

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 combined session on May 27, 2021, at 10:00 a.m. in virtual meeting via Zoom, Commissioners Mary Starrett, Lindsay Berschauer and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Todd Sadlo, Senior Asst. County Counsel; Ken Friday, Planning Director, Lance Woods, Senior Planner; Stephanie Armstrong, Senior Planner, Jason Foose, County Surveyor, and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Dorie Vickery, Sheridan School District; Mike Connors, Hathaway Larson, LLP; Christine Bradford, ACOM Consulting, Inc.; Doug Rux, City of Newberg; Shannon Buckmaster, City of Newberg; Mayor Scott Hill, City of McMinnville; Amanda Guile-Hinman, City of McMinnville; Heather Richards, City of McMinnville; City Councilor Chris Chenoweth, City of McMinnville; Sheila Barnes; Seth Renne; Erin Ross; Kipp Meyers; Danell Myers; Anna Lee-Thompson; Wayne Van Loon; Carol Foley; Vickie Ybarguen; Michael Afflerbach, CTC Technology & Energy; Patty Williams; Leanna Jeffords; Patricia Faye Marshall; Anne; Jan; Carla; Philip Higgins; Bruce; Doug; Bev; B Curtis; John & Fran Siebert; Janis Pate; and Beth Rankin.

Welcome! Due to COVID-19 and physical distancing requirements, attending the meeting is discouraged. The public can view the meeting via the YouTube link on the Yamhill County Meetings page. <https://www.co.yamhill.or.us/meetings>. See below for instructions regarding submitting general public comment or comments on agenda items.

A. CALL TO ORDER: Commissioner Starrett called the meeting to order at 10:00 a.m.

B. FLAG SALUTE

C. CALENDAR SESSION: This time is reserved for the review of the commissioner’s joint schedule (if needed).

The Commissioner’s reviewed the joint schedule through June 15, 2021. No other county business was discussed.

D. PUBLIC COMMENT: *Due to COVID-19 and physical distancing requirements, anyone wishing to submit general public comment or comments related to a specific agenda*

item may do so in written format via email at bocinfo@co.yamhill.or.us or by mail at 535 NE Fifth St., McMinnville, OR 97128. Any comments received prior to the meeting will be shared with the Board of Commissioners and submitted to the record.

Commissioner Starrett acknowledged public comments received via e-mail related to the American Rescue Plan funds, Yamhelas Westsider Trail, vaccine passports, vaccine parental consent and state mandates related to COVID-19.

E. WORK SESSION: This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

Work Sessions –

1. a. Presentation/discussion of the City of Newberg Urban Renewal Plan– Doug Rux
Mr. Rux presented the updated URP stating the proposal will be noticed to affected taxing districts prior to presenting it to the Board in June for final approval and adoption of a resolution.

b. End of work session.

2. a. Presentation/discussion of the Sheridan School District Career Technical Education (CTEC) West project – Dorie Vickery

Superintendent Vickery presented a project overview of the CTEC project which would provide technical education pathways to regional district high school students in the West Willamette Valley. She stated lottery bond funds to support this project would not likely be available until 2023. Ms. Vickery planned to submit a proposal for consideration of American Rescue Plan funds to generate project capital.

b. End of work session.

3. a. Review/discussion of American Rescue Plan Funds areas of priority. *[Continued from May 20, 2021].*

Ken Huffer presented a proposed list of projects as provided by the Board. He noted the list of requests far exceeded the county allotment of ARP funds received from the Treasury. He presented a proposed percentage distribution according to categories. After discussion, the consensus of the Board was to continue the work session next week to discuss next steps.

b. End of work session.

The meeting was recessed at 11:10 a.m. and reconvened at 11:17 a.m.

4. a. Review/discussion of Yamhelas Westsider Trail update. *[Continued from April 29, 2021].*

Ken Huffer updated the Board regarding repayment and decommissioning expenses incurred by the YWT bridge project. He identified non-restricted revenue funds from which transfers could be made into the capital reserve fund to cover bridge expenses. Commissioner Starrett made a motion to approve the transfers needed to cover the expenses. The motion

passed, Commissioners Starrett, Berschauer and Kulla voting aye. Additionally, the consensus of the Board was to direct staff to proceed with pursuing a decommissioning plan to be brought back for Board consideration.

b. End of work session.

