

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 24, 2024
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Danielle Bethell, and Commissioner Colm Willis. Also present were Jane Vetto as county counsel and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer

Commissioner Cameron called the meeting to order at 9:00 a.m.
Commissioner Willis arrived at 9:07 a.m.

(Video Time 00:02:19)

MOTION: Commissioner Bethell moved to add an item to the Consent Agenda under Human Resources: Approve the recommendation to update the classification and adjust the pay grade upward for class codes #273, Deputy Sheriff Trainee Parole and Probation; and #274, Deputy Sheriff Parole and Probation. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:02:12)

PUBLIC COMMENT

None.

(Video Time 00:02:51)

PRESENTATION

1. 2023 Volunteer Annual Report. –Sherry Lintner

Summary of presentation:

- This report shows the contributions made by volunteers in 2023;
- The Volunteer Annual Report will be posted online for public access;
- There were 1,363 volunteers;
- The total hours of service were 59,966;
- The total value of donated hours was \$1,941,098:
 - The Independent Sector values the Oregon rate at \$32.37 an hour.

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- There were 38 students that completed an internship or practicum;
- There were two AmeriCorps Rare members:
 - Volunteered at the Economic Development team in Community Services; and
 - Working on the county wide broadband initiative.
- There were 174 individuals serving as appointed members in advisory boards or committees;
- There were 1,149 volunteers working in existing programs division or departments;
- Volunteers gain some of the following:
 - Technical skills;
 - Knowledge and experience;
 - Working towards certification or licensure.
- Interns and practicum students served in some of the following:
 - In the Health and Human Services, Public Works, the Sheriff's Office, and the District Attorney's office through Victim's Assistance;
 - In Public Health, interns made educational material for various events and activities:
 - Breastfeeding Promotion campaign; and
 - Farm Direct Nutrition Program.
- Advisory Boards is broken down as follows:
 - There were 174 individuals;
 - The total hours donated was 2,363:
 - Most likely more as this only reflects meeting hours.
 - They served across 19 boards;
 - These are appointed positions; and
 - They bring in the community's perspective.
- The budget committee is a six-member board:
 - There are three citizen members; and
 - The combined experience of the committee is about 49 years.
- Departments that have ongoing volunteers are as follows:
 - Dog services;
 - Law Library;
 - Sheriff's Office; and
 - Victim Assistance.
- Dog Shelter volunteer breakdown is as follows:
 - Over 2,800 hours were spent with the dogs;
 - Time was spent at the shelter and clinic;
 - Foster volunteers donated 6,500 hours in their homes;
 - Transportation, community outreach, special licensing, and adoption events.
- Search and Rescue volunteers:
 - Work alongside with deputies searching for those missing or lost;
 - Go through an Oregon certified Search and Rescue academy;
 - CPR and First Aid certified;

- Complete 30 hours of on-going, annual, training;
- Participate in community events; and
- There is adult as well as youth, ages 14 to 21, search and rescue members.
- Victim Assistance volunteers:
 - Support victims of child abuse, stalking, sexual assault, elder abuse, domestic violence, and homicide;
 - Working in immediate crisis support and through the court system;
 - There were 25 volunteers and interns in 2023; and
 - They helped carry the workload.
- Event volunteer opportunities were as follows:
 - Environmental services:
 - Various events throughout the year.
 - Human resources;
 - Justice court:
 - Special event volunteers
 - Marion County Fair:
 - Help manage events and staff booths.
- Grateful to the volunteers that help, to Marion County staff that work with volunteers, and the board that supports the programs.

Board discussion:

- Committee members help the board by making recommendations; and
- It is important that volunteers understand the position they are holding on committees.

(Video Time 00:22:28)

CONSENT

PUBLIC WORKS

2. Approve Amendment #1 to the Purchase Order with Carson Oil Company, Inc. to add \$50,000 for a new Purchase Order total of \$150,000 for the purchase of fuel for county vehicles at secondary fueling locations through July 1, 2024.

Approve the recommendation to update the classification and adjust the pay grade upward for class codes #273, Deputy Sheriff Trainee Parole and Probation; and #274, Deputy Sheriff Parole and Probation.

(Motion made and approved to add this item to the agenda)

MOTION: Commissioner Bethell moved for approval of the consent agenda. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:23:36)

ACTION

BOARD OF COMMISSIONERS

Board Appointment – Local Alcohol and Drug Planning Committee

3. Consider approval of an order appointing Heather Daugherty to the Marion County Local Alcohol and Drug Planning Committee (LADPC) with a term ending December 31, 2027.

–Carol Heard

Summary of presentation:

- LADPC is a group of volunteers serving as an advisory group to the Marion County local mental health authority:
 - They identify needs and establish priorities for alcohol and drug prevention and treatment services that best fit the community's needs.
- Ms. Daugherty is a resident of Marion County and has worked in the addiction treatment field for six years;
- Ms. Daugherty has attended meetings since October 2024, as a guest:
 - She would now like to serve the community as an appointed member.

