

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 26, 2020  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

**PRESENT:** Commissioner Sam Brentano and Commissioner Kevin Cameron. Also present were Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

**ABSENT:** Commissioner Colm Willis

Commissioner Brentano called the meeting to order at 9:00 a.m.

**PUBLIC COMMENT**

None.

**PRESENTATION**

*(Video Time 00:00:48)*

COVID-19 (Novel Coronavirus) update. –Alisa Zastoupil

- Ms. Zastoupil reported the following updates for the COVID-19 pandemic as of 8:00 a.m. on Wednesday, August 26, 2020:
  - There are currently an estimated 3,587 cases within the county:
    - The estimate includes confirmed positive and presumptive cases.
  - An estimated 3,433 individuals have tested positive; and
  - An estimated 37,815 individuals have been tested.
- The percent positivity rate for the week of August 22, 2020, is estimated at 7.9 percent;
- The county has been removed for the Oregon Health Authority Watch List;
- Marion County Health and Human Services (MCHHS) has received an estimated 119 reopening blueprints from schools:
  - An estimated 93 blueprints have been reviewed;
  - Schools that submitted blueprints will receive letters of attestation;
  - Multiple schools have opted for on-line comprehensive distance learning; and
  - The county is currently not meeting the required school metrics that have been set by the Oregon Health Authority.
- MCHHS is working on contracts to increase the following:
  - COVID-19 testing; and

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- Vaccine distribution for the following:
  - Flu; and
  - COVID-19, when it becomes available.

***Board discussion:***

- MCHHS continues to see sporadic case counts;
- Oregon’s statewide case counts have decreased;
- Case counts may increase as more establishments reopen;
- Commissioner Cameron expressed his concerns with getting support for more COVID-19 testing and information for the communities:
  - Woodburn Ambulance will be hosting testing events on the following dates:
    - August 31, 2020; and
    - September 1, 2020.
  - Weekly testing will be available in the City of Salem area starting September 9, 2020;
  - MCHHS anticipates contracting with other partners to increase testing; and
  - A request for more tests may be submitted to the Oregon Health Authority.
- Commissioner Cameron expressed his appreciation to MCHHS staff for their hard work:
  - The detailed information provided by MCHHS has been informative and helpful.
- Community partners can apply for grants to assist with some of the following:
  - Contact tracing; and
  - Testing.
- An estimated 1,000 mask kits will be distributed by the Marion County Sheriff’s Office;
- The majority of increased positive cases have been a result of the following:
  - Social gatherings; and
  - Family living situations.
- Commissioner Brentano stated the school metric requirements are difficult to accomplish; and
- Commissioner Brentano expressed his concerns regarding the potential release of an estimated 400 incarcerated individuals from prison:
  - Marion County’s resources should only be used for Marion County residents.

**CONSENT**

*(Video Time 00:10:29)*

**BOARD OF COMMISSIONERS**

**OLCC Application – Recommended Approval**

Micheladas y Antojitos El Perico, LLC – dba, Micheladas y Antojitos El Perico

**HUMAN RESOURCES**

Approve a recommendation to establish and adopt the classification of Controller at pay grade 02.A33.

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PUBLIC WORKS

Approve an order initiating the consideration of adopting the Aurora-Donald Interchange Area Management Plan into the Marion County Rural Transportation System Plan and scheduling a public hearing for September 30, 2020.

TREASURER'S OFFICE

Approve an order distributing Oregon State Forestry timber revenue in the amount of \$478,399.40 as per ORS Chapter 530.

***Board discussion:***

- Commissioner Brentano is pleased to see the Aurora-Donald Interchange Area Management Plan moving forward;
- A public hearing to consider adopting the plan is scheduled for September 30, 2020;
- The Oregon Forestry timber revenue is generated from timber that is cut on state forest land that is located within Marion County;
- The county will receive an estimated \$154,177.39 in timber revenues;
- Some school districts will receive income from the timber revenues; and
- Not all Oregon counties will receive timber revenue.