B.O. 21-195 - Consideration of approval of the transfer of \$1,100,000 to cover expenses associated with the Yamhelas Westsider Trail project.

- One-time transfer of \$250,000 from Fund 038-056 (Landfill License Reserve) to Fund 040-161 (Capital Reserve).
- One-time transfer of \$250,000 from Fund 050-052 (O&C Fund) to Fund 040-161 (Capital Reserve).
- One-time transfer of \$600,000 from Fund 010-002 (Discretionary Revenues) to Fund 040-161 (Capital Reserve).

F. DEPARTMENT UPDATES: None.

G. CONSENT AGENDA: Commissioner Kulla moved approval of the consent agenda. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

Contract & Grants

1. **B.O. 21-196** - Approval of a service agreement between Yamhill County Transit and Connexionz, Ltd. for the purchase of vehicle hardware, updated real-time passenger information system, installation, and training in the amount of \$269,950, subject to final review and approval by County Counsel.

2. **B.O. 21-197** - Approval of a Professional Services Agreement between Yamhill County Transit and Oregon Curb Appeal, LLC. for the cleaning of Yamhill County Transit Shelters not-to-exceed annual amount of \$50,000 effective June 15, 2021 through July 31, 2024 with two one-year extensions.

3. **B.O. 21-198** - Approval of an amendment to the agreement between Yamhill County Transit and First Transit to include a new fixed/variable rate pricing structure subject to the final review and approval by County Counsel.

4. **B.O. 21-199** - Approval of Amendment #1 to Agreement #33645 between Yamhill County and the State of Oregon Department of Transportation (ODOT) Rail and Public Transit Division (B.O. 19-242), extending the agreement through September 30, 2021.

5. **B.O. 21-200** - Approval of change order #1 to the agreement between Yamhill County Transit and Access + Mobility Solutions (B.O. 20-313) adding tasks to the bus stop implementation project subject to the final review and approval by County Counsel.

Donation

6. **B.O. 21-201** - Approval of a donation and placement of a transit shelter at the Northwest Christian Church.
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H. OLD BUSINESS:

1. **B.O. 21-202** - Consideration of adopting Resolution 21-05-27-1 opposing COVID-19 vaccine passports. *[Continued from May 20, 2021].*

Commissioner Berschauer moved approval of item H1. Commissioner Starrett read Resolution 21-05-27-1 into the record. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

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

1. **B.O. 21-203** - Consideration of approval to reappoint Chris Mercier and Mark Staples Kelly to the Yamhill County Transit Advisory Committee (YCTAC) each to a three-year term to expire on June 30, 2024.

Commissioner Starrett moved approval of item I1. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

2. Consideration of approval to appoint Philip Higgins to the Road Improvement Advisory Committee (RIAC) for a three-year term to expire on May 27, 2024.

Commissioner Kulla moved approval of item I2. There was discussion regarding the open recruitment process for vacancy candidates. The consensus of the Board was to reopen the RIAC recruitment to allow for receipt of additional applications and set a deadline to receive applications. *[Item tabled. No action was taken.]*

3. **B.O. 21-204** - Consideration to accept a quote and agreement between Yamhill County and Harris to provide services to upgrade the county financial system (GEMS) in the amount of \$27,000.

Commissioner Starrett moved approval of item I3. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

4. **B.O. 21-205** - Consideration to accept a quote and purchase from Unisys for software licensing and support for the county financial system (GEMS) in the amount of \$25,181.

Commissioner Kulla moved approval of item I4. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

5. **B.O. 21-206** - Consideration to accept a quote and purchase Information Technology-related county network security hardware/software in the 2021-22 Fiscal Year in the amount of \$101,114 annual cost (four-year contract) subject to the final review and approval by county counsel.

