

**POLK COUNTY BOARD OF COMMISSIONERS**  
**MINUTES June 13, 2012**

**1. CALL TO ORDER & ATTENDANCE**

At 9:00 a.m., Chairman Ainsworth declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Pope and Commissioner Wheeler were present. A CD of the proceedings is on file in the Board of Commissioners' Office.

Staff present:           Greg Hansen, Administrative Officer  
                              Dave Doyle, County Counsel  
                              Todd Whitaker, Public Works Director  
                              Eric Berry, County Surveyor

**2. ANNOUNCEMENTS**

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The Tuesday meeting is held in the Board of Commissioners' Office Conference Room, 850 Main Street, Dallas, Oregon. The Wednesday meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda.

Department Head/staff meetings with the Board of Commissioners are held on Monday, Thursday, and Friday. The meetings are held in the Board of Commissioners' Office Conference Room and are conducted between 9:00 a.m. and 5:00 p.m. The principal subjects anticipated to be considered are on-going, upcoming, and new matters bearing on County operations. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects not listed within this announcement.

The Board of Commissioners will attend a Board meeting of Mid-Valley Behavioral Care Network on Wednesday, June 13, 2012 at 3:00 p.m., 1660 Oak Street, SE, Suite 230, Salem, Oregon 97301.

There will be no Board Meeting on Wednesday, June 20, 2012 due to lack of a quorum.

The Board of Commissioners will attend the 2012 Agpac Educational Services Association "Oregon Farmers, Ranchers, & Foresters: Your Neighbors" tour on Wednesday, June 20, 2012, departing from Ag West, 9055 Rickreall Road, Rickreall, OR 97371 at 8:00 a.m.

The Board of Commissioners will attend a Department Head meeting on Thursday, June 21, 2012 at 8:30 a.m. in the Courthouse Conference room.

The Board of Commissioners will attend a meeting of the Polk Commission for Children and Families on Tuesday, June 26, 2012 from 4:30 to 7:30 pm at the Dallas School District offices, 111 SW Ash St., Dallas, OR 97338.

The Board of Commissioners will conduct a public hearing regarding the adoption of the Fiscal Year 2012-2013 Budget, Wednesday, June 27, 2012 at 9:00 a.m. in the Courthouse conference room.

The Board of Directors for the Polk County 4-H, Master Gardner, Agriculture, Forestry Extension District will hold a public hearing regarding the adoption of the Fiscal Year 2012-2013 Budget, Wednesday, June 27, 2012 at 1:30 p.m. in the Courthouse conference room.

There will be no Board Meeting on Wednesday, July 4, 2012 due to Independence Day.

The Board of Commissioners will conduct a public hearing regarding proposed amendments to the Polk County Code of Ordinances - Chapter 42 (Dogs and Livestock), Wednesday, July 11, 2012 at 9:00 a.m. in the Courthouse conference room.

The Board of Commissioners will attend a West Oregon Forest Protective Association summer tour on Friday, July 13, 2012, departing at 9:00 am from the Toledo Department of Forestry Office, 763 NW Forestry Rd., Toledo, OR 97391.

**3. COMMENTS (for items not on this agenda)**

Staff announced that the Board Meeting on Wednesday, June 20, 2012 has been rescheduled for Thursday, June 21, 2012. Also, staff presented the 2012 Overlay Contract with Roy Houck Construction to be added to the Consent Calendar.

**4. APPROVAL OF AGENDA**

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE AGENDA AS AMENDED.**

**MOTION PASSED UNANIMOUSLY.**

**5. APPROVAL OF CONSENT CALENDAR**

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE CONSENT CALENDAR AS AMENDED.**

**MOTION PASSED UNANIMOUSLY.**

**6. APPROVAL OF MINUTES OF JUNE 6, 2012**

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER AINSWORTH SECONDED, TO APPROVE THE MINUTES OF JUNE 6, 2012.**

**MOTION PASSED UNANIMOUSLY.**

**7. PUBLIC HEARING - PROPOSED DOWNGRADE OF STATUS FOR FERN SCHOOL ROAD**

Chairman Ainsworth opened the public hearing.

Eric Berry presented the staff report. He said that Fern School Road is a .15 mile long, single-lane dead end gravel road that serves three residences and several farming and timber operations. Berry said that the ADT was 27 in 2004. The average annual maintenance cost over the last ten years has been approximately \$800. The road is currently in good repair and the likelihood of significant maintenance cost in the future is low. The surrounding area is zoned Farm/Forest, and has a low potential of future development.

Chairman Ainsworth asked if anyone wished to testify.

Roxanne Humphries testified that she is concerned that the maintenance would be too great for the residences to handle on their own, since they don't possess the adequate equipment to re-grade the road. Mark Humphries also spoke to Eric Berry prior to the hearing and voiced his concerns about the cost for residents to maintain the road, and wanted to make sure that the utilities and sanitary services would continue to have access to the residents. Berry confirmed that the road would still be a public road for use of garbage trucks, etc.

