

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 July 27, 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; Chuck Vesper, Juvenile Corrections Manager; Steve Mikami, Personnel Officer; Julia Staigers, Administrative Services Manager; Marilyn Reeves, PO Box 1083, McMinnville; and David Bates, News-Register.

Commissioner Stern called the meeting to order.

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.

Marilyn Reeves, Friends of Yamhill County, stated that she would like to submit letters in the next few days for each of the Measure 37 claims on today’s agenda. She stated that including these claims, about 4700 acres have been impacted in Yamhill County by Measure 37 so far. She said the county doesn’t have the infrastructure necessary to provide for the health and safety of individuals developing or moving into these proposed subdivisions. She added that the accuracy of the stated loss of value may be in question because it is not certain how many of these lots will actually be developed into houses.

B. **CONSENT AGENDA:** Ms. George moved approval of the consent agenda, excluding item #15. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Personnel

1. **B. O. 05-617** - Approve the employment of Corey Davis, Newberg, as a Corps Member in the Juvenile Department, temporary part-time, \$7.50/hour, retroactive to July 18, 2005 through August 31, 2005.

2. **B. O. 05-618** - Approve the change of status of Justin Brester to Correction Officer in the Jail, regular full-time, Range 12, Step 1, retroactive to July 17, 2005.

3. **B. O. 05-619** - Approve the change of status of Brenda Hopper to Office Specialist 2 in Community Corrections, Range 7, Step 1, effective July 27, 2005.

4. **B. O. 05-620** - Approve the change of status of Toni Tyree to extend temporary part-time employment in the Commission on Children and Families, effective August 1, 2005 through August 31,

2005.

5. **B. O. 05-621** - Approve the change of status of Tammy Story to temporary full-time in Administrative Services in order to provide support to Maintenance, effective August 1, 2005 through January 31, 2006.
6. **B. O. 05-622** - Approve the change of status of Peter Jensen to extend temporary full-time employment in Public Works, retroactive to July 18, 2005 through October 14, 2005.
7. **B. O. 05-623** - Approve the change of status of Kathrina Rutschman to increase regular part-time employment in Adult Mental Health up to 19 hours/week, effective August 1, 2005.
8. **B. O. 05-624** - Approve the change of status of Sara Cornell to decrease regular part-time employment in Adult Mental Health to 16-19 hours/week, effective August 1, 2005.

Contracts

9. **B. O. 05-625** - Approve Amendment #1 to an agreement between Public Works and OBEC Consulting Engineers to include additional tasks to complete the final design of the Yamhill River (Lafayette Hwy) Bridge #11493A, total project cost \$381,000.
10. **B. O. 05-626** - Approve an engagement letter between Yamhill County and Isler & Co., LLC for audit services for fiscal year 2004-05, not to exceed \$27,500.
11. **B. O. 05-627** - Approve Modification #2 to Attachment K of an agreement between Adult Mental Health and Mid-Valley Behavioral Care Network for the EAST project.
12. **B. O. 05-628** - Ratify the approval of Amendment #1 to the Financial Assistance Agreement #113020 between HHS and Oregon Department of Human Services, retroactive July 13, 2005.
13. **B. O. 05-629** - Approve an agreement between Information Systems and Patrick Fuchs for consulting services, \$50/hour, \$60/hour for off-hours emergency services, retroactive to July 1, 2005.

Easement

14. **B. O. 05-630** - Accept a permanent easement for public right-of-way from Thomas E. Draper and Leona F. Draper for the Baker Creek Road Bridge project.

Road Vacation

15. Approve Public Works Docket RV-5-2005, a request for vacation of a portion of Redmond Hill Road, no hearing necessary under ORS 368.351. *[Continued to August 3, 2005.]*

Dust Abatement

16. **B. O. 05-631** - Approve the payment of the following citizen requests to reimburse dust abatement costs:
 - a. #05-02, \$82.78;
 - b. #05-03, \$220.

Committees

17. **B. O. 05-632** - Approve the revised bylaws for the Commission on Children and Families regarding membership requirements.

18. **B. O. 05-633** - Approve the revised bylaws for the Planning Commission regarding membership requirements.

19. **B. O. 05-634** - Appoint Michael Sherwood to the Planning Commission for a four-year term to expire July 1, 2009 and to the Newberg Urban Area Management Commission to replace Sid Friedman in Seat #5.

Surplus Property

20. **B. O. 05-635** - Declare three horses as surplus county property and authorize disposition as directed by the Administrative Services Director.

Measure 37

21. **B. O. 05-636** - Cancel the August 24, 2005 public hearing for M37-58-05, a Measure 37 claim authorizing Harold Kuehne to make application to subdivide 94 acres into 62 1.5-acre parcels, and reschedule the public hearing for September 14, 2005.