Commissioner Kulla moved approval of item I5 as amended by county counsel. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

6. **B.O. 21-207** - Consideration to accept a quote and authorize the county administrator to enter into contract with Klasstech for improvements to the audio-visual (AV) capabilities in Room 32 of the courthouse in the amount of \$43,077.81.

Commissioner Kulla moved approval of item I6. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

7. **B.O. 21-208** - Consideration of approval of an agreement between Yamhill County and the Oregon Department of Human Services (ODHS) Child Welfare in the not-to-exceed amount of \$625,000 effective July 1, 2021 through September 30, 2025.

Commissioner Starrett moved approval of item I7. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

8. Discussion of an ad in the “Made in Yamhill County” publication. *[Continued to June 3, 2021, no action was taken.]*

The consensus of the Board was to table item I8 to next week.

9. **B.O. 21-209** - Discussion of rescinding B.O. 21-194 approving a policy requiring parental consent for minors under the age of 18 at any county sponsored and co-sponsored COVID-19 vaccine event.

The Board discussed the OHA directives which were updated last week overriding B.O. 21-194. Commissioner Berschauer proposed an internal directive to require county sponsored events to notify parents of minors under the age of 18 receiving a COVID-19 vaccination. There was consensus of the Board to invite the chief medical director and health and human services director to further discuss the proposed internal directive next week. After discussion, Commissioner Berschauer moved approval of item I9. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

10. Consideration of approval and authorize the county administrator to sign Grant Agreement #2636 between Yamhill County and the State of Oregon, Department of Administrative Services for the disbursement of Coronavirus Relief, and Economic Security Act (CARES Act) funds in the not-to-exceed amount of \$645,860.64, retroactive to March 1, 2020 through December 31, 2021. *[Continued to June 3, 2021, no action was taken].*

11. **B.O. 21-210** - Consideration of adopting Resolution 21-05-27-2 in the matter of supporting the civil rights of Yamhill County residents and employees against discrimination in places of employment, public accommodations on the basis of immunization status.

The Board discussed the proposed resolution and its risk to be construed as legal advice. Commissioner Starrett moved approval of item I11. Commissioner Kulla requested amended language which was denied. After discussion, Commissioner Berschauer read the resolution into the record. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

12. **B.O 21-211** - Consideration of a letter to Governor Brown opposing OHA and Oregon OSHA health mandates for private businesses and churches to verify vaccination status for customers.

Commissioner Starrett moved approval of item I12. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

The meeting was recessed at 1:25 p.m. and reconvened at 1:34 p.m.

J. PUBLIC HEARINGS:

1. Docket # SDR-20-20/M-01-20: Consideration of a site design review for the construction and operation of a new wireless communications facility consisting of a 100-foot monopole tower-104-feet including antennas, along with associated equipment cabinets, emergency diesel generator, and cabling. Applicant: Christine Bradford, representing ACOM Consulting for Verizon Wireless; Appellant: City of McMinnville; Tax Lot: 419-02600; Location: 551 Hill Road South, McMinnville.

Commissioner Starrett opened the public hearing at 1:34 p.m. There were no abstentions or objections of the jurisdiction of the hearing. There were no declarations of site visits however, Commissioner's Starrett and Kulla disclosed receiving email communication regarding this item before the hearing was scheduled. Ken Friday read the "raise it or waive it" statement required by ORS 197.763(5).

Staff Report: Lance Woods presented the staff report stating grass seed and hay production were the predominant property use with surrounding residential and other commercial farming properties. The parcel was not within the City's Urban Growth Boundary at the time the application was received in August 2020.

Applicant: Mike Connors, the applicant's attorney and Christine Bradford the project consultant presented the applicant's request to provide increased wireless service to the west side section of McMinnville. Mr. Connors outlined the applicant's efforts to identify a new tower site and to contact various property/business owners regarding installation inquiries. He addressed the request for a hearing continuance made by the City of McMinnville, which he was agreeable to. There was no additional testimony in support of the applicant.

Public Agency Reports: Lance Woods stated there were no public agency reports but addressed approval and criteria standards. Ken Friday added that the county would not be able to apply local site design standards to deny a cell tower in a farm use zone.

