

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 6, 2006 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present was John Krawczyk, Director of Administrative Services; Rick Sanai, Assistant County Counsel; Laura Tschabold, Grants Writer; Steve Mikami, Personnel Officer; Ken Friday, Planning Division Manager; Lieutenants Ron Huber and Ken Summers, Sheriff’s Office; Bill Gille, Public Works Director; Susan Mundy, Roadmaster; David Bates, News-Register; Sarah Bates, Public Health Program Director; Elise Hui and Karen Brummer, Housing Authority of Yamhill County; Steven Rupp, 14921 SW Hidden Hills Road, McMinnville; Ted Nyquist, 15101 SW Hidden Hills Road, McMinnville; James Parker, 14350 SW Hidden Hills Road, McMinnville; Gene & SuAnn Reddick, 14700 SW Hidden Hills Road, McMinnville; Joyce Lingle, 14500 SW Hidden Hills Road, McMinnville; and Jack Vining, 14825 SW Hidden Hills Road, McMinnville.

Commissioner Lewis 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. **AGENDA:**

Personnel

1. **B. O. 06-611** - Consideration of approval of the following changes of status in HHS Adult Mental Health, effective September 24, 2006:
 - a. Linda Smith, regular full-time to regular part-time, .85 FTE;
 - b. Matthew Smith, regular part-time, .2 FTE to .625 FTE.
2. **B. O. 06-612** - Consideration of approval of the change of status of Michael O’Donnell to regular part-time employment in HHS Chemical Dependency, .475 FTE, effective October 1, 2006.
3. **B. O. 06-613** - Consideration of approval of the renewal of a contract services agreement between HHS Adult Mental Health and Holly A. Hoch, M.D. for physician services, \$103/hour, retroactive to July 1, 2006 through June 30, 2007.

Ms. George moved approval of items B(1)-B(3). The motion passed, Commissioners Lewis, George, and Stern voting aye.

4. **B. O. 06-614** - Consideration of the change of status of Timothy Casey to Deputy Sheriff in the Sheriff's Office, regular full-time, Range 12, Step 1, effective September 6, 2006.

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

5. **B. O. 06-615** - Consideration of the change of status of Kevin Brooks to regular full-time employment in HHS Adult Mental Health, effective September 9, 2006.

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

Contracts

6. **B. O. 06-616** - Consideration of approval of an intergovernmental agreement between HHS Adult Mental Health and Tillamook County for acute care psychiatric hospital alternatives, \$4480, retroactive to July 1, 2006 through June 30, 2007.

7. **B. O. 06-617** - Consideration of approval of the renewal of an agreement between HHS Family & Youth and Catholic Community Services for youth in Treatment Foster Care contracted beds, effective October 1, 2006 through June 30, 2007.

8. Consideration of approval of agreements between the Commission on Children & Families and the following providers for community mobilization services, \$7064 each, retroactive to July 1, 2006 through June 30, 2007:

- a. **B. O. 06-618** - Carlton Together Cares;
- b. **B. O. 06-619** - Chehalem Park & Recreation District;
- c. **B. O. 06-620** - Yamhelas Community Resource Center.

9. **B. O. 06-621** - Consideration of approval of an agreement between the Commission on Children & Families and Catholic Community Services for the Family Support and Connections program, \$12,000, retroactive to July 1, 2006 through June 30, 2007.

Ms. George noted for the record that these programs are very well supervised by members of the commission and are evaluated for effectiveness.

10. **B. O. 06-622** - Consideration of approval of Amendment #9 to the 2005-06 Financing Agreement #113258 between HHS Public Health and Oregon Department of Human Services.

Ms. George moved approval of items B(6)-B(10). The motion passed, Commissioners Lewis, George, and Stern voting aye.

11. **B. O. 06-623** - Consideration of approval of a McMinnville Water & Light retrofit project with Energy Wise Lighting, Inc. for the courthouse, \$49,789, effective September 6, 2006.

Ms. Lewis moved approval of the retrofit project. The motion passed, Commissioners

Lewis, George, and Stern voting aye.

Meth Levy

12. **B. O. 06-624** - Consideration of adopting an order setting an election for November 7, 2006 and adopting the ballot title for the following measure: AUTHORIZES FOUR YEAR SERIAL LEVY TO REDUCE METHAMPHETAMINE-RELATED CRIMES; seeking a four-year serial levy of \$0.305 per \$1000 assessed valuation.

Ms. Stern moved approval of the order and thanked all those involved in helping to get the levy to this point, noting that there is still much to do. The motion passed, Commissioners Lewis, George, and Stern voting aye. Ms. Lewis discussed the importance of dealing with the meth problem now by providing more law enforcement and other staff to work on meth-related crimes as well as treatment and prevention. Ms. George added that plans have been designed to be able to maintain efforts after the levy expires.

Measure 37

13. **B. O. 06-625** - Consideration of approval of an amended order approving M37-39-05, a Measure 37 claim authorizing Bruce Hall to make application to divide the subject property into fourteen or fewer lots and establish dwellings on vacant lots.

Ms. Lewis moved approval of the amended order. Ms. Stern stated that although she accepts Judge Tichenor's date of ownership, she will vote no because this would constitute a subdivision. The motion passed, Commissioners Lewis and George voting aye and Commissioner Stern voting no.

Committees

14. **B. O. 06-626** - Consideration of acknowledging the resignation of Dawn Graff-Haight from the Commission on Children & Families and appointing alternate member Carol Harper to fill the term through November 1, 2008.

Ms. George moved approval of the changes to the Commission on Children & Families. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Resolution

15. **B. O. 06-627** - Consideration of approval of Resolution 06-9-6-01 proclaiming September 10, 2006 as Yamhill County Parks Day.

