

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 17, 2019, at 10:00 a.m. in Room 32 of the courthouse, Commissioners Richard L. “Rick” Olson, Mary Starrett and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Justin Hogue, Business Services Manager; Christian Boenisch, County Counsel; Todd Sadlo, Senior Assistant County Counsel; Josephine Ko; Assistant County Counsel; Mikalie Frei, County Counsel staff; Carrie Martin, Grants and Special Projects; Derrick Wharff, Assessor; Joe Moore, Facilities Manager; Silas Halloran-Steiner, HHS Director; 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 Jason Willoughby.

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.

B. CONSENT AGENDA:

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

Minutes

1. a. **B.O. 19-11** - November 27, 2018, Informal Session and;
- b. **B.O. 19-12** - December 13, 2018 Formal Session

Contracts/Grants

2. **B.O. 19-13** - Approval of the agreement between Yamhill County and Sully Construction for construction services at the 330/340 Kirby Street property in the amount of \$29,055.

Committees

3. **B.O. 19-14** - Approval of the following changes to the Yamhill County Foundation:
 - a. Reappoint John Larsen to position #2, term to expire December 31, 2021.
 - b. Reappoint Gary Rueter to position #6, term to expire December 31, 2020.
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C. OLD BUSINESS: None.

D. NON-CONSENT AGENDA ITEMS OTHER TOPICS FOR DISCUSSION: (Add to consent agenda or leave off): *[Commissioner Starrett requested item D6 be moved to the beginning of Section D to accommodate citizens schedules].*

1. **B.O. 19-15** - Discussion and consideration of 2019 Board of Commissioner liaison responsibilities.

Commissioner Starrett moved to approve the 2019 BOC liaison list with the suggested revisions. The motion passed unanimously, Commissioners Olson, Starrett and Kulla voting aye.

2. **B.O. 19-16** - Consideration of accepting a bid from Andy Medcalf Construction Company and authorize a notice of intent to award for the Health and Human Services TICOR building remodel in the amount of \$345,322.

Commissioner Starrett moved approval of item D2. The motion passed unanimously. Commissioners Olson, Starrett and Kulla voting aye.

3. **B.O. 19-17** - Consideration of an amendment to the 2018-2019 Capital Improvement Project list (B.O. 18-202) and increase the amount available for the TICOR building remodel (Item D2) from \$190,000 to \$267,661. Remaining \$77,661 of total project cost will be paid by HHS.

Commissioner Starrett moved approval of item D3. The motion passed unanimously, Commissioners Olson, Starrett and Kulla voting aye.

4. Consideration to authorize notice of intent to award the Yamhelas Westsider Trail: Pedestrian Bridge Project to OBEC Consulting Engineers for engineering services.

Brian Schmidt commented regarding the YWT land use hearing. Mr. Boenisch stated that quasi-judicial comments cannot be made regarding item D4. He clarified that comments must be limited to the grant and the ward of the contract as it relates to the grant.

Carrie Martin stated that the agreement with Connect Oregon does not have any issue with grant funding being returned if any portion of the project is not completed in its entirety but it is ODOT who would make that determination. The grant project is a parallel project and there is no indication that the county would not be able to fulfill the grant criteria. Mr. Huffer stated that this portion of the process is only a notice of intent to award. Commissioner Starrett expressed concern regarding the county's liability if the criteria of the grant is not fulfilled. Ms. Martin pointed out that there are very specific milestones in the agreement. Commissioner Olson asked Mr. Schmidt to keep his comments only on the notice the intent to award. Mr. Schmidt stated that the county is not ready for this construction or bridge.

Chris Mattson asked that the Board table the decision until some of the underlying issues are resolved.

John Van Dyke commented the work should not go forward until the Land Use Board of Appeals remand is satisfied. He stated the trail was promoted as a means for access of emergency vehicles. He believes that pedestrian bridges will not support emergency vehicles and is not designed for vehicle traffic. Mr. Boenisch clarified that it is unknown at this time what the bridge capacity will be, which is what will be determined in plan development.

Commissioner Starrett moved to delay the consideration of authorizing the intent to award.

There was discussion regarding concern taking funding for projects that create liability to the county due to stalling or cancellation of the project. Ms. Martin clarified that item D4 relates to the design of 3 bridges and the construction of 1 bridge. Commissioner Olson expressed concern that the funds and bridges are not linked to a master plan.

Commissioner Starrett restated her motion to delay the authorization of the notice of intent to award. Mr. Boenish noted that the bid is open for ninety days and is unsure if the contractor is willing or prepared for a delay. He suggested that Commissioner Starrett's motion be rephrased to deny rather than delay the intent to award. On advice of county counsel, Commissioner Starrett restated her motion to deny the authorization of the notice of intent to award the Yamhelas Westsider Trail pedestrian bridge project to OBEC.

The motion to deny the notice of intent to award passed, Commissioners Olson and Starrett voted aye, Kulla voted nay.

5. Consideration of Inclusivity Proclamation.

Commissioner Kulla asked that county counsel's suggested language and formatting be brought back before the Board for consideration next week. Commissioner Kulla noted any language change doesn't imply policy change towards accessibility by citizens of county services due to economic status. Mr. Boenisch noted that a proclamation or resolution is a non-binding Board action.

Commissioner Starrett stated Yamhill County is viewed with compassion and inclusivity. She noted outreach to all citizens regardless of label, status or ability to pay, however the county is bound by federal and state laws in such matters as immigration status. She noted the county does not have jurisdiction over school districts or city government. Commissioner Olson stated his concern of the liability to Yamhill County. Commissioner Kulla noted that the language was provided by the City of Dayton. Mr. Boenisch offered suggested language to comply with standing policies and local, state and federal laws while ensuring that citizens and residents continue to have access to county services.

The consensus of the Board was for staff to work with Commissioner Kulla to revise the language for further discussion at next Tuesday's informal session.

6. Discussion and consideration of the formation of a task force to consider moving county offices out of downtown McMinnville. *[Commissioner Starrett requested item D6 be moved to the beginning of Section D to accommodate citizens schedules].*

Scott Cunningham, owner of Community Plate, commented how having county offices in the downtown area impacts the city's ability to grow. He noted that new businesses are challenged to find suitable spaces in the downtown area. He suggested making some county services mobile to county communities.

Commissioner Starrett read email comments from Gioia Goodrum, President of McMinnville Chamber of Commerce. Her comments included support for keeping county offices in their current location and expressed her concerns regarding the negative impact on downtown businesses it would have moving county offices outside of the downtown location. Commissioner Starrett submitted the email into the record.

Mikalie Frei commented on the negative impacts of moving county offices for local business employees and noted that there are currently open spaces for rent that the private sector can occupy.

Philip Higgins, a commercial real estate broker, commented regarding item D6. He stated that the county moving to another location and implement an adaptive reuse program to create revenue private/public partnerships to generate revenue.

Ken Huffer commented that funding was built into the Capital Improvement Project budget during the 2018-19 budget process to perform a space need analysis. The next steps would be to develop a request for proposal (RFP) to do the study on behalf of the county and develop a scope of work to present to the Board. He suggested holding a work session with the Board at the end of February for further discussion. Commissioner Kulla would like to create a task force to receive comments in the space needs analysis. Commissioner Olson stated that it's early to create a task force. He recommended conducting a space needs analysis and RFP first which Commissioner Starrett agreed with. Mr. Huffer will work with Joe Moore to collect analysis data and RFP's and then schedule a work session for further discussion. Commissioner Kulla stated that according to the Assessor's Office, the county owns twenty-seven downtown spaces assessed approximately at \$4.3 million dollars.

Commissioner Kulla motioned to form a task force for the purpose of providing feedback to consultants regarding a space need analysis moving the county offices out of the downtown area. The motion failed, Commissioner Kulla voting aye, Commissioners Olson and Starrett voting 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 , 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 11:53 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair RICHARD L. "RICK" OLSON

Commissioner MARY STARRETT

Commissioner CASEY KULLA