Occasionally the County uses the road to transport materials to a dumpsite, and if the County vehicles cause any damage, the Public Works Department would repair any damages the County trucks cause.

The Board questioned what kind of information or outreach materials the Public Works department provides for the residents of roads that are downgraded. Staff responded that currently the only information provided are samples of private maintenance agreements. Board requested that staff assemble packets of information that can be given to residents that include cost estimates and lists of resources available for road repair and maintenance.

Chairman Ainsworth asked if anyone else wished to testify. Hearing none, the public hearing was closed.

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER WHEELER SECONDED, TO APPROVE THE DOWNGRADE OF FERN SCHOOL ROAD CONTINGENT ON THE RESOURCE PACKETS BEING PROVIDED TO RESIDENTS.**

**MOTION PASSED UNANIMOUSLY.**

#### **8. PUBLIC HEARING - PROPOSED DOWNGRADE OF STATUS FOR JAHN ROAD**

Chairman Ainsworth opened the public hearing.

Eric Berry presented the staff report. He said that Jahn Road is a .28 mile long, two-lane dead end paved road that serves ten residences. Berry said that the ADT was 200 in 2007. The average annual maintenance cost over the last ten years has been approximately \$1,200. The road is currently in good repair and the likelihood of significant maintenance cost in the future is low. The surrounding area is zoned Exclusive Farm Use, and a small part zoned AR-5, and has a low and potential of future development.

Chairman Ainsworth asked if anyone wished to testify.

Ken Huelett testified that he is concerned that there is a main water line and fiber-optics line that run along the road, that is serviced often, and questioned what funds the county receives from those right-of-ways. Eric Berry answered that the County does not receive funds from those utilities. Mr. Huelett was also concerned that one of the residents use the road more often due to suspected illegal activities, and that resident would most likely not be open to meeting and/or pooling resources to pay for maintenance. Mr. Huelett also commented that the road condition is not in good condition and is already splitting at the edges, making the road increasingly narrower.

Michel Casciato submitted a letter expressing concern with the cost of the road maintenance now falling on the residents. Some of the residents are elderly and may not be able to physically and financially contribute to the maintenance.

The Board questioned what standards Eric Berry is using to judge the condition of the roads. Berry answered that he is using a good-moderate-poor scale, looking at the road as a resident would.

The cost to maintain a paved road is more expensive than a gravel road, and if the Public Works department were to continue to maintain the road, it would not be the recommendation of the County to maintain the road as a hard surface.

Chairman Ainsworth asked if anyone else wished to testify. Hearing none, the public hearing was closed.

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER WHEELER SECONDED, TO HOLD THE RECORD OPEN FOR 30-DAYS FOR STAFF TO CREATE A DETAILED REPORT ON THE CONDITION OF ROAD AND COSTS TO REPAIR.**

**MOTION PASSED UNANIMOUSLY.**

**9. PUBLIC HEARING - PROPOSED DOWNGRADE OF STATUS FOR THE OLD FORT ROAD**

Chairman Ainsworth opened the public hearing.

Eric Berry presented the staff report. He said that The Old Fort Road is a .15. mile long, single-lane paved road that serves no residences, but is a service road to Fort Yamhill State Park. Berry said that the ADT was 64 in 1986. The average annual maintenance cost over the last ten years has been approximately \$450. The road is currently in good repair and the likelihood of significant maintenance cost in the future is moderate due to a creek crossing. The surrounding area is zoned Farm/Forest, and has a low potential of future development..

Chairman Ainsworth asked if anyone wished to testify.

James Ojeda owns the property across The Old Fort Road, and owns property adjacent to The Old Fort Road. Mr. Ojeda commented that the road is heavily used by people as a shortcut to access the State Park. He also mentioned that the road is used as a detour sometimes when there are accidents on Highway 18. Mr. Ojeda expressed concerns that if the road is downgraded there would be no one to clear the culvert, which has repetitive log jams.

Ryan Sparks with Oregon State Parks talked with Eric Berry and did not have objections with downgrading the road. But did request that if the Board chose to downgrade the road that a gate be installed to keep out unwanted vehicles.

The Board questioned why the Public Works department is choosing to downgrade the road instead of vacate. Staff answered that a vacation is difficult to process when there are multiple landowners, and is usually initiated by the landowner. The Confederated Tribes of Grand Ronde and the State of Oregon are two of the landowners adjacent to this road, and staff is concerned that it would be a long legal battle to get the easements needed to vacate the road.

Chairman Ainsworth asked if anyone else wished to testify. Hearing none, the public hearing was closed.

