

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 April 1, 2004 at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern and Leslie Lewis being present, and Commissioner Kathy George being excused.

Also present were John Krawczyk, Director of Administrative Services; John M. Gray, Jr., County Counsel; Bill Gille, Director of Public Works; David Bates, News-Register, Michael T. Hart, 130 S. Cedar Street, Yamhill, and Donna Sutton, 730 E. First Street, Yamhill.

Commissioner Stern called the meeting to order.

A. **PUBLIC COMMENT PERIOD:** This fifteen-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. None offered.

B. **CONSENT AGENDA:** Commissioner Lewis moved approval of the consent agenda, with the modification of item #4 to strike the words "retroactive to March 3, 2004". The motion carried, Commissioners Stern and Lewis voting aye.

Minutes

3. Approve the following minutes:
 - a. **B. O. 04-182** - Formal session, August 14, 2003.
 - b. **B. O. 04-183** - Formal session, January 8, 2004.
 - c. **B. O. 04-184** - Formal session, January 15, 2004.
 - d. **B. O. 04-185** - Formal session, January 29, 2004.
 - e. **B. O. 04-186** - Formal session, February 5, 2004.
 - f. **B. O. 04-187** - Formal session, February 19, 2004.
 - g. **B. O. 04-188** - Formal session, March 11, 2004.

Personnel

2. **B. O. 04-189** - Approve the return to a 4/10 work schedule of Barbara Stanley, Commissioners' Office, effective April 5, 2004.

Contracts

3. **B. O. 04-190** - Approve Amendment #23 to a contract between HHS and Mid-Valley Behavioral Care Network for Oregon Health Plan Services, retroactive to July 1, 2003 through June 30, 2004.
4. **B. O. 04-191** - Approve a grant agreement between Public Works and ODOT for OTIA III local agency bridge projects, \$14,543,000.

Refunds

5. **B. O. 04-192** - Approve a refund from the Planning Department to Denny Elmer, McMinnville, for Planning Docket P-02-04, \$776.
6. **B. O. 04-193** - Approve a refund from the Planning Department to Patrick and Sarah West, McMinnville, for Planning Docket C-06-04, \$662.

Public Hearing

7. **B. O. 04-194** - Schedule a public hearing for May 13, 2004, 10:00 a.m. for the receipt of public comment on the Solid Waste Management Plan, as unanimously approved by the Solid Waste Advisory Committee.

Federal Surplus Property

8. **B. O. 04-195** - Authorize the submission of documentation necessary to maintain current eligibility status for the acquisition of federal surplus property.

Capital Improvements

9. **B. O. 04-196** - Authorize an amendment to the Yamhill County Fairgrounds Capital Improvements Plan, as approved by the Fair Board.
10. **B. O. 04-197** - Approve the 2004-2005 Capital Improvements Project List for Public Works.

C. **OLD BUSINESS:** None.

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

1. **B. O. 04-198** - Consideration of approval of a contract between Public Works and OBEC Consulting Engineers for consultation services regarding the Meadow Lake Road Bridge #11566 project.

Bill Gille read a report on the qualification-based selection process used to select a consultant for the bridge project. He stated that if the contract with OBEC is approved, a notice to proceed will not be issued until the OTIA III grant agreement has been signed by ODOT.

Ms. Lewis stated that Yamhill County is receiving almost 5% of the available OTIA III funds, which is a tremendous achievement for the county. She thanked Mr. Gille for his proactive work in leading the team effort to secure the grant.

Ms. Lewis moved approval of the contract between Public Works and OBEC Consulting Engineers. The motion passed, Commissioners Stern and Lewis voting aye.

E. **PUBLIC HEARINGS:**

1. Consideration of the sale of the following surplus county properties:
 - a. **B. O. 04-199** - R3219AC-06890
 - a. **B. O. 04-200** - R3219BD-01390
 - b. **B. O. 04-201** - R3220BB-05690
 - c. **B. O. 04-202** - R3404AD-03200
 - d. **B. O. 04-203** - R5506-00690

Commissioner Stern opened the public hearing.

Staff Report - John Gray provided background on the properties, stating that the requirements listed in ORS 275.200 for the private sale of surplus county property have been met. He stated that an offer was received in October 2003 for the purchase of the entire inventory of property available for private sale. Two properties were removed from the inventory list after the discovery of problems with the legal descriptions, and sale of the remaining five properties was noticed to surrounding property owners to allow comment or objection at this hearing.

Mr. Gray briefly described each of the properties, and no objections were raised to items (a), (b), (c), and (e). Two neighboring property owners appeared to object to the sale of item (d), a ten-foot-wide strip of land in Yamhill.

Public Comment - Donna Sutton said she thought a portion of the subject property belonged to her. She stated she moved into her house in 1969 and her garage has been located on the subject property probably since the house was built in the 1950's. She said her deed describes her property to be 100x110 feet, "more or less", and both her county tax statements and the county map state her property to be 100x110 feet, which would include a section of the ten-foot-wide strip.

Michael Hart stated that his property deed lists the neighboring strip of land as a right-of-way. He said he recently asked the city for a variance to obtain the ten-foot strip so he could build a garage on it, and the city was in the process of granting the variance when he received notice that the land is owned by the county. He stated that his neighbor on the other side of the subject property has no interest in it. Mr. Hart said he doesn't believe he should have to buy the land, but would be willing to pay filing fees to obtain legal ownership.

Mr. Gray stated that the property cannot be sold for less than 15% of the minimum bid amount. He suggested selling the property to both Ms. Sutton and Mr. Hart as joint tenants, after which they could apply to the city for a partition if they wish.

Ms. Stern closed the public hearing.

Ms. Lewis moved to authorize the sale of the following surplus county property to John Morris, with recording fees to be paid by the purchaser:

R3219AC-06890	\$150 plus \$75 preparation fee
R3219BD-01390	\$150 plus \$75 preparation fee
R3220BB-05690	\$400 plus \$75 preparation fee
R5506-00690	\$40 plus \$75 preparation fee

The motion passed, Commissioners Stern and Lewis voting aye.

Ms. Lewis moved to authorize the sale of surplus county property R3404AD-03200 to Lonnie M. Sutton, Donna J. Sutton, Michael T. Hart, and Cheri L. Hart for \$169, which includes a purchase price of \$54, preparation fee of \$75, and recording fee of \$40. The motion passed, Commissioners Stern and Lewis voting aye.

F. ANNOUNCEMENTS:

1. Two positions are available on the Road Improvement Advisory Committee. Contact the Commissioners' Office for applications.
2. Two positions are available in the Commission on Children and Families. Contact the Commissioners' Office for applications.

3. April is Child Abuse Prevention Month.

Adjourn: 10:47 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS