

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, July 9, 2008
Marion County Courthouse Square

9:00 a.m., Board Session
Senator Hearing Room

PRESENT: Commissioner Sam Brentano, Commissioner Patti Milne and Commissioner Janet Carlson. Also present were Jo Stonecipher as legal counsel and Jolene Kelley as recorder.

CALL TO ORDER: Chair Brentano called the meeting to order.

PUBLIC COMMENT

None.

CONSENT

BOARD OF COMMISSIONERS
CHILDREN AND FAMILIES

Approve a contract to Mid-Willamette Valley Community Action for \$137,500 to provide runaway and homeless youth services.

BUSINESS SERVICES – HUMAN RESOURCES

Approve the adoption and establishment of the classification of the Certified Coder for billing codes for the Marion County Health Department.

FINANCE

Approve renewal of a five-year lease for \$105,121 with Ixtapa for leased space in Stayton for the East Marion County justice court.

JUVENILE

Approve receipt of \$142,993 from the Oregon Commission of Children and Families for the second year of the Title II Formula grant for Juvenile's COPE program.

PUBLIC WORKS

Receive petition for vacation of B Street and Alleys located in Section 33, Township 9 South, Range 2 West, Willamette Meridian, and schedule a public hearing for July 30, 2008.

PUBLIC WORKS – PLANNING

Approve an order to appoint Stanley Birch to fill a vacant position on the Marion County Planning Commission.

Receive hearings officer's decision dismissing zone change/comprehensive plan amendment, case #ZC/CP 07-8, Netter and Collette, Clerk's File #5588.

Receive hearings officer's decision denying administrative review, case #AR07-035, Branferd Properties, Clerk's File #5589.

Receive hearings officer's recommendation granting vested rights determination, case #VRD 05-46, Bartholomew and McCullough, Clerk's File #5020.

Receive hearings officer's recommendation denying vested rights determination, case #VRD 06-83, Fischer, Clerk's File #5220.

SHERIFF

Approve renewal of a contract for \$250,000 with Correct RX Pharmacy Services for pharmaceutical services for the Marion County correctional facility.

MOTION: Commissioner Carlson moved approval of the consent calendar. Commissioner Milne seconded; motion passed. A voice vote was unanimous.

ACTION

PAROLE & PROBATION

1. Consider approval of a proclamation designating July 13-19, 2008, as Parole and Probation Officer week. – Faye Fagel

Faye Fagel, Juvenile Department director, asked the commissioners to proclaim July 13-19, 2008 as Parole and Probation Officer Week in Marion County to honor both adult and juvenile probation officers. She said there is a national movement for recognition that was started several years ago by the American Parole and Probation Association. All the state governors signed off on this several years ago, and since that time they have worked for recognition at the local level as well.

Ms. Fagel talked about the work that parole and probation officers do. She said they are the silent workers out in the community. The media highlights law enforcement, prison, jails, and detention facilities, but does not pay as much attention to the work of parole and probation officers. The parole and probation officers are the people who gather information when a police referral is made to the adult or juvenile corrections system. They gather information regarding the background of the individual offender including their criminal history, family information, employment information, drug and alcohol information, and other treatment information. The parole and probation officers then form a recommendation for the court to help provide a disposition regarding what should happen to the offender if found guilty. The parole and probation officers are also charged with the responsibility of the ongoing case management of the individual's case, which involves making sure that the offender stays in compliance with court-ordered conditions. The officers find ways to mitigate risk by keeping offenders from engaging in ongoing or repeated criminal activity. She referred to parole and probation officers as public safety risk mitigators.

Ms. Fagel said Oregon's juvenile correctional system contains about 2,000 juveniles incarcerated in youth correctional facilities. About 20,000 juveniles are under community supervision in Oregon. In the Marion County Juvenile Department, there are 866 youth under supervision and 25 parole and probation officers who actively monitor offenders and collect information in the community. They have a strong focus on accountability, public safety, and victim safety. Ms. Fagel, on behalf of the Sheriff's Office and the Juvenile Department, asked the commissioners to sign the proclamation.

Commissioner Milne said this proclamation was discussed at the most recent meeting of the Public Safety Coordinating Council. She praised the parole and probation officers and said they do not receive the recognition they deserve for the often dangerous work they perform every day. She said the nationwide recognition is an encouraging development.

Commissioner Carlson also thanked Ms. Fagel for bringing this proclamation forward. She said that the most recent figures she had heard for adult offenders in Marion County are that about 800 offenders would be coming out of prison this year, with a larger number going on probation. These are part of a total of 4,000+ active cases on the adult parole and probation side. She said that the more she learns about the work the parole and probation officers do, the more impressed she is with them. They not only hold offenders accountable but also work to steer them in the right direction so they can become productive members of society.

