



# Management Update Minutes

**Monday, October 28, 2019, 9:00 a.m.**

Courthouse Square, 555 Court St. NE, Salem  
5th Floor, Suite 5232, Silverton Conference Room

## ATTENDANCE:

Commissioners Sam Brentano and Colm Willis, Jan Fritz, Jane Vetto, Scott Norris, Brian Nicholas, Cary Moller, Brandon Reich, Joe Miller, Joe Fennimore, Chris Trussell, Dan Danicic, LeAnne Aurand, Katrina Rothenberger, Alisa Zastoupil, Lisa Trauernicht, Barb Young, Chad Ball, Jolene Kelley, and Kristy Witherell as recorder.

Jan Fritz called the meeting to order at 9:00 a.m.

## INFORMATIONAL:

### **Discuss Environmental Health Enforcement Duties Regarding Unlicensed Food Vendors and Private Drinking Water Wells**

- Cary Moller, Katrina Rothenberger, and Alison Zastoupil

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

- The county has encountered vendors in the Cities of Woodburn and Salem selling food without licenses in front of licensed establishments:
  - The county received complaints;
  - Prompted Health and Human Services to look at their policy and process regarding health licenses;
  - Health and Human Services advised the businesses to stop selling food:
    - The vendors continued to sell food; and
    - Will sell after hours so they are not caught.
  - Health and Human Services is seeking direction on enforcement:
    - There is a provision in the food sanitation rules that states that the county can issue civil penalties or misdemeanors.
  - The businesses did receive cease and desist letters from the county;
  - There are full-time staff that works weekends and evenings inspecting restaurants;
  - Legal Counsel reached out to other counties that have encountered this issue, and businesses ignore the fines and cease and desist letters;
  - The fines could go through the Justice Court;
  - Staff recommends looking at a formalized cease and desist education process:
    - If the letter is ignored, the county will seek injunctive relief at the circuit court level:

- Will allow pursuing a contempt action if the vendor continues to ignore the penalties.
- Legal Counsel is currently reviewing OAR and ORS's to come up with the best enforcement options.

***Board discussion:***

- The county health inspectors obtain information from the vendor of who the owner is:
  - Will check business licenses or Secretary of State filing to find actual names and addresses; and
  - Health and Human Services is working with City of Woodburn Code Enforcement to stop the vendors from selling food unlicensed.

***Summary of presentation:***

- A private property owner requested that their well be declared a health hazard:
  - Marion County's Comprehensive Plan does not allow cities to extend water services outside the Urban Growth Boundary unless there is a demonstrated health hazard;
  - The well serves three properties;
  - The owner stated that he isn't getting enough water:
    - The owner is receiving a gallon of water per minute, which is enough to serve the three homes.
  - The owner would like to receive city water;
  - The property owner has had well drilling companies come out and drill a new well:
    - The northeastern portion of the City of Turner is notorious for low yield wells; and
    - Has been unsuccessful in drilling a new well.
  - There may be concern of sediment issues with the well;
  - There are two public health laws that allow various public health officials to intervene in these situations:
    - The agency that has control of water issues to properties that are inside the Urban Growth Boundary, but outside city limits is the county;
    - The agency that has control of water issues to a property that is outside of the Urban Growth Boundary is the Oregon Health Authority (OHA); and
    - Through a review process, OHA can order the formation of special districts, or order that various localities provide water services.
  - Based on location of this property being outside of the Urban Growth Boundary, it can be outside of the county's control or influence;
  - There is an ability to do an administrative review of the comprehensive plan if the City of Turner agrees;
  - Staff recommends that the county reach out to the City of Turner to see how they would like to proceed;
  - There are two routes for the properties to get water:

- The OHA can tell the county that they must find a service to provide water:
  - The comprehensive plan states that all cities can expand water beyond their Urban Growth Boundary if they choose.
- Marion County would need to document reasons for decommissioning the well.
- There is a main sewer line that goes through the property, which the city installed for future growth in the area;
- The City of Turner stated that the county would need to make the determination that they are willing to approve the water extension:
  - If the county does that, the pressure is on the city to provide the water and connection.
- Brandon Reich is working with the City of Turner and the property owner to come to an agreement:
  - Looking for the city to provide water;
  - If the property owner is willing to pay fees; and
  - The county is willing to consider a process to allow the water to be extended.
- The property borders the Urban Growth Boundary.

