

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 June 6, 2013, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Kathy George, Mary P. Stern, and Allen Springer being present.

Also present were Laura Tschabold, County Administrator; Chuck Vesper, Deputy County Administrator; Rick Sanai, County Counsel; Christian Boenisch, Deputy County Counsel; Pat Anderson, Human Resources; Ken Friday, Planning Division Manager; Nathalie Hardy, News-Register; Tyler Francke, Newberg Graphic; David Hanson, 9400 Rock Creek Rd, Sheridan; Daniel Danicic, PO Box 970, Newberg; Sid Friedman, PO Box 1983, McMinnville; Lee Does, 10730 NE Renne Rd, Newberg; and others as listed on the attached attendance roll (Exhibit A).

Commissioner George called the meeting to order at 10:02 a.m. and asked those in attendance to take a moment to honor the life of Joan Austin.

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.

Joseph Gall stated that Memorial Day was recently celebrated to honor those who sacrificed their life to keep America a free republic and honored their oath to defend the constitution. He said that any public employee who knowingly violates a constitutional law must be prosecuted as a traitor. He stated that meeting minutes must be a true reflection of the matters discussed, but the minutes from December 6, 2012, did not include the references to biblical passages that he had quoted.

He discussed his petition for personal property tax exemption that had been dismissed by the Board of Property Tax Appeals (BOPTA), stating that the reason for dismissal is fallaciously stated to avoid an obligation to rule in accordance with Oregon law, but can be amended if done by June 30. He stated that any violation of the Code of Professional Conduct by a lawyer, including violating the mandate of honesty, is reason for disbarment and criminal prosecution; therefore, Commissioner Stern and Rick Sanai should both be prosecuted. He submitted written comments to the Board.

Ms. Stern stated that the Supreme Court of Oregon has ruled against Mr. Gall, and the Board has no authority to rule against the Supreme Court.

David Hanson requested an immediate moratorium on county roadside spraying. He said that the effects of spraying are irreversible, and 45 native species are now gone from public roadsides, some of which are very rare. He said that this is in direct contradiction to stated goals and policy statements, does not enhance tourism in the county, and makes no sense on an engineering or scientific level. He said that if it doesn't stop, he intends to take this campaign to a wider forum. Ms. Stern stated that she plans to view the area of concern with Larry Ouja from the Soil and Water Conservation District.

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

Personnel

1. **B. O. 13-313** - Approve the change of status of Courtney May and Santiago Quintero to Range 12, Step 1, in Juvenile Detention, retroactive to May 29, 2013.
2. **B. O. 13-314** - Authorize 11% out-of-class pay for Catherine Lindberg, Public Works, retroactive to June 3, 2013.
3. **B. O. 13-315** - Approve the change of status of Michael Mendenhall and Christina Eastman to Court Security Corrections Officer and Marine Reserve Deputy in the Sheriff's Office, temporary full-time, retroactive to May 8, 2013, through October 8, 2013.
4. **B. O. 13-316** - Approve the change of status of Shawni Kroeker to Animal Technician, \$10/hour, and Marine Service Officer, \$13/hour, in the Sheriff's Office, temporary full-time, retroactive to May 8, 2013, through October 8, 2013.

Contracts/Grants

5. Approve agreements between the Sheriff's Office, provider, and the following cities for police services, effective July 1, 2013, through June 30, 2014:
 - a. **B. O. 13-317** - City of Lafayette, 2.0 FTE, \$222,417;
 - b. **B. O. 13-318** - City of Dayton, 1.0 FTE, \$115,175.
6. **B. O. 13-319** - Approve Transfer Agreement #29226 between Yamhill County, lessor, and Oregon Department of Transportation (ODOT) to transfer lease rights and obligations pertaining to the Doane Creek Communications Site from Oregon State Police to ODOT, effective July 1, 2013.
7. **B. O. 13-320** - Ratify approval of Amendment #16 to the 2011-13 Financial Services Agreement #13583 between HHS Public Health and Oregon Health Authority to add \$500 for participation in the School-Based Health Center Patient Satisfaction Survey Technology Project.
8. **B. O. 13-321** - Approve an agreement between HHS Adult Behavioral Health, provider, and Mid-Valley Behavioral Care Network for Warmline services, \$8348, retroactive to October 1, 2012, through June 30, 2013.
9. **B. O. 13-322** - Approve a purchase and sale agreement between Yamhill County, buyer,

and Joseph and Carol Christen for a strip of property required for the Laughlin Road (Stag Hollow) Bridge improvement project, \$566.

