

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 November 20, 2007 at 9:30 a.m. in the Oval Office of the Fenton House, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present was John M. Gray, Jr., County Counsel; John Krawczyk, Administrative Services Director; Laura Tschabold, Administrative Services Assistant Director; Steve Mikami, Personnel Officer; Dan Linscheid, Surveyor; Murray Paolo, Information Services Director; Richard Sly, Community Corrections Director; Barb Paladeni, Community Corrections Division Manager; Bill Gille, Public Works Director; John W. Smith, PO Box 1567, Sherwood, 97140; Laurent Montalieu, 2803 Orchard Avenue, McMinnville; Larry Manion, 600 Hidden Ridge, Irving, Texas; and Ramona Monroe, 600 University, Suite 3600, Seattle, Washington, 98101.

Commissioner George called the meeting to order.

A. **PUBLIC COMMENT:** This thirty-minute time period is reserved for public comment on any topic other than a quasi-judicial land use matter or other 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. **AGENDA:**

Minutes

1. Consideration of approval of the following minutes:
 - a. **B. O. 07-998** - Informal session, October 8, 2007;
 - b. **B. O. 07-999** - Formal session, October 10, 2007.

Ms. Stern moved approval of the two sets of minutes. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Personnel

2. **B. O. 07-1000** - Consideration of approval of the employment of Margaret Terry, Salem, as HS Specialist 2 in HHS Family & Youth, regular full-time, Range 20, Step 2, \$3534/month, effective December 3, 2007.
3. **B. O. 07-1001** - Consideration of approval of the employment of Elizabeth Downs, Portland, as HS Specialist 2 in HHS Adult Mental Health, regular full-time, Range 20, Step 2, \$3534/month, effective November 26, 2007.

4. **B. O. 07-1002** - Consideration of approval of the employment of Laura Park, McMinnville, as HS Associate in HHS Adult Mental Health, temporary part-time, Range 14, Step 1, retroactive to November 15, 2007 through June 30, 2008.
5. **B. O. 07-1003** - Consideration of approval of the change of status of Cassandra Van Domelen (formerly Cassandra Conolly) to temporary part-time employment in HHS Adult Mental Health, Range 14, Step 3, effective December 9, 2007 through June 30, 2008.
6. **B. O. 07-1004** - Consideration of approval of the change of status of Mary Sanchez from .8 FTE to .9 FTE in HHS Public Health to correct an earlier personnel action, retroactive to November 9, 2007.
7. **B. O. 07-1005** - Consideration of approval of the change of status of Sarah Hantze Budzik to regular part-time employment in the Juvenile Department, .8 FTE, retroactive to November 14, 2007.
8. **B. O. 07-1006** - Consideration of approval of the change of status of Eric Imlah, Juvenile Department, to Range 15, Step 1, retroactive to October 25, 2007.

Ms. George moved approval of items B(2) through B(8). The motion passed, Commissioners George, Stern, and Lewis voting aye.

Contracts

9. **B. O. 07-1007** - Consideration of authorizing the Board to sign a franchise agreement between Yamhill County and Verizon for cable television services within the county, subject to approval by County Counsel.

Larry Manion, Verizon, stated that he has been working with John Gray to develop an abbreviated cable television franchise agreement. He explained that Verizon has been upgrading to fiber optics in the area, which will give them the ability to offer cable television services as soon as mid-December. He stated that the proposed agreement keeps the county's options open regarding franchise fees and public education broadcasting. Mr. Gray noted that if the Board decides to charge franchise fees in the future, other providers would be charged the same fee as well. Mr. Manion explained that Verizon wants to provide service to as many customers as possible, but getting fiber optics to rural residents is not always economically feasible.

Ms. George moved to authorize the franchise agreement subject to Mr. Gray's approval. The motion passed, Commissioners George, Stern, and Lewis voting aye.

10. **B. O. 07-1008** - Consideration of approval of a license agreement between Yamhill County and the Confederated Tribes of Grand Ronde to allow Yamhill County to install and operate telecommunications equipment on property located in Grand Ronde, retroactive to November 1, 2007 through November 1, 2012.

Murray Paolo reviewed the agreement and stated that this is the last license agreement needed for the radio project. Ms. Lewis moved approval of the agreement. The motion passed, Commissioners George, Stern, and Lewis voting aye.

Fire Districts

11. Consideration of a request to remove part of Tax Lot 3230-1400 from the Dundee Rural Fire Protection District. *[Consensus to proceed; paperwork to initiate process will be adopted on November 28, 2007.]*

Mr. Gray stated that this step was overlooked by the city of Newberg when the property was annexed into the city and included in its fire district. He stated that he would have the paperwork to initiate the withdrawal process ready by next week.

Roads

12. Consideration of initiating proceedings to legalize Quarry Road. *[Consensus to proceed; paperwork to initiate process will be adopted on November 28, 2007.]*

Bill Gille stated that the road needs to be legalized in order to address right-of-way issues with fixing the Quarry Road embankment failure. Dan Linscheid noted the possibility of vacating existing right-of-way property in exchange for the new right-of-way needed. Ms. Lewis stated that FEMA's repair estimate is only about one-fourth of the actual repair costs. The Board agreed to adopt an order initiating the legalization proceedings on November 28, 2007.

C. OLD BUSINESS:

1. **B. O. 07-1009** - Consideration of adoption of findings in support of Public Works Docket RV-5-2007, a petition for the vacation of Fig, Elm, and Date Streets between Burns Road and Fourth Street and all of Fifth Street northerly of Cherry Avenue in Whiteson, petitioners Roger and Barbara Egan, as tentatively approved November 7, 2007.

