

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 January 10, 2019, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Mary Starrett, Richard L. “Rick” Olson and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Justin Hogue, Business Services Director; Christian Boenisch, County Counsel; Mikalie Frei, County Counsel staff; John Phelan, Public Works Director; Bill Gille, Engineer; Dave Adams, KLYC Radio; Nicole Montesano, News-Register; and others as listed on the sign-in sheet.

Commissioner Starrett called the meeting to order at 10:00 a.m. The invocation was offered by Jeff Clabaugh.

Welcome! Thank you for attending today's meeting. Public participation is encouraged. If you wish to address the Commissioners on any item not on the agenda you may do so as part of the public comment period at the beginning of the meeting. If you desire to speak on any agenda item please raise your hand to be recognized after the Chair announces the agenda item. Please fill out a public comment card to indicate your intent to speak.

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.

Margaret Cross commented regarding the county public records policy. She stated she has been researching an increase of commissioner’s travel expenses over the past three years and was informed that she would need a FOI (Freedom of Information) form. Ms. Cross would like to know the county policy on records requests and how to obtain a summary of public funds utilized for travel expenditures. Mr. Boenisch offered staff assistance outside of the session to explain policy and process regarding fees and costs beyond state statute.

David Wall commented regarding a tax relief task force for rent burdened households in Newberg. He also commented on fees collected by the county for public records. He addressed Mr. Huffer regarding the county webpage not having Commissioner Kulla’s information uploaded upon his swearing-in.

B. CONSENT AGENDA:

Commissioner Olson moved approval of the consent agenda. The motion passed, Commissioners Starrett, Olson and Kulla voting aye.

Contracts/Grants

1. **B.O. 19-05** - Approval of Amendment #12 to Agreement #154134 between Yamhill County and Oregon Health Authority (B.O. 17-225) adding funding in the amount of \$6,362 to the Public Health Emergency Preparedness and Response (PHEP) program.
2. **B.O. 19-06** - Authorize Silas Halloran-Steiner on behalf of Yamhill County to apply for grant funding up to \$145,305 from the State of Oregon to support the Parent-Child Interaction Therapy program.

Surplus

3. **B.O. 19-07** - Approval to declare computer equipment as surplus, to be donated to the school districts throughout Yamhill County.

C. OLD BUSINESS: None.

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

1. **B.O. 19-08** - Consideration of the Board of Commissioners' election of officers.

Commissioner Kulla moved approval to elect Commissioner Olson as Board Chair for 2019. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

Commissioner Olson moved approval to elect Commissioner Starrett as Board Vice-Chair for 2019. Commissioner Olson suggested that Commissioner Kulla be given the opportunity to run a couple of meetings during 2019 to gain experience. The motion passed for Commissioner Starrett to be Vice-Chair for 2019, Commissioners Olson, Starrett and Kulla voting aye.

2. **B.O. 19-09** - Consideration of adopting Resolution 19-01-10-1 proclaiming January 20th - 26th, 2019 as School Choice Week.

Commissioner Starrett moved approval of item D2.

Commissioner Olson read Resolution 19-01-10-1 prior to discussion. Commissioner Kulla commented that he does not agree with the resolution, stating his concern with the sources of funding of the national public-school system by partisan individuals and the secretary of education. He noted how the sources of funding for public schools influences and regulates education to bypass some students otherwise protected under regulation Title IX(9). Commissioner Starrett noted the resolution language supports parent's choices to select the options which best suit their children. Commissioner Olson noted he appreciates comments made by his fellow commissioners but agrees with Commissioner Starrett in supporting the proclamation.

The motion passed, Commissioners Olson and Starrett voting aye, Commissioner Kulla voting nay.

3. Consideration of McMinnville Area Habitat for Humanity's request to redirect the \$10,000 approved for the 2018-19 Veterans Build to the 2019 Mac Habitat Women Build project.

David Wall commented that he does not approve of this expenditure saying the revenue source has not been identified. He stated that he does not want his property taxes going to non-profits housing projects. Mr. Wall stated that non-profits should get their funding from sources such as third-party donations or corporation donations. He does not believe that the county should be using property tax resources to support non-profit housing projects and that the burden will fall on renters.

Commissioner Olson moved approval of item D3.

Commissioner Starrett commented that she would not be inclined to redirect the funds as they were expended for the purpose of supporting a veteran even though a candidate was not found. Commissioner Kulla agreed that the veteran's funds should not be redirected and suggested that if Mac Habitat Women's Build would like to receive funding, he would be open to hearing a presentation. Commissioner Starrett pointed out that funding presentations will take place during the fiscal year budget process. Commissioner Olson concurred with Commissioner Starrett's comments.

The motion failed unanimously, Commissioners Olson, Starrett and Kulla voting nay.

4. **B.O. 19-10** - Consideration of an agreement between Public Works and WHPacific, Inc. for consulting engineering services for the Stag Hollow Creek (Laughlin Road) bridge replacement project.