22. **B. O. 05-637** - Set a hearing date of September 14, 2005 for M37-60-05, a Measure 37 claim authorizing Gary and Nancy Owens to make application to subdivide 122 acres into 2.5-acre lots and establish dwellings thereon.

C. **OLD BUSINESS:**

1. **B. O. 05-638** - Consideration of adoption of findings in support of a request for annexation to the Yamhill Rural Fire Protection District, applicants Donald and Annette Ward, as tentatively approved June 22, 2005 and continued from July 6, 2005.

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

2. **B. O. 05-639** - Consideration of adoption of findings in support of Planning Docket CTS-06-05, a request for a hardship dwelling, applicant Luella Docken, as tentatively approved July 13, 2005.

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

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

Measure 37

1. **B. O. 05-640** - Consideration of M37-51-05, a Measure 37 claim authorizing Walter and Toni Mendenhall to make application to subdivide 83.75 acres into eight lots and establish dwellings thereon.

John Gray read the operative part of the order. Ms. Lewis moved approval of M37-51-05. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis noted that the county had

originally felt that AF-10 zoning was appropriate for the Willamina area, but was overruled at some point by the Department of Land Conservation and Development. She said that this action will allow the subject property, as well as item #3, to return to what the county had believed was reasonable.

2. **B. O. 05-641** - Consideration of M37-52-05, a Measure 37 claim authorizing Lena Wittenberg and Janice Wittenberg Davidson to make application to subdivide 28.73 acres into three lots, convert a hardship dwelling into a permanent dwelling, and establish an additional dwelling on the undeveloped lot.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-52-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 05-642** - Consideration of M37-53-05, a Measure 37 claim authorizing Elizabeth Mendenhall to make application to subdivide 100 acres into ten lots and establish dwellings thereon.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-53-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

4. **B. O. 05-643** - Consideration of M37-54-05, a Measure 37 claim authorizing C.G. and Sharon Depuy, Jr. to make application to partition 1.78 acres into two lots and establish dwellings thereon.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-54-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

5. **B. O. 05-644** - Consideration of M37-55-05, a Measure 37 claim authorizing Duane and Carol Qualey to make application to subdivide their property into eight five-acre lots and one 37.95-acre lot, to establish dwellings on eight of those lots, and to establish additional living quarters on the larger lot.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-55-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

6. **B. O. 05-645** - Consideration of M37-56-05, a Measure 37 claim authorizing Martin and Rowena Gass to make application to partition 48.62 acres into up to four lots and establish dwellings thereon.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-56-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

7. **B. O. 05-646** - Consideration of M37-57-05, a Measure 37 claim authorizing Arthur and Ann Hop to make application to establish a dwelling on a 13.6-acre property and to subdivide 95.4 acres into four lots and establish dwellings on three of those lots.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-57-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Fines

8. Consideration of establishing fines for boat launch fee violations at Rogers Landing. *[Continued to*

August 3, 2005.]

Interfund Loan

9. **B. O. 05-647** - Consideration of approval of a 5-year interfund loan from Fund 17 to Fund 40 for the purchase of the Stern Block properties, \$800,000.

John Krawczyk stated that Mike Brandt will be purchasing the Rainbow Building with \$460,000 from the Solid Waste Fund and the other buildings will be paid for out of the Capital Improvements Fund.

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

Contract

10. **B. O. 05-648** - Consideration of approval of an agreement between the Board of Commissioners, the Fair Board, and Staci Collver regarding her work as Fairgrounds Security Attendant and the use of a manufactured dwelling on the Fairgrounds, retroactive to July 1, 2005.

Ms. Lewis stated that the four applicants were interviewed by Fair Board members other than Larry Collver and Ms. Collver was the only applicant able meet all of the job requirements. She moved approval of the agreement. The motion passed, Commissioners Stern, Lewis, and George voting aye.

11. Discussion of possible county intervention in a PUC case. *[No action taken.]*

Ms. George suggested the possibility of Yamhill County intervening in the case, since PGE could potentially become a public utility. Mr. Gray listed the organizations who have intervened so far, which included no other counties. He stated that the real issue in the case is what will happen to franchise fees, so there might not be a significant county interest to protect. Ms. George expressed her appreciation to Mr. Gray for researching the issue.

The meeting recessed to executive session at 9:38 a.m. pursuant to ORS 192.660(2)(d) for the purpose of discussing labor negotiations. The meeting reconvened at 10:11 a.m. with no formal decisions made and the sense of the Board conveyed to staff.

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. Food Service Advisory Committee, six positions in various categories;
 - c. Special Transportation Commission, two positions;
 - d. Dog Control Advisory Committee, one position (candidates must be directly involved with dog-related issues);
 - e. Local Alcohol and Drug Planning Council, one position;
 - f. Ambulance Service Area Advisory Committee, one position for an emergency room physician;
 - g. Parks Board, two positions;

h. Budget Committee, one position, application deadline August 31, 2005.

Adjourn: 10:14 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE