

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 July 6, 2005 at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Mary P. Stern, Leslie Lewis, and Kathy George being present.

Also present were John M. Gray, Jr., County Counsel; John Krawczyk, Director of Administrative Services; Steve Mikami, Personnel Officer; Mike Brandt, Planning Director; Merilyn Reeves, PO Box 1083, McMinnville; and Henry Reeves, 22250 Boulder Crest Lane SE, Amity.

Commissioner Stern 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.

Merilyn Reeves, Friends of Yamhill County, submitted a written statement regarding M37-48-95. She stated that it is the position of Friends of Yamhill County that life estate deeds are not valid proof of ownership under Measure 37. She added that the state has already rejected a claim on those grounds.

Henry Reeves stated that three weeks ago, the Board asked three neighbors of a Measure 37 claimant how much they would be willing to contribute to the compensation fund to prevent adverse impacts such as traffic, noise, and groundwater. He stated that such a question is hypocritical coming from those who supported the passage of Measure 37.

B. **AGENDA:**

Personnel

1. **B. O. 05-544** - Consideration of the creation of a new job classification, Public Works Technical Specialist, Range 16, with incumbent Edgardo Peteros at Step 6, as recommended by the Classification Committee, effective July 9, 2005.

Ms. George moved approval of items #1-9. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-545** - Consideration of the creation of a new job classification, Facilities Maintenance Specialist, Range 19, with incumbent Joseph Melvin at Step 5, as recommended by the Classification Committee, effective July 9, 2005.

3. **B. O. 05-546** - Consideration of approval of the change of status of John Krawczyk, Administrative Services Director, to reduce hours to .90 FTE, effective July 9, 2005.
4. **B. O. 05-547** - Consideration of approval of the employment of Will Lathrop, Keizer, as Deputy District Attorney 1 in the District Attorney's Office, regular full-time, Range 21, Step 1, effective July 6, 2005.
5. **B. O. 05-548** - Consideration of the change of status of Craig Hinrichs to Program Manager 2 in Abacus, Range 26, Step 5, retroactive to July 1, 2005.
6. **B. O. 05-549** - Consideration of the change of status of Tracy Contreras to add .5 FTE in Abacus, effective July 11, 2005.
7. **B. O. 05-550** - Consideration of the change of status of Janae Cisneros to Operator/Programmer in Chemical Dependency, Range 19, Step 5, retroactive to July 1, 2005.
8. **B. O. 05-551** - Consideration of the change of status of Tyler Tooley to Deputy Sheriff in the Sheriff's Office, Range 12, Step 2, effective July 9, 2005.
9. **B. O. 05-552** - Consideration of the change of status of Kenneth Jackson to Deputy Sheriff in the Sheriff's Office, Range 12, Step 1, effective July 10, 2005.
10. **B. O. 05-553** - Consideration of approval of a memorandum of agreement between Yamhill County, YCEA, and Rohn Reid regarding his employment status.

John Gray stated that during an employee review yesterday, the decision was made to terminate Mr. Reid and rehire him as a temporary Laborer 2 employee, leaving his original position open for 120 days and reinstating him if he becomes eligible to operate the vehicle during that time.

Ms. Lewis moved approval of the memorandum of agreement. The motion passed, Commissioners Stern, Lewis, and George voting aye.

11. **B. O. 05-554** - Consideration of the employment of Rohn Reid, McMinnville, as Laborer 2 in Public Works, temporary full-time, \$12/hour, effective July 6, 2005 through December 31, 2005.

Ms. Lewis moved approval of the employment of Rohn Reid. The motion passed, Commissioners Stern, Lewis, and George voting aye.

#### Contracts

12. **B. O. 05-555** - Consideration of approval of an amendment to an agreement between HHS and Chemeketa Community College for the JOBS program to extend the effective date through June 30, 2006.

Following a recess later in the meeting, Ms. George moved approval of the amendment. The motion passed, Commissioners Stern, Lewis, and George voting aye.

13. **B. O. 05-556** - Consideration of approval of an amendment to a contract between the Commission on Children and Families and Carlton Together Cares to reduce At-Risk Youth Services from \$14,000 to \$12,100.

Ms. George moved approval of items #13-14. The motion passed, Commissioners Stern, Lewis, and George voting aye.

14. **B. O. 05-557** - Consideration of approval of an amendment to a contract between the Commission on Children and Families and Carlton Together Cares to reduce Community Progress Team Services from \$5650 to \$5459.

15. Consideration of approval of Modification #2 to a Sub-Recipient Agreement between Yamhill County and Yamhill County Affordable Housing Corporation regarding the Regional Housing Center grant. *[Continued to July 13, 2005.]*

Mr. Gray requested another week to resolve a question with the Housing Authority. The item was continued to July 13, 2005.

16. **B. O. 05-558** - Consideration of authorizing the Chair to sign a lease agreement between Yamhill County and Oregon Department of Transportation for the installation and use of a radio transmission tower, \$530/month, retroactive to July 1, 2005 through June 30, 2010, subject to the approval of County Counsel.

Mr. Krawczyk stated that the leaseholder of the tower currently used by YCOM would not sign the land use agreement, so a small tower will be built on a nearby site which can then beam transmissions to the signal tower. He said this solution will provide a clearer shot to Newberg.

Ms. Lewis moved to authorize the agreement, subject to the approval of County Counsel. The motion passed, Commissioners Stern, Lewis, and George voting aye.

#### Measure 37

17. Consideration of M37-48-05, a Measure 37 claim authorizing Celia Dromgoole to make application to partition 39 acres into three lots and establish dwellings thereon. *[Continued to July 13, 2005.]*

Mr. Gray stated that this claim has some complicated issues, including the interpretation of a World War II will. He requested a one-week continuation. Ms. Lewis moved to continue the item to July 13, 2005. The motion passed, Commissioners Stern, Lewis, and George voting aye.

#### Vehicles

18. **B. O. 05-559** - Consideration of approval of the purchase of a used 2000 Ford Crown Victoria Police Interceptor from Tim Casey for \$5000, declaring patrol unit P-218 as surplus property to be sold on e-Bay to the highest bidder.

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

Committees

19. Discussion of Planning Commission applications. *[See Other Business.]*

C. **OLD BUSINESS:**

1. Consideration of adoption of findings in support of a request for annexation to the Yamhill Rural Fire Protection District, applicants Donald and Annette Ward, as tentatively approved June 22, 2005. *[Continued to July 27, 2005.]*

Mr. Gray stated that the applicants have an arrangement to purchase the property, but do not actually have the title yet so consent is needed from the legal owner, who is reluctant to do so until the sale is complete. He said that the Board could either reconsider its tentative approval or continue the item for three more weeks.

Ms. Lewis moved to continue the item to July 27, 2005. The motion passed, Commissioners Stern, Lewis, and George voting aye.

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

1. **B. O. 05-560** - Consideration of approval of a 45 mph speed limit on North Valley Road, as approved by the Speed Control Board and recommended by the Public Works Director.

Ms. Lewis moved approval of the speed limit. The motion passed, Commissioners Stern, Lewis, and George voting aye.

2. **B. O. 05-561** - Consideration of approval of the following funds for the 2005 County Fair:  
a. Open Class Premium Fund, \$1000;  
b. Petty Cash Fund, \$500;  
c. Change Fund, \$2000.

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

3. **B. O. 05-562** - Consideration of approval of a grant agreement between the Sheriff's Office and Oregon Parks and Recreation Department for the ATV Grant Program, \$21,628 or 71% of the total project cost, effective through June 30, 2006.

Ms. Stern moved approval of the grant agreement. The motion passed, Commissioners Stern, Lewis, and George voting aye.

The meeting recessed at 9:35 a.m. and reconvened at 9:53 in Room 108.

4. **B. O. 05-563** - Consideration of approval of the reappointment of Marjorie Ehry to the Planning Commission for a four-year term to expire July 1, 2009.

Following a discussion of membership requirements and openings, Ms. George moved approval of the reappointment of Marjorie Ehry. The motion passed, Commissioners Stern, Lewis, and George voting

aye. The Board acknowledged the terms ending for Sid Friedman and Gary Johnson and stated that they would be interviewing new applicants to fill those two positions.

5. Discussion of a resolution protecting the private property rights of Yamhill County residents.

The Board discussed a draft resolution presented by Ms. George to be sent to the state legislature. Ms. Stern expressed her concern that the resolution be worded carefully so as not to negatively affect public perception about the Newberg-Dundee Bypass project. She stated that she had read the case and both sides make legal sense. Leslie stated that the result is wrong, however, and government should not be able to acquire property through eminent domain and then turn it over to a private developer. Ms. George added that if the Board agrees that the decision is wrong, they need to get together and ask the legislature to fix the law. She asked Ms. Stern to make changes to the wording of the resolution so that she would be comfortable signing it. Ms. Stern inquired as to who helped write the resolution and stated that she will not sign a document when she doesn't know its origin.