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

**ACTION**

*(Video Time 00:12:47)*

PUBLIC WORKS

1. Consider approval of the Purchase Order (PO) with Withnell Dodge in the amount of \$116,213.23 to purchase a replacement service truck for the Marion County Public Works (MCPW) shops. –Dennis Mansfield

***Summary of presentation:***

- The PO is part of the annual medium and heavy equipment replacement plan;
- Funding for the purchase will be provided by the county's road fund;
- MCPW has a service truck that is at end of life and is due for replacement;
- MCPW utilizes two service trucks that go out into the field to repair various county vehicles:
  - Field repairs play a critical role in servicing and maintaining equipment used in road maintenance operations; and
  - Equipment repairs assist with keeping road maintenance operations progressing.
- The PO is for an estimated \$116,213.23;
- MCPW received three quotes for the vehicle;

- Withnell Dodge submitted the lowest bid; and
- MCPW recommends approval of the PO with Withnell Dodge.

**MOTION:** Commissioner Cameron moved to approve the Purchase Order Contract with Withnell Dodge in the amount of \$116,213.23 to purchase a replacement service truck for the Marion County Public Works shops .Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:15:21)*

2. Consider approval of the Purchase Order (PO) with Gresham Ford in the amount of \$400,304.62 to purchase 11 light duty fleet vehicles for the Sheriff's Office. –Dennis Mansfield

**Summary of presentation:**

- The PO with Gresham Ford is for the purchase of 11 all-wheel drive police interceptors;
- The purchase is part of the county's annual light duty fleet replacement plan:
  - An estimated 30 to 40 vehicles are scheduled for replacement in 2020:
    - The estimate includes 11 police interceptors.
- In a research study, MCPW compared the Oregon State Price Agreement to market pricing:
  - Pricing for the two entities was relatively close;
  - The county made the decision to continue using the state pricing agreement in 2020;
  - The Oregon State Price Agreement for vehicles is due to expire in 2021; and
  - The county is considering using bids from businesses not associated with the state pricing agreement in 2021 to determine if pricing is lower.
- The PO with Gresham Ford is for an estimated \$400,304.62; and
- Staff recommends approval of the PO with Gresham Ford.

**Board discussion:**

- Commissioner Cameron is pleased that MCPW will be reviewing market pricing in 2021 for best value options; and
- The expense to outfit a police interceptor with equipment is estimated to be \$11,000 to \$12,000 per vehicle.

**MOTION:** Commissioner Cameron moved to approve the Purchase Order with Gresham Ford in the amount of \$400,304.62 to purchase 11 light duty fleet vehicles for the Sheriff's Office. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

The commissioners convened at 9:18 a.m.  
The commissioners reconvened at 9:30 a.m.

## PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:18:49)

### PUBLIC WORKS

A. Public hearing to consider Administrative Review Case #20-022/Turner Extension of Water/Copple, Lowder, and Loggan. –Brandon Reich

#### ***Board discussion:***

- Commissioner Brentano stated for the record that a family member requested he review some documents:
  - He did not know the people associated with the documents;
  - He had no financial interests in the documents; and
  - He did review the documents.

#### ***Summary of presentation:***

Brandon Reich:

- The application is for an Administrative Review to determine if the extension of water from an existing city utility facility is consistent with Marion County Comprehensive Plan Rural Services Policies, Special District Policy #7;
- Three property owners currently share an existing well, which is not producing enough water to supply all three homes;
- A new well was drilled with levels of the following chemicals being identified in the water:
  - Arsenic;
  - Sodium; and
  - Alkaline:
    - Low flow water levels make it difficult to remove the chemicals.
- The applicants are requesting to create a water service connection to existing water lines that are currently serving the City of Turner:
  - The connection would provide water for all three properties.
- The City of Turner supports the application request;
- The applicants have considered placing a holding tank on the properties and obtaining water from a domestic water service as an alternative to receiving water from the City of Turner:
  - It was determined that receiving water from a domestic water service was both expensive and unreliable:
    - Property owners would be dependent on the supplier's schedule and their availability.
  - Three property owners connected to one well proved to be an additional challenge:
    - It is difficult to establish one additional well to supply three properties;
    - Establishing three additional wells to serve each household is equally challenging; and

