

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 September 27, 2012, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Leslie Lewis, Kathy George, and Mary P. Stern being present.

Also present were Laura Tschabold, County Administrator; Rick Sanai, County Counsel; Christian Boenisch, Deputy County Counsel; Ken Friday, Planning Division Manager; Sherrie Mathison, Solid Waste Coordinator; Ken Huffer, Parks Coordinator; Nathalie Hardy, News-Register; Don Murray, 1750 SW Sesame St, Apt. 8, McMinnville; Stuart McRae, 22075 S Hwy 99W, Amity; Andrew McRae, PO Box 750, Amity; Jim Culbert, 572 NW Wallace Rd; Dan & Carmen Upshaw, 15480 SW Briedwell Rd; Cammie DeRaeve, 17500 SW Hook and Eye Ln, McMinnville; and Tim Spencer, 2020 SW 4th Ave, Ste 100, Portland, OR 97201.

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. The motion passed, Commissioners Lewis, George, and Stern voting aye.

Minutes

1. Approve the following formal session minutes:
 - a. **B. O. 12-528** - August 30, 2012;
 - b. **B. O. 12-529** - September 6, 2012.

Personnel

2. **B. O. 12-530** - Approve the change of status of Pricilla Villa to Crime Prevention Officer in Community Corrections, temporary full-time, Range 16, Step 1, effective October 1, 2012, through March 30, 2013.
3. **B. O. 12-531** - Approve the change of status of Grant Pease to extend temporary part-time employment in Community Corrections, effective October 1, 2012, through November 1, 2012.
4. **B. O. 12-532** - Approve the employment of Jason Gardner and Andrew McMahon as Corrections Deputies in the Jail, regular full-time, Range 12, Step 1, effective September 27,

2012.

5. **B. O. 12-533** - Approve the employment of Erin Focher as Office Specialist 2 in the Assessor's Office, regular full-time, Range 7, Step 3, effective October 9, 2012.
6. **B. O. 12-534** - Approve the employment of Catherine Lindberg as Senior Office Specialist in Public Works, regular full-time, Range 10, Step 2, effective October 1, 2012.
7. **B. O. 12-535** - Approve the change of status of Sharon Thomson to regular full-time employment in HHS Adult Mental Health, retroactive to September 24, 2012.
8. **B. O. 12-536** - Approve the change of status of Glenna Vorres to Accounting Technician in HHS Developmental Disabilities, Range 14, Step 1, retroactive to September 24, 2012.

Contracts/Grants

9. **B. O. 12-537** - Approve a Professional Services Agreement between HHS Adult Mental Health and Jennifer Behnke for psychiatric nurse practitioner services, \$85/hour, effective October 1, 2012.
10. **B. O. 12-538** - Ratify the acceptance of a Kaiser Permanente Oral Health Special Initiative grant to Health & Human Services for the second year of the Yamhill County Dental Health program, \$50,000.
11. **B. O. 12-539** - Approve Amendment #1 to extend an agreement between HHS Commission on Children and Families, *211info*, provider, and United Way of the Mid-Willamette Valley, Inc., for 211 information and referral services, \$17,500, effective through June 30, 2013.
12. **B. O. 12-540** - Ratify approval of Amendment #2 to the 2011-13 Intergovernmental Agreement between HHS Commission on Children and Families and Oregon Commission on Children and Families for Healthy Start Medicaid administrative activities, not to exceed \$105,000 for the 2011-13 biennium.
13. **B. O. 12-541** - Approve Grant Agreement #VOCA-NC-2012-YamhillCo.DAVAP-00045 between the District Attorney's Office, grantee, and Oregon Department of Justice for a Victim Advocate position, \$76,374, effective October 1, 2012, through September 30, 2014.
14. **B. O. 12-542** - Approve a subscription agreement between Yamhill County and Oregon Teamster Employers Trust.
15. **B. O. 12-543** - Approve an amended Plan Document for the Yamhill County Flexible Benefits Plan #501, retroactive to June 1, 2010.

Resolutions

16. **B. O. 12-544** - Approve Resolution 12-9-27-1 proclaiming October 1-8, 2012, as Oregon

Days of Culture in Yamhill County.

C. **OLD BUSINESS:**

1. **B. O. 12-545** - Consideration of adoption of findings in support of Planning Docket FT-02-12, request to allow a change in access for a previously-approved forest template dwelling, applicant Larry Derr representing George Rose, as tentatively approved September 13, 2012.

Ms. Stern moved approval of item C(1). The motion passed, Commissioners Lewis, George, and Stern voting aye.

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

1. **B. O. 12-546** - Consideration of approval of a notice of intent to award a contract for banking services (excluding lockbox services) to US Bank.

Christian Boenisch stated that US Bank received the highest score of the four proposals received. He noted that US Bank is the county's current provider, but has offered a number of new service options that will reduce costs. He said that the county may go out later this year or next spring for a solicitation for lockbox services.

Ms. Lewis moved approval of item D(1). The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. **B. O. 12-547** - Consideration of authorizing the chair to sign a modification of agreement between Yamhill County and Ball Janik, LLP, provider, for consulting services related to the Newberg-Dundee Bypass project, not to exceed \$69,400, retroactive to July 1, 2012, through June 30, 2013, subject to approval by county counsel.

Ms. Lewis moved approval of item D(2), explaining that this total includes funds received from other entities to pay for services, and the scope of work has been updated. The motion passed, Commissioners Lewis, George, and Stern voting aye.

3. **B. O. 12-548** - Consideration of approval of an agreement between Facilities Maintenance and Bryan R. Green Construction and Plumbing, provider, for the HHS Evans Street Campus Building Sink Project, \$31,373.

Ms. Lewis moved approval of item D(3). The motion passed, Commissioners Lewis, George, and Stern voting aye.

4. **B. O. 12-549** - Consideration of the appointment of Commissioner Mary P. Stern to the YCOM Executive Board.

Ms. George moved approval of item D(4). The motion passed, Commissioners Lewis, George, and Stern voting aye. Ms. Stern thanked Ms. Lewis for her years of service and said that all three commissioners would continue to be more engaged with the Executive Board.

E. **PUBLIC HEARINGS:**

1. Consideration of Planning Docket PA-01-11(KF), request for adoption of a 20-year coordinated population projection for Yamhill County and its 10 municipalities, applicant Yamhill County. *[Continued to October 18, 2012.]*

Ken Friday stated that he has circulated a draft report from Portland State University to the ten cities, Friends of Yamhill County, and 1000 Friends of Oregon, and it has gotten a positive response. At the recommendation of Mr. Friday, Ms. Stern moved to continue the item to October 18, 2012. The motion passed, Commissioners Lewis, George, and Stern voting aye.

2. Consideration of Planning Docket C-13-11/SDR-11-11(MB/KF), request for approval of a county park, applicant Yamhill County Parks, as continued from September 13, 2012, at the point of Public Agency Reports. *[Continued to October 25, 2012, at the point of Public Agency Reports.]*

Ms. Lewis opened the public hearing.

Public Agency Reports - Mr. Friday said that he has entered into the record a memo from Oregon Department of Transportation stating that it has no concerns relating to the intersection of Riverbend Road and Highway 99W.

Sherrie Mathison stated that Ben Uhl of Hahn and Associates, Inc., has conducted testing of seep samples from the landfill property along the riverbank. She said that the report should be available in two to three weeks, and Mr. Uhl has indicated that preliminary results show that the levels of arsenic and manganese do not exceed the limits for naturally occurring areas, and there is no evidence of polychlorinated biphenyls (PCBs), pesticides, or polycyclic aromatic hydrocarbons (PAHs), which would be expected to show up in the samples if there were any problems.

She stated that the wells weren't tested during this sampling, but they are tested twice a year. She explained that seeps are tested on a regular basis as well, but this sampling was done specifically to address previously-identified risks. She said that the samples had to be sent to a special lab in Tennessee because of the low water content this time of year, which cost \$12,000 more than the county usually spends. She stated that the county wants to get accurate results, so the location of testing sites is approved by the Department of Environmental Quality (DEQ).

Ms. Stern said that she would like to go through the issues raised in an e-mail message to Ken Huffer from Audrey Eldridge, DEQ, since the initial reading would cause alarm.

Tim Spencer, DEQ, stated that he and Ms. Eldridge have been involved with the Whiteson Landfill post-closure permit for many years, and the issues she raised are fairly standard concerns for public use of landfill sites. He said that redevelopment of landfill sites into productive uses has become commonplace, and open space and park use are intrinsically the safest kind of development to have on an old landfill site. He said that there are environmental and public health and safety risks, but the proposed plan is very well thought out and there are no factors that would make the project unfeasible or undesirable. He said that DEQ supports such projects because they bring even closer scrutiny on the site by multiple agencies to make sure

nothing unusual is going on.

