

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/informal session on December 21, 2009, at 1:00 p.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, Administrative Services Director; John Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; Pat. Anderson, Human Resources; Murray Paolo, Information Services Manager; John Phelan and Bill Anderson, Public Works; Hannah Hoffman, News-Register; and Brian Doyle, 24001 NE Ellis Ln, Newberg.

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.

Brian Doyle, Solid Waste Advisory Committee (SWAC) member, read a written request to the Board regarding alternatives to the landfill (see Exhibit A). He requested that the Board direct SWAC to take a hard look at the county’s future for solid waste disposal and come back to the Board with a recommendation.

B. **AGENDA:**

Personnel

1. **B. O. 09-849** - Consideration of approval of the employment of Barbara Harrington as Extra Help in HHS Abacus, temporary part-time, \$10/hour, effective December 22, 2009, through September 30, 2010.

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

Contracts/Grants

2. Consideration of approval of agreements between HHS Developmental Disabilities and the following providers for residential, vocational, and transportation services, retroactive to July 1, 2009, through June 30, 2010:

- a. **B. O. 09-850** - Oregon Mennonite Residential Services, \$2,788,106;
- b. **B. O. 09-851** - Mid-Valley Rehabilitation, Inc., \$3,028,068.

Ms. George moved approval of item B(2). The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. **B. O. 09-852** - Consideration of approval of Intergovernmental Agreement #2361 between the Assessor's Office, provider, and Oregon Department of Revenue for the ORMAP project, \$14,803, project to be completed by December 31, 2010.

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

#### Surplus Property

4. **B. O. 09-853** - Consideration of declaring three Dell computers as surplus county property to be sold on the county's website.

Murray Paolo stated that the online sales have been going very well, most likely in part due to the time of year. Ms. Lewis moved approval of item B(4). The motion passed, Commissioners Lewis, George, and Stern voting aye.

#### Committees

5. **B. O. 09-854** - Consideration of the appointment of Brendon Connelly to the Parks & Recreation Board for a four-year term to expire December 21, 2013.

Ms. George moved approval of item B(5). The motion passed, Commissioners Lewis, George, and Stern voting aye.

6. **B. O. 09-855** - Consideration of the following reappointments to the Solid Waste Advisory Committee:  
a. John Arand and George Duvendack, three-year terms to expire August 7, 2012;  
b. Erin Rainey, three-year term to expire November 13, 2012.

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

#### **C. OLD BUSINESS:**

1. **B. O. 09-856** - Consideration of adoption of Ordinance 850 in support of Planning Docket Z-01-09(KF), a request to rezone 51 acres from EF-80 to EF-40, applicant Laurent Montalieu, as tentatively approved December 9, 2009.

Rick Sanai provided the first and second readings of Ordinance 850 by title only, declaring an emergency. Ms. Stern moved to adopt the ordinance. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining because she was not present at the December 9 meeting.

2. Consideration of adoption of findings in support of Planning Docket P-01-09(KF), a request to partition 131.5 acres of EF-80 land into two parcels of 80 and 51.5 acres, applicant Laurent Montalieu, as tentatively approved September 9, 2009, contingent on state approval of a zone change application, and continued from December 9, 2009. *[Continued to January 6, 2010]*

Ms. Stern moved to continue item C(2) to January 6, 2010. The motion passed, Commissioners George and Stern voting aye and Commissioner Lewis abstaining because she was not present at the December 9 meeting.

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

1. **B. O. 09-857** - Consideration of the employment of Michele Bergeron as Program Coordinator for the Commission on Children & Families, regular full-time, Range 16, Step 2, effective January 4, 2010.

Ms. George moved approval of item D(1). The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. **B. O. 09-858** - Consideration of approval of an Employment Network Satellite Agreement between HHS Abacus, provider, and Department of Human Services for the Ticket to Work Program, effective January 1, 2010, through December 31, 2010.

Ms. George moved approval of item D(2). The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. **B. O. 09-859** - Consideration of approval of a modification of agreement between Yamhill County and Ball Janik, LLP, provider, for consulting services related to the Newberg-Dundee Bypass, \$61,600, retroactive to July 1, 2009, through June 30, 2010.

Ms. Lewis moved approval of item D(3), noting that this amount is less than last year's contract because the county has a separate agreement for consulting services with Dave Barrows this year. The motion passed, Commissioners Lewis, George, and Stern voting aye.

4. **B. O. 09-860** - Consideration of rescinding Board Order 08-228, a temporary 25 MPH speed limit on Stillers Mill Road.

Ms. Lewis stated that Stillers Mill Road was acting as a detour route while the bridge project was underway, but that has been finished and Public Works has already removed the speed limit signs. She said that some people, herself included, would like to see the speed zone remain there. John Gray stated that the state statute does not allow the county to impose a reduced speed limit other than on a temporary basis, but the commissioners could direct Public Works to initiate a process to obtain authority from the Traffic Safety Advisory Board to

designate speed limits on low-volume roads, if they want that authority. He said that the temporary speed limit needs to be rescinded now, though.

