

OARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 6, 2025
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

ABSENT: Jan Fritz, chief administrative officer

Commissioner Bethell called the meeting to order at 9:02 a.m.

(Video Time 00:04:38)

PUBLIC COMMENT

Ron Sterba:

- Mr. Sterba is from the Sitka Neighborhood association;
- Mr. Sterba expressed the following:
 - Concerned with the annexation of a parcel at Cordon Road and Highway 22;
 - Need an interchange at Cordon Road due to rapid area growth and increased traffic;
 - There are three bridges that are not built to withstand earthquakes:
 - Deer Park Drive;
 - Cordon Road; and
 - Lancaster Drive.
- Commissioner Colm Willis introduced Lani Radtke to Mr. Sterba:
 - Ms. Radtke is the County Engineer.

(Video Time 00:09:02)

CONSENT

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BOARD OF COMMISSIONERS

Board Committee Appointment – Mental Health Advisory Committee

1. Approve an order reappointing Michael Mann to the Marion County Mental Health Advisory Committee (MHAC) with a term ending June 30, 2029.

BUSINESS SERVICES

2. Approve and adopt amendments to the Marion County Health Insurance Portability and Accountability Act (HIPAA) Task Force Charter.

HEALTH AND HUMAN SERVICES

3. Approve Amendment #1 that reinstates the incoming funds Intergovernmental Agreement with the Oregon Health Authority (OHA) and adds \$419,209 for a new IGA total of \$1,693,733 to provide oversight and care coordination for MHS 06, Choice Model Services through December 31, 2025.

INFORMATION TECHNOLOGY

4. Approve a Purchase Order with Mythics, LLC in the amount of \$2,573,430 for Enterprise Resource Planning (ERP) implementation software through August 6, 2030.

PUBLIC WORKS

5. Approve an order to formally remove all current members of the Solid Waste Management Advisory Council (SWMAC) as a structural step in the reorganization process to establish a focused, efficient, and mission-driven body.
6. Approve an order to rename the Solid Waste Management Advisory Council (SWMAC) to the Materials Management Advisory Council (MMAC) to support a modernized mission and membership framework that addresses current and future materials management challenges.

SHERIFF'S OFFICE

7. Approve Amendment #2 to the incoming funds Participating Agreement with the United States Department of Agriculture – Forest Service to add \$99,750 for a new agreement total of \$171,750 for the county to provide Adults-in-Custody (AIC) work crews for lake sweeping services for Detroit Lake and post-fire

clean up at state parks located in the Willamette National Forest through September 30, 2027.

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

(Video Time 00:11:08)

ACTION

PUBLIC WORKS

8. Consider approval of an order that allows the Marion County Public Works Director to establish a Local Access Road Continuing Maintenance Program as described in “Exhibit A” and the county to maintain those local access roads as identified in “Exhibit B”. –Max Hepburn

Summary of presentation:

- The Program’s Purpose:
 - Provide limited maintenance for local access roads not currently accepted for county maintenance;
 - Aims to prevent public safety hazards.
- Helps roads keep good condition that are typically maintained by abutting property owners;
- Paved and gravel roads are included in the program;
- Limited Maintenance includes:
 - Pothole repair;
 - Grading, placement of rock/millings on gravel roads;
 - Ditching and culvert flushing;
 - Asphalt preservation:
 - Slurry seal, chip seal, cape seal, and thin overlay.
 - Structural overlay:
 - If less costly alternatives are not feasible.
 - Asphalt paving of gravel roads:
 - If it yields long-term savings to the county.
 - Ancillary work:
 - Managing stormwater facilities, pavement markings, roadside vegetation.

- Roads Proposed for Program:
 - 4th Street NE;
 - Ash Lane SE;
 - Balm Court NE;
 - Eldin Avenue NE;
 - Elma Avenue NE:
 - State Street to Hudson Avenue.
 - Greenlea Way SE;
 - Hoffman Road NE;
 - Huskey Lane SE;
 - Julie Road;
 - Keene Lane SE;
 - Kenwood Avenue NE;
 - Larussa Court NE;
 - Letteken Way NE;
 - Lewis Drive SE;
 - Lilac Lane NE;
 - Milton Street NE;
 - Sandringham Drive NE;
 - Santiam Way SE;
 - Santiam Park Road SE;
 - Shafer Road NE;
 - Shipman Lane SE;
 - Shirley Avenue NE;
 - Shirley Court NE;
 - Sunnybrook Lane SE:
 - There are 24 roads which are about 7.25 miles; and
 - Average annual cost of \$80,000.

Board discussion:

- Commissioner Willis expressed the following:
 - The roads are not county roads;
 - The county does not have an obligation to fix the roads;
 - These roads were developed by private individuals with the understanding that they would maintain them;
 - These roads in the public's interest have the need to be maintained;

- Everyone pays into the road fund;
- They will be maintained to the standard to be safe for use; and
- Appreciate the work being done to ensure that this does not happen in future developments.
- Commissioner Bethell expressed the following:
 - She appreciates Mr. Hepburn's response to the community;
 - Met with most residents of Kenwood Avenue to get through the challenges;
 - Appreciate staff hearing the needs of the residents;
 - Not many realize that when you buy property you are responsible for the road you drive on;
 - Support solutions that bring roads to healthy standards; and
 - If some of these roads were brought to full standards residents would lose their front yards and the ability to park their vehicles as some of the roads are very narrow.