He stated that the leachate seep identified by Ms. Eldridge on top of the landfill is an intermittent seep and needs to be sampled when the seep is actually flowing. He said that it is part of the county's routine maintenance to keep regrading low spots as they settle, and the fact that only one small seep has been identified speaks to the good job that the county has been doing. He stated that the public needs to be kept out of direct contact with any leachate seep, which can sometimes be fairly innocuous, but can also contain a "witch's brew" of chemicals.

Ms. Mathison stated that she has soil ready to add to that area, and Public Works should be able to get it done this fall after the road projects are finished. She said that the landfill cap was last redone about eight years ago, and funds for that come from the franchise and license fees that go into the Solid Waste Fund.

Mr. Spencer stated that the seep samples taken from the riverbank were sediment samples because there is no flow right now, and sediments tend to show higher levels, especially of metals, pesticides, and PCBs, because they contain the cumulative effects of decades. He said that the data will need to be fully evaluated when the report comes out and the results will be crucial, but the initial data looks pretty innocuous. He added that the difficulty in getting a liquid sample suggests a very small amount of seepage. He said that the seeps would have very little bearing on the park itself, except that more people would be coming to the area and would have river access. He explained that if there is contamination in the sediment, it would be compared to the groundwater samples, and if only the sediment needs to be remedied, there are ways to do that.

He reviewed the post-closure permit renewal process and stated that old landfills tend to become more benign over time and the groundwater is gradually getting cleaner. He said that landfills can affect the arsenic concentration, so DEQ keeps a close eye on that. Ms. Mathison stated that the arsenic level in the drinking water well looks higher in the latest sample because drinking water standards have changed, but it is at the same level it's always been and is still under the acceptable limit.

Mr. Spencer stated that Ms. Eldridge was concerned about the proximity of the restrooms to the landfill because of landfill gas migration. He said that the easiest solution would probably be to relocate them, but there are routine measures that can be used to protect them if they need to be at that location. Ms. Mathison stated that she hasn't seen the new plans, but has been told that they would be relocated.

Mr. Spencer said that there are also routine measures that should be taken to protect the monitoring wells, and public education is an important part of that. He said that tampering with the wells could result in false positive readings that would cause problems. Ms. Mathison stated that she doesn't believe the well was vandalized, but that somebody just forgot to put the lock on after the monitoring was done. She said that the county has put out more "No Trespassing" signs and will have to put in a higher fence around the landfill if the park is approved.

Mr. Spencer stated that the Whiteson and Newberg landfill sites are similar in many

aspects: they are both next to a river, were similar types of landfills and waste, are both encapsulated in fine-grained soil material, and both have slow-moving groundwater, which minimizes the impact on the surrounding area. He said that trails and other uses could be easily and safely accommodated on the Newberg site. He said that there is always some risk with development on a landfill site, so it is important to identify the risk factors and make it safe. He said that the park proposal for the Whiteson site seems like a well-coordinated effort and DEQ is not alarmed.

He said that he and Ms. Eldridge have discussed all of these issues at length, and her statements to Mr. Huffer are all valid, but are in no way meant to imply that DEQ is opposed to the project. He said that he would be comfortable with a condition of approval requiring the applicant to work with DEQ to address environmental risks. Ms. Stern noted that the applicant is obligated by law to work with DEQ and follow the regulations, but this condition would give the commissioners peace of mind.

Ms. Lewis stated that the Board would wait until the report is available from Hahn and Associates, Inc., and then allow an open record period for written rebuttal of the public agency reports. Ms. Stern moved to continue the hearing to October 25, 2012, at the point of Public Agency Reports. The motion passed, Commissioners Lewis, George, and Stern voting aye.

F. ANNOUNCEMENTS:

1. For information on county advisory committee vacancies, please refer to our website, www.co.yamhill.or.us, or call the Board of Commissioners' office: 503-434-7501 (from McMinnville) or 503-554-7801 (toll-free from Newberg).

Following a report from Ms. Lewis on the GROW Yamhill County stakeholders' meeting, the meeting adjourned at 11:51 a.m.

Anne Britt
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

Chair LESLIE LEWIS

Commissioner KATHY GEORGE

Commissioner MARY P. STERN