Ms. Lewis moved to adopt the findings. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. Consideration of adoption of findings in support of Planning Docket FT-11-07(KF), an appeal of the Planning Director's denial of a forest template dwelling in the Eagle Point Subdivision, appellant Dorothy Cofield representing Charma Vaage, as tentatively approved November 7, 2007. *[Continued to December 12, 2007.]*

Ms. Stern moved to continue the item to December 12, 2007. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. **B. O. 07-1010** - Consideration of adoption of Ordinance 821 in support of Planning Docket Z-05-07, a request for zone change from EF-80 to Light/General Industrial, applicants Philip and Judith Darling, as tentatively approved by the Planning Commission on October 4, 2007.

Mr. Gray provided the first and second readings of Ordinance 821 by title only, declaring an emergency. Ms. Stern moved to adopt the ordinance. The motion passed, Commissioners George, Stern, and Lewis voting aye.

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

1. **B. O. 07-1011** - Consideration of approval of allocating \$25,000 from the Economic Development Fund for the MicroEnterprise Resources, Initiatives & Training (MERIT) program to help small businesses start, grow, and prosper; authorize the Chair to sign an agreement with MERIT, subject to approval by County Counsel.

Ms. Stern moved approval of item D(1), explaining that this will allow Marcia Bagnall to work with another group of business owners for two years. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. **B. O. 07-1012** - Consideration of authorizing the Chair to sign an agreement between Community Corrections and Evaluation Services NW for DUII Alcohol & Drug Evaluation Specialist (ADES) services, subject to approval by County Counsel and the Community Corrections Director.

Richard Sly reviewed the agreement and stated that Sheila Clark has been doing these evaluations and tracking them. Ms. Stern moved to authorize the agreement subject to approval by Mr. Gray and Mr. Sly. The motion passed, Commissioners George, Stern, and Lewis voting aye.

3. Discussion of insurance coverage for county buildings constructed prior to 1931. *[No formal action taken at this time.]*

John Krawczyk stated that City County Insurance Services can appraise and insure older buildings for either functional replacement or guaranteed replacement. He suggested considering the guaranteed replacement for the Fenton House and the brick house. The Board agreed to wait and see what the difference in premiums would be before making a decision. Ms. George asked Mr. Krawczyk to find out what insurance covers on the Clerk's Office, since it isn't old enough to fall into this category.

4. Discussion of scheduling issues:

a. Public hearing regarding the designation of new Urban Reserve Areas for the City of Newberg; *[No date scheduled yet.]*

b. Discussion of Measure 49 issues with Planning Director. *[Scheduled for 2:30 p.m. on November 26, 2007.]*

5. Update on Connect Oregon grant application. *[No application will be submitted.]*

Ms. Lewis stated that the appraisal for obtaining rights-of-way for a rail line from just outside McMinnville to Cedar Junction came in at \$9.8 million and chances are low that the county would be awarded a grant for even a portion of that amount, so the consensus was to not submit a grant application. She said that a loan would not be feasible because there would be no way to pay it back. She noted that no good potential locations have yet been identified for transit malls.

E. PUBLIC HEARINGS:

1. Public hearing pursuant to ORS 368.256 regarding road hazard abatement in the Hyland Orchards Subdivision, property owner John Niemeyer, as continued from November 7, 2007. *[Proceedings dismissed because agreement reached between neighbors.]*

Mr. Gray provided background information on the hearing proceedings to this point and stated that the two hearings on today's schedule could be consolidated. Ms. George opened the consolidated public hearing.

Dan Linscheid stated that Jack Smith's fence has been moved out of the right-of-way, but nothing has been done yet to remove the portion of John Niemeyer's fence that is encroaching on the right-of-way.

John Smith, representing his father, Jack Smith, stated that he and his father are satisfied with the offer made by Mr. Niemeyer to put in larger gates and possibly a keypad access and to fix the right-of-way encroachment on the corner in exchange for leaving his father's building in the right-of-way. He explained that his father had located the building using his best estimate of the center line based on the old survey markers, but new GPS technology now shows a different center line.

Mr. Linscheid confirmed that, according to the survey done by Matt Dunckel, the building is in the right-of-way, but said that he would not make a strong case for moving the building. Laurent Montelieu stated that he and Mr. Niemeyer have no intent of pursuing the issue any further. Mr. Gray stated that, since both parties had reached an agreement, the proper way to handle the matter would be for the Board to dismiss the road hazard abatement proceedings. He added that a permit for the construction of a gate across the right-of-way could be issued by the Board at the next meeting after Mr. Linscheid provides a description.

Ms. Lewis moved to dismiss the road hazard abatement proceedings against Mr. Niemeyer and Mr. Smith. The motion passed, Commissioners George, Stern, and Lewis voting aye.

2. Public hearing pursuant to ORS 368.256 regarding road hazard abatement in the Hyland Orchards Subdivision, property owner Jack Smith. *[Proceedings dismissed because agreement reached between neighbors.]*

See minutes for previous hearing.

F. ANNOUNCEMENTS:

1. The following positions are open to the public. Contact the Commissioners' Office for applications.

a. Commission on Children & Families, three lay alternate position and one youth position;

b. Local Alcohol and Drug Planning Committee, two positions;

c. Road Improvement Advisory Committee, one position;

d. Special Transportation Advisory Commission, one position.

2. Northwest Senior & Disability Services has openings for Yamhill County residents on the following regional councils:

a. Senior Advisory Council, one position;

b. Disability Services Advisory Council, one position.

For more information, contact Sally Lawson at (503)304-3473 or by e-mail at Sally.Lawson@state.or.us.

The meeting adjourned at 11:02 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS