

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 April 15, 2021, at 10:00 a.m. in a 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; Brad Berry, District Attorney; Mary Beth, District Attorney’s Staff; Lance Woods, Senior Associate Planner; Ken Friday, Planning Director; Jason Foose, County Surveyor and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Anne; Art & Anne Engen; Sheila Barnes; Vickie Ybarguen; Joyce Morrow; Erin Gardner; Philip Higgins; Marvin Bernards; Patty Williams; Beth Rankin; Seth; Kathryn Jernstedt; Champion Team; Luke Westphal and Andrew Stamp, PC.

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).

There were no new items added to the calendar. 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.*

Public comments received via email related to item E1.

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.

1. a. Review/discussion of next steps for Yamhelas Westsider Trail bridge project, master planning and grants. *[Continued from April 8, 2021].*

After discussion, the consensus of the Board was to submit individual questions and work plan items for staff to include in a scope of work for an audit proposal. Mr. Huffer requested asking DOWL and Farline Bridge, Inc. for revised invoices to include work performed, not associated with the closeout of the contract, to which there was consensus to move forward. Commissioner Berschauer moved approval to discontinue the master planning grant. After further discussion, Commissioner Berschauer withdrew her motion pending further review of the termination impacts of the TGM grant agreement and acquisition grants.

b. End of work session

The meeting was recessed at 11:17 a.m. and reconvened at 11:24 a.m.

2. a. Review/discussion of the American Rescue Plan (ARP).

The Board and staff discussed an overview of project proposal categories. Mr. Huffer noted that he had not yet received clear direction from the Treasury Department; he cautioned that budgetary discussions would be required to determine potential funding allocations in the current fiscal year. He asked the Board to consider project prioritizations with ARP funding needing to be spent by the end of 2024. Mr. Huffer outlined the process of a supplemental budget that would be needed if funds were to be expended in the current fiscal year and explained that any funds expected to be expended in the next fiscal year would need to be addressed during the budget process before final adoption.

b. End of work session.

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.

Contracts & Grants

1. **B.O. 21-124** - Approval of Amendment #6 to an agreement between Yamhill County and Aramark (B.O. 11-461) for food services for Yamhill County Correctional Facility and Yamhill County Juvenile Detention Center, increasing the cost of meals, not to exceed 3.5% of the Consumer Price Index, retroactive to July 1, 2020 through June 30, 2021.

2. **B.O. 21-125** - Approval of ratifying Amendment #16 to Agreement #159833 between Yamhill County and the Oregon Health Authority for Public Health Services (B.O. 19-222), adding funding in the amount of \$38,237.61 and revising federal award information, retroactive to July 1, 2019 through June 30, 2021.

H. OLD BUSINESS:

1. **B.O. 21-126** - Consideration of approval of the findings and written decision in support of a mass gathering permit for the 2021 Memorial Weekend Boat Races at Rogers Landing park to be held on May 27th, 28th, 29th & 30th. Applicants' Newberg Boat Club/Columbia Outboard Racing Association, as tentatively approved on April 1, 2021.

Commissioner Berschauer moved approval of item H1. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

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

1. **B.O. 21-127** - Consideration of adopting Resolution 21-04-15-1 proclaiming April 18th – 24th, 2021 as National Crime Victims' Rights Week.

Brad Berry addressed the importance of crime victim advocacy. Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

2. **B.O. 21-128** - Consideration of declaring a county interest in land "surplus property" and granting a quit claim deed for that interest to the Oregon State Department of Transportation in the area of the ODOT Salt Creek (Ash Swale) Bridge replacement project, located on Oregon State Highway 153 just east of Lancefield Road.

Commissioner Kulla moved approval to declare the land surplus and grant a quit claim deed to ODOT. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

3. **B.O. 21-129** - Consideration of a letter of support for the creation of the new Fire District #22.

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

J. PUBLIC HEARINGS:

1. Docket #C-23-20/RN-03-20: Consideration of a conditional use request for the construction of a new public road in the Exclusive Farm use zone, with a 50-foot right-of-way. The proposed road name is NW Jahnke Drive. Tax lot: 4501-01290 and 4501-1293; Location: 13799 NW Willis Road, McMinnville. Applicants: Paul & Martha Jahnke, Trustees of the Jahnke Trust, Charles & Scotty Dolence, and Cyclops Properties, LLC. Appellants: Kathryn Jernstedt, representing Friends of Yamhill County.

Commissioner Starrett opened the public hearing at 12:09 p.m. There were no abstentions or objections to the jurisdiction. There were no reports of ex-parte contact or site visits. Ken Friday read the "raise it or waive it" statement required by ORS 197.763(5). He noted this was not the initial evidentiary hearing and was at the discretion of the Board to keep the record open.

Staff Report: Lance Woods gave the staff report recommending approval with the conditions as stated.

The public hearing was recessed at 12:17 p.m. and reconvened at 12:25 p.m.

Applicant: The applicant's attorney Andrew Stamp stated the application was to build a public road in response to a code issue which stated only three residences could be accessed from a private easement. The current easement had more than three residences accessing the road. Questions were raised regarding the accepted farm practices of spraying and the lack of a farming impact study by the applicant. Mr. Stamp responded that an impact study was not considered as there was no indication that spraying was taking place in the vicinity. Mr. Stamp requested a sixty-day continuance and extend the 150-day parameter to allow the applicant to research farm spraying impacts and respond to other issues raised. There was no further applicant testimony and Mr. Stamp was comfortable with the appellant's giving testimony, provided he was given an opportunity to respond and provide further testimony at the continuance.

Appellant: The appellant, Kathryn Jernstedt gave oral testimony in opposition of the application.

Joyce Morrow provided oral testimony in opposition of the application stating the proposed road would impact the current roads and the area wildlife. She would like to keep exclusive farm use and keep Willis Road users safe. She stated her concern about building the road for the purpose of creating a new subdivision.

Art and Anne Engin restated their written testimony which was submitted into the record in opposition. Ms. Engin read a letter of testimony on behalf of Jacob Sembler, also in opposition.

Ken Friday recommended, based upon the request made by the Applicant's attorney, to continue the public hearing to June 17, 2021 at 10:00 a.m., either in Room 32 of the courthouse, or an online meeting via Zoom, as appropriate, at the point of Applicant's case.

Commissioner Kulla made a motion to continue as recommended by staff. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

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 2:00 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair MARY STARRETT

Commissioner LINDSAY BERSCHAUER

Commissioner CASEY KULLA