

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 March 30, 2005 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were John M. Gray, Jr., County Counsel; John Krawczyk, Director of Administrative Services; Mike Brandt, Planning Director; Bill Gille, Public Works Director; Julia Staigers, Accounting Division Manager; Steve Mikami, Personnel Officer; Richard Sly, Community Corrections Director; Barb Paladeni, Community Corrections Division Manager; Stephanie Lang and Peg Bannister, Probation and Parole Officers; Dave Lawson, Assessor; Joseph Gall, 1156 SW Westvale Street, McMinnville; Marilyn Reeves, PO Box 1083, McMinnville; and Marla Robison, 12300 NE Parrett Mountain Road, Newberg.

Commissioner Stern called the meeting to order.

**SPECIAL PRESENTATIONS:** Recognition of presentation to Julia Staigers, Accounting Division Manager, for her outstanding support of the mission and goals of the Oregon Municipal Finance Officers Association.

Presentation of two awards to Stephanie Lang, Community Corrections, for the highest academic achievement in Basic Parole & Probation Class 05-53.

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.

Joseph Gall distributed a packet of written information to the Board, stating that the county has been illegally taxing his mobile home for years. He said he has unsuccessfully appealed the issue all the way to the Oregon Supreme Court and asked the Board to read the submitted information. He expressed his displeasure with government attorneys having changed the meaning of Oregon law.

Marilyn Reeves, representing Friends of Yamhill County, thanked the Board for amending county law to require neighbor notification of Measure 37 claims. She stated that there needs to be some public discourse about the county’s current practice of using land sales contracts in some cases to determine the validity of claims.

Dave Lawson responded to Mr. Gall's comments by assuring the governing body and the public that his department has treated Mr. Gall fairly and hasn't broken any rules. He noted that Mr. Gall had been ordered to pay the court costs for his case against the county.

B. **CONSENT AGENDA:** Ms. George moved approval of the consent agenda. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Personnel

1. **B. O. 05-192** - Approve the employment of Alberto Contreras, Pacific City, as Corrections Reserve in the Jail, part-time on-call, \$10/hour, effective March 30, 2005.

2. **B. O. 05-193** - Approve the employment of Tabitha Bird-Weaver, Newberg, and Theresa Sullivan, Salem, as HS Associates in Adult Mental Health, temporary on-call, Range 14, Step 1, \$13.78/hour, effective April 9, 2005 until June 30, 2005.

3. **B. O. 05-194** - Approve the change of status of Allison Musillami to increase hours to regular full-time in CCF, retroactive to March 25, 2005 until June 30, 2005.

Contracts

4. **B. O. 05-195** - Approve a contract employee agreement between Public Health and Jacqueline Terrill-Cooke for nurse practitioner services at the Willamina School-Based Health Center, \$35/hour, effective April 1, 2005.

5. **B. O. 05-196** - Approve a modification to an agreement between Adult Mental Health and Karen Peters to increase hours of service to 14/week and compensation to \$80/hour.

6. **B. O. 05-197** - Approve Contract #4600005254 between HHS and Multnomah County for HIV/AIDS services, retroactive to March 1, 2005 until February 28, 2006.

7. **B. O. 05-198** - Approve a modification to an agreement (B.O. 04-540) between CCF and LINCS to increase the allocation to \$8168, effective March 30, 2005.

Easement

8. **B. O. 05-199** - Accept a temporary construction easement from the City of Carlton for bridge construction on Meadow Lake Road.

Fees

9. **B. O. 05-200** - Adopt the new rule package of the Environmental Quality Commission regarding on-site sewage disposal services; also adopt specific fees associated with holding tanks and other alternative systems, effective March 30, 2005.

Vehicles

10. **B. O. 05-201** - Approve the purchase of four new 2005 Ford Crown Victoria patrol cars for the Sheriff's Office from Chuck Colvin Ford, \$20,416 each, and declaring four of the highest-mileage patrol vehicles as surplus county property to be auctioned on eBay to the highest bidders.

Measure 37

11. **B. O. 05-202** - Schedule a public hearing on April 27, 2005 at 9:00 a.m. for M37-10-04, a Measure 37 claim authorizing applicants Jeffrey Magar and Billy Magar to subdivide their property into 24 lots and to establish dwellings thereon.

C. **OLD BUSINESS:**

1. **B. O. 05-203** - Consideration of approval of Ordinance 766, repealing Ordinance 763 and reinstating Public Works General Provisions Ordinance 558 as amended by Ordinance 574.

John Gray stated that PGE has expressed concerns about some elements of Ordinance 763, adopted on March 9, 2005, and has requested some time to hold discussions with the county and other interested utilities about their concerns. He proposed that the Board repeal the ordinance and reinstate the previous General Provisions Ordinance. He stated that within about five weeks, the Public Works Director would come back to the Board with a recommendation to either modify or re-adopt Ordinance 763.

Mr. Gray provided the first and second readings of Ordinance 766 by title only, declaring an emergency. Ms. Lewis moved approval of the ordinance. The motion passed, Commissioners Stern, Lewis, and George voting aye.