MOTION: Commissioner Cameron moved to approve an order that allows the Marion County Public Works Director to establish a Local Access Road Continuing Maintenance Program as described in "Exhibit A" and the county to maintain those local access roads as identified in "Exhibit B". Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Bethell recessed the meeting at 9:18 a.m.
Commissioner Bethell reconvened the meeting at 9:30 a.m.

(Video Time 00:31:31)

PUBLIC HEARINGS

9:30 A.M.

LEGAL COUNSEL

A. Public hearing to consider adopting a new street vendor ordinance.

—Steve Elzinga

Summary of presentation:

- Addressing the problem of street vendors that are near or in the right-of-way;

- Some safety hazards include:
 - Interfering with traffic flow;
 - Distracting drivers;
 - Obstructing vision clearances;
 - Obstructing sidewalk and American with Disabilities Act (ADA) access;
 - Encouraging vehicles to act unsafely:
 - Pulling off roads with short notice; and
 - Parking or idling within the right-of-way.
 - Risk of human trafficking and forced labor by cartels.
- Many street vendors have operated on municipal or private property without permission:
 - Violating property rights and creating liability risks for property owners.
- There are health risks from food sold by street vendors:
 - They did not grow or package it; and
 - They are not licensed or inspected.
- Goals:
 - Improve safety for street vendors;
 - Improve safety for drivers, bicyclists, and pedestrians;
 - Enhance traffic flow on roads and sidewalks;
 - Allow for better emergency vehicle access;
 - Protect property owners and businesses near roads; and
 - Protect consumers from health risks.
- Community Feedback:
 - Received community requests to improve safety through a street vendor ordinance;
 - Today's public hearing will allow more community feedback; and
 - Feedback requested from the following:
 - Marion County Farm Bureau;
 - City of Salem;
 - City of Woodburn;
 - City of Stayton;
 - City of Keizer;
 - Sheriff's Office;
 - Health and Human Services Department; and

- Board's Office:
 - Most gave feedback and changes were made to the draft.
- Described the collaborative drafting process, including feedback from partner cities and community groups.
- Key provisions:
 - Requires a permit:
 - Simple one-page application, and a proposed \$50 fee.
 - Does not duplicate existing permits:
 - Food trucks with other permits are exempt; and
 - This is if you do not fall under existing permitting requirements.
 - Requires insurance and restricts vending to specified locations;
 - Written property owner permission required within 50 feet of a right of way:
 - Or have to be property owner or related to property owners; and
 - Exemptions for lemonade stands and similar activities.
 - Special provisions for ice cream trucks and events like parades or farmers markets:
 - Restaurants with outdoor seating on the right-of-way; and
 - Other similar businesses are exempt.
- Education and Enforcement:
 - Primary goal is to educate for voluntary compliance;
 - Enforcement is a last resort;
 - The health department is working on a educational flyer;
 - Applies only in unincorporated areas unless a city opts in;
 - Permit must list all employees for easy enforcement; and
 - Will allow issuing fines, or impounding equipment and non-perishable merchandise.
- Appeal Process:
 - A process to appeal enforcement actions; and
 - Expediated hearings before hearings officer.

Electronic Testimony:

- The commissioners received an email from Kathy L. Rogers that was submitted into the record:

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- Requesting a ban on street vending in residential neighborhoods.

Board discussion:

- Commissioner Bethell expressed the following:
 - This can be enforced this anywhere in Marion County and its cities that opt-in:
 - On sidewalks, rights-of-way or public access areas.
 - This is for most the East Salem area as it is not part of Salem;
 - There is no outright probation for residential areas and other prohibitions apply;
 - Deputies can enforce permit requirements in public areas.
 - There is not a complete ban on all street vending:
 - It is completely banned on county property.
 - There are rules such as:
 - Must be within 100 feet;
 - Legal access; and
 - Public parking.
 - Reluctant to amend the ordinance without further conversation but remained open to future amendments if issues arise.
 - This is a response to ongoing complaints from the public, businesses, and law enforcement about unregulated street vending;
 - Difficult to build relationship with the vendors and get compliance;
 - A solution to safety and fairness concerns raised by the community and the Marion County Farm Bureau:
 - Farm stands have rules they must comply to.
 - Thanked the Farm Bureau for their patience and partnership in developing the ordinance.
- Commissioner Cameron expressed the following:
 - Leave the ordinance as is and amend if problems arise;
 - Cannot enforce the Oregon Department of Transportation's (ODOT) right-of-way:
 - An agreement to be able to do so will be pursued.

MOTION: Commissioner Willis moved to close the public hearing and approve an ordinance to amend and update the provisions of the Marion County Code, Chapter 10.10 relating to street vending and

that the chair read the title of the ordinance once. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Bethell read the title of the ordinance once.
Commissioner Bethell closed the public hearing.

(Video Time 00:48:29)

ACTION

LEGAL COUNSEL

9. Consider approval of an ordinance to amend and update the provisions of the Marion County Code, Chapter 10.10 relating to street vending. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** –Steve Elzinga

Summary of presentation:

- N/A

Board discussion:

- N/A

Motion: Commissioner Willis moved to approve an ordinance to amend and update the provisions of the Marion County Code, Chapter 10.10 relating to street vending. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:48:39)

10. Consider approval of an order setting the application fee for the new street vendor permit. **(TO BE ACTED ON IF THE STREET VENDING ORDINANCE IS ADOPTED)** –Steve Elzinga

Summary of presentation:

- N/A

Board discussion:

- Commissioner Bethell stated the following for the record:

- The permit fee that is being adopting is a \$50 application fee for street vendor permits.

Motion: Commissioner Willis moved to approve an order setting the application fee for the new street vendor permit. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Bethell adjourned the meeting at 9:52 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

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