

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 25, 2014
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Sam Brentano, Commissioner Janet Carlson, and Commissioner Kevin Cameron. Also present were John Lattimer as chief administrative officer, Gloria Roy as county counsel and Kim Hulett as recorder.

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

ACTION
9:00 A.M.

Video Time (00:00:57)

BOARD OF COMMISSIONERS

A. Deliberation and Appointment of State Representative – House District 19.

Board discussion:

- All candidates have great qualifications, organizational skills, and were commended for going through the process;
- Selection of Denyc Boles was unanimous to fill seat of State Representative House District 19:
 - Strong leader over the years;
 - Confident;
 - Knows government process;
 - Has connections at all levels of government;
 - Serves constituents of district; and
 - Letters of support from Representative Vic Gilliam, Representative Sherrie Sprenger, and Senator Fred Girod.

MOTION: Commissioner Cameron moved to appoint Denyc Boles as the State Representative of House District 19. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PROCLAMATION

Video Time (00:15:49)

Consider approval of a proclamation designating June 23-29, 2014, as Amateur Radio Week in Marion County. – John Vanderzanden, Paul Guthrie, Marion County Amateur Radio Emergency Service

Summary of presentation:

- Amateur radio operators are active Marion County volunteers through Marion County Emergency Management:
 - Participate in regular emergency exercises;
 - Assist during actual emergencies; and
 - Provide services for community events including local parades, bike and walk-a-thons, fairs, and other charitable public events.
- Request commissioners designate June 23-29, 2014, as Amateur Radio Week in Marion County.

Board discussion:

- Amateur radio operators provide countless hours of volunteer services throughout Marion County:
 - Emergency communications, public service work and other benefits throughout the community and region.

MOTION: Commissioner Carlson moved approval of a proclamation designating June 23-29, 2014, as Amateur Radio Week in Marion County. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Mr. Guthrie then read the proclamation.

Video Time (00:46:42)

PUBLIC HEARINGS

9:30 A.M.

PUBLIC WORKS

A. Public hearing to consider mass gathering permit MG 14-001, Whitewind Productions, LLC, Clerk's File #5685. – Joe Fennimore

Summary of presentation:

- Submitted application to conduct small outdoor mass gathering event (Canterbury Renaissance Faire);
- Property zoned exclusive farm use (EFU) in the 6100 and 6200 block of Mount Angel Highway N;
- Mass Gathering Ordinance requires applicant to coordinate with various governmental agencies to ensure adequate facilities/ services available:
 - Marion County Public Works;
 - Sheriff;
 - Environmental Health;
 - Risk Management; and
 - Local fire district (Silverton Fire District).

- Government agencies reported event had been conducted for several years with no problems and conditions from previous years carried forward.
- Applicant states:
 - Sound amplification used for one hour at noon and again from 4-6 p.m;
 - Alcohol will be available;
 - Event to be held consecutive weekends in July, 19-20 and 26-27;
 - Estimated attendance 800-1000 per day; and
 - Faire scheduled from 10 a.m. to 6 p.m.

Board discussion:

- Sixth year Canterbury Renaissance Faire has been held with no problems.

Testimony:

- None.

MOTION: Commissioner Cameron moved to close the public hearing and approve the mass gathering permit, case #MG 14-001, Whitewind Productions, Clerk’s File #5685. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Video Time (00:54:30)

B. Continued – Public hearing to consider an amendment to the Marion County Comprehensive Plan amending the Salem/Keizer Urban Growth Boundary for land at Keizer Rapids Park. – Brandon Reich

Summary of Presentation

- City of Keizer proposing to expand Salem-Keizer Urban Growth Boundary (UGB) by approximately 58 acres for park land at Keizer Rapids Park:
 - 38 acres inside city limits, but outside the UGB;
 - 20 acres outside city limits and outside the UGB; and
 - Once acres included in UGB, city to begin master planning process to identify future uses.
- Oregon Revised Statutes and Oregon Administrative Rules require Keizer to use a 20-year planning period to determine needs for park land from 2012 to 2032;
- County last adopted countywide forecast in 2009 to 2030 and Keizer proposing to extend the adopted UGB forecast growth rate from 2030 to 2032;
- Method consistent with state law and projects a forecast of 48,089 for the year 2032;
- County reviews proposal because it affects rural land that would be brought into the UGB and coordinates a population forecast for Keizer for 2032:
 - County adopted resolution and scheduled public hearing for June 11, 2014; and
 - Board continued public hearing to June 25, 2014, to receive additional testimony.
- County to apply zone to property once inside the UGB and before annexed into the city;

