

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 4, 2009, at 9:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, Administrative Services Director; John M. Gray, Jr., County Counsel; Rick Sanai, Assistant County Counsel; John Krawczyk, Budget Director; Ken Friday, Planning Division Manager; Brad Berry, District Attorney; Bill Gille, County Engineer; Michael Robinson, 1120 NW Couch St, 10th Floor, Portland, 97209; Walt Gowell, PO Box 480, McMinnville; Edwin Sharer, Martha Jahnke, Peter Hale, Chief Terry Lucich, and Cynthia Easterday.

Commissioner Lewis called the meeting to order.

SPECIAL PRESENTATION: Recognition of Jean Hale for her years of volunteer service in the Victims Assistance Office.

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. None offered.

B. **CONSENT AGENDA:** Ms. George moved approval of the consent agenda with the omission of item B(7). The motion passed, Commissioners Lewis, George, and Stern voting aye.

Personnel

1. **B. O. 09-44** - Approve the change of status of the following employees to extend temporary part-time employment in Community Corrections:

- a. Richard McKenna, effective February 27, 2009, through August 27, 2009;
- b. Tyler Palmblad, effective February 28, 2009, through August 28, 2009;
- c. Duane Terry, effective March 10, 2009, through September 10, 2009.

2. **B. O. 09-45** - Approve the employment of David Palen, McMinnville, as Corrections Reserve in the Sheriff's Office, part-time on-call, \$10/hour, effective February 4, 2009.

3. **B. O. 09-46** - Approve the change of status of Eric Clowser to Corrections Officer in the Jail, regular full-time, Range 12, Step 1, effective February 4, 2009.

4. **B. O. 09-47** - Approve the change of status of Gloria Martinis from .25 to .3 FTE in HHS Family & Youth, retroactive to January 29, 2009.

Contracts

5. **B. O. 09-48** - Approve Amendment #1 to an agreement between Yamhill County and Weyerhaeuser Company to allow the county to use Weyerhaeuser's rock pit.

6. **B. O. 09-49** - Approve Intergovernmental Agreement #3977 between Community Corrections, provider, and Oregon Department of Correction for correctional services, effective July 1, 2009, through June 30, 2011.

7. **Tabled** - Approve an agreement between the Sheriff's Office, provider, and the City of Willamina to increase compensation for the code enforcement officer.

Refunds

8. **B. O. 09-50** - Authorize a \$1749 refund from the Planning Department to David Pratt, trustee of Cecil A. Gross.

Committees

9. **B. O. 09-51** - Approve the reappointment of Gerry Koschal to the Solid Waste Advisory Committee for a three-year term to expire March 18, 2012.

C. **OLD BUSINESS:** None.

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

1. **B. O. 09-52** - Consideration of the appointment of the following persons to the New Carlton Fire District Board of Directors for terms to expire June 30, 2009:

- a. Larry Pekola, Jr., Position 3;
- b. Ron Sticka, Position 4;
- c. Ken Wright, Position 5.

John Gray provided background information. Ms. Lewis moved approval of the appointments. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. **B. O. 09-53** - Acknowledge the resignation of Robert Smiley from the Planning Commission, retroactive to January 30, 2009.

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

3. **B. O. 09-54** - Consideration of having the Emergency Manager and Information Systems Manager report to Administrative Services Director Laura Tschabold.

Following the public hearings, the Board discussed the need to take official action to move Emergency Management and Information Systems under the supervision of Ms. Tschabold. Ms. Stern suggested that, in order to make the most effective use of their time, these managers only meet with the commissioners when there are issues of importance to discuss. Leslie noted that she meets with Murray Paolo weekly about the radio system, but that issue is separate from Information Systems.

Ms. Lewis moved approval of item D(3), noting that performance reviews for both of these managers would be written by Ms. Tschabold. The motion passed, Commissioners Lewis, George, and Stern voting aye.