John Phalen commented on the agreement and proposed that he would like to gather Request for Proposals (RFP)'s to restructure the agreement due to new structural codes. Mr. Boenisch noted the agreement is under \$100,000 and therefore the county is entitled to seek a new RFP. Mr. Phalen noted that this item was not budgeted in the 2018-19 fiscal year but stated that there are sufficient funds available. He stated that the bridge replacement will take approximately six months. Mr. Phalen noted the bridge is under twenty feet long and currently falls on to the county for maintenance. For the state to cover partial funding of structural repairs, the bridge must be built to federal standards which extend it to sixty feet. Mr. Gille explained that once the bridge is extended to sixty feet, the county will be responsible for routine maintenance and a portion of structural repairs will fall to the state.

Commissioner Starrett moved approval, subject to the final review of legal counsel. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

E. PUBLIC HEARINGS:

1. Receipt of public comment on a permit for two gates on, along and across High Heaven Road.

Commissioner Olson opened the public hearing at 10:55 a.m. stating this is a legislative hearing.

Tony Mode is opposed to opening gates on High Heaven Road. He noted that he has not seen regular maintenance. He asked if a key would be available to the residents during fire season.

Kimberly Ringer stated that she is opposed to the removal of the gates on High Heaven Road. She commented that the potential fire hazards as a result of opening the gates are concerning. She recalled a fire near her home was put out quickly by local fire department. She noted that Mary Bryant's home is for sale and she will have no interests once she leaves. She stated that several of her other neighbors are in favor of leaving the gates in place.

David Wall commented regarding county roads being barred for the public to have access in the event of an emergency.

John DeMay commented that he is glad that Wayerhaeuser placed a gate on Baker Creek Road. He stated that the criteria of Board Order 18-368 is vague and doesn't allow the Board to make a clear decision. He noted pre -1981 statutes were designed more for rural needs (cows, farming, etc.).

Mary Bryant rebutted on comments made by Ms. Ringer regarding the fire near their property. She stated that she contacted Wayerhaeuser and noted that her response is included in the written testimony she provided to the Board. She discussed the two gates along the road; three went up with two along the road but one across which is what the most recent Board decision approved in 2001. She noted that Wayerhaeuser issues leases which allows parties to enter the land for use.

Michael Mirich commented regarding the maintenance of the road, stating that there are landslides and by opening the gates it would lead to more traffic, dumping, campfires and camping. He is opposed to removing the gate.

Allen Schwartz commented regarding that the gates have dramatically reduced the litter and accidents. He noted that the gate provides a function of safety for the taxpayers who live there. He agreed with the idea of the residents on Willis Road and up, a key for emergencies only.

Shawn Slowik noted his former work in the timber industry and was against the gates for a time but due to the increase of litter and traffic he sees the need for them. He agrees with the comments made by Mr. Schwartz regarding an emergency key box for the residents of Willis Road. He is opposed to opening the gate.

Boyd Sharrar commented he is familiar with High Heaven Road. He states that the gates restrict recreation and hunting. He notes that enforcement should be what controls the trespassing element, not gates.

Lonnie Sizer stated although he appreciates the litter and damage concerns, he also appreciates the sportsman aspect. He is a homeowner in the High Heaven Road area. He stated that the gate should have never been there.

Commissioner Olson closed the public hearing at 11:45 a.m.

Commissioner Kulla moved to develop an ordinance regarding gates across public roads. There was discussion with Commissioner Starrett stating that although discussion and study is necessary, the issue at hand should be given attention at the moment. Commissioner Olson stated he is unhappy in this situation that enough emphasis was not given on the provided access when the permit was transferred. Commissioner Kulla commented that there was sufficient testimony opposed to removing the gate and appreciated the comments made during hearing testimony regarding having a key box which would provide a middle ground solution. He also noted the wildfire risk in the High Heaven Road area is high. Commissioner Kulla amended his motion to provide a way to issue keys to neighboring landowners. Commissioner Olson asked for clarification from Mr. Boenisch regarding the conditions that the Board can direct staff to do. Mr. Boenisch recommended there should be two separate motions; to change the conditions of the existing permit and proposing a study for a county wide ordinance. Commissioner Kulla amended, with staff recommendation, his motion to amend the conditions of the permit (B.O. 18-398) for the gate across High Heaven Road and to allow the neighbors, from Willis Road to the gate on High Heaven Road, keys. Mr. Boenisch suggested that the Board request staff to research and provide recommendations and draft conditions for the Board's consideration. Commissioner Olson asked Commissioner Kulla to withdraw his motion to allow staff to research permit conditions and to provide recommendations of how the permit may be restructured to provide access to homeowners. Commissioner Kulla withdrew his motion. The staff was instructed by the Board to report back at first informal session in February (2/5/19).

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 , 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

Following Commissioner announcements, the meeting adjourned at 12:14 p.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair RICHARD L. "RICK" OLSON

Commissioner MARYSTARRETT

Commissioner CASEY KULLA