- Keizer determined appropriate designation is Public in comprehensive plan and application of the Urban Public zone is consistent with comprehensive plan designation and purpose of the Public zone;
- Staff recommended the board approve amendments to Marion County Comprehensive Plan:
 - Concurring in UGB amendment to the Salem/Keizer UGB for park land at Keizer Rapids Park;
 - Coordinating a population forecast for Keizer of 48,089 persons for the year 2032;
 - Applying a Marion County zoning classification to the land added to the UGB; and
 - Direct staff to return with an ordinance reflecting the board's decision.

Testimony:

Nate Brown, City of Keizer Community Development Director

- Keizer implementing Master Plan to work in a coordinated manner with Marion County to adopt the Regional Plans and land use policies that have been established;
- Boundary drawn to reflect actions that Keizer has already taken; and
- Caretaker facility, dog park, and 28 acres that were formally the Buchholz property will be brought into UGB.

Board discussion:

- Six-acre conservation easement in Keizer Rapids Park purchased by Marion County;
- Master Plan developed for Keizer Rapids Park;
- Amphitheatre and boat ramp built;
- Dog park developed; and,
- Park host resides on property.
- Community build to create a destination playground in near future:
 - 3,000 children involved in designing process;
 - Currently fundraising; and
 - In the Master Plan.
- Keizer Rapids remains a regional park in Marion County when annexed by City; and
 - Marion County to continue partnership with Keizer;
- City provided trees/fencing to mitigate noise to neighbors; and
- City met with neighbors to address concerns and limit times of music.

MOTION: Commissioner Carlson moved to close the public hearing and that the board concur in the City of Keizer Urban Growth Boundary amendment and direct staff to prepare an ordinance approving an amendment to the Marion County Comprehensive Plan by concurring in an amendment to the Salem/Keizer Urban Growth Boundary for 58 acres of park land needs, and adopting a coordinated 2032 population projection for the City of Keizer of 48,089. Commissioner Carlson further moved that the board concur in the re-designation of the property newly added to the UGB from a Marion County Comprehensive Plan rural designation of Primary Agriculture to a City of Keizer Comprehensive Plan urban designation of Park and approve the rezoning of the property from a Marion County Rural Zoning designation of Exclusive Farm Use to a Marion

County Urban Zoning designation of Public. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

PRESENTATION

Video Time (00:25:11)

2014 Marion County Fair – Tami Goettsch, Karen Bledsoe

Summary of presentation:

- Theme of the fair is “Fun for the Whole Herd” and
- 2014 Marion County Fair PowerPoint presentation (attachment A).

PUBLIC COMMENT

Video Time (01:13:30)

Attorneys Billy Dalto and Kevin Jacoby

Summary of comments:

- Attending on behalf of client Wyatt Pioneer Square II, LLC and Wyatt Pioneer, LLC;
- Addressed the proposed noise ordinance that proposes to amend the county noise code;
- Requested that board consider delaying vote to allow more time to address the actual issue;
- Summarized issues included in letter to the commissioners and chief administrative officer (attachment B):
 - No opposition by client to control noise; and
 - Must be careful who is targeted.
- Proposed amendment raises serious questions that need to be considered;
- Decision will affect dozens of Marion County businesses:
 - Entertainment businesses and distribution centers; and
 - Address the law of unintended consequences.

Board discussion:

- Client is property owner of shopping center where Remmy’s Nightclub is located; and
- Client is landlord and has no interest in business.

CONSENT

Video Time (01:22:56)

BUSINESS SERVICES – HUMAN RESOURCES

Approve recommendation to reclassify upward a management analyst 2 to a mental health specialist 3, Mid-Valley Behavioral Care Network.

FINANCE

Approve an Encroachment easement on lot 5; block 8 of the Candalaria Heights subdivision in Salem (tax account #R68023).

Approve an intergovernmental agreement with the Marion County Housing Authority for a loan of \$120,000 to assist with necessary operational expenses.

Approve a quitclaim deed to convey real property located at 799 N. 2nd Street, Woodburn.