Ms. George moved approval of the resolution and thanked all those who have volunteered their time for this 50th anniversary event. The motion passed, Commissioners Lewis, George, and Stern voting aye.

C. **OLD BUSINESS:**

1. **B. O. 06-628** - Consideration of adoption of Ordinance 791 in support of Planning Docket PAZ-04-06, a request for Plan Amendment/Zone Change from Heavy Industrial to Agriculture/Forestry Small Holding (12.5 acres), applicant Julie Dean, as tentatively approved August 23, 2006.

Rick Sanai provided the first and second readings of Ordinance 791 by title only, declaring an emergency. He explained that under the Board's direction, he had written the findings for only 12.5 acres because 3.36 acres will be remanded back to the Planning Commission with a request to amend the application to Commercial zoning.

Ms. Stern moved approval of Ordinance 791. The motion passed, Commissioners Lewis, George, and Stern voting aye.

D. PUBLIC HEARINGS:

1. Receipt of public comment on a Regional Housing Center project at 135 NE Dunn Place, McMinnville. *[No formal action necessary.]*

Ms. Lewis opened the public hearing. Elise Hui, Housing Authority of Yamhill County, stated that this is the hearing on the closeout of the 2004 grant. She thanked the commissioners for their support and noted that the Housing Authority has received notification of approval for the third year grant. There being no public comment, the hearing was closed.

2. Consideration of Planning Docket PAZ-05-05 / SDR-19-05 / SU-01-05, a request for a planning amendment/zone change from EF-40 to RC Recreational Commercial, an exception from Goal 3 (Agriculture), a site design review, and a similar use determination on six acres to build nine rental cabins, applicant Judy Gauntt, as continued from July 26, 2006 at the point of Staff Recommendation. *[Continued to September 13, 2006 at the point of deliberation.]*

Ms. Lewis opened the public hearing. Ken Friday suggested that the Board take time to review the new information and make a final decision next week.

Staff Recommendation - Mr. Friday stated that although the applicant did a much better job of identifying alternative sites, he doesn't believe she has shown that other areas not requiring an exception could not accommodate the proposed use. He also stated that the willingness of a property owner to sell is not a factor in determining if that land is available. He recommended denial of the request.

Ms. Stern moved to continue the hearing to September 13, 2006 at the point of deliberation, explaining that the Board hasn't had time to read through all of the information provided. The motion passed, Commissioners Lewis, George, and Stern voting aye.

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

1. Discussion of West Nile Virus in Yamhill County. *[No formal action taken.]*

Ms. Lewis reported that a bird in the Sheridan area has tested positive for the West Nile virus. She stated that while there is some concern for human beings, the risk is greatest for animals, especially horses. She noted that animals can still get vaccinated. Sarah Bates handed out pamphlets, discussed the testing process, and explained what to do if a dead bird is found.

2. Discussion of Hidden Hills Road Bridge. *[Continued to September 8, 2006 at 3:30 p.m.]*

Bill Gille reviewed a packet of information he had put together regarding the history of the county's involvement with the bridge, stating that the county had accepted 165 feet of Hidden Hills Road into the system for county maintenance in 1985, but not the bridge itself. He explained that if the Board does not elect to accept a local access road for county maintenance at the time of creation, the responsibility for maintenance is borne by the adjoining property owners. He noted that the county had voluntarily paved the approach to the bridge on the homeowners' side in 2000 at no expense to the residents since the approach on the county's side had to be repaved after repairs.

He stated that the 2004 state bridge inspection report contains relatively plain language regarding the urgent need to replace the cap, which is split, rotten, and crushing. He estimated that the repairs would cost \$3000 to \$10,000. He stated that although the Board has the authority to expend county funds for local access roads in emergency situations, he believes this type of repair is a maintenance issue and does not qualify for emergency status.

Susan Mundy stated that she had contacted Oregon Department of Transportation (ODOT) and local agencies to check for crew availability, but many agencies are busy trying to finish existing projects before the rainy season. She said that a representative from the East Portland District ODOT crew will be coming on Friday to look at the project and give a financial analysis.

Jack Vining submitted a plat map showing all residents served by the bridge and stated that he is not aware of any deed addressing the ownership of the road, although the residents have historically assumed responsibility for it. He stated that this is an emergency situation because within a month, the residents will have no access to their homes. He said that the 2004 inspection report was not circulated to members of the association and he believes the repairs will actually cost about \$20,000, based on previous cap repairs. He requested that the county do the right thing and make the repairs on the bridge.

SuAnn Reddick raised the possibility of doing interim repairs to allow the bridge to remain open until massive repairs are necessary. She also discussed the need to look for a long-term solution because of expected growth in the Hidden Hills community as a result of Measure 37 development. She stated that because the Homeowners' Association is not a legal entity, it can't enter into contracts. She said that if the county could take immediate action to resolve this emergency situation, the Homeowners' Association could work on a long-term solution.

Ms. Stern stated that the Board will need to discuss the legal issues with County Counsel when he returns to the office. She noted that the county will soon have an ordinance requiring developers to pay toward necessary road improvements. Ms. George stated that if the Board were to take responsibility for these repairs, it could set a precedent for other local access roads.

John Krawczyk discussed the possibility of creating a local road district or a 451 district as a means of equitably charging for maintenance costs and dealing with liability issues. He stated that a local road district would be the preferred method. Ms. George stated that the possibility of having the bridge fail might create the necessary support among residents to form a legal Homeowners' Association, which could be done quickly and would provide the means of entering into contracts. She added that she would not be comfortable with the county providing support for this situation

