

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 session on May 25, 2004 at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present were John Krawczyk, Director of Administrative Services; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Diane Cilenti, Transportation Coordinator; Steve Mikami, Personnel Officer; Murray Paolo, Information Systems Manager; Dave Lawson, Assessor; Dan Linscheid, Surveyor; George Duvendack, 13469 SW Hwy 18, McMinnville; and David Bates, News-Register.

Commissioner George called the meeting to order.

A. **PUBLIC COMMENT PERIOD:** This fifteen-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. None offered.

B. **AGENDA:**

Minutes

1. **B. O. 04-292** - Consideration of approval of minutes from formal session April 29, 2004.

Ms. Lewis moved approval of the minutes. The motion carried, Commissioners George, Stern, and Lewis voting aye.

Personnel

Ms. Stern moved approval of items 2-4, with the amendment of item 2 to read \$10/hour. The motion carried, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 04-293** - Consideration of approval of the employment of Steve Hunter, McMinnville as Extra Help in the Sheriff’s Office, part-time on-call, \$13.90/hour, retroactive to May 20, 2004.

4. **B. O. 04-294** - Consideration of approval of the employment of Travis Van Cleave, Forest Grove, as a Corrections Reserve Officer in the Jail, part-time on-call, \$10/hour, retroactive to May 18, 2004.

4. **B. O. 04-295** - Consideration of approval of the employment of Rufus Clason, McMinnville, as a Corrections Reserve Officer in the Jail, part-time on-call, \$10/hour, retroactive to May 17, 2004.

Contract

5. Consideration of Amendment #6 to Contract #106241 between Public Health and Oregon Department of Human Services for 2003-2004 LPHA Financial Assistance.

Ms. Stern moved to continue the item to June 3, 2004. The motion carried, Commissioners George, Stern, and Lewis voting aye.

Grants

6. **B. O. 04-296** - Consideration of approval of the 2004-2005 Special Transportation Fund grant application.

Ms. Lewis moved to approve the grant application. The motion carried, Commissioners George, Stern, and Lewis voting aye.

7. **B. O. 04-297** - Consideration of acceptance of a grant award from the McMinnville Area Chamber of Commerce to the Sheriff's Office for S.T.O.P.P.E.D. program materials, \$1084.

Ms. George moved to accept the grant. The motion carried, Commissioners George, Stern, and Lewis voting aye.

Committees

8. **B. O. 04-298** - Consideration of reappointment of youth member Kandi Swope to the Commission on Children and Families for an additional one-year term ending July 30, 2005.

Ms. Stern moved to reappoint Kandi Swope to the Commission on Children and Families. The motion carried, Commissioners George, Stern, and Lewis voting aye.

Surplus Property

9. Consideration of a request from Charles Stone to purchase Tax Lot T3SR2W09-03790 adjacent to his property.

Mr. Gray stated that this sliver of property was created through the tax foreclosure process and has been maintained by Mr. Stone for 24 years. He said the property is now eligible to be deeded to Yamhill County and its assessed value is \$109. The consensus of the Board was for Mr. Gray to prepare the necessary paperwork and notify Mr. Stone of the Board's willingness to sell the property for \$109 plus fees, and then schedule a public hearing on the matter.

Zone Change Ordinance

10. **B. O. 04-299** - Consideration of adoption of Ordinance 740 in support of Planning Docket Z-01-04, a zone change from Resource Industrial to Light Industrial, applicant Dick Reynolds.

Rick Sanai stated that the application was unanimously approved by the Planning Commission and was not appealed to the Board of Commissioners. He provided the first and second readings of Ordinance 740 by title only, declaring an emergency.

Ms. Lewis moved approval of the ordinance in support of Planning Docket Z-01-04. The motion carried, Commissioners George, Stern, and Lewis voting aye.

A&T Grant Resolution

11. **B. O. 04-300** - Consideration of adoption of a resolution authorizing participation in the Assessment and Taxation Grant Program administered by the Oregon Department of Revenue, rescinding Resolution 04-04-15-01 and Board Order 04-219.

Dave Lawson explained that the grant amount was increased by a total of \$64,714 to include a GIS Specialist position and \$9300 for ArcInfo funding. John Krawczyk stated that this will increase revenue to the county, since the jobs were already funded in the budget. Mr. Lawson requested to be the one responsible for submitting the Assessment and Taxation Grant application every year. Ms. George agreed that it makes sense, and she suggested further discussion.

