

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 21, 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; Julia Staigers, Administrative Services Manager; Mike Brandt, Planning Director; Marilyn Reeves, PO Box 1083, McMinnville; Ilsa Perse, 5765 Mineral Springs Road, Carlton; Cassandra Sollars, 520 NW 18th Place, McMinnville; and Stan Bunn.

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, asked the Board to reconsider the three minute time limit for persons representing an organization. She stated that because the statewide planning goals went into effect on January 25, 1975 and the warranty deed for M37-79-05 is dated June 20, 1975, it may not be a valid claim from the state’s viewpoint.

She stated that for M37-87-05 and M37-88-05, the issue would be whether or not the properties are made up of high-value soils, for which no information was given in the staff reports. She also noted that M37-80-05 would be subject to statewide interim planning goals because it was zoned agricultural when the claimant acquired it in 1974.

She said that since the county doesn’t require professional appraisals for Measure 37 claims, the property value figures are only estimates and therefore the claims have no validity. She stated that Measure 37 rights are not transferable and that public health and safety regulations cannot be waived.

B. **CONSENT AGENDA:** Ms. George moved approval of the consent agenda, excluding items #14 and #20. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Personnel

1. **B. O. 05-782** - Approve the employment of Leonel Garcilazo, Albany, as Probation Officer 2 in Community Corrections, regular full-time, Range 3, Step 1, \$2901/month, effective September 26, 2005.

2. **B. O. 05-783** - Approve the employment of Shannon Miller, McMinnville, as Office Specialist 2 in Community Corrections, regular full-time, Range 7, Step 1, \$1713/month, effective September 26, 2005.

3. **B. O. 05-784** - Approve the lateral change of status of Maria Nava to Office Specialist 2 in the District Attorney's Office, effective September 26, 2005.
4. **B. O. 05-785** - Approve the change of status of Jeanine Wearner to .8 FTE in Public Health, retroactive to August 9, 2005.
5. **B. O. 05-786** - Approve a request for additional .2 FTE position authority for a Mental Health Associate in Family & Youth.
6. **B. O. 05-787** - Approve a modification of the Assessor's personnel management roster to add position authority for a Cartographer Technician, 19 hours/week.

Contracts

7. **B. O. 05-788** - Approve an agreement between the Assessor's Office and Official Payments Corporation for electronic check payment processing services.
8. **B. O. 05-789** - Approve a renewal contract between the Juvenile Department and the City of McMinnville for Peer Court services, \$40,200 from general funds, \$17,766 from JABG funding, and \$26,726 from JCP funding.
9. **B. O. 05-790** - Approve Addendum #1 to extend an agreement between the Jail and Global Tel*Link for inmate telephone services with a \$10,000 signing bonus, effective through June 1, 2009.
10. **B. O. 05-791** - Accept a fee proposal from RSS Architecture for design consulting services relative to the Yamhill County Courthouse Space Planning and Remodeling Preliminary Design, \$6528, effective September 21, 2005.
11. Accept the following proposals from Mechanical Systems Engineering:
 - a. **B. O. 05-792** - Energy study and recommendations for the upgrade of HVAC systems serving the courthouse, \$1200;
 - b. **B. O. 05-793** - Design services for the replacement of the courthouse chiller, \$16,950;
12. **B. O. 05-794** - Approve Amendment #3 to the 2005-07 Intergovernmental Financing Agreement #113020 between Adult Mental Health and Oregon Department of Human Services.
13. **B. O. 05-795** - Approve a Flexible Service Maintenance Agreement #22410 between Public Works and Oregon Department of Transportation to jointly utilize state and county highway maintenance resources.

Mileage Rate

14. **See Other Business** - Approve an increase of the employee mileage reimbursement rate to 40.5 cents/mile, effective September 24, 2005.

Resolution

15. **B. O. 05-796** - Approve Resolution 05-9-21-1 declaring a state of emergency in Yamhill County due to significant damage to grasses, clovers, grains, and grapes; and requesting the governor to facilitate federal

assistance from the U.S. Department of Agriculture, revising a similar resolution adopted August 31, 2005.

Committees

16. **B. O. 05-797** - Approve the reappointment of Sam Sweeney to the Agriculture Land Assessment Board of Review for a term to expire June 30, 2006.

17. **B. O. 05-798** - Approve the following appointments to member pools for the 2006 Board of Property Tax Appeals (BOPTA) for terms to expire June 30, 2006:
 - a. Paul Simmons, County Governing Body Pool;
 - b. Matt Dunckle, Non-office Holder Pool;
 - c. Richard Gardner, Non-office Holder Pool.

Road Vacations

18. **B. O. 05-799** - Approve 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, as continued from September 7, 2005.

19. **B. O. 05-800** - Approve Public Works Docket RV-7-2005, a request for vacation of a portion of Redmond Hill Road, no hearing necessary under ORS 368.351.

Property Tax Information

20. **Tabled** - Approve a Board Order regarding non-disclosure of electronic property tax information on the Yamhill County Internet website.

John Gray stated that Chris Johnson had raised the issue of including members of his staff assigned to work with clients involved in the criminal justice system. He expressed his concern about expanding non-disclosure too far, particularly with respect to county employees. He said he would get a revised draft of the order to the Board and the issue could be discussed again at next Monday's informal session. Ms. Lewis noted that the county has work crew supervisors who work regularly with inmates, too.

Measure 37

21. **B. O. 05-801** - Set a hearing date of October 26, 2005 for consideration of M37-77-05, a Measure 37 claim authorizing Lawrence and Lois Christensen to make application to subdivide 36.5 acres into lots of one to two acres each and to establish dwellings thereon.

22. **B. O. 05-802** - Set a hearing date of October 26, 2005 for consideration of M37-82-05, a Measure 37 claim authorizing Robert and Velma Chaffee to make application to subdivide 99.8 acres into lots of one to two acres each and to establish dwellings thereon.

C. OLD BUSINESS:

Measure 37

1. **B. O. 05-803** - 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 September 14, 2005.

Mr. Gray stated that because the subject property was conveyed to a trust in 1983 and the claimants are now the trustees, it would be proper for the Board to grant Measure 37 relief specifically to the trust. He reviewed the county's procedure for determining loss of value for Measure 37 claims and compared that to the state's practice, which has been to simply state that satisfactory evidence is present to indicate a substantial reduction of property value resulting from land use regulations. He said that the county will begin following the state's lead and will no longer include affidavits from the Assessor with each Measure 37 order. Ms. Stern expressed her concern about the county declining to pay just compensation if that figure is unknown. Mr. Gray said he would have been reluctant to make such a decision without the state leaders first taking that direction.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-62-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-804** - Consideration of adoption of findings in support of M37-58-05, a Measure 37 claim authorizing Harold Kuehne to make application to subdivide 94 acres into 62 1.5-acre lots and establish dwellings thereon, as tentatively approved September 14, 2005.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-58-05. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis referred to inaccurate comments made by Ms. Perse at the public hearing to which Mr. Kuehne took offense and encouraged Ms. Perse not to make blanket statements about profits made from the claimant's property. Ms. Perse stated that her intention was only to compare the value of the land at the time it was first acquired to when it was sold. Ms. George stated that there is nothing wrong with a property owner profiting from his land.

3. **B. O. 05-805** - Consideration of adoption of findings in support of 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, as tentatively approved September 14, 2005.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-60-05. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. George pointed out that many of these claims are for denser development than they will end up being because many property owners are just trying to maximize their options, but have no intention of actually developing subdivisions.

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

Measure 37

1. **B. O. 05-806** - Consideration of M37-79-05, a Measure 37 claim authorizing David and Janice Mihm to make application to establish dwellings on nine pre-existing lots

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-79-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-807** - Consideration of M37-80-05, a Measure 37 claim authorizing Merlin and Sandra LaJoie to make application to subdivide 51 acres into 2.5-acre lots and to establish dwellings thereon.

Mr. Gray read the operative part of the order. Mike Brandt stated that even though the property was

zoned agricultural in 1968, there is no minimum lot size specified in the 1968 zoning ordinance. Mr. Gray added that if the state determines a Measure 37 claim to be invalid, then the county's approval of that claim would be useless. Ms. Lewis moved approval of M37-60-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 05-808** - Consideration of M37-81-05, a Measure 37 claim authorizing William Morris to make application to subdivide 12.6 acres into up to twelve lots and to establish dwellings thereon.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-81-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

4. **B. O. 05-809** - Consideration of M37-83-05, a Measure 37 claim authorizing Howard Sprague to make application to divide his property into four lots of 10-12 acres each and to establish dwellings on three of those lots.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-83-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

5. **B. O. 05-810** - Consideration of M37-84-05, a Measure 37 claim authorizing Ben Bunn to make application to divide 29.9 acres into four lots and to establish dwellings thereon.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-84-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

6. **B. O. 05-811** - Consideration of M37-85-05, a Measure 37 claim authorizing Ben Bunn to make application to divide 55.8 acres into three lots and to establish dwellings on undeveloped lots.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-85-05. The motion passed, Commissioners Stern, Lewis, and George voting aye. Ms. Lewis recognized former State Senator and school superintendent Stan Bunn in the audience, representing the claimant.

7. **B. O. 05-812** - Consideration of M37-86-05, a Measure 37 claim authorizing Norvin and Susan Kenner to make application to divide ten acres into five lots and to establish dwellings on four of those lots.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-86-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

8. **B. O. 05-813** - Consideration of M37-87-05, a Measure 37 claim authorizing Terry Wyffels to make application to establish a dwelling on a 20.6-acre property.

Mr. Gray read the operative part of the order. Ms. Lewis moved approval of M37-87-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

9. **B. O. 05-814** - Consideration of M37-88-05, a Measure 37 claim authorizing Terry Wyffels to make application to establish a dwelling on a property of approximately ten acres.

Mr. Gray read the operative part of the order. Ms. George moved approval of M37-88-05. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Committees

10. **B. O. 05-815** - Consideration of approval of the following appointments to the Commission on Children and Families:

- a. Shannon Carefoot, full member, term to expire November 1, 2007;
- b. Cliff Rosenbohm, full member, term to expire November 1, 2007;
- c. Janelle Beers, full member, term to expire November 1, 2008;
- d. Susanne Farmer, full member, term to expire November 1, 2006;
- e. Brent Heimuller, M.D., full member, term to expire November 1, 2007;
- f. Barbara Baker, alternate position;
- g. Ken Whittaker, M.D., alternate position;
- h. Janet Stuebing, alternate position.

Ms. George stated that the Board had interviewed each of these individuals and found it gratifying to see the quality and variety of applicants. She moved approval of the appointments. The motion passed, Commissioners Stern, Lewis, and George voting aye.

11. **B. O. 05-816** - Consideration of the removal of Oliver Vera from the Commission on Children and Families.

Ms. George moved to remove Oliver Vera from his position on the commission due to his inability to attend meetings and lack of response to attempts made to contact him. Mr. Gray noted that the bylaws state that a member who doesn't attend a certain number of meetings per year is ineligible to continue serving. Ms. George added that if Mr. Vera's circumstances change, he would be welcome to reapply. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Mileage Rate

12. **B. O. 05-817** - Approve an increase of the base employee mileage reimbursement rate to 40.5 cents/mile, effective September 24, 2005, and a temporary increase to 42.5 cents/mile, effective September 24, 2005 through December 31, 2005.

Ms. Lewis stated that during Monday's informal session, the Board had agreed not to match the IRS temporary increase to 48.5 cents/mile because employees have the option to check out a pool car for business use. She said that since that discussion, she had learned from Russ Heath that pool cars are being heavily used and are usually all gone by 8:30 a.m. each day. She said that Russ Heath and Bill Gille both believe that approving a temporary increase to the range of 42-44 cents/mile would encourage employees to go back to using their own vehicles.

After further discussion, Ms. Lewis moved to approve an increase of the base rate to 40.5 cents/mile and a temporary increase to 42.5 cents/mile. The motion passed, Commissioners Stern, Lewis, and George voting aye.

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 meeting recessed at 9:47 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY P. STERN

Commissioner LESLIE LEWIS

Commissioner KATHY GEORGE