. 14-32** - Consideration of authorizing 5.5% out-of-class pay for Kathleen Arreola while the HR Manager position is vacant, retroactive to January 6, 2014, through February 7, 2014.

Laura Tschabold noted that this allows for a few days of overlap with the new manager. Ms. Stern moved approval of item B(5). The motion passed, Commissioners Stern, Springer, and George voting aye.

6. **B. O. 14-33** - Consideration of the change of status of Ken Huffer to Human Resources Manager in Administrative Services, Range 26, Step 5, effective February 3, 2014.

Ms. Stern moved approval of item B(6), stating that Mr. Huffer has been a tremendous asset to the county and she is thrilled that he has accepted this new position. Ms. George agreed, stating that his demeanor and ability to work with people is incredible.

7. **B. O. 14-34** - Consideration of the employment of Ken Nygren as Program Coordinator in Emergency Management, regular part-time, Range 17, Step 3, effective January 24, 2014.

Sue Lamb stated that Mr. Nygren, who brings a wealth of experience from his background in the Oregon National Guard, will be filling her former position. Mr. Springer moved approval of item B(7). The motion passed, Commissioners Stern, Springer, and George

voting aye.

8. **B. O. 14-35** - Consideration of authorizing leave without pay for Frank O'Quin, HHS Adult Behavioral Health, effective January 27, 2014, through February 9, 2014.

Ms. George moved approval of item B(8). The motion passed, Commissioners Stern, Springer, and George voting aye.

9. **B. O. 14-36** - Consideration of the change of status of Tara Darter to Probation Officer Aide in Community Corrections, regular full-time, Range 10, Step 1, effective January 24, 2014.

Ms. Stern moved approval of item B(9). The motion passed, Commissioners Stern, Springer, and George voting aye.

Capital Improvement

10. **B. O. 14-37** - Consideration of approval of an updated Jail Capital Improvement Projects List.

Ms. Tschabold stated that all of the projects are paid for out of jail bed rental funds. Ms. Stern moved approval of item B(10). The motion passed, Commissioners Stern, Springer, and George voting aye.

Committees

11. **B. O. 14-38** - Consideration of the reappointment of Shelley Halleman to the Budget Committee for a three-year term to expire June 30, 2016.

Ms. Stern moved approval of item B(11). The motion passed, Commissioners Stern, Springer, and George voting aye.

12. **B. O. 14-39** - Consideration of the appointment of Larry Yoder to the Parkway Committee to complete the unexpired term of Kellie Menke through September 22, 2016.

Mr. Springer moved approval of item B(12) and provided an update on the bypass project. The motion passed, Commissioners Stern, Springer, and George voting aye.

Title II Projects

13. **B. O. 14-40** - Discussion and prioritization of the following proposed Title II projects submitted to the Salem District Resource Advisory Committee: *[Consensus to prioritize in the order listed.]*

- a. Yamhill County Law Enforcement Contract, \$12,650;
- b. Northwest Oregon Restoration Partnership, \$18,900;
- c. Alsea and Trask Paired Watershed Studies, \$52,500.

Ms. Stern stated that Yamhill County's estimated Title II funding is \$22,000, and she recommends full funding of the law enforcement contract as the top priority. Ms. Tschabold agreed and recommended the prioritization listed above. Ms. Stern moved approval of item

B(13) as recommended. The motion passed, Commissioners Stern, Springer, and George voting aye.

C. OLD BUSINESS:

1. **B. O. 14-41** - Consideration of adoption of Ordinance 886 in support of Planning Docket Z-02-13(SA), a request for zone change from EF-40 Exclusive Farm Use to AF-40 Agriculture/Forestry on approximately 48.6 acres, applicants Jay Alan Shue and Karen Marie Swenson, as tentatively approved by the Planning Commission on January 2, 2014.

Todd Sadlo provided the first and second readings of Ordinance 886 by caption only, declaring an emergency. Ms. Stern moved approval of the ordinance. The motion passed, Commissioners Stern, Springer, and George voting aye.

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

1. **B. O. 14-42** - Consideration of scheduling a public hearing for 10:00 a.m. on February 6, 2014, to receive public comment on medical marijuana dispensaries in Yamhill County.

Christian Boenisch stated that amending the zoning ordinance to regulate or ban dispensaries would require a different process and additional time for public hearing notice than adopting a nuisance ordinance. Mr. Sadlo stated that under the current zoning ordinance, the only possibility for land use applications would be a “similar use” application in the Neighborhood Commercial zone. He said that setting it up as a conditional use permit would allow the Board to set conditions and address compatibility issues.

Ms. Stern stated that the county is risking legal challenges whichever way it goes, so her preference is to go forward with what the Board feels is best for the county rather than banning dispensaries outright. She said that she is concerned about security issues with only two rural deputies on staff, and would like to adopt an ordinance that allows dispensaries with restrictions, so they can be monitored. She pointed out that there are already significant limitations in place with current zoning regulations.

Mr. Springer stated that he would like to hear public input before coming to a conclusion. He noted that even if the county were to ban dispensaries in rural areas, the cities could still choose to allow them within city limits, and there would be more security there.

After further discussion, Ms. Stern moved to schedule a public hearing for February 6, 2014, with written testimony to be accepted as well. The motion passed, Commissioners Stern, Springer, and George voting aye.

E. PUBLIC HEARINGS: None.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us/content/volunteer-opportunities, or call the Board of Commissioners’ office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting adjourned at 11:10 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair

MARY P. STERN

Commissioner

ALLEN SPRINGER

Commissioner

KATHY GEORGE