Ms. Stern moved to adopt the resolution, rescinding Resolution 04-04-15-01 and Board Order 04-219. The motion carried, Commissioners George, Stern, and Lewis voting aye.

C. OLD BUSINESS:

1. **B. O. 04-301** - Consideration of adoption of findings in support of Planning Docket PAZ-01-04, a request for a Comprehensive Plan amendment from EF-40 to AF-10 on 37.5 acres, applicants Glenn and Cari Martin, as tentatively approved May 13, 2004.

Mr. Sanai provided first and second readings of Ordinance 739 in support of Docket PAZ-01-04 by title only. Ms. Lewis moved to approve the ordinance. The motion carried, Commissioners George, Stern, and Lewis voting aye.

5. **B. O. 04-302** - Consideration of adoption of findings in support of Planning Docket G-01-04, a proposed ordinance amendment to allow parks as a conditional use in the VLDR zone, as tentatively approved May 13, 2004.

Mr. Sanai provided first and second readings of Ordinance 741 in support of Docket G-01-04 by title only. Ms. Lewis moved to approve the ordinance. The motion carried, Commissioners George, Stern, and Lewis voting aye.

6. **B. O. 04-303** - Consideration of adoption of findings in support of Public Works Docket RV-02-03, a request for vacation of portions of Mayette Drive, as tentatively approved May 13, 2004 and continued from May 20, 2004.

Ms. Lewis moved adoption of the findings. The motion carried, Commissioners George and Lewis voting aye and Commissioner Stern voting no.

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

1. **B. O. 04-304** - Consideration of a request for a conflict of interest waiver for Preston Gates & Ellis LLP in connection with a land use appeal of Planning Docket PAZ-02-03.

At the suggestion of Mr. Gray, Ms. George recessed to executive session at 10:44 a.m. for the purpose of consulting with counsel regarding possible litigation, pursuant to ORS 192.660(2)(h). The formal session resumed at 10:59 a.m. with no decisions made.

Ms. Stern moved to deny the request for a conflict of interest waiver. The motion carried, Commissioners George, Stern, and Lewis voting aye.

2. **B. O. 04-305** - Consideration of Amendments 1 and 3 to extend two grant agreements between Yamhill County and the Mid-Willamette Valley Council of Governments for improvements to the Cove Orchard sewer system.

Ms. Stern moved to approve the amendments. The motion carried, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 04-306** - Consideration of approval of employment of Rohn Reid as a Utility Worker in Public Works, regular full-time, Range 11, Step 1, \$1997/month, effective June 1, 2004.

Ms. Lewis moved approval of the employment of Rohn Reid. The motion carried, Commissioners George, Stern, and Lewis voting aye.

4. Consideration of approval of employment of the following individuals as Laborer 11 in Public Works, temporary part-time, \$10/hour, effective June 1, 2004 until September 30, 2004:

- a. **B. O. 04-307** - Dustin Minor;
- b. **B. O. 04-308** - Lori Bertlow.

Ms. Lewis moved approval of the employment of Dustin Minor and Lori Bertlow. The motion carried, Commissioners George, Stern, and Lewis voting aye.

E. PUBLIC HEARINGS:

- 1. Receipt of public comment on revised landfill tipping fees.

Ms. George opened the public hearing.

Mr. Gray explained the request from Riverbend Landfill to revise their fee structure for loose loads, as unanimously recommended by the Solid Waste Advisory Committee. Sherrie Mathison stated that the public hearing had been noticed in three local newspapers and no public comment has been received.

Ms. George closed the public hearing. Ms. Lewis moved to continue the application for revised landfill tipping fees to June 3, 2004 at 10:00 a.m. in Room 32 of the County Courthouse, and directed Mr. Gray to prepare the necessary paperwork. The motion carried, Commissioners George and Lewis voting aye, and Commissioner Stern abstaining.

- 1. Consideration of Public Works Docket RV-04-2004, a request for vacation of a portion of Homes Acres Road, Newberg, applicant Barbara Koch.

Mr. Gray stated that no public hearing is necessary for this docket. He recommended continuing the request until next week so he can prepare the vacation order. Ms. George tabled the item.

F. ANNOUNCEMENTS:

- 1. Three positions are available on the Road Improvement Advisory Committee. Contact the Commissioners' Office for applications.

Adjourn: 11:03 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS