

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 November 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 was John M. Gray, Jr., County Counsel; John Krawczyk, Administrative Services Director; Mike Brandt, Planning Director; Cheryl McCaffrey, 7425 Earlwood Road, Newberg; Ilsa Perse, 5765 Mineral Springs Road, Carlton; Laura Allen, 111 E. 8<sup>th</sup> Street, Newberg; and Carl Allen, 1316 S. College Street, Newberg.

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. None offered.

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

Personnel

1. **B. O. 05-968** - Approve the employment of Jodi Esser, Salem, as Appraiser Trainee in the Assessor's Office, regular full-time, Range 14, Step 1, effective December 1, 2005.

2. **B. O. 05-969** - Approve the change of status of Todd Steele to Detective in the Sheriff's Office, Range 13, Step 7, retroactive to November 29, 2005.

Contracts

3. **B. O. 05-970** - Approve the extension of an access agreement between Yamhill County and Oregon Department of Environmental Quality (DEQ) for the property located at 103 SE Booth Bend Road, McMinnville, effective December 30, 2005.

4. **B. O. 05-971** - Approve an intergovernmental agreement between the Sheriff's Office and Dayton School District for a School Resource Officer, retroactive to October 1, 2005 through June 30, 2006.

5. **B. O. 05-972** - Approve a memorandum of agreement between the Sheriff's Office, the Board of Commissioners, and Teamsters Local 223 regarding changes to the health and welfare plan, effective January 1, 2006.

Surplus

6. **B. O. 05-973** - Declare a list of computer equipment as surplus property to be sold at a "cash and carry" sale on December 19, 2005; authorize disposition to Thugz Off Drugz of two of those computers to be determined by the Information Services Director; authorize a change fund in the amount of \$200 for the day of the sale.

Budget Transfer

**MINUTES**

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Yamhill County Board of Commissioners

**November 30, 2005**

9:00 a.m.

Formal Session

MS \_\_\_ LL \_\_\_ KG \_\_\_

7. **B. O. 05-974** - Approve a transfer of appropriation authority and funds for the purchase of an Ingersoll Rand roller:

From	011-060-950.01	Contingency	\$58,500
To	011-060-800.80	Department Equipment	\$58,500

Vehicles

8. **B. O. 05-975** - Authorize the purchase of a new 2006 Ford Taurus from Chuck Colvin Ford for the HHS Department, \$13,805.

C. **OLD BUSINESS:** None.

1. **B. O. 05-976** - Consideration of adoption of findings in support of Planning Docket C-13-05, a request for a bed & breakfast, applicant Linda Kesler, as tentatively approved November 9, 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):

1. **B. O. 05-977** - Consideration of approval of findings in support of M37-93-05, a Measure 37 claim authorizing Bradley and Kathy Crawford to make application to subdivide a 36.73-acre parcel containing two dwellings into two lots with one dwelling on each lot.

John Gray read the operative part of the order. Ms. Lewis moved approval of the findings. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. Discussion of Measure 37 procedures. *[Discussion to continue at December 5, 2005 informal session.]*

Mr. Gray stated that the Planning Director has prepared staff reports for eleven more Measure 37 claims. He suggested offering these eleven claimants the same agreement accepted by the four claimants on today's public hearing schedule, which would allow them the choice of suspending the 180-day deadline until a decision is reached in the appeal of *Macpherson v. DAS*, with the option to reinstate the process at any time with ten days notice to the county. He explained that this would save his office and the Clerk's Office a great deal of work that may be unnecessary, depending on the appeal decision.

Mike Brandt stated that this would make more work for his staff. He noted that if a claimant agreed to suspend the timeline, he would still be writing up the report, even though he wouldn't be bringing it to the Board yet. He stated that there are 40-50 claims which have been filed but not presented to the Board.

Ms. Stern stated that three other counties are giving claimants the option to put their claims on hold, which is the fair thing to do and less confusing than approving a claim that would need a state waiver as well. She suggested including a paragraph in the letter stating that the county cannot offer legal advice. Ms. George stated that she is unsure if making this change in procedure would be of any benefit to claimants and it would make it more difficult to catch up if Measure 37 was reinstated. She said she would like to give the proposal some more thought.

3. Discussion of bids received for the Stern Building dumbwaiter project. *[Discussion to continue at December 5, 2005 informal session.]*

Mr. Gray stated that the bids were opened and reviewed about four weeks ago and the apparent low bidder was determined but not accepted, pending the county's decision about whether or not to do a ramp or conveyor belt instead. He said that the low bidder would like to know what the county plans to do. John Krawczyk stated that a

ramp would probably be cheaper than the dumbwaiter, but he hasn't received feedback on the conveyor belt yet. He requested that the decision be postponed until next week.

**E. PUBLIC HEARINGS:**

Mr. Gray stated that the three claimants on today's public hearing schedule have accepted the county's offer to suspend their claims, as described in item D(2) above. He explained that if the supreme court decision affirms the ruling in *Macpherson v. DAS*, the claims will be withdrawn, otherwise they will be reinstated.

1. 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 establish dwellings thereon, as continued from November 9, 2005 at the point of deliberation. *[On hold per claimants.]*
2. Consideration of M37-89-05, a Measure 37 claim authorizing Gary Guthrie to make application to subdivide 26.1 acres into 30 lots and establish dwellings thereon. *[On hold per claimant.]*
3. Consideration of M37-104-05, a Measure 37 claim authorizing Mildred Weatherly to make application to subdivide 28 acres into two-acre lots and establish dwellings thereon. *[On hold per claimant.]*

**F. ANNOUNCEMENTS:**

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

The meeting recessed at 9:24 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