After further discussion, the meeting recessed at 10:30 a.m. and reconvened at 10:40 a.m. Ms. George presented a new draft with some changes to the wording that Ms. Stern had been concerned about. Ms. Stern said she would like some time to work on it further.

The Board agreed to continue this item until the following day and come to a consensus on the wording in the meantime.

The meeting recessed to executive session at 10:41 a.m. pursuant to ORS 192.660(2)(e) and (2)(d) for the purpose of discussing real property transactions and labor negotiations. The meeting reconvened at 11:10 a.m. with no formal decisions made and the sense of the Board conveyed to staff.

Ms. Lewis moved to continue this formal session to 11:30 a.m. on July 8, 2005 in Room 108. The motion passed, Commissioners Stern, Lewis, and George voting aye.

E. **PUBLIC HEARINGS:** None.

F. **ANNOUNCEMENTS:**

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
  - a. Commission on Children and Families, two positions;
  - b. Food Service Advisory Committee, six positions in various categories;
  - c. Special Transportation Commission, two positions;
  - d. Dog Control Advisory Committee, one position (candidates must be directly involved with dog-related issues);
  - e. Local Alcohol and Drug Planning Council, one position;
  - f. Ambulance Service Area Advisory Committee, one position for an emergency room physician;
  - g. Parks Board, two positions;
  - h. Budget Committee, one position, application deadline August 31, 2005.

The meeting recessed at 11:12 a.m. and reconvened at 11:30 a.m. on July 8, 2005.

Present at this portion of the meeting were Commissioners Mary P. Stern, Leslie Lewis, and Kathy George.

Also present were John M. Gray, Jr., County Counsel; David Bates, News-Register; Cassandra Sollars, 520 NW 18<sup>th</sup> Place, McMinnville; Milt Reeves, 22250 Boulder Crest Lane SE, Amity; and John Englebrecht, 1266 NW Augusta Drive, McMinnville.

G. **ADDITIONAL BUSINESS** (From Formal Session continuation July 8, 2005):

1. **B. O. 05-564** - Consideration of approval of the First Addendum to a purchase agreement for acquisition of buildings at 536 NE 5<sup>th</sup> Street, 525 NE 4<sup>th</sup> Street, and 434 NE Evans in McMinnville.

Mr. Gray explained that this addendum sets up an escrow account for any damages which have occurred to the bathroom in the brick building and the window in the white house, as well as waiving two contingencies in the original agreement.

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

2. **B. O. 05-565** - Consideration of approval of Federal Fiscal Year 2005 Certifications and Assurances for Federal Transit Administration Assistance Programs in support of a Public Transit grant application.

Ms. George moved approval of the certifications and assurances. The motion passed, Commissioners Stern, Lewis, and George voting aye.

3. **B. O. 05-566** - Consideration of approval of extending a 3.2% cost of living increase to non-bargaining personnel in the Sheriff's Office, retroactive to June 24, 2005.

Ms. Stern moved approval of the cost of living increase. The motion passed, Commissioners Stern, Lewis, and George voting aye.

4. **B. O. 05-567** - Consideration of approval of YCAP Homeless Shelters, Henderson House, and Blanchet Farm as non-profit projects proposed by Yamhill Community Action Program.

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

5. **B. O. 05-568** - Consideration of approval of Resolution of 05-07-08-1 in the matter of protecting the private property rights of Yamhill County residents.

The Board made minor wording changes to the latest draft of the resolution and then Mr. Gray read it in its final form. Ms. George moved approval of the resolution. The motion passed, Commissioners Stern, Lewis, and George voting aye.

Ms. Stern stated that the Board has an obligation to the public to be transparent. Ms. George stated that the words of the resolution were taken from a variety of sources and the sentiment expressed is more

important than its origin. Ms. Lewis emphasized the need to treat each other with respect even when not in agreement.

Adjourn: 12:05 p.m.

Anne Britt  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

---

Chair	MARY P. STERN
-------	---------------

---

Commissioner	LESLIE LEWIS
--------------	--------------

---

Commissioner	KATHY GEORGE
--------------	--------------