

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 combined session on August 12, 2021, at 10:00 a.m. in a virtual meeting via Zoom, Commissioners Mary Starrett, Lindsay Berschauer and Casey Kulla being present.

Also present were Ken Huffer, County Administrator; Christian Boenisch, County Counsel; Ken Friday, Planning Director; Todd Sadlo, Senior Assistant County Counsel; Lance Woods, Associate Planner; Nohely Barajas-Montalvo, County Counsel Legal Assistant; Colton Totland, Assistant County Counsel; and Keri Hinton, BOC Staff (via Zoom).

Guests via Zoom: Jackie Lang, Waste Management; Tommy Brooks, Cable Huston, LLP; Alan Sorem, Saalfeld Griggs, PC.; Wayne Beebe; Warren Stone, Oregon Truss Co.; Ryan Mets; Sheila Barnes; Susan Watkins; Marvin Bernards; Lu Ann Anderson; Erin Chen; Pamela Stevens; and Dayna Gilbert.

*Welcome! Due to COVID-19 and physical distancing requirements, attending the meeting is discouraged. The public can view the meeting via the YouTube link on the Yamhill County Meetings page. <https://www.co.yamhill.or.us/meetings>. See below for instructions regarding submitting general public comment or comments on agenda items.*

**A. CALL TO ORDER:** Commissioner Starrett called the meeting to order at 10:00 a.m.

**B. FLAG SALUTE**

**C. CALENDAR SESSION:** This time is reserved for the review of the commissioner’s joint schedule (if needed).

There were no new items added to the calendar. No other county business was discussed.

**D. PUBLIC COMMENT:** *Due to COVID-19 and physical distancing requirements, anyone wishing to submit general public comment or comments related to a specific agenda item may do so in written format via email at [bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us) or by mail at 535 NE Fifth St., McMinnville, OR 97128. Any comments received prior to the meeting will be shared with the Board of Commissioners and submitted to the record.*

Public comments were received via e-mail regarding mask mandates, item H1, and the resignation of Commissioner Berschauer.

**E. WORK SESSION:** This time is reserved for topics of discussion scheduled for the Commissioners in advance. If a work session is not needed, the balance of the meeting will begin at 10:00 a.m.

1. Work Session – None.

**F. DEPARTMENT UPDATES:** None.

**G. CONSENT AGENDA:** Commissioner Kulla moved approval of the consent agenda. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

Minutes

1. a. **B.O. 21-329** - June 3, 2021, Formal/Informal Session;
  - b. **B.O. 21-330** - June 10, 2021, Formal/Informal Session;
  - c. **B.O. 21-331** - June 17, 2021, Formal/Informal Session; and
  - d. **B.O. 21-332** - June 24, 2021, Formal/Informal Session.
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**H. OLD BUSINESS:**

1. **B.O. 21-333** - Consideration of approval of a request to amend the Second Amended and Restated Solid Waste Disposal License Agreement between Yamhill County and Riverbend Landfill Company, Inc., retroactive to July 1, 2021. *[Continued from July 22, 2021].*

Jackie Lang, Waste Management and Tommy Brooks, Counsel for Waste Management addressed the proposed amended license agreement decreasing the annual license fee payments to the county over a five-year phase period and extending the terms for fifteen years.

Ken Friday, Planning Director expressed appreciation for the re-negotiated phased licensing fees which allows for the household hazardous waste community programs and solid waste pick-ups to continue. Mr. Boenisch noted that should the landfill close and stop accepting municipal solid waste, licensing fee revenue to the county would cease. After discussion, Commissioner Kulla moved approval of item H1 recommending changes to the term dates, payable fee amounts and striking out section #6. The motion failed, Commissioner Kulla voting aye and Commissioners Starrett and Berschauer voting nay.

Commissioner Starrett made a new motion to approve item H1 without revisions. After discussion, the motion passed, Commissioners Starrett and Berschauer voting aye, Commissioner Kulla voting nay.

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

1. **B.O. 21-334** - Consideration of approval of an Internal Control Policy for investments as presented by the County Treasurer and recommended by the Yamhill County Investment Committee.

Commissioner Berschauer moved approval of item I1. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

2. **B.O. 21-335** - Consideration to accept a quote and authorizing A&R Tree Service to trim tree branches on Bethel Road and Eola Hills Road in the amount of \$26,475.

