

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 September 7, 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; Rick Sanai, Assistant County Counsel; Lt. Paul May, Sheriff’s Office; Steve Mikami, Personnel Officer; Murray Paolo, Information Systems Director; Dan Linscheid, Surveyor; Mike Brandt, Planning Director; Nancy Nunley, Public Health Manager; Brian Dunn, Maintenance Division Manager; SPC Tyler Webber, 901 Traci Drive, Copperras Cove, Texas; and Marilyn Reeves, PO Box 1083, McMinnville.

Commissioner Stern called the meeting to order and called for a moment of silence in remembrance of those suffering as a result of Hurricane Katrina.

**SPECIAL RECOGNITION:** Ms. Stern introduced Army Specialist Tyler Webber, 1<sup>st</sup> Cavalry Division, son-in-law of Murray Paolo, and recognized his contributions during a recent deployment to Iraq.

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 will submit written testimony today regarding the Measure 37 claims on today’s agenda. She also discussed a recent land division application by Maralynn Abrams and requested that due to its magnitude, the Board schedule a public hearing to consider health and safety regulations in accord with the provisions of the county’s land division ordinance.

B. **AGENDA:**

Budget

1. **B. O. 05-739** - Consideration of approval of a transfer of appropriation authority and funds to cover shipping costs for surplus military Zodiac Craft granted to Yamhill County:

From	10-92-950.01	Contingency	\$5900
To	10-165-611.02	Contract Services	\$5900

John Krawczyk explained that these boats were obtained at no cost to the county, but they need to be transported here from Texas. Murray Paolo stated that they are currently valued at \$75,000 each plus the value of one trailer. He said that out of the four quotes he obtained, Hayes Marine Transport was the best value at \$5900. Lt. May explained that the boats would be an asset to the county and could be used for purposes such as bridge inspections, water rescues, and low water situations.

Ms. Stern moved approval of the transfer of appropriation authority and funds. The motion passed, Commissioners Stern, Lewis, and George voting aye.

#### Committees

2. **B. O. 05-740** - Consideration of approval of the reappointment of Lt. Paul May and Dennis Rogers to the Road Improvement Advisory Committee for three-year terms to expire September 7, 2008.

Ms. George noted that Dennis Rogers has also applied for a position on the Budget Committee. Ms. Lewis said that she had talked to him last night and he definitely wants to be on the Road Improvement Advisory Committee. Ms. Stern stated that serving on both committees would not be a problem.

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

#### Personnel

3. **B. O. 05-741** - Consideration of approval of the employment of Scott Aardappel, Portland, as Corrections Reserve in the Jail, part-time on-call, \$10/hour, effective September 9, 2005.

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

4. **B. O. 05-742** - Consideration of approval of the change of status of Leanna Cymbala to Range 10, Step 1 in the District Attorney's Office, Support Enforcement Division, effective September 9, 2005.

Ms. Stern moved approval of the change of status of Leanna Cymbala. The motion passed, Commissioners Stern, Lewis, and George voting aye.

5. Consideration of approval of a bonus to be awarded to maintenance staff for work on the Moore Building project. *[Continued to September 8, 2005.]*

Mr. Krawczyk stated that the work crew completed the project at a savings of at least \$154,000 from the architect's estimate. He recommended awarding bonuses based on this figure to reflect a percentage similar to that given to an Information Services employee about a year ago. He suggested amounts ranging from \$3000 to \$600, based on each worker's level of expertise and time spent on the project, and said he could present a final recommendation to the Board tomorrow.

Steve Mikami suggested making this a one-time situation because of its special circumstances. He emphasized the expectation for all employees to be prudent with county money. Mr. Krawczyk noted that the Health & Human Services Department will also be recommending bonuses for employees who put in many hours of uncompensated overtime on the Raintree project.

#### Contracts

6. **B. O. 05-743** - Consideration of approval of an agreement between the Juvenile Department and Polk County for housing of juvenile offenders, four beds/day, \$236,520, retroactive to July 1, 2005 through June 30, 2006.

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

7. **B. O. 05-744** - Consideration of approval of an agreement between the Juvenile Department and Catholic Community Services, aka Rainbow Family Services, for Functional Family Therapy services, \$123,217, retroactive to July 1, 2005 through June 30, 2006 except for McMinnville School District funding, which will be effective through September 30, 2006.

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

8. **B. O. 05-745** - Consideration of acceptance of the second lowest bid of Heritage Concrete for concrete replacement and repair outside of the courthouse and authorize the chair to execute a contract for the work, \$17,275, subject to approval by county counsel.