***Board discussion:***

- The commissioners don not believe a lack of well water constitutes a public hazard;
- There are cases of measles in Washington County and Lane County; and
- Local hospitals have been put on notice to receive patients from California who have been affected by the wildfires.

**Discuss Obtaining a Writ of Assistance for Tax ID #R47826, located at 1758 Aguilas Court NE, Salem**

- LeAnne Aurand

***Summary of presentation:***

- In September 2018, Mr. White provided individuals on the tax foreclosure list information on assistance for paying back taxes and new housing options;
- Mr. White spoke with the daughter of the property owner who stated that she would reach out to Oregon Homeowner Stabilization Initiative (OHSI), which she did in November 2018;
- OHSI was unable to approve them for the program and asked that the Finance Department hold off on the foreclosure proceedings so they could work with them to get their issue figured out;
- As of April 2019, OHSI had not heard from the family;
- In June 2019, there was a complaint from the elementary school that there were questionable individuals in and out of the property who were making contact with the children walking by;
- Ms. Aurand attempted to deliver a letter to the property owner in August 2019, which was unsuccessful:
  - Sent a certified letter to the property owner stating that OHSI is still willing to work with them; and

- The property owner did not contact the county.
- The county foreclosed on the property and gave them 30 days to vacate, which they have not done; and
- Staff is requesting the Writ of Assistance to have them removed from the property.

***Board discussion:***

- The commissioners approved the Writ of Assistance.

**Review Proposed East Park Estates Development Agreement**

- Brian Nicholas, Daniel Danicic

***Summary of presentation:***

- The county has approved the waterline construction permit:
  - The contractor is planning to start in early November; and
  - It will be night construction work to limit traffic impacts.
- The City of Salem has issued their approval for development:
  - Conditions include the following:
    - The county will build the frontage improvements; and
    - Address State Street and Auburn Road intersections.
- The county is in the process of creating the development agreement:
  - The county needs right-of-way acquisitions at the Auburn Road and State Street intersections;
  - The developer only has control of their property, and the county is needing right-of-way dedications on private properties surrounding the East Park Estates:
    - The county is hoping the developer will work with the private properties to allow for the acquisition of the right-of-way dedication.
- Options for reconfiguring the intersections are as follows:
  - Having the developer be the right-of-way agent, negotiating a cost for the easement:
    - If there is a negotiation failure, the county will step in and take the lead on condemnation process.
  - There is a need for the county to start on right-of-way acquisition in the county portion of Auburn Road and State Street.

***Board Discussion:***

- Public Works will make sure that they have fine-tuned the signal pole locations as close to the road as they can, so it does not interfere with the existing structures;
- The commissioners want the right-of-way conditions to be included in the county and developer agreement;
- Public Works does not have the staff resources to lead the right-of-way acquisition; and
- The commissioners would like the developer to be financially responsible for the right-of-way acquisitions.