Commissioner Kulla moved approval of item I2. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

3. **B.O. 21-336** - Consideration to accept a quote and purchase from Structured for Mitel maintenance of ShoreTel licensing and support for the 2021-22 fiscal year in the amount of \$36,925.06.

Commissioner Kulla moved approval of item I3. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

4. **B.O. 21-337** - Consideration and selection of Tom Hammer as the Yamhill County Private Sector representative to be appointed to the Mid-Willamette Valley Area Commission on Transportation Committee (MWACT). Appointment is to a vacated position and will serve out the remainder of the term through December 30, 2021.

Commissioner Berschauer moved to appoint Tom Hammer to the private sector position. The motion passed, Commissioners Starrett and Berschauer voting aye, Commissioner Kulla voting nay.

5. **B.O. 21-338** - Consideration of authorizing a notice of intent to award the Ed Grenfell Park Restroom Project to Jeff Carter Construction in the amount of \$143,195.20.

Commissioner Berschauer moved approval of item I5. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

6. **B.O. 21-339** - Consideration of approval of a budget proposal for the Emergency Management Performance Grant (EMPG) through the Oregon Office of Emergency Management for the FY 2021-2022 grant period in the amount of \$100,572.

Commissioner Starrett moved approval of item I6. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

7. **B.O. 21-340** - Consideration of a letter of support for the Justice Reinvestment Program grant for the 2021-23 biennium.

Mr. Huffer clarified that the Board was the governing body authorizing the letter. Commissioner Berschauer moved approval of item I7. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye.

The meeting was recessed at 11:14 a.m. and reconvened at 11:21 a.m.

#### **J. PUBLIC HEARINGS:**

1. Docket #PAZ-02-21: Consideration of a request by Beartooth Land Group, LLC. & Wayne G. Beebe for a Comprehensive Plan and a zone change approval to rezone property at 17810 SE Wallace Road, Dayton, from VLDR 2.5 to LI Light Industrial. The purpose is to allow expansion of the existing Oregon Truss manufacturing business.

Commissioner Starrett opened the public hearing at 11:21 a.m. There were no abstentions or objections to the jurisdiction of the Board. Commissioner Kulla disclosed a site visit in the past and a potential conflict of interest but assured that it would not influence his decision. Ken Friday read the “raise it or waive it” statement required by ORS 197.763(5).

Staff Report: Lance Woods presented the staff report, stating the applicant planned to use the existing home as a caretaker dwelling and worksite office as needed. The applicant will store manufacturing materials in the western portion of the property for a truss business located on the parcel's adjacent southern section.

Applicant: Alan Sorem, the applicant's attorney stated an alternative site study was done and found no viable properties within McMinnville's urban growth boundary apart from one location which he noted was cost prohibitive. The impact to residential areas with equipment vehicle traffic and would incur employee relocation hardships.

Warren Stone provided testimony in support of the application. There was no additional testimony in support of the application.

Appellant: There was no testimony in opposition of the application.

Public Agency Reports: Lance Woods stated one report was received from the sanitation department outlining sanitation requirements.

Staff Recommendation: Staff recommends approval of the zone change and comprehensive plan amendment with the limited use overlay as outlined in the staff report.

The public hearing was closed at 11:37 a.m.

Deliberation: After discussion, Commissioner Kulla moved approval of item J1 upholding the Planning Commission's approval of the application. The motion passed, Commissioners Starrett, Berschauer and Kulla voting aye. Todd Sadlo stated that the final written findings and ordinance will be adopted on August 26, 2021.

#### **K. ANNOUNCEMENTS:**

1. For information on county advisory committee vacancies, please refer to the county's website, <https://www.co.yamhill.or.us/content/board-commissioners-committees>, or call the Board of Commissioners' office at 503-434-7501 or 503-554-7801 (toll-free from Newberg).
2. For questions regarding accessibility or to request an accommodation contact the Board of Commissioners' office at (503)-434-7501 or (503)-554-7801 (toll-free from Newberg) or email at [bocinfo@co.yamhill.or.us](mailto:bocinfo@co.yamhill.or.us)
3. Electronic versions of all meeting agendas and meeting information packets can be found at the county's website: <https://www.co.yamhill.or.us/meetings>

Following Commissioner announcements, the meeting adjourned at 11:47 a.m.

Carolina Rook  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair MARY STARRETT

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Commissioner LINDSAY BERSCHAUER

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Commissioner CASEY KULLA