Brian Dunn stated that although the Board had agreed last week to award the contract to the low bidder, Concrete Designs, Inc. has withdrawn its bid due to health reasons. Ms. George moved to accept the second lowest bid from Heritage Concrete and authorize the contract, subject to approval by county counsel.

#### Road Vacation

9. Consideration of approval of Public Works Docket RV-6-2005, a request for vacation of a portion of platted roads in Yamhill Walnut Groves, no hearing necessary under ORS 368.351. *[Continued to September 14, 2005.]*

Dan Linscheid presented the road vacation request. The Board agreed to postpone the discussion until next week's informal session to be able to view the maps more easily.

#### Contracts (continued)

10. **B. O. 05-746** - Consideration of approval of a modification of agreement between Yamhill County and Ball Janik, LLP to reduce the not-to-exceed amount for consulting services to \$85,600, retroactive to July 1, 2005 through June 30, 2006.

John Gray explained that Yamhill County acts as the fiscal agent for many contributing entities, all of which are covered in this agreement. Ms. Lewis moved approval of the agreement modification. The motion passed, Commissioners Stern, Lewis, and George voting aye.

11. Consideration of an agreement between Yamhill County and Randy Saunders for engineering services regarding the design of the first floor of the courthouse for multi-department use. *[No formal action taken at this time.]*

Mr. Krawczyk stated that while the Board has already discussed at length eight different options for the layout of departments in the courthouse, it now seems that there is a strong desire among departments to locate all those with high public traffic together on the first floor, including the Assessor's Office, Trial Court Services, the District Attorney's Office, and Veterans' Services, and to relocate Accounting,

Telecommunications, and the Treasurer's Office to the basement. He stated that a study would be needed to determine if this option is even feasible given the space needs of those departments and if not, to recommend one of the previous options.

Ms. George stated that having everybody on the first floor is not a feasible long-term solution because departments would need room for expansion. She said that the money spent on another study would be better used for costs which will be necessary in implementing one of the other options.

Commissioners Stern and Lewis agreed that it would be wise to spend a little money now in order to give adequate consideration to all options in planning for the future and to make the best use of the space available. Ms. Lewis added that Mr. Saunders should have a lot of the work done already from previous studies, so hopefully the cost would not be too high.

Mr. Krawczyk suggested asking Mr. Saunders to submit a quote for the architectural study and then meet with the Board to establish parameters on which to base his recommendation. He also suggested that Mr. Saunders meet with the department heads involved to discuss their needs. The Board consensus was to have Mr. Krawczyk move forward with his suggestion. They also directed him to move ahead with carpeting, restroom, and ramp design issues in the white house.

#### Designation of Authority

12. **B. O. 05-747** - Consideration of designating Chris Johnson as the Certifying Officer for the Yamhill County HHS Adult Services Treatment Building Project.

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

#### Measure 37

13. Consideration of M37-62-05, a Measure 37 claim authorizing Kathryn McCallie, Bette Sunderman, and Barbara Thompson to make application to establish a dwelling on a 41.6-acre property, as continued from August 31, 2005. *[Continued to September 14, 2005.]*

Mr. Gray stated that the claimants have requested one more week. Ms. Lewis moved to continue M37-62-05 to September 14, 2005. The motion passed, Commissioners Stern, Lewis, and George voting aye.

14. Consideration of M37-69-05, a Measure 37 claim authorizing John, Cecilia, and Richard Kirsch to make application to separate four existing dwellings with 1-3 acres each and to divide the remainder of the property in half. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to April 25, 1975. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

15. Consideration of M37-97-05, a Measure 37 claim authorizing John, Cecilia, and Richard Kirsch to

make application to divide off an existing dwelling with 1-3 acres. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to 1947. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

16. Consideration of M37-98-05, a Measure 37 claim authorizing John and Richard Kirsch to make application to divide off an existing dwelling with 1-3 acres. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to April 25, 1975. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

17. Consideration of M37-70-05, a Measure 37 claim authorizing Ronald Schindler to make application to establish dwellings on eight platted lots. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to May 16, 1961. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye. Mr. Brandt stated that this property is in a limited water use area, but there would be no restrictions on domestic well drilling.

18. Consideration of M37-71-05, a Measure 37 claim authorizing Adelina Slocum to make application to subdivide 16.5 acres into eight lots and to establish six additional dwellings thereon. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to 1993. He noted that this date will not allow the claimant to do what they are requesting. Mr. Gray explained that the claimant had owned the property for a period of time much earlier and then had regained ownership in 1993. He reviewed the two objections raised by the claimant's lawyer and said that he believes they are not founded. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

19. Consideration of M37-72-05, a Measure 37 claim authorizing Lena Wittenberg to make application to establish a dwelling on a 40-acre property. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to April 29, 1987. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

20. Consideration of M37-73-05, a Measure 37 claim authorizing Annetta Scott to make application to subdivide 60 acres into ten lots and to establish nine additional dwellings thereon. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land

use regulations back to October 5, 1949. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

21. Consideration of M37-74-05, a Measure 37 claim authorizing Charles and Nancy Findley to make application to divide 7.65 acres into five lots and to establish four additional dwellings thereon. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to August 26, 1971. He noted that several neighbors have expressed concerns about the loss of property value and their letters are attached to the staff report. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

22. Consideration of M37-75-05, a Measure 37 claim authorizing Richard and Crystal Thomas to make application to divide 40 acres into four lots and to establish three additional dwellings thereon. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to May 16, 1967. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

23. Consideration of M37-78-05, a Measure 37 claim authorizing Judy Wahl to make application to establish a dwelling on a 20-acre property. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to May 10, 1999. He said he had informed the claimant that although her father had acquired the property in 1946, the land use regulations could only be waived back when she acquired the property in 1999, which would not allow her to establish a dwelling. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

24. Consideration of M37-92-05, a Measure 37 claim authorizing Mary Holtan and Joann Shulte to make application to subdivide 133 acres into lots of 5-10 acres each and to establish dwellings thereon. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to December 18, 1974. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

25. Consideration of M37-76-05, a Measure 37 claim authorizing Samuel and Mildred Eastman to make application to subdivide 42 acres into 20 lots of approximately two acres and to establish dwellings thereon. *[No public hearing; final vote to take place September 8, 2005.]*

Mike Brandt reviewed the application and recommended modifying, removing or not applying land use regulations back to December 4, 1971. Ms. Stern moved to hold a public hearing. The motion failed, Commissioner Stern voting aye and Commissioners Lewis and George voting aye.

Hurricane Katrina

26. Consideration of a request from the National Association of Counties (NACo) to provide temporary shelter for displaced Gulf Coast residents. *[No formal action taken.]*

Ms. Stern stated that she has heard from county residents who have housing which they are willing to share with hurricane victims. She said that maybe the county could become a clearinghouse for people wanting to provide such information. Ms. Lewis said she could ask the Fair Board tonight about the possibility of using RV hookups at the Fairgrounds. Ms. George added that local RV parks might be willing to set aside a few spaces. Ms. Stern suggested coordinating efforts with the Job & Career Center for employment opportunities.

27. Consideration of donating surplus county office furniture to a garage sale to raise money for hurricane victims. *[No formal action taken at this time.]*

Mr. Krawczyk suggested that rather than storing surplus equipment until the next county sale, the county could donate it to the garage sale fundraiser. Mr. Gray stated that an itemized list of equipment would be needed in order to approve the donation. Mr. Krawczyk will obtain the list.

C. **OLD BUSINESS:** None.

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

1. Declaration of discretionary spending (Commissioner Stern): \$60 for Yamhill County residents mailing list for YCAP to be used for annual fundraising. *[No formal action necessary.]*

2. **B. O. 05-748** - Consideration of approval of a contract employee agreement between Public Health and Jan Matthews, F.N.P. for nurse practitioner services, \$45/hour, effective September 7, 2005. *[Approved.]*

Mr. Gray reviewed the contract and stated his approval. Ms. George moved approval of the contract employee agreement. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. Discussion of a request from counsel for Columbia Empire Farms to grant an extension for oral arguments in the appellate case against Yamhill County and ODOT. *[No formal action necessary.]*

The meeting recessed at 10:53 a.m. and reconvened at 10:56 a.m.

Rick Sanai stated that the opposing counsel will be out of town on September 26, 2005, the date scheduled for oral arguments, and it would not be possible to schedule another date before the 49-day deadline of October 5, 2005. He said that if both Yamhill County and ODOT agree to the request to waive the deadline, arguments could be delayed until the end of November or later. He noted that ODOT has not yet made a decision regarding the request, but they are quite skilled in matters of strategy.

Ms. Lewis said she is not in favor of delaying the case for that long, but she would like to talk to Dave Haugeberg and ODOT before making a decision.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
  - a. Special Transportation Commission, two positions;
  - b. Local Alcohol and Drug Planning Council, one position;
  - c. Ambulance Service Area Advisory Committee, one position for an emergency room physician;
  - d. Parks Board, two positions.

The Board agreed to continue this formal session to 1:45 p.m. on Thursday, September 8, 2005 in Room 108 of the Courthouse for adoption of the Measure 37 orders considered today.

The meeting recessed at 11:03 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