Commissioner Brentano mentioned the caseload of Marion County's parole and probation officers, is far too high. He said that he is aware that Ms. Fagel and Commander Troy Clausen of the Sheriff's Office have been working on ways to improve efficiency in this area. He said he was also very aware that the county must take measures in the near future to ease this burden. He wanted the parole and probation officers to be aware that the board appreciates the excellent work they are doing.

MOTION: Commissioner Milne moved approval of the proclamation designating July 13-19, 2008, as Parole and Probation Officer Week. Commissioner Carlson seconded; motion passed. A voice vote was unanimous.

The commissioners then read the proclamation.

Sgt. Kevin Karvandi of the Marion County Sheriff's Office Parole and Probation came forward. He came to the meeting in place of Commander Clausen and thanked the commissioners for their support of the proclamation.

BOARD OF COMMISSIONERS

2. Consider approval of an order to appoint Jay Arzadon and Hope Segun to the vacant positions on the Local Alcohol & Drug Planning Committee for terms ending December 31, 2009. – Glenis Chapin

Glenis Chapin, volunteer coordinator, reviewed the information about the two appointees, Jay Arzadon and Hope Segun. Both appointees were present at the meeting, and Ms. Chapin offered a summary of their qualifications.

Ms. Chapin said that Jay Arzadon works in the Juvenile Drug Court in Clackamas County. Ms. Arzadon indicated on her application that she is personally and professionally committed to the reduction of substance abuse and to increase community awareness of substance abuse and related issues.

Ms. Chapin said Hope Segun is the Executive Director of the Hope Segun Foundation, which works with adults and children who have alcohol problems and other social issues. The foundation offers many positive programs.

Hope Segun spoke to the board. He said he is originally from Nigeria and played basketball in Oregon. He has settled in Marion County and wants to continue making a difference. The Hope Segun Foundation carries out projects such as student essay contests to promote literacy and English skills, basketball camps for youth, a program providing blankets for foster children, and various kinds of mentoring for youth. Their emphasis is on taking responsibility and making a difference throughout the community.

Jay Arzadon, community member, said her daughter graduated from Sprague High School in Salem. She works for Clackamas County but lives in Salem and has a private practice in South Salem. She has been in the field of adolescent substance abuse treatment for 13 or 14 years. Ms. Arzadon said she is very committed to her work and wants to contribute to the community in any way possible.

Commissioner Milne thanked both candidates for volunteering and said she was impressed with their backgrounds and enthusiasm.

Commissioner Carlson thanked the two candidates for all the good work they have done and are going to do in the future. She said the Local Alcohol & Drug Planning Committee is working on many important projects, and she looks forward to having their help with these projects.

MOTION: Commissioner Carlson moved to approve the order appointing Jay Arzadon and Hope Segun to the vacant positions on the Local Alcohol & Drug Planning Committee for terms ending December 31, 2009. Seconded by Commissioner Milne; motion passed. A voice vote was unanimous.

3. Consider approval of an order to appoint Terri Salstrom and Mary Beth Thompson to the Health Advisory Board for terms ending January 31, 2011. – Glenis Chapin

Ms. Chapin introduced Mary Beth Thompson to the committee. Ms. Thompson is a case manager for Northwest Senior and Disability Services. Ms. Chapin said Terri Salstrom is a chemotherapy nurse at Salem Hospital. Ms. Salstrom was unable to attend today's meeting because of work obligations and sent her apologies to the group. Ms. Salstrom brings an interest in disease prevention and health promotion through education.

Ms. Thompson said she has been in human services for 35+ years. Over that time, she has been involved in many ways with the Health Department. She currently manages Medicaid services for people 65 and older, and she felt the connection between Medicaid and Health Department programs would be valuable.

Commissioner Carlson greeted Ms. Thompson and thanked her for her willingness to serve on the Health Advisory Board. She said the board is another group doing important work in the community.

Commissioner Milne also thanked Ms. Thompson for her willingness to serve and said she was another

example of the citizens who find time in their busy schedules to serve the community. She also thanked Ms. Salstrom for her willingness to contribute.

MOTION: Commissioner Milne moved to approve the order to appoint Terri Salstrom and Mary Beth Thompson to the Health Advisory Board for terms ending January 31, 2011. Seconded by Commissioner Carlson; motion passed. A voice vote was unanimous.

PUBLIC WORKS

4. Consider approval of a contract for \$896,672 with Layfield Environmental Systems Corp. for the replacement of the North Marion County disposal facility floating lagoon cover. – Jeff Bickford and Don Alexander

Jeff Bickford, senior engineer from Public Works Environmental Services, said the ash that goes from the Marion County waste-to-energy facility is land filled at their disposal site in Woodburn. The leachate, which is the water coming out of that ash, is stored in a large lined lagoon and then hauled to a disposal facility in eastern Oregon. In order to reduce the amount of rainfall into that lagoon and thus reduce disposal costs, they have a floating lagoon cover. The existing cover is about ten years old and is beginning to fail. Mr. Bickford said they came before the board a few months ago looking for an alternative procurement method that would allow them to go out and get bids to do the lagoon cover replacement work.

Don Alexander, environmental engineer associate with Public Works Environmental Services, said the board granted an exemption allowing Public Works to use an alternative solicitation process for the North Marion County Disposal Facility floating lagoon cover. Marion County, by and through the Department of Public Works Environmental Services, issued a request for proposal (RFP) for the removal and replacement of the existing cover. They received one proposal from Layfield Environmental Systems Corporation. The proposal was reviewed by their technical review committee, which was comprised of county staff and their consultant, NWH Americas. The committee determined that all the proposal criteria were met and the cost for the project was below the engineer's estimate. In addition, Layfield has proposed several value engineering options that could potentially reduce the overall project cost and possibly shorten the project schedule. Mr. Alexander said Layfield Environmental has over 30 years of experience working as a specialty contractor and is recognized as a national leader in the installation of flexible geomembrane floating covers and liners for storage lagoons and water reservoirs.

Mr. Alexander said the lagoon's current polypropylene cover needs to be replaced before the end of this summer. There are an increasing number of pinhole leaks occurring in the cover due to the degradation of the polypropylene. The floating cover is critical in preventing precipitation from entering the lagoon, which would significantly increase disposal costs for the leachate. Providing a watertight cover will prevent the intrusion of water into the lagoon. There are approximately 3.2 million gallons per year of rainfall over the lagoon, based on the average of 40 inches of rain per year in the Woodburn area. This would amount to about \$563,000 in additional disposal costs if the rainfall were allowed into the lagoon. Their current cost of disposal is about 17.3 cents per gallon for disposal. This means the cover would pay for itself in about 1.6 years, which is a short time. Over the course of the life of the new lagoon cover, it would easily pay for itself. Mr. Alexander said the material they have selected would give

them a longer-performing cover.

Layfield has proposed a price of \$896,672 for the completion of this project. This is less than the engineer's estimate of \$900,000. Layfield has also proposed some options for lowering the cost, and Mr. Alexander said these options would be reviewed during the course of the construction.

Commissioner Carlson said she remembered the original presentation on the lagoon cover, which explored the question of whether it would be more cost-effective to fix the current cover or to get a new one. She recalled that the life expectancy originally predicted for the current lagoon cover was such that it should have lasted longer than it actually did. She asked what the life expectancy would be for the new lagoon cover, and wanted to know whether the same problem might occur with the new cover not lasting as long as originally expected.

Mr. Alexander said this was a valid question. He said the consulting engineering firms, NWH Americas, helped Public Works to sort through some of these questions. They did a thorough evaluation of materials and looked at the various materials that are being used for floating covers. He said the two primary materials being used are polypropylene and hypalon. Hypalon, a DuPont product, is a rubber additive that is added in the fabrication process. Mr. Alexander said there have been a significant number of failures of polypropylene covers across the country. At the time the county installed its cover, polypropylene was a fairly new material being used for floating covers. Polypropylene is less expensive than Hypalon, and it was chosen partly because the availability of it was quicker back when the original cover was installed in 1998. They were under a tight construction schedule because it was the end of summer, and they needed to get the cover on the lagoon immediately.

Mr. Alexander said that in reviewing materials and working with their consultant, they have concluded that across the country hypalon has a longstanding track record of performance. There are hypalon covers that are well over twenty years old, and hypalon comes with a 20-year warranty. Their consultant looked at various other lagoon covers across the country and concluded that hypalon performs very well in these kinds of conditions. Based on this information and technical information they received from manufacturers, they selected hypalon as the best choice for the lagoon cover. They looked at the compatibility of Marion County's wastewater with the material to make sure there would be no premature failures. They have received assurances from the manufacturer that the hypalon would not degrade from coming in contact with the landfill leachate.

Commissioner Brentano said there was a special procedure required to move this project along so the cover could be replaced this summer. He asked if the hypalon cover would be available and installed before the end of September or October when heavier rains would start. Mr. Alexander said the current construction schedule would have the project completed by the end of September.