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER WHEELER SECONDED, TO HOLD THE RECORD OPEN FOR 60-DAYS FOR STAFF TO PRESENT AN OPTION TO VACATE TO THE LANDOWNERS**

**POPE VOTED IN FAVOR, AINSWORTH AND WHEELER OPPOSED.**

**MOTION FAILED.**

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER AINSWORTH SECONDED, TO APPROVE THE DOWNGRADE OF THE OLD FORT ROAD.**

**AINSWORTH AND WHEELER VOTED IN FAVOR, POPE OPPOSED.**

**MOTION PASSED BY A MAJORITY VOTE.**

**10. PUBLIC HEARING - PROPOSED DOWNGRADE OF STATUS FOR AN UN-NAMED ROAD OFF SAWTELL ROAD**

Chairman Ainsworth opened the public hearing.

Eric Berry presented the staff report. He said that the Un-named road off Sawtell Road is a .12 mile long, single-lane dead end gravel road that serves two residences. Berry said that there is no ADT or cost data because it has been treated as a part of Sawtell Road. The road is currently in good repair and the likelihood of significant maintenance cost in the future is low. The surrounding area is zoned Farm/Forest, and a small part zoned AR-5, and has a low potential of future development. This was the original Dallas-to-Ocean pass road because there was once a ford on the river.

Chairman Ainsworth asked if anyone else wished to testify. Hearing none, the public hearing was closed.

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE DOWNGRADE OF AN UN-NAMED ROAD OFF SAWTELL ROAD.**

**MOTION PASSED UNANIMOUSLY.**

**10. PUBLIC HEARING - PROPOSED DOWNGRADE OF STATUS FOR STEEL BRIDGE SOUTH ROAD**

Chairman Ainsworth opened the public hearing.

Eric Berry presented the staff report. He said that the Steel Bridge South Road is a .38 mile long, single-lane dead end gravel road that serves two residences. Berry said that the ADT was 29 in 2010. The average annual maintenance cost over the last ten years has been approximately \$1,000. The road is currently in good repair and the likelihood of significant maintenance cost in the future is moderate because there is a large culvert midway through the road. The surrounding area is zoned Exclusive Farm Use and has a low potential of future development.

Eric Berry received five letters submitted for public testimony. Along with the concern of the cost and maintenance of the road being transferred to the residents, there was also concern expressed about traffic increasing significantly if a proposed equestrian facility is developed nearby.

Commissioner Pope expressed concern that the County does not yet know the plans for the access to the proposed equestrian center, but if the only access is through Steel Bridge South Road then he would not be comfortable with downgrading the road. Also, Pope expressed concern if the culvert were to not be properly maintained by the residents and ended up washing out then people would be stranded from access to their homes or from the main road. Staff commented that in emergency situations money can be spent on local access roads.

Chairman Ainsworth asked if anyone else wished to testify. Hearing none, the public hearing was closed.

**MOTION: COMMISSIONER POPE MOVED, COMMISSIONER WHEELER SECONDED, TO DENY THE DOWNGRADE OF STEEL BRIDGE SOUTH ROAD.**

**POPE VOTED IN FAVOR, AINSWORTH AND WHEELER OPPOSED.**

**MOTION FAILED.**

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER AINSWORTH SECONDED, TO APPROVE THE DOWNGRADE OF STEEL BRIDGE SOUTH ROAD.**

**AINSWORTH AND WHEELER VOTED IN FAVOR, POPE OPPOSED.**

**MOTION PASSED BY A MAJORITY VOTE.**

At 10:14 a.m., Chairman Ainsworth asked if there was need for an Executive Session. Staff answered that there was not and the meeting was adjourned.

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- (a) SHERIFF – CONTRACT NO. 12-55**  
Approved Cont #12-55 with the Oregon State Marine Board for Law Enforcement Marine Services.
- (b) MENTAL HEALTH – CONTRACT NO. 12-56**  
Approved Cont #12-56 with the Mid-Valley Behavioral Care Network for the provision of Mental Health Services to Oregon Health Plan members.
- (c) MENTAL HEALTH – CONTRACT NO. 12-57**  
Approved Cont #12-57 (Amend 2 to Cont 11-105) with Oregon Commission for Children & Families for the allocation of funding to Healthy Start.
- (d) PCCCF BOARD APPOINTMENTS**  
Appointed Khari Applewhite (position 5), Judy Jeffreys (position 10), and Beth Jones (position 11) to the Polk County Commission for Children and Families, terms to expire June 30, 2016.
- (e) PUBLIC WORKS – CONTRACT NO. 12-59**  
Approved Cont #12-59 with Roy Houck Construction for the 2012 overlay project.

#### **POLK COUNTY BOARD OF COMMISSIONERS**

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Mike Ainsworth, Chair

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Craig Pope, Commissioner

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Jennifer Wheeler, Commissioner

Minutes: Heather Alvarez  
Approved: June 21, 2012