Roads

10. **B. O. 13-323** - Approve the placement of stop signs on McCormick Hill Road, Brooks Lane, and Jaquith Road at their intersections with Mountain Top Road.

Capital Improvements

11. **B. O. 13-324** - Approve the 2013-14 Capital Improvement Projects List.

C. **OLD BUSINESS:** None.

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

1. **B. O. 13-325** - Consideration of the emergency employment of Ryan Rudnick as Engineering Intern in Public Works, temporary full-time, \$18/hour, effective June 5, 2013, though December 8, 2013.

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

2. **B. O. 13-326** - Consideration of authorizing a notice of intent to award the Yamhill County 2013 Overlay Project contract to low bidder Baker Rock Resources, \$504,735 total basic bid and \$89,775 for potential Alternate #1.

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

3. **B. O. 13-327** - Consideration of authorizing a transfer of appropriation authority and funds from the General Fund contingency (10-92) to the Capital Improvement Fund (40-27) for asbestos mitigation, \$26,030.

Chuck Vesper stated that this would cover three different projects that addressed previously unknown asbestos issues, and contingency funds have historically been used in those cases. Mr. Springer moved approval of item D(3). The motion passed, Commissioners George, Stern, and Springer voting aye.

4. **B. O. 13-328** - Consideration of authorizing 11% out-of-class pay for Spencer Dean, Assessor's Office, retroactive to May 9, 2013.

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

5. **B. O. 13-329** - Consideration of approval of an agreement between Facilities Maintenance and Lawrence Snyder Roofing, Inc., provider, for the 7th Street House and Ford Street House Roof Replacement Project, \$19,200.

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

E. PUBLIC HEARINGS:

1. Consideration of Planning Docket PA-01-10(KF), request by the City of Newberg to include an additional 260 acres in its Urban Growth Boundary and identify the area as Industrial and Public/Quasi-Public, as continued from May 16 at the point of Staff Recommendation.

[Continued to June 27, 2013, at the point of Staff Recommendation, with the record left open until 5:00 p.m. on June 13 for written testimony related to the new information, and until 5:00 p.m. on June 20 for written rebuttal by the applicant.]

Ms. George opened the public hearing. Ken Friday provided background information on the hearing process to date, stating that the city followed the county's request to adopt new population figures and consider bifurcating the application, but decided not to bifurcate it. He said that he is ready to recommend approval of the application, but 1000 Friends of Oregon has requested that the record be reopened for additional testimony, since new information has been submitted, and there is also a citizen request to testify.

Ms. Stern stated that the Board had discussed the request at Monday's informal session and had agreed to reopen the record, with testimony to be limited in scope to the new information, along with time limits on verbal testimony.

Proponents - Barton Brierly, Planning & Building Director for the City of Newberg, stated that the city had incorporated the county's new adopted population forecast into the findings and the Economic Opportunities Analysis, and the revised application also addressed concerns expressed by the Department of Land Conservation and Development, which had strongly encouraged the city to pursue this UGB amendment. He said that the amendment is very needed to address a critical shortage of industrial land and to improve the economy.

Scott Simmons, Climax Portable Machine Tools, stated that Climax plans to continue growing its business, and needs additional infrastructure to do so, including good roads and traffic flow. He explained that Climax has used every allowable inch of its property and will need to expand at some point in the future. He said that manufacturing is critical to this country and its citizens, and more industrial land is needed to keep Climax and other similar businesses growing in the county.

Curtis Walker stated that more industrial land is needed in Newberg, both for existing businesses and for those looking to locate here. He said that the subject property is an ideal location for industrial land, being away from the downtown area, close to the proposed bypass, and with minimal congestion. He stated that one problem with the opponents' alternative proposal is that there are properties mixed in that would lose value if they were rezoned from residential or commercial to industrial. Ms. George stated that causing a loss of value to property owners would be considered a taking and could be costly.

Opponents - Sid Friedman, 1000 Friends of Oregon, requested that the city's written rebuttal be limited to address only existing information in the record and not present any new

evidence. He stated that the city's primary responsibility is to its residents only, whereas the county has a responsibility to all county residents and has a legal responsibility to assess both the size of the expansion and its new location.