Ms. Daugherty expressed the following:

- She has lived in Marion County for 26 years;
- She has lived experience with addiction:
 - She has celebrated being clean for 12 years, in March.
- Worked in Yamhill County helping to build and restructure their medication assistant treatment program:
 - Worked as a Chemical Dependency and Problem Gambling Lead in Yamhill County.
- Currently has her own treatment program, Compass in Circle:
 - Working on this program since February 2024; and
 - She has a support system that helps her.

Board discussion:

- Ms. Daugherty has helped put events together through the Problem Gambling Program of Yamhill County.

MOTION: Commissioner Willis moved to approve an order appointing Heather Daugherty to the Marion County Local Alcohol and Drug Planning Committee (LADPC) with a term ending December 31, 2027. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:29:43)

PUBLIC WORKS

4. Consider approval of an administrative ordinance granting Zone Change (ZC) Case #23-003/LJS Property Management, LLC. –Nicole Inman

Summary of presentation:

- The property has received calls for years as it has been undeveloped;
- The request is to change the zone from Multi-Family Residential to Commercial Retail;
- The parcel is .89 acres located at 350 Lancaster Drive Southeast;
- A noticed public hearing was held February 2024;
- In March the request was approved:
 - The application was held for the mandatory appeal period; and
 - No appeals were received.
- The ordinance and findings have been prepared for the board’s formal adoption;
- This is a zone change and a hearing is not needed, as there are no appeals;
- The zone is being changed to match the underlying comp plan
- There is a 120-day time limit to decide; and
- Staff recommend adopting the ordinance as provided.

Board discussion:

- The area is an open field behind two residential lots:
 - Notice was provided to the two residential lots in English.
- No public comment was submitted and only the applicant attended the hearing;
- The area is considered one property with the front half zoned Commercial and the back half Multi-Family Residential;
- The plan is to expand the storage for the car lot:
 - Commercial urban areas must be paved and have fencing.
- The areas to the north and east of the area are zoned Commercial Retail.

Motion: Commissioner Bethell moved to approve an administrative ordinance granting Zone Change (ZC) Case #23-003/LJS Property Management, LLC. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:35:09)

5. Consider approval of Amendment #7 to the Standard Professional Services Contract with Keller Associates to add \$4,162,623 for a new contract total of \$7,418,049 to provide preliminary engineering design for the North Santiam Canyon Sewer Project through December 31, 2026. –Chris Einmo

Summary of presentation:

- The amendment covers many services including some of the following:
 - Subsurface investigation;

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- Pre-design field work;
 - Preliminary engineering; and
 - Detroit commercial septic.
- The last six amendments have been adapting the master plan process and pre-design services;
- This amendment is the first step in the design of the treatment facility and sewer system;
- Subsurface investigation is the last 18 months of site evaluations:
 - Rapid infiltration basin will allow the plant to discharge to the groundwater;
 - Geological modeling is done to project contaminants being transported through the groundwater;
 - Submitted to the Oregon Department of Environmental Quality (DEQ) and comments were received:
 - Need a sensitivity analysis of contaminant fate and transport;
 - Ongoing samples of groundwater for model comparison; and
 - Model additional contaminants related to surface water.
- Pre-Design field data for the city of Gates:
 - Right-of-way topographic survey of the entire city;
 - Geotechnical sampling for soil characteristics;
 - Environmental/cultural clearance; and
 - Phase ESA Clearance;
- Water Pollution Control Facility – Preliminary Engineering:
 - Designing system to handle 0.7 Million Gallons per Day (MGD) per the Facility Planning Study including:
 - Mechanical screening;
 - Sludge dewatering;
 - Sequencing Batch Reactor (SBR) treatment system;
 - Denitrification filters;
 - Ultraviolet (UV) disinfection; and
 - Rapid infiltration basins.
- Gates Collection System – Preliminary Engineering:
 - Designing the following:
 - About 24,700 feet of gravity sewer;
 - About 7,2000 feet of pressure sewer;
 - There will be three local lift stations;
 - A regional pumping station; and
 - A three-mile pressurized pipeline:
 - Discussing with Linn County as this may be in their jurisdiction.
- Preliminary Engineering will be about three to four months and is for starting to permit with various agencies;
- Guaranteed Maximum Price (GMP) documents will take eight months:
 - Enters negotiations and obligates construction funds;
 - This includes three value engineering workshops; and

- Design to a level so the following can be set:
 - Grading and paving;
 - Yard piping;
 - Process mechanical plans and sections;
 - Process and instrumentation;
 - Electrical plans and specifications; and
 - Major equipment design criteria.
- The Treasury has relaxed obligation deadlines.

Board discussion:

- The obligation deadline is December 2024:
 - Once Business Oregon obligates the funds to the county the obligation is considered met.
- Staff has been meeting with the City of Salem to provide updates:
 - These meetings are taking every two weeks;
 - Level of comfort has been built as plans are shared; and
 - There is full transparency.
- Of the 54 eligible properties 17 applied for the septic grant program:
 - The consultant has engaged on all 17 properties;
 - Certified mailing, phone calls and emails have been sent to all eligible properties;
 - Once enrolled design can start as permitting takes time; and
 - This will allow owners to make decisions to best serve their plans.
- The application deadline is May 1, 2024, so there is four months for design and permitting:
 - Regardless of submission date there is a reimbursement process; and
 - Septic work is contracted out and then reimbursed.
- A letter to the Detroit City Council stating steps already taken would help:
 - This allows all to have the same understanding; and
 - The city would be able to encourage business owners to apply.
- Brian Nicholas, stated the following relating to the reimbursement process:
 - Per the American Rescue Plan Act (ARPA) the funds are to be given to the owners who then pay the septic installers:
 - As they need to be beneficiaries and not sub-recipients.
 - A funding agreement between the county and owner is developed outlining approved scope-of-work and budget:
 - Installer gets the agreement as well.
 - Payments are timed to be given two weeks after invoice submission:
 - The owners then pay the installers.
 - Advanced payment for equipment is built in as well;
 - Set up meeting with the city council and send a document outlining what is being done:

- Will update the current FAQ and create a chart showing all eligible properties.
 - Draft agreements are given to property owners, outlining the process.
- There is pressure to rebuild Detroit's downtown making the technical details known and available would allow for more understanding; and
- The board is grateful for all the work that is being done and Mr. Einmo is a great asset to this project in particular.

MOTION: Commissioner Willis moved to approve Amendment #7 to the Standard Professional Services Contract with Keller Associates to add \$4,162,623 for a new contract total of \$7,418,049 to provide preliminary engineering design for the North Santiam Canyon Sewer Project through December 31, 2026. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 01:00:58)

PUBLIC HEARINGS

9:30 A.M.

PUBLIC WORKS

A. Public hearing to consider a Mass Gathering (MG) permit Case #24-001/Whitewind Productions, LLC. –Brandon Reich

Summary of presentation:

Brandon Reich:

- Applicant is requesting to hold a renaissance era fair as a large mass gathering;
- In 2023 the board held a hearing and approved the fair for two weekends in July for 2023-2026;
- Concerns have been raised that unsafe road conditions are created relating to the event:
 - Marion County Code Section 92570 allows Mass Gathering permits to be referred to the board if concerns about past events are raised.
- The applicant applied for a new 2024 event replacing the previously applied for and approved event;
- The following was stated per the applicant:
 - There will be a sound amplifier;
 - Alcohol will be served; and
 - There will be no fireworks.
- Marion County Risk stated the applicant will need proof of insurance before the event;
- Silverton Fire District reviewed and approved the fire protection to be implemented as submitted by the applicant;
- Marion County Environmental Health reviewed and approved the applicants Health, Safety and Medial Plan to be implemented;

- A Safety Plan was reviewed and approved by the Marion County Sheriff's Office (MCSO);
- The Oregon Department of Transportation (ODOT) and Marion County Public Works (MCPW) reviewed the event information and updated plans and provided suggested conditions of approval;
- The only conditional change in the application is having monitors on the highway to prevent parking;
- Staff recommends approving application for 2024 subject to conditions:
 - May apply in future years and make modifications as needed.

Board discussion:

- Last year there were multiple traffic complaints regarding Highway 213 including:
 - Illegal U-Turns;
 - Illegally parked vehicles:
 - Multiple citations were given.
 - Vehicles driving on the oncoming lane; and
 - A deputy stated the conditions created an incredibly dangerous area.
- MCSO, MCPW, and ODOT met with the applicant to address identified issues from the prior year's event:
 - Made it clear that the applicant must change the process for this year.
- Applicant has contracted with a company to assist with the parking as well as identifying remote parking sites and contracting to bus attendees from the parking area to the event site:
 - This will be the applicant's responsibility to make it work.
- If unsuccessful then staff will not recommend approval for next year;
- The board has received complaints from MCSO as well as from the public;
- Parking attendants will be on the shoulder area directing traffic;
- Enforcement in the permit refers to code enforcement;
- Code enforcement is able ensure rules are being followed in a timely manner after the event is over;
- Commissioner Bethell stated for the record that complaints regarding contamination on private property is not okay:
 - Event staff needs to be diligent that visitors are following rules and neighbors are not victims of poor choices.
- Commissioner Bethell stated for the record that Mr. Etzel's complaint from 8/7/2023 and Sergeant Ferron's related report from 10/26/2023 was received and is part of the review for this year; and
- Marion County Code 9.25.120 states the organizer will provide the Public Works Director a parking and traffic control plan:
 - In the future this should also be provided to MCSO, and the Enforcement Commander; and
 - The Public Works Director agrees.