E. PUBLIC HEARINGS:

1. Consideration of the dissolution of West Sheridan Lighting District, as continued from December 22, 2008. *[Continued to March 4, 2009.]*

Mr. Gray stated that he still hasn't heard from the Archives Division of the Secretary of State's Office. Ms. Stern moved to continue the hearing to March 4, 2009. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. Consideration of Planning Docket S-01-08/V-03-08(KF), an appeal of the Planning Director's conditions of approval of a ten-lot subdivision, applicant/appellant Martha Jahnke, as continued from January 7, 2009, at the point of Staff Recommendation. *[Continued to March 11, 2009, at the point of Staff Recommendation, with the record reopened for the submission of written testimony from all parties through 5:00 p.m. on February 18, 2009, for written rebuttal from all parties through 5:00 p.m. on February 25, 2009, and for written rebuttal from Mike Robinson through 5:00 p.m. on March 4, 2009.]*

Ken Friday stated Walt Gowell had objected to some of the new information submitted for the record during the first rebuttal stage and the attorneys had subsequently worked with Rick Sanai to come to an agreement to reopen the record for both parties. Mr. Sanai added that Bill Gille has made a site visit and is prepared to address the Board and answer questions.

Mr. Gille stated that the issues regarding the access onto Willis Road include a bad angle of access, steep grade, narrow width, and limited sight distance. He said that all of these issues were addressed by Steve Rodewald in the application and could be resolved, although it would be expensive. He noted that Mr. Rodewald had consulted with him several different times on these issues. He explained that the maximum sight distance was calculated using the presumed speed of 55 mph, but the actual travel speed in that area would be lower because of the curves. He said that the maximum sight distance could be adjusted based on that, but a study would be necessary to determine for sure whether improvements in sight distance would be required.

Mr. Friday stated that it is unclear in the record whether the road grade map is to be considered a new preliminary plat map, but that could be clarified during the open record period. He said that a new notice could be sent out to allow parties to submit testimony regarding the

new map. Ms. Stern added that the public agency reports could be worked into the open record period. The Board agreed to schedule another site visit with Mr. Gille.

Mr. Gille answered questions from Mr. Gowell, stating that preliminary plans were received as part of the permit application, but no engineering plans or traffic studies were received. He said that reduced speed limits could be posted around the curves to mitigate line of sight issues. He said that the Jahnke entrance on Willis Road has not been identified as an unsafe access in need of improvements and he is not aware of any accidents at that location, but the county does have a practice of working with developers to resolve access issues.

Mike Robinson requested that the Board do its site visit during the first open record period and submit the written report in time for him to respond. He stated that he has no objection to a new notice, although he does not believe it is required. Mr. Friday said that he would rather not do another notice, but he is concerned about getting a LUBA remand because there is no reference in the record that the road grade map is the preliminary plat map and it is not labeled as such. Mr. Robinson suggested that the Board simply adopt a condition of approval that the road grade map be labeled as the preliminary plat map. Mr. Gowell stated that he had no objections to not sending out a new notice.

Ms. Stern moved to continue the hearing to March 11, 2009, at the point of Staff Recommendation, with the record reopened for the submission of written testimony from all parties through 5:00 p.m. on February 18, 2009, for written rebuttal from all parties through 5:00 p.m. on February 25, 2009, and for written rebuttal from Mike Robinson through 5:00 p.m. on March 4, 2009. Mr. Sanai noted for the record that all parties were present with counsel at this hearing. The motion passed, Commissioners Lewis, George, and Stern voting aye.

F. ANNOUNCEMENTS:

1. The following positions are open to the public. Contact the Commissioners' Office for applications.
 - a. Commission on Children & Families, two full members and one alternate member;
 - b. Parks & Recreation Board, two positions;
 - c. Planning Commission, one position;
 - d. Special Transportation Advisory Commission, two positions.

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 10:01 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LESLIE LEWIS

Commissioner KATHY GEORGE

Commissioner MARY P. STERN