HEALTH

Approve an order reappointing Trish Davis, Wendy Hollihan, Cari Fiske-Sessums, Robert Thomas and Ray Wilson to the Local Alcohol & Drug Planning Committee to a term ending June 30, 2016.

Approve amendment #4 to the contract with Cascade Career Services, Inc. for \$14,000 for supported employment services and extension until August 31, 2014.

JUVENILE AND COMMUNITY SERVICES

Approve amendment #1 to the intergovernmental agreement with the State Department of Education for \$206,911 for crime prevention through June 30, 2015, and \$47,192 for youth investment through August 30, 2014.

PUBLIC WORKS

Receive hearings officer's decision approving zone change, ZC14-001, Phoenix Investment Group, Inc., Clerk's File #5686.

Approve three-year contracts for the purchase of rock product with X-Rock, LLC, Windsor Rock Products, River Bend Sand and Gravel, PNP Properties, Northrock Inc., Knife River Corporation NW, K&E Rock Products, Hupp Farms, Crabtree Crushing, Inc. and Baker Rock Resources.

Approve three-year contracts for the purchase of asphalt concrete and asphalt with River Bend Sand and Gravel, Knife River Corporation NW, Houck Construction, Inc. and Baker Rock Resources.

SHERIFF

Approve amendment #1 to the memorandum of understanding with the District Attorney's Office for \$89,781 for the Justice Reinvestment funds and extending the agreement through June 30, 2015.

Approve amendment #1 to the memorandum of understanding with the Marion County Health Department for \$238,907 for Measure 57 funds and extend the agreement through June 30, 2015.

Approve amendment #5 to the contract with Correct Rx Pharmacy Services for \$220,000 for pharmaceutical services and extend the agreement through June 30, 2015.

Approve amendment #3 to the intergovernmental agreement with the City of Jefferson for \$307,245 for patrol services and extend the agreement through June 30, 2015.

TREASURER

Approve a resolution closing the petty cash fund for the District Attorney Support Enforcement Division due to lack of need.

MOTION: Commissioner Cameron moved approval of the consent calendar. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous

ACTION

Video Time (01:59:00)

PUBLIC WORKS

1. Consider approval of an intergovernmental agreement for \$5,000 and a resolution authorizing acquisition and condemnation for the Delaney Road Project with the Oregon Department of Transportation (ODOT). – Cindy Schmitt

Summary of presentation: (Action items 1 and 2 presented together)

- Project is the improvement of Delaney Road in the City of Turner:
 - Includes bicycle lanes and sidewalks.
- Delaney Road under maintenance jurisdiction of Marion County and within Turner city limits;
- County entered into intergovernmental agreement with city to perform preliminary engineering, right-of-way, and construction administration services;
- County should obtain environmental closeout in late June and right-of-way acquisition phase would follow;
- Right-of-way services agreement required between ODOT and county prior to initiating this phase of project;
- Due to federal funding for the right-of-way phase there is an additional requirement that the board approve a resolution exercising the use of eminent domain:
 - Used only if no satisfactory agreement can be reached with property owners.
- Action Item #2 is the proposed amendment #1 to the intergovernmental agreement that changes eminent domain from a city obligation to a county obligation;
- Project has 19 parcels that would have right-of-way filings and would need temporary construction easements with property owners; and
- 16 of the 19 parcels require acquisition of some permanent roadway easement to complete project.

Board discussion:

- Too early in project for condemnation issues;
- County will be make right-of-way offers and deal directly with property owners; and
- Owners have concerns about project and impact to their property.

MOTION: Commissioner Cameron moved approval of an intergovernmental agreement for \$5,000 and a resolution authorizing acquisition and condemnation for the Delaney Road Project with the Oregon Department of Transportation.

Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

2. Consider approval of amendment #1 to the intergovernmental agreement with the City of Turner for the county to manage the right-of-way phase in the Delaney Road project. – Cindy Schmitt

MOTION: Commissioner Cameron moved approval of amendment #1 to the intergovernmental agreement with the City of Turner for the county to manage the right-of-way phase in the Delaney Road project. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Video Time (02:05:05)

3. Consider approval of an ordinance governing school speed zones, by emergency procedure. – Cindy Schmitt, Scott Norris

Summary of presentation:

- Establishes rules governing school speed zones on county roads in unincorporated areas;
- Purpose is to establish rules for signage of school zones on county roads and a process for the board to review signage at a particular location;
- Definition of “school speed zone,” is a special 20 mile per hour speed zone within a school zone identified by signs, with or without flashing lights;
- General rule for ordinance is all county roads abutting school grounds in unincorporated areas of Marion County shall be signed as school speed zones;
- Board may order installation of school zone signage when reviewing a particular location;
- Exception to the general rule for a segment of road that abuts school grounds that do not provide direct vehicle access and students do not regularly use as a route to walk or bike to school;
- Public or private schools may ask the county for installation of flashing lights and board may authorize installation;
- Board shall be informed of any changes to school zone signage;
- Public Works is required to inform board when a school zone sign, school speed zone sign, or flashing light is installed, replaced, or relocated for any reason; and
- Director of Public Works in conjunction with the Sheriff, can bring specific concerns about a specific location to the board for direction after all interested parties have attempted, but are unable to negotiate a resolution.

Board discussion:

- Board summarized how changes to the ordinance transpired;
- Legislation was passed to define early childhood education programs as rural schools to receive school zone signage;
- Signs removed in the county based on guidance from ODOT;
- Signs addressed following a tragic accident at Cascade High School;

- Board of Commissioners is road authority under law and can set parameters for location of signs; and
- Flashing lights are the preferred alternative because the school can set the time frame.
MOTION: Commissioner Carlson moved the chair read the ordinance by title only twice. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Brentano read the ordinance by title only twice.

MOTION: Commissioner Carlson moved approval of an ordinance governing school speed zones, by emergency procedure. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Video Time (01:29:30)

4. Consider approval of an ordinance amending the Noise Code provisions, by emergency procedure. – Joe Fennimore, Bruce Armstrong

Summary of Presentation:

- Staff reviewed the difference between the Salem Code and the Marion County Code for areas inside the urban growth boundary (UGB) of Salem-Keizer;
- County Noise Ordinance has specific exemptions for permitted industrial and commercial uses, but Salem Code does not;
- County staff received complaints that certain commercial uses within the Salem-Keizer UGB were causing disturbances because of exemption;
- Proposed code amendment would allow enforcement for prohibited sounds made in conjunction with permitted commercial uses inside the Salem-Keizer UGB;
- Exemption would remain for areas outside the UGB; and
- Amendment includes clarification that recreational vehicles lawfully occupied constitute “dwelling units” under Noise Code.

Board discussion:

- Issue first discussed at May 19, 2014, Management Update meeting;
- Staff was directed to bring back options to be considered by the board at June 16, 2014, Management Update meeting;
- Board directed staff to move forward with a change to the exemptions that existed, add clarifying language, and return to the board session today;
- Code amendment only changes exemption and does not change enforcement process;
- Sheriff’s Office made multiple contacts with tenant and reported mediation was unsuccessful; and
- Discussion regarding delaying approval of ordinance so legal counsel can reply to questions in the letter from Mr. Dalto.

MOTION: Commissioner Carlson moved to schedule a public hearing regarding the noise ordinance for Wednesday, July 9, 2014, at 9:30 a.m. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Video Time (02:19:35)

BOARD OF COMMISSIONERS

5. Consider acceptance of the Courthouse Square Contract Close Out Report. – John Lattimer, Jan Fritz, Peggy Mitchell, Ken Oliphant

Summary of presentation:

- Marion County and Salem Area Mass Transit have moved back into Courthouse Square;
- Design-build contract contained provisions that Structural Preservation Systems, LLC, would provide certain documentation at close out of project;
- Report provides a summary of entire project and incorporates required final close out documents into the design-build contract and includes:
 - As-built drawings;
 - Specifications;
 - Requests for information;
 - Submittals; and
 - Several other documents contained in the report.
- Documents became part of the design-build contract as they were reviewed and approved through the construction project;
- All amendments and change orders for the project were brought before the board for approval; and
- The report is a vehicle to introduce project contract documents into the record.

Board discussion:

- Board provided brief summary of entire Courthouse Square project.

MOTION: Commissioner Cameron moved to approve the Courthouse Square Contract Closeout Report. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Brentano read the weekly calendar.

Commissioner Brentano adjourned the meeting at 11:40 a.m.

Attachments: (A) 2014 Marion County Fair PowerPoint
(B) Letter from L.G. Billy Dalto

CHAIR

COMMISSIONER

COMMISSIONER