- The applicant's proposal to address traffic has been reviewed by Marion County and ODOT.

Nancy White:

- Visitors to last year's event overwhelmed Ms. White as she tried to keep them from parking on the highway;
- Prior to Covid these issues did not exist, and opening again in 2022 the event's popularity grew;
- For 2023 had parking at a middle and high school with shuttle to transport visitors to the event:
 - There was only one shuttle, which was inadequate; and
 - The shuttle company was not fully prepared as it was new.
- This year the shuttle company is better prepared for the event;
- Ms. White was not aware the Highway 213 was overwhelmed:
 - She spent most of the event directing traffic and parking.
- A traffic event company has been hired for this year:
 - MCPW was given their name and contact information;
 - The company was shown the three areas where parking is available:
 - The middle school, high school, and Ms. White's 7-acre field.
 - There will be parking attendants at all the parking sites.
- There will be a \$10 parking fee per car for parking on the event areas field:
 - Parking is free if the shuttle service at the three locations is used.
- There will be three shuttles running this year and they will not be using Highway 213;
- Parking will come from one section that will divide into four lanes;
- A QR code shows the addresses of all the parking areas and other event information;
- The event's website outlines the parking breakdown and emphasizes that stopping on Highway 213 is not permitted;
- There is no intention of going above 5,000 visitors a day;
- This year there will be only online ticket sales, with no refunds; and
- More parking has been created for the event's participants.

Board discussion:

- Neighbors stated they are posting 'No Parking' signs at their own expense:
 - Ms. White is willing to hand out and post signs for their neighbors.
- Individuals will still park on the side of the highway, and it will need to be addressed by Ms. White and the contracted parking service; and
- Suggest using electronic signs stating no parking leading up to the event.

Ron Etzel:

- Mr. Etzel did not send in a complaint to shut down the event:
 - There was just frustration as he was stuck in the traffic.

- July 22, 2023, on Highway 213 there were signs regarding the event's congestion:
 - Within half a mile of Valley View Road traffic moved slowly; and
 - Most stuck in traffic were waiting to turn on to Valley View Road.
- Northbound vehicles were turning into southbound lanes to pass;
- Pedestrians parked on the side of the road and were walking on the shoulder;
- The situation was unsafe and that is why a letter was submitted; and
- Later the southbound lane cleared but the northbound lane still had traffic.

Board discussion:


- Highway 213 is a state road and ODOT needs to provide enforcement signage for the event;
- Oregon State Police (OSP) help with some traffic mitigation last year because of complaints that came forward;
- Will speak with ODOT regarding placing signs on Highway 213:
 - ODOT will give the applicant the permission to place the signs.
- There are no contracted services for the event with the OSP or MCSO:
 - Will reach out to OSP to see what their plans are.
- Reaction will depend on the call load of OSP and MCSO during the event;
- MCSO can write tickets if there are violations;
- MCSO does contract with other summer events for services:
 - This was not done for this event and requires further discussion; and
 - There are not always resources available.
- MCSO Traffic Safety team and OSP will be made aware of the event dates;
- Approve the permit with the following conditions:
 - MCPW to speak to ODOT regarding allowing signs on the highway;
 - Signs must be placed at the applicant's expense; and
 - Signs will allow enforcement to enforce.
- The applicant can do the following:
 - Work with ODOT and Marion County regarding sign placement; and
 - Have individuals out in the area ensuring rule enforcement.
- A highway with a shoulder or safe area can be stopped and/or parked at:
 - If not, then it is illegal to do so.
- Parking on public rights-of-way cannot be restricted, even if in front of a private property:
 - Parking on a property goes beyond parking in a 'No Parking' area and becomes trespassing.
- Parking over fog lines is illegal and a hazard:
 - A ticket can be written, and the vehicle can be towed.
- The signs should state 'No Parking' and not state specifically 'No Event Parking';
- The MCSO Traffic Safety team will not be dedicated to this event, but they can be made available, especially on the first day;

- The conditions will be as follows:
 - Applicant to coordinate with Marion County and ODOT to post reader boards and signs adjacent to properties; and
 - Someone to monitor the highway to ensure rules are enforced.


Motion: Commissioner Bethell moved to approve a Mass Gathering (MG) permit Case #24-001/Whitewind Productions, LLC, with added conditions of use. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Cameron closed the public hearing.


Commissioner Cameron adjourned the meeting at 10:42 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at
<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>