

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 February 21, 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 Director; Christian Boenisch, County Counsel; Mikalie Frei, County Counsel staff; 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.

John Van Dyke commented on the Connect Oregon VI grant. He recapped the timeline of recent discussion at previous formal sessions. He found gate clippings dumped on his property left by a contractor putting fencing up near his property. Commissioner Starrett asked what can be done to respond to Mr. Van Dyke’s concern. Mr. Huffer will follow up with the contractor and Mr. Van Dyke to resolve the issue.

Margaret Cross commented on the Solid Waste Advisory Committee (SWAC) meeting held Wednesday, February 20th. She discussed the three applicants and board member’s response to concerns regarding one applicant having a potential conflict of interest. Ms. Cross stated the public process did not follow the appropriate selection protocol and that board members who do not attend meetings regularly should be replaced. She noted that the decision should be reversed for all of the applicants to have an opportunity to be interviewed unbiasedly.

Ilsa Perse offered positive feedback of Ashley Watkins on the SWAC committee. Ms. Perse noted that members expressing concerns have historically been removed or isolated from the committee and she stated this took place at Wednesday's SWAC meeting.

PRESENTATION: Commissioner Olson presented an award to the Board from the Mid-Willamette Council of Governments for the Regional Cooperative Project.

B. CONSENT AGENDA:

Commissioner Starrett moved approval of the consent agenda. Commissioner Kulla asked for item B1 to be moved to Old Business for further discussion. The motion passed with the removal of item B1. Commissioners Olson, Starrett and Kulla voting aye.

1. Approval of the adoption of the revised 2019 Board of Commissioner liaison responsibilities. *[Removed from the Consent Agenda and moved to Old Business].*
2. **B.O. 19-52** - Approval of a contract employment agreement between Yamhill County Sheriff's Office and Carol Reid to provide background investigation services at the rate of \$30/hour, retroactive from December 1, 2018 through July 1, 2019 with automatic renewal for succeeding fiscal years.

C. OLD BUSINESS:

1. **B.O. 19-53** - Approval of the adoption of the revised 2019 Board of Commissioner liaison responsibilities. *[Removed from the Consent Agenda and moved to Old Business].*

Commissioner Kulla received clarification of liaison committee bylaws and voting positions. Commissioner Kulla will follow up with Mr. Huffer to update the county website committee page. Commissioner Kulla moved to approve item C1. The motion passed, Commissioners Olson, Starrett and Kulla voting aye.

2. **B.O. 19-54** - Consideration of restating the approval and conditions to place two gates along High Heaven Road. *[Continued from February 14, 2019].*

Mary Bryant reviewed comments last week regarding OHA clean up. She rebutted regarding comments made about High Heaven Road being the next dump. She restated her view that public roads should not be gated to public lands. She stated dumping and fire danger is not a reason to keep gates locked. She stated her frustration regarding the presented board order on the agenda today and that a rescinding board order wasn't presented after the remand. Mr. Boenisch asked Ms. Bryant to hold specific comments regarding the Yamhelas Westsider Trail for the remand hearing on February 28th.

Garrett Stephenson, attorney for Schwabe Williamson & Wyatt and Betsy Earls, public affairs officer for Weyerhaeuser gave comment. He summarized the agreement between Yamhill County and Weyerhaeuser and the dangers that initiated the implementation of the gates in 2001. He asked for an opportunity to meet with Board and staff regarding the financial maintenance of the road if the gates are open before a board order is approved. The second

concern is potential liability and lawsuits for any road maintenance issues. He rebutted regarding the comments made by Ms. Bryant and the option to revise the original board order. He questioned the urgency by Ms. Bryant.

Ms. Earls commented regarding fire risk. She stated a proposed order would protect the lands against human caused fire damage.

Commissioner Kulla moved to approve item C2.

Commissioner Starrett stated that Weyerhaeuser's requests are appropriate stating the conditions of the gate placement in 2001 were reasonable given the history of dumping and vandalism and the risk of liability it places on Weyerhaeuser. Commissioner Olson asked Mr. Boenisch to strengthen the proposed board order to enforce the maintenance and liability issues presented by Weyerhaeuser. Mr. Boenisch stated the Board could wait for Public Works observations next week or they can approve today's presented board order. He also noted that the Board can determine the effective date of the proposed board order. Commissioner Kulla addressed Mr. Stephenson's concern regarding ongoing maintenance liability in the new board order. He stated it does not reflect maintenance obligation by Weyerhaeuser which Mr. Stephenson rebutted by stating that a maintenance obligation was initiated after the 2001 board order was adopted. Mr. Boenisch clarified the board order acknowledges Weyerhaeuser's agreement to undertake the maintenance but there is no language stating that they are obligated to do so. Ms. Bryant stated there has never been a board order or written agreement regarding Weyerhaeuser road maintenance. Per her report, the Bureau of Land Management pays to maintain the road. Commissioner Starrett noted the county and Weyerhaeuser's liability maintenance capacity needs to be clarified and asked to wait for Public Works' input. Commissioner Olson recommended to adopt the motion with an effective date to address the liability issues with Weyerhaeuser. He clarified that if a decision is not reached by the effective date of April 1, 2019, the gates will remain open in the locked position as stated in the proposed board order. Commissioner Kulla withdrew his motion.

Commissioner Starrett asked that consideration be given to the efforts by staff to resolve the issues and that the Board not to rush into a decision. Commissioner Kulla asked to move forward.

Commissioner Olson moved to revise the motion to adopt the board order with the modification to add an effective date starting at midnight on April 1, 2019. The motion passed, Commissioners Olson and Kulla voting aye, Commissioner Starrett voting nay.

The staff was directed to work with Weyerhaeuser to address road maintenance issues. The consensus of the Board and staff was to invite Public Works to a work session on Tuesday, February 26, 2019 to discuss maintenance options.

D. OTHER BUSINESS (Add-ons and non-consent items): None.

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 11:23 a.m.

Carolina Rook
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair

RICHARD L. "RICK" OLSON

Commissioner

MARY STARRETT

Commissioner

CASEY KULLA