Appellant: The appellant's attorney Amanda Guile-Hinman addressed the continuance for Verizon to continue seeking a viable (alternative) location and continue discussions with property owners. She asked the Board to consider denying the application or to continue the public hearing. She addressed the City of McMinnville's view that there were less intrusive locations within the city limits for Verizon's utility facility that would not impede on EFU land.

Chris Chenowith stated the appeal was a collective city council stance and stated the tower would be an "eyesore" in a location sited for near future development. He expressed

concerns about decreased property values and said the application would have been denied if the City's Urban Growth Boundary plan had been approved first.

Heather Richards stated that city code requires wireless facilities to be stealth within residential areas. She recommended further discussion with Verizon to consider other options which would result in a less obtrusive tower structure as well as adequate tower elevation to provide coverage.

Public Agency Reports: Mr. Woods stated there were no public agency reports.

Applicant Rebuttal: Mr. Connors responded to appellant testimony stating he received no response from the City regarding alternative utility options after the applicant determined that the Church on the Hill site was not a viable option due to inadequate elevation and a non-compete clause with another provider. He addressed concerns regarding the RF (radio frequency) report and city code restricting tower height in residential areas. Mr. Connor will provide additional material at the hearing continuance to follow up on questions posed by the Board.

Commissioner Kulla moved to continue the public hearing until July 1, 2021 at 10:00 a.m., in Room 32 of the courthouse (or in a virtual meeting via Zoom, as appropriate) at the point of staff recommendation. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

The public hearing was recessed at 3:30 p.m.

2. Docket #FD-01-21: Consideration of an appeal of the Planning Director's approval of a secondary dwelling in conjunction with farm use for a relative of the farm operator. Applicant: Kipp Myers, Belle Colline Vineyard; Appellant: Janis Pate; Location: 17571 NE Clakins Lane, Newberg.

Commissioner Starrett opened the public hearing at 3:30 p.m. There were no abstentions or objections to the jurisdiction of the hearing and there were no reports of site visits or ex-parte contact. Ken Friday read the "raise it or waive it" statement required by ORS 197.763(5).

Staff Report: Stephanie Armstrong entered the staff report into the record stating the proposed dwelling would be occupied by the applicant's mother for the purpose of assisting with farm and vineyard operations. The applicant had complied with the minimum gross income threshold of \$10,000 and the Planning Director recommended approval of the application with conditions.

Applicant: The applicant Kipp Myers addressed the appeal of his request for development of a secondary farm dwelling necessary for a family member. He stated the dwelling would be in a location he planned to site a vineyard also planned in future development. Mr. Myers reported the farm income threshold had been met and he and his wife were the predominant farm operators.

Danell Myers added that she and her husband were involved in daily farming decisions. She addressed income raised through crop and wine sales. Both have participated in wine study

programs and see the vineyard project as a long-term family venture. There was no additional testimony in support of the applicant.

Appellant: The appellant Janis Pate stated her appeal was prompted by the question of the applicant's evaluation of revenue for commercial scale farming. According to Ms. Pate, the applicant had only reported gross sales. There was discussion to clarify a provision on the application to define gross farm income for a secondary farm dwelling for a relative. Mr. Sadlo indicated that the statute authorizing the type of dwelling requested refers to "farm use" and does not contain an income threshold. There was no additional appellant testimony received.

Public Agency Reports: Ms. Armstrong stated there were no additional public agency reports.

Applicant Rebuttal: There was no applicant rebuttal received.

Staff Recommendation: Ms. Armstrong stated the staff recommendation was to approve the application with conditions as presented.

The public hearing was closed at 4:04 p.m.

Deliberation: After discussion, Commissioner Kulla moved to approve a secondary dwelling in conjunction with farm use for a relative of the farm operator and upholding the Planning Director's approval. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye. Todd Sadlo stated final written decision and findings would be adopted on June 17, 2021 at 10:00 a.m. in a virtual meeting via Zoom.

K. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).
2. 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
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 4:13 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY STARRETT

Commissioner LINDSAY BERSCHAUER

Commissioner CASEY KULLA