He provided a brief summary of the opponents' testimony to date, stating that 1000 Friends agrees with the need for additional industrial land, but believes the amount needed has been overstated and the amount already available in the current UGB has been understated. He stated that the city has adopted a new generic set of site requirements that excludes all high-priority land for a wide range of industries with differing needs, which doesn't seem justified. He said that the most objectionable part of the application is the large parcel of prime farmland. He discussed options for replacement land and said the purpose is to accommodate specific industrial needs, not to site an entire industrial area. He stated that he would submit additional written testimony, and he encouraged the commissioners, especially Mr. Springer, to review previous testimony in the record.

Grace Schaad submitted written testimony for the record, stating that the city doesn't have to plan for an industrial park, as there are parcels within the UGB, the URA, and the city limits that could accommodate industrial needs. She said that the city needs more compact development.

Ranee Solmonsson stated that she believes that the city has overstated its needs and overlooked existing vacant land, showing an unbalanced approach and an inability to compromise. She said that the prime farmland should be taken out of the proposal. She provided background information about herself and her family businesses, and stated that the economic impact of agriculture and related tourism has been largely ignored by the city.

Lee Does stated that the proposed industrial land is considered to be prime farmland, and there is other land already available for industrial use that wouldn't take away farmland. He presented video footage that he had taken and submitted a copy for the record.

Mary moved to continue the hearing to June 27, 2013, at the point of Staff Recommendation, with the record left open until 5:00 p.m. on June 13 for written testimony related to the new information, and until 5:00 p.m. on June 20 for written rebuttal by the applicant. The motion passed, Commissioner George, Stern, and Springer voting aye.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us, or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

The meeting recessed at 11:09 a.m. for an executive session in the Commissioners' Office Conference Room.

D. OTHER BUSINESS (continued):

6. Executive session pursuant to ORS 192.660(2)(i) to review and evaluate the employment-related performance of an employee who does not request an open hearing.

The meeting reconvened at 12:52 p.m. with no formal decisions made. Ms. George stated that the Board had reviewed and discussed employee issues related to the office of County Counsel.

7. **B. O. 13-330** - Consideration of accepting the resignation of Rick Sanai, County Counsel, effective June 21, 2013, appointing Christian Boenisch as Acting County Counsel, effective immediately, and directing Laura Tschabold, Pat Anderson, and Christian Boenisch to negotiate a separation agreement with Mr. Sanai.

Ms. George moved approval of item D(7), stating that she regrets the situation and appreciates Mr. Sanai's service to the county over the years. The motion passed, Commissioners George, Stern, and Springer voting aye.

8. Consideration of authorizing travel expenses for Allen Springer and Dave Haugeberg to travel to Washington, D.C., to support the county's Transportation Investment Generating Economic Recovery (TIGER) grant application for the Newberg-Dundee Bypass. *[Consensus to approve.]*

Mr. Springer stated that Michele Guiguere, the bypass lobbyist, has recommended that he make a trip to Washington, D.C., at the end of the month, along with Dave Haugeberg, the mayors, and others, to provide a physical presence in support of the TIGER grant application. Ms. Stern agreed that the trip is important. Ms. George added that there is a precedent for covering such travel expenses. The Board agreed to authorize the expenses for Mr. Springer and Mr. Haugeberg.

The meeting adjourned at 12:57 p.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner ALLEN SPRINGER



BOARD OF COUNTY COMMISSIONERS

Attendance Roll for meeting records

Meeting: Informal _____ Formal Work Session _____ Date 6/6/13

PLEASE PRINT
Name

PLEASE PRINT
Complete Address

PLEASE PRINT
Subject

Joseph Gall 1156 SW West 7th St McMinnville Rule of Law

Barton Brierley P.O. Box 970 Newberg OR 97132 Newberg Industrial UGB

Doug Harner 901 N. Brutscher St Newberg 97132 Newberg UGB

CURTIS WALKER 29750 N.E. BENJAMIN Rd. NEWBERG, OR 97132 INDUSTRIAL UGB

Rance Solmussen 52300 NE Old Varrett Mt. Rd Newberg, OR 97132 UGB

Sid Friedman (Or. 14286 NW Old Moses Valley Yamhill 97148 UGB

SCOTT SIMMONS 7840 SW LOVE CT. ^{WILSON} OR UGB

Grace Schaad 31525 NE Schaad Rd Newberg UGB

Jamie Stasny 7885 SW 74th Ave Portland, OR 97223 Newberg UGB

Lewis Schaad 31655 NE Schaad Rd Newberg 97132 UGB