

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 May 31, 2018, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Richard L. “Rick” Olson and Stan Primozich being present. Commissioner Starrett was present via conference phone as allowed under Ordinance 900, Section 3.09B.

Also present were Laura Tschabold, County Administrator; Ken Huffer, Deputy County Administrator; Christian Boenisch, County Counsel; Carrie Martin, Grants and Special Projects; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Olson called the meeting to order at 10:00 a.m. The invocation was offered by Dave Adams. Mr. Olson made a motion to permit Commissioner Starrett to participate by phone. Commissioners Olson, Primozich and Starrett voting aye.

**A. PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than: 1) agenda items, 2) a quasi-judicial land use matter, or 3) a 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.

Bart Ryerson gave comment on behalf of Chehalem Parks & Recreation. Consideration to have water access for paddle launch and park in the landfill property site.

**B. CONSENT AGENDA:**

Commissioner Starrett made a motion to approve the consent agenda with the removal of items #2 & #3 to be moved to Other Business. Commissioners Starrett, Olson and Primozich voting aye.

Minutes

1. Approval of the following minutes:
  - a. **B.O. 18-157** - March 27, 2018, Informal session;

Contracts/Grants

2. Approval to submit a grant proposal to ODOT Transportation Growth Management (TGM) for \$110,000. TGM requires a match of \$15,000 (12%) of in-kind contributions. TGM and matching funds are to fund a portion of the Yamhelas Westsider Trail Master Plan project. Application due June 8, 2018. *[Removed from consent agenda; moved to Other Business].*

3. Approval to submit a proposal for the Travel Oregon Competitive grant for \$56,250. Grant requires a cash match of \$18,750 (25%). Grant and match funds will be used to partially fund the Yamhelas Westsider Trail Master Plan project. Application due June 6, 2018.  
*[Removed from the consent agenda; moved to Other Business].*
4. **B.O. 18-158** - Approval of an agreement between Yamhill County and Baker Rock Crushing Co. DBA Baker Rock Resources for the 2018 Overlay Project in the amount of \$2,073,153.
5. **B.O. 18-159** - Approval of an intergovernmental agreement with ODOT for Right-of-Way Services, Oregon Route 18 at Christensen Road, ODOT Agreement No. 30688.
6. **B.O. 18-160** - Approval of a quote by Gormley Plumbing in the amount of \$49,689 for the purpose of the Abacus House restroom addition.
7. **B.O. 18-161** - Approval of an agreement between Juvenile Detention and Polk County for five (5) detention bed rentals, \$148 per bed per day, Additional beds requested by Polk County and approved by Yamhill County will be at the rate of \$110 per bed per day. Effective July 1, 2018 through June 30, 2019.
8. **B.O. 18-162** - Approval of an intergovernmental agreement between Yamhill County and the City of Carlton regarding dog control licensing revenue, retroactively effective October 1, 2017.
9. **B.O. 18-163** - Approval of an intergovernmental agreement between Yamhill County and the City of Yamhill regarding dog control licensing revenue, retroactively effective October 1, 2017.
10. **B.O. 18-164** - Approval to authorize the County Administrator to sign the Notice of Election for Workers Compensation Insurance through SAIF for the 2018-19 coverage year.
11. **B.O. 18-165** - Approval of Amendment #1 to the Agreement between Yamhill County Health & Human Services and the Oregon State University Extension – Yamhill County (B.O. 17-055) adding funds in the amount of \$6,877 and extending the term through June 30, 2018.
12. **B.O. 18-166** - Approval of the Medical Service Agreement (MSA) between Yamhill County and Oregon Health Authority for Prevention and Health Promotion.
13. **B.O. 18-167** - Approval of an agreement between Yamhill County Health & Human Services and the Sheridan School District to provide behavioral health counseling for the 2018-2019 school year, not to exceed \$74,367.90. Effective September 2018 through May 2019.
14. **B.O. 18-168** - Approval of an agreement between Yamhill County Health & Human Services and the Yamhill Carlton School District to provide behavioral health counseling for the 2018-2019 school year, not to exceed \$79,679.88. Effective September 2018 through May 2019.
15. **B.O. 18-169** - Approval of Amendment #4 to the Agreement between Yamhill County Health & Human Services and Oregon Family Support Network (OFSN) (B.O. 14-580), retroactive from May 1, 2018 through June 30, 2019.

16. **B.O. 18-170** - Approval of a letter of agreement between Yamhill County and Yamhill County Community Care Organization (YCCO), retroactive from February 1, 2018 through August 31, 2018 for the development of a Diabetes Prevention Program (DPP) and to promote Colorectal Cancer screenings.

17. **B.O. 18-171** - Approval of an agreement between Yamhill County Health & Human Services and Benton County for the purpose of Regional Health Assessment services, effective July 1, 2018 through June 30, 2019, not to exceed \$25,000.

18. **B.O. 18-172** - Consideration of a Collective Bargaining Agreement between Yamhill County and Yamhill County Juvenile Detention Workers Association (YCJDWA), effective June 9, 2018 through June 30, 2020.

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**C. OLD BUSINESS:**

1. **B.O. 18-156** - Reconsideration of a motion to approve a proposed amendment to Yamhill County's Transportation System Plan for the Rails-to-Trails Project, a part of the transportation element of the county comprehensive plan, acknowledging the county purchase of an approximately 12-mile segment of a former Union Pacific rail corridor and immediate plans to develop a multi-modal trail in the segment of the corridor extending from the City of Yamhill, south to the City of Carlton. *[Continued from May 15, 2018].*

Commissioner Olson noted that public testimony and comments will go in the public record.

- a. Jim Van Dyke – Submitted comment card, declined to speak but submitted testimony.
- b. Ben Van Dyke – Submitted comment card, testimony and gave comment. Spoke about additional expense impact to farming expenses. Commented about road improvements needed before trail.
- c. Gene Bell – Submitted comment card, testimony (via email) and gave comment regarding his attendance and testimony at previous hearings. Noted the financial impact the trail would have on him.
- d. Dana Gray, City of Yamhill Council– Gave comment regarding “new revenue streams”. Ms. Gray provided a trail map handout. Representing self, not the council.
- e. Laura Cochran- Gave comment regarding the TGM grant application: safety concerns. Financial impact on farmers that the homeless camp population will have on the trail.
- f. Billie Jean Matthews – Submitted written testimony, comment card and gave comment regarding concern about transparency.
- g. Brian Schmidt – Gave comment about livestock operations. He stated the farm impact is incomplete. He is concerned about lack of transparency, passing a road under the guise

of a trail citing that approving the TSP grants will lessen the farmer's strength on other issues. Mr. Schmidt provided additional testimony.

- h. Wendy Kellington - Representing the Van Dyke family, gave comment regarding her handouts. She stated that the railroad right of way is not owned by the county. She outlined several mitigation items. Ms. Kellington commented on the dispute of property title. Mr. Sadlo clarified the frequency of using the right of way, citing the Van Dyke's have used it without consent from the county. The Board declined to address ownership as it is in litigation.
- i. Brian Schmidt – Mr. Schmidt requested separating the farm impact study from the TSP application.

After comments, Commissioner Olson called for the motion of item C1. Commissioner Olson made a motion for reconsideration of the original motion. The motion passed, Commissioners Primozych and Olson voted aye, Commissioner Starrett voted nay.

Mr. Sadlo provided the first reading by title only (as originally presented with amendments).

Commissioner Olson opened discussion; Commissioner Starrett commented and made a motion to separate the findings as amended and to adopt the trail purchase as part of the transportation plan. Commissioner Primozych noted he would like to proceed with the motion as read by Mr. Sadlo. Mr. Olson noted the amendments to the TSP including staff recommended updates. Ms. Starrett commented about the overall project and the lack of transparency. Mr. Olson called for the second reading by title only by Mr. Sadlo.

Commissioner Olson called for the motion to adopt the amendment of the transportation system as presented. Commissioner Primozych made the motion. The motion passed, Commissioner Starrett voted nay, Commissioners Olson and Primozych voting aye.

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

Resolution

1 **B.O. 18-175** - Consideration to adopt Resolution 18-05-31-1 proclaiming August 7, 2018 as "National Night Out" in Lafayette, Oregon.

Commissioner Olson called for the motion to approve and read the resolution. Commissioner Primozych moved to approve the adoption of the resolution as presented. The motion passed, Commissioners Starrett, Olson and Primozych voting aye.

2. **B.O. 18-173** - Approval to submit a grant proposal to ODOT Transportation Growth Management (TGM) for \$110,000. TGM requires a match of \$15,000 (12%) of in-kind contributions. TGM and matching funds are to fund a portion of the Yamhelas Westsider Trail Master Plan project. Application due June 8, 2018.

Commissioner Starrett stated she is opposed to items #2 & #3 and is opposed to additional grant funds, including ownership issues and personnel time incurred. Commissioner Primozych moved approval of items both #2 & #3 being removed.

a. Wendy Kellington – Representative for the Van Dyke farms/entities. Ms. Kellington requested to defer decisions on items #2 & #3. She stated a May 15th denial of proposal and the grant application has several findings contrary to record and that the testimony is combative. Ms. Kellington stated the county ownership of the trail is not supported by law. She challenged the ownership stating the county does not own the Van Dyke’s segment of the trail. Ms. Kellington stated that the farm impact study mitigations are inadequate.

b. Brian Schmidt – Gave comment regarding items #2 & #3. He questioned the farm study; declaring the bridge as a multi-modal road, thereby bypassing the farm impact study.

Mr. Sadlo clarified the bridge is a trail bridge and not a “road” bridge.

c. Jim Van Dyke – Gave comment regarding grant application and the legality of language (rails/trails). He stated that he is going to pursue the ownership of the land in question.

3. **B.O. 18-174** - Approval to submit a proposal for the Travel Oregon Competitive grant for \$56,250. Grant requires a cash match of \$18,750 (25%). Grant and match funds will be used to partially fund the Yamhelas Westsider Trail Master Plan project. Application due June 6, 2018.

Discussion:

Commissioner Primozych stated that the grant deadlines still have to be met. The applications still have to be submitted and are not circumventing the citizen concerns, despite applying or receiving grant funding. Commissioner Primozych still supports items #2 & #3. Commissioner Starrett opposes them stating issues around ownership litigation. Commissioner Olson reiterated Commissioner Primozych’s comments, noting that a master plan is part of the requirements of the grant.

After discussion, items #2 & #3 passed. Commissioners Olson and Primozych voting aye, Commissioner Starrett voted nay.

**E. PUBLIC HEARINGS:** None.

**F. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county’s website, [www.co.yamhill.or.us/content/volunteer-opportunities](http://www.co.yamhill.or.us/content/volunteer-opportunities), or call the Board of Commissioners’ office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).

For questions regarding accessibility or to request an accommodation contact the Board of Commissioners’ office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at [bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us)

Following Commissioner announcements, the meeting adjourned at 11:51 a.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair

MARY STARRETT

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Commissioner

RICHARD L. "RICK" OLSON

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Commissioner

STAN PRIMOICH