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

Measure 37

1. **B. O. 05-204** - Consideration of approval of M37-09-04, a Measure 37 claim authorizing applicants James and Susan Stiverson to partition 3.84 acres into two lots and establish one additional dwelling.

Mr. Gray stated that the applicants' attorney made a convincing argument for an equitable mortgage constituting ownership in this case. He said he is satisfied that land sales contracts constitute an allowable interpretation of ownership under Measure 37 and Ordinance 749. Ms. Lewis agreed with him and added that a person can't get a bank mortgage on bare land, which she knows from personal experience. Ms. Reeves later stated that she is also very familiar with the process from personal experience and she expressed her appreciation of the discussion on the issue.

Ms. Lewis moved approval of M37-09-04. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-205** - Consideration of approval of M37-08-05, a Measure 37 claim authorizing applicant Robert McKee to establish a dwelling on his 78.4 acre property.

Ms. George moved approval of M37-08-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 05-206** - Consideration of approval of M37-09-05, a Measure 37 claim authorizing applicants Thomas and Lori Bernards to partition and build dwellings on 232.32 acres.

Mr. Gray read the criteria specific to this case from the Board Order. Ms. Lewis moved approval of M37-09-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

4. **B. O. 05-207** - Consideration of approval of M37-10-05, a Measure 37 claim authorizing applicants Stanley and Kay Varuska to establish a dwelling on approximately 20 acres.

Ms. George moved approval of M37-10-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

5. **B. O. 05-208** - Consideration of approval of M37-11-05, a Measure 37 claim authorizing applicant Coy Roberts to partition 1.5 acres into two lots for the two existing dwellings.

Ms. Lewis moved approval of M37-11-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

6. **B. O. 05-209** - Consideration of approval of M37-12-05, a Measure 37 claim authorizing applicant Maurice Cooper to establish a dwelling on 31 acres.

Ms. George moved approval of M37-12-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

7. **B. O. 05-210** - Consideration of approval of M37-13-05, a Measure 37 claim authorizing applicant Jean Opheim to establish a dwelling on 37 acres.

Ms. Lewis moved approval of M37-13-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

8. **B. O. 05-211** - Consideration of approval of M37-14-05, a Measure 37 claim authorizing applicant Marla June Robison to subdivide her property into 18 lots of approximately 2.5 acres each and to establish dwellings thereon.

Mr. Gray read the criteria specific to this case from the Board Order. Ms. Lewis moved approval of M37-14-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

#### Contracts/Grants

9. **B. O. 05-212** - Consideration of approval of Amendment #2 to an agreement between Public Works and OBEC Engineering, Inc. for engineering services on Meadowlake Road Bridge, subject to approval by County Counsel. *[Approved]*

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

10. **B. O. 05-213** - Consideration of approval of Amendment #1 to an intergovernmental agreement between Yamhill County and Oregon Youth Authority for general therapy, sex offender and alcohol and drug treatment services, extending the expiration date to March 31, 2007. *[Approved]*

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

11. **B. O. 05-214** - Consideration of authorizing the transportation liaison to sign the application for an ODOT Mass Transit Discretionary Grant on behalf of the county, not to exceed \$40,000. *[Approved]*

Ms. Lewis explained that this grant would provide the county's match amount for another transportation grant. She moved to authorize the application. The motion passed, Commissioners Stern, Lewis, and George voting aye.

12. **B. O. 05-215** - Consideration of approval of a contract between Public Works and ConTech Services, Inc. for emergency repairs to Ballston Bridge on DeJong Road, not to exceed \$40,000, subject to approval by County Counsel and the Public Works Director. *[Approved]*

Mr. Gray stated that the Contract Review Board had approved an exemption from competitive bidding for this contract. Ms. Lewis moved approval of the contract, subject to approval by County Counsel and the Public Works Director. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Personnel

13. **B. O. 05-216** - Consideration of approval of the employment of Sara Schneider, Newberg, and Michael Bilbrey, Lafayette, as on-call relief in the Juvenile Department, \$7.50/hour, effective April 6, 2005. *[Approved]*

Ms. Stern moved approval of the employment of Sara Schneider and Michael Bilbrey. The motion passed, Commissioners Stern, Lewis, and George voting aye.

14. **B. O. 05-217** - Consideration of approval of the employment of Kara Brown, Dayton, as Office Specialist 2 in the District Attorney's Office, temporary full-time, \$9/hour, effective March 30, 2005. *[Approved]*

Ms. Stern moved approval of the employment of Kara Brown. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Special Formal Session

15. Consideration of scheduling a special formal session for 4:00 p.m. on April 4, 2005 to consider a request for removal of truck length limits on Springhill/North Valley Road. *[Approved, no formal action taken]*

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
  - a. Commission on Children and Families, two positions;
  - b. Parks Board, two positions;
  - c. Food Service Advisory Committee, six positions in various categories;
  - d. Special Transportation Commission, two positions;
  - e. Dog Control Advisory Committee, one position (candidates must be directly involved with dog-related issues);

- f. Local Alcohol and Drug Planning Council, one position;
- g. Fair Board, two positions as of April 22, 2005, application period extended until April 8, 2005.

Adjourn: 9:44 a.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY P. STERN

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Commissioner LESLIE LEWIS

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Commissioner KATHY GEORGE