Commissioner Brentano asked about the plans for disposal of the current lagoon cover. Mr. Alexander said they will be recycling the cover through Agriplas, which is the agricultural plastics recycling firm. They have agreed to take this material. The cover will be rolled up, cut up, and taken to Agriplas for recycling. This will allow them to avoid using any landfill space to dispose of the old cover.

Commissioner Brentano said that the liner prevents rainfall getting into the lagoon. He asked if the liner also prevents evaporation that could actually be helpful. Mr. Alexander said there is some evaporation during the three or four months of summer in the Willamette Valley, but the evaporation results over the

course of the entire year are very different from a dry area such as eastern Oregon. He said that if the plant were located in eastern Oregon, the amount of leachate they generate would evaporate easily. Unfortunately, this is not the case for most of the year in the Willamette Valley except for the summer months. He said that they would be pushing the contractor to get the current cover off of the lagoon as quickly as possible, since this would help them to get some evaporation over the course of the next few months and would save them some money. They have even discussed putting in some aeration pumps to help aerate the lagoon in order to speed up evaporation. However, the aeration is another case where they have a very small window of time to work with, so this is not something they would be doing on an ongoing basis.

MOTION: Commissioner Carlson moved to approve the contract for \$896,672 with Layfield Environmental Systems Corp. for the replacement of the North Marion County disposal facility floating lagoon cover. Seconded by Commissioner Milne; motion passed. A voice vote was unanimous.

PUBLIC HEARING

PUBLIC WORKS

A. Public hearing to consider the petition for the vacation of a portion of Fifth Street, St. Paul, Clerk's File #2098-R. – Patricia Nordahl

Patricia Nordahl of Public Works gave a PowerPoint presentation providing the background on this petition. She said that on May 12, 2008, a petition was filed with Marion County to vacate a portion of Fifth Street in St. Paul. The city of St. Paul is located in the northwest section of Marion County, about a mile east of the Willamette River and seven miles northwest of Woodburn. The right-of-way was established as a sixty-foot-wide road dedicated by the plat of St. Paul Mission Farm in 1891. This section of Fifth Street is located just outside the city limits a few blocks north of Church Street. The area proposed for vacation is approximately 77 feet long. A search of the surveyor's office records reveals no evidence of any previous vacation or abandonment of this portion of right-of-way. All adjoining right-of-way has been previously vacated. Upon review, the Planning, Land Development Improvements, and Traffic Engineering sections of Public Works have no objections to this vacation.

Ms. Nordahl showed a slide of where Fifth Street would be if it had been developed. The photograph was taken from the south end looking north, and there was no evidence of past road construction. Access to the property abutting this right-of-way is from the developed portion of Fifth Street. There are no utilities that would need to be protected by easements if this right-of-way were vacated. The Public Works Department has determined that the vacation of this portion of Fifth Street would be in the public interest, as this right-of-way was never developed and serves no practical purpose for the public.

No testimony was presented for or against the vacation.

MOTION: Commissioner Milne moved to close the public hearing and approve the vacation of a portion of Fifth Street, St. Paul, Clerk's File #2098-R. Commissioner Carlson seconded; motion passed. A voice vote was unanimous.

B. Public hearing to consider the petition for the vacation of No Name Road off Ettlin Loop, Scotts Mills, Clerk's File #2093-R. – Patricia Nordahl

Patricia Nordahl of Public Works gave a PowerPoint presentation providing the background of the area proposed for vacation under this petition. On September 18, 2007, a petition was filed with Marion County to vacate a portion of the dedicated right-of-way located off of Ettlin Loop in Scotts Mills. Scotts Mills is located on the northeast edge of Marion County, approximately six miles northeast of Silverton. The right-of-way was established as a thirty-foot-wide road created by petition dated September 9, 1932. The area proposed for vacation is approximately 300 feet long. A search of the surveyor's office records reveals no evidence of any previous vacation or abandonment of this portion of right-of-way. The petitioner to the north is proposing the partitioning of their land from the 52-acre single parcel into three parcels. Marion County's Land Development Engineering Permit section requests a road maintenance agreement between the two adjoining properties, and wants access to meet fire district standards of the clearance of twenty feet wide and twelve feet high down the access easement.

Ms. Nordahl presented a slide showing the roadway as it is currently developed. The photograph was taken from the northeast end looking toward Ettlin Loop. It is used as a driveway for the abutting properties. Easements for Verizon and Portland General Electric will need be retained if this vacation is granted. The Public Works Department has determined that the vacation of this right-of-way would be in the public interest. They recommended granting the vacation with the conditions of recorded