John Phelan stated that Stillers Mill Road is highly traveled and, at the very least, a widening of its shoulders needs to be considered. Ms. George agreed that it is a dangerous road and, with so many people living in the area, she can understand the concern of the residents. The Board agreed that the issue needs to be discussed further.

Ms. Lewis moved approval of item D(4). The motion passed, Commissioners Lewis, George, and Stern voting aye.

5. **B. O. 09-861** - Consideration of the change of status of Sean Roush to temporary part-time employment in HHS Abacus, .1 FTE, effective January 4, 2010, through June 30, 2010.

Ms. George moved approval of item D(5). The motion passed, Commissioners Lewis, George, and Stern voting aye.

6. **B. O. 09-862** - Consideration of the change of status of Jonathan Summers to Correction Officer in the Jail, temporary full-time, Range 12, Step 1, retroactive to December 17, 2009, through February 17, 2010.

Ms. Stern moved approval of item D(6). The motion passed, Commissioners Lewis, George, and Stern voting aye.

7. **B. O. 09-863** - Consideration of approval of an order authorizing the City of Newberg to purchase interoperable communications equipment with Homeland Security Grant funds through the Oregon Military Department and the Oregon Office of Management.

Mr. Paolo provided background information on the grant and the communications equipment. Mr. Gray read the operative part of the order. Ms. Lewis moved approval of item D(7). The motion passed, Commissioners Lewis, George, and Stern voting aye.

8. **B. O. 09-864** - Consideration of approval of a 3% salary increase for John Gray and John Krawczyk, effective December 24, 2009.

Ms. Lewis moved approval of item D(8), explaining that, in light of the current economic circumstances, both individuals feel that it is appropriate to limit their salary increase to the same increase taken by YCEA employees and other department heads. Ms. Stern noted that the Board still needs to review employment agreements for Mike Brandt and Chris Johnson, but she would like to talk to Mr. Brandt first. Ms. George requested that the Board hold off on Mr. Johnson's as well. The motion passed, Commissioners Lewis, George, and Stern voting aye.

E. **PUBLIC HEARINGS:** None.



Comments to Yamhill County Commissioners, 21 Dec 09

by: Brian W. Doyle, PhD, PE

My purpose here is to ask the Commissioners to charge the Solid Waste Advisory Committee (SWAC) with developing recommendations for the County's management of solid waste between now and 2014 when the contract with the Riverbend Landfill expires. While SWAC has commissioned two recent studies of waste management alternatives, the County has not been proactive in developing any alternative. The commissioned studies are sitting on the shelf.

The current contract with Riverbend was reasonable when it was written and it has provided inexpensive waste disposal for County residents - until it expires in 2014. The contract has also generated significant revenue that has supported County waste reduction and recycling activity. However, we now have a landfill that is a permanent feature of the landscape with long term environmental impacts - possibly serious. In addition most of the accumulating waste originates outside of Yamhill County - with the benefits going to other jurisdictions or to Waste Management. So Riverbend Landfill has become a mixed blessing. While its operation may or may not continue beyond 2014, the expiration of the contract with Yamhill County will change its status.

In its recent report Zia made an unexpected, but very convincing argument that the County has an opportunity to develop an alternative long term waste disposal system - something other than shipping our waste to another landfill. Unless the County is willing to commit to long term continued operation/expansion of Riverbend Landfill, the window of opportunity is short - one or two years at the most to identify and begin to aggressively develop the alternative. The most likely alternative is a waste-to-energy plant similar to the Brooks facility. Other concepts such as waste-to-ethanol might eventually consume a portion of Yamhill County's waste, but are not commercially demonstrated - so the time and money to implement them are very uncertain.

Any alternative will be implemented by a private company - the County can only serve as an encouraging host. We lack both the financial and technical where-with-all to develop a sophisticated waste facility. While there are a number of companies that might be able to offer waste services, Waste Management is the only company, at this time, with a vested interest in working with Yamhill County. So evaluating alternative disposal is going to involve discussions with Waste Management about the system(s) or services they could provide and under what conditions. Of course, if another company offers a viable proposal, it should be considered.

So the County needs to make a decision soon whether it will continue to ride along on the track of the existing contract or if it will explore the viability of alternative long term waste disposal methods. The SWAC is arm of County government that should do this work, but it needs a prod from the Commission to get it started.

Yamhill County Commissioners:

4 Oct 2009

Wednesday afternoon, the Solid Waste Advisory Committee heard a verbal presentation of the report by Zia and HDR regarding solid waste disposal alternatives. I was impressed by the simplicity and strength of their conclusions. Yamhill County currently has opportunities to plan and develop its waste future disposal methods. Most other Oregon Counties don't have similar opportunities, but our time window is quite short - a year or two at the most. If we wait until a year or two before our contract with Waste Management expires or Riverbend reaches its current permitted capacity - whichever comes first - the County's power to manage waste disposal will evaporate. If Riverbend closes in the next few years, WOW and Newberg Garbage will haul to other landfills and the County's role in solid waste will be limited to managing the franchise fees. Most of the revenue that supports current solid waste and recycling activity will disappear.

In order for Yamhill County to implement any alternative to landfill disposal, we need a waste flow rate about three or four times as much as Yamhill County generates. There are economies of scale and you need at least as much flow as is going to Riverbend now for any alternative to be economical. We could build a simple, proven waste to energy plant for just our own waste and the disposal rate would probably be over \$100/ton - three times what we're paying now. Would the County guarantee the bonds to build it?

Opponents to Riverbend expansion are advocating alternatives to landfill disposal. Ironically the only way any of these alternatives might be achieved is by continuing to use Riverbend at its current waste disposal rate until one of those alternatives can be implemented. That will be at least a year or two beyond our current contract expiration date of 2014. Even a basic waste to energy facility, such as Marion County's Brooks plant, cannot be planned, permitted and built in less than four or five years. Other alternatives such as waste to ethanol or the plasma arc process are not commercially demonstrated and will take at least a few years longer. Any alternative will be implemented by a private company - the County can only serve as an encouraging host.

If the County denies Riverbend's expansion, waste haulers will begin to make alternative arrangements. WOW will invest several million in a transfer station and all of Riverbend's customers will negotiate contracts with Coffin Butte, Arlington or other landfills. Once the waste stops flowing to Riverbend, most of it won't return and the County loses both the revenue and the potential cooperation of Waste Management in developing alternative disposal methods. If there is going to be an alternative to landfilling our waste, Waste Management is the only company with a vested interest in working with Yamhill County.

I see a need for the County to begin negotiations with Waste Management about our waste disposal beyond 2014. That dialog should begin immediately. In hindsight it should have started a couple of years ago. I suspect that the SWAC is the appropriate arm of County government to conduct this discussion. However, the SWAC is a relatively sleepy committee that rarely ventures beyond the bounds of regulatory mandates - listen to annual reports and approve franchise rates. If it's going to wake up and take a serious look at future waste disposal, it needs a prod and guidance from the Commissioners.

Brian Doyle

Exhibit A 2/3

### Waste Alternatives Report

The Solid Waste Advisory Committee heard a verbal presentation of the report by Zia and HDR regarding solid waste disposal alternatives. Zia's conclusions are stated in their report, but I was impressed by the simplicity and strength of their conclusions as presented verbally. Yamhill County currently has opportunities to plan and develop its waste future disposal methods. Most other Oregon Counties don't have similar opportunities, but our time window is quite short - a year or two at the most. If we wait until a year or two before our contract with Waste Management expires or Riverbend reaches its current permitted capacity - whichever comes first - the County's power to manage waste disposal will evaporate. If Riverbend closes in the next few years, WOW and Newberg Garbage will haul to other landfills and the County's role in solid waste will be limited to managing the franchise fees. Most of the revenue that supports current solid waste and recycling activity will disappear.

There are economies of scale and in order for Yamhill County to implement any alternative to landfill disposal, we need a waste flow rate about three or four times as much as Yamhill County generates - roughly as much as is flowing into Riverbend at the present time. We could build a simple, proven waste to energy plant for just our own waste and the disposal rate would probably be over \$100/ton. That's at least three times what we're paying now and considerably more than other cities or counties in this area.

Opponents to Riverbend expansion are advocating alternatives to landfill disposal. Ironically the only way any of these alternatives might be achieved is by continuing to use Riverbend at its current waste disposal rate until one of those alternatives can be implemented. That will be at least a year or two beyond our current contract expiration date of 2014. Even a basic waste to energy facility, such as Marion County's Brooks plant, cannot be planned, permitted and built in less than four or five years. Any other alternative such as waste to ethanol or the plasma arc process are not commercially demonstrated and will take longer - assuming it proves economically viable. Any alternative will be implemented by a private company - the County can only serve as an encouraging host.

In Zia's opinion, once the waste stops flowing to Riverbend, it is unlikely to return to support a new waste processing plant. So if we allow Riverbend to close, the County loses both the revenue and the potential cooperation of Waste Management in developing alternative disposal methods. If there is going to be an alternative to landfilling our waste, Waste Management is the only company with a vested interest in working with Yamhill County.

### Comments

Both Erin Rainey and Jennifer Noble noted the lack of any evaluation of environmental impacts. Zia noted that Riverbend is in compliance with DEQ requirements and that environmental impacts of the existing landfill are outside of Zia's scope of work. The environmental impacts of most of the alternatives investigated aren't well understood, and so cannot be used as a basis for comparing them.

Brian Doyle, in addition to commending Zia, advocated for the County to start discussions with Waste Management about revising the existing contract now rather than waiting until it's about to expire.