- Receiving enough water from a water delivery service to supply three households in a timely manner would be the biggest challenge.
- Evidence provided by the applicants' entails the following:
  - Two well drillers confirmed that it is difficult for wells in the area to produce an adequate water supply for domestic use;
  - An additional well was drilled on the property with levels of alkaline, high sodium, and arsenic identified in the water:
    - The arsenic levels exceeded the Environmental Protection Agency (EPA) drinking water recommendation; and
    - A water lab reviewed the results and determined contaminant cleanup would be difficult due to low water level flow.
  - A hydrogeologist found that the area geology did not produce adequate water supplies for domestic use and over time property owners may see a decline in water levels;
  - The City of Turner has agreed to provide municipal water to the three properties; and
  - The initial expense to establish water service and obtain water over a long period of time from the city is more cost effective than other options the applicants have considered.
- Oregon Administrative Rules allows for the extension of water service to rural lands, provided the service meets certain criteria and that it does not increase the density of rural development;
- The applicants' properties are zoned Special Agriculture;
- No increase in the base density is proposed;
- No additional residential development is being considered; and
- Staff recommends the following:
  - The board close the hearing;
  - Close the record; and
  - Find that the extension of municipal water service is consistent with Marion County Comprehensive Plan Rural Services Policies, Special District Policy #7, subject to conditions.

***Board discussion:***

- The request is specific to the three applicants' land parcels:
  - If approved the request will only apply to the three existing properties.
- The minimum lot size is 80 acres;
- There are properties within the county that are in water limited areas that have encountered the same issues:
  - The state has not declared the land parcels as limited ground water areas;
  - The ground water areas are not covered under the county's ground water overlay zone;
  - A decline in well water levels over the course of time has been detected; and
  - Arsenic found in well water may be untreatable or too expensive to treat.

- Well water issues that the applicants have encountered include the following:
  - Low quantities; and
  - Poor quality.
- Existing well options include the following:
  - If approved, the existing well may be abandoned once it is no longer in use:
    - It is part of the state's permitting process; and
    - A well driller will register the well abandonment with the Oregon Water Resources Department.
  - The existing well may be retained for some of the following:
    - Watering lawns; or
    - Watering gardens.
- Property owners will need to create a permanent connection from the living structure to the city's water source:
  - A plumbing permit is required for the connection; and
  - Property owners will have only one of the following options for the living structure:
    - Using well water; or
    - Using the city's water system:
      - The living structure can only have one source of water.

*Testimony:*

*Support:*

Tye Copple, Turner, Oregon:

- Mr. Copple stated the water issue has been a five year process;
- Two wells and one water storage tank are currently located on the estimated seven acre property:
  - It is estimated that one water well started failing in 2015;
  - A water outage required the drilling of a second replacement water well in February, 2020:
    - The replacement water well failed in July, 2020.
  - The storage tank located on the property is supplemented with off-site water.
- The Oregon Water Resources Department (OWRD) tested Mr. Copple's water well in approximately 2016:
  - He stated he was advised that declaring the property a water sensitive area would entail encompassing a significantly larger area of properties, not just Mr. Copple's seven acres:
    - Mr. Copple stated he did not want his water issues affecting other area properties or his neighbors.
  - Mr. Copple requested a letter from the OWRD detailing his property's water issues.
- Mr. Copple stated it is unknown how much water each of the three properties is consuming; and

- An incident such as a broken water pipe can significantly impact the three households when the water source for all three households is only 3,000 gallons.

Shay Cople:

- Ms. Cople stated it is difficult to raise four children and over 30 pigs on property that has a limited water source:
  - It has been a large financial burden for the family; and
  - The family is willing to fund all necessary expenses needed to create a water service connection to the City of Turner’s existing water lines.

**Board discussion:**

- This item was presented and discussed at a Management Update meeting;
- Testimony from the property owners has clarified the issue;
- Approval of the Administrative Review will not harm others; and
- It may improve the safety, health, and livability of the applicants and their families.

**MOTION:** Commissioner Cameron moved to close the public hearing and approve Administrative Review Case #20-022/Turner Extension of Water/Copple, Lowder, and Loggan. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous

Commissioner Cameron read the calendar.

Commissioner Brentano adjourned the meeting at 9:40 a.m.

**NOT PRESENT AT MEETING**

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CHAIR

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COMMISSIONER

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COMMISSIONER

**Board Sessions can be viewed on-line at**

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>