## Discuss Recent Building Code Changes

- Chris Trussell, Brandon Reich

### **Summary of presentation:**

- In the last legislative session, a bill was passed that changed building codes in a significant way;
- It affects structures that are not commercial or residential;
- The legislature has exempted from the Oregon State Specialty Code certain items and Public Works can no longer require building permits for the following items:
  - Ground mounted photovoltaic solar arrays;
  - Floating structures and docks;
  - Portable fire extinguisher;
  - Public utility towers and poles; and
  - Dams and levees.
- The county can bring back the following permits into the code:
  - Fences:
    - Seven feet tall and higher.
  - Cell towers;
  - Flag poles;
  - Signs; and
  - Equipment shelters.
- There are conditions on land use when the solar arrays were approved that Public Works will continue to implement;
- The county is not recommending permit requirements on cell towers;
- There are two processes:
  - The county process:
    - Deciding on what permits to bring back into the building code.
  - The city process:
    - The Building Inspection Division issues permits to most of the cities within the county;
    - The cities take in permits for what they would like to regulate:
      - Sends the permits to the Building Inspection Division for review; and
      - City will issue the permit to the property owner.
    - Each city will need to adopt a code on what they would like to continue to regulate.
- Public Works will come back to Management Update in November with recommendations of what the county should add back into the code:
  - Will come before the board in December at a Board Session with a proposed ordinance.
- Mr. Trussell met with city planners on October 23, 2019, to inform them of building code changes:
  - Mr. Reich will contact the city administrators and fire districts.
- There may be a dual fee based structure due to the county requiring permits for things that are not required by the state; and
- Legal Counsel is working on the appeals process.

## **Mid-Valley Garbage & Recycling Association Cost of Service Analysis (COSA) Update**

- Brian May, Dennis Mansfield

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

- Through the annual COSA, the haulers put forward their costs and revenues in detail to a third party consultant:
  - The consultant conducts an evaluation and combines the information to bring forward to Public Works for a rate review process.
- Public Works hired a consultant to do an evaluation of the COSA;
- Through the process, the haulers stated that in the Marion County rural service area, a hauler has an issue with the COSA:
  - The hauler is in a need of a price increase.
- Public Works is giving the hauler a deadline of the end of December for the complete review process to be done;
- Currently only Salem, Keizer, and Marion County does a COSA service analysis:
  - Other jurisdictions rely on the hauler to come forward to provide financial information.
- Public Works would like to make improvements to the COSA process:
  - Working with the City of Salem to develop standards.
- Wants to create a process where other jurisdictions are involved in creating the standards.

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

- Currently there is not a standardization of COSA; and
- The commissioners do not want the county involved in creating standards for haulers.

## **Discuss Opening Browns Island Compost to the General Public**

- Brian May, Dennis Mansfield

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

- Public Works is trying to provide other options of disposing yard debris and wood waste;
- Salem-Keizer Transfer Station gets very busy with dumping household waste, which block people from accessing the yard debris and wood waste area;
- The intent is to set a rate structure for individuals who use Browns Island;
- It would need to be set by yard, not weight since there is not a scale at the yard;
- Public Works is recommending to set the minimum at \$15 for the first yard and a half, and \$10 per yard after that;
- Would like to sell compost to the customers:
  - Currently the county sells compost through a Request for Proposals process.
- Would like to charge the same as Fresh Start Market, which is \$20 a yard;
- Public Works will need to work with Legal Counsel regarding the rate structure:
  - Accepting materials; and
  - Selling materials.

- Scale attendants are trained on determining the yardage of debris people are bringing in; and
- Transfer stations will be able to notify individuals of the addition of using Browns Island:
  - Social media; and
  - Flyers.

COMMUNICATIONS

**Update**

- Jolene Kelley

**Summary of presentation:**

- Ms. Kelley gave a brief update of upcoming scheduled events and communications activities; and
- Traditionally the commissioners have given a Commissioner’s Day to employees that falls within the holiday timeframe:
  - Commissioner’s Day is included in one of the union contracts;
  - The dates that employees can use Commissioner’s Day is November 15, 2019 – January 31, 2020;
  - Part-time employees are given a partial day off;
  - It is not extended to temporary employees; and
  - The commissioners approved Commissioner’s Day.

COMMISSIONERS’ COMMITTEE ASSIGNMENTS AND UPDATE:

Colm Willis:

- Attended the Mid-Willamette Homeless Initiative meeting;
- Attended the Oregon Infrastructure Conference; and
- Attended a tour of Health and Human Services with Representative Moore-Green.

Sam Brentano:

- Attended the Salem-Keizer Area Transportation Study (SKATS) meeting; and
- Attended the O&C Counties meeting with the Bureau of Land Management.

Meeting adjourned at 10:38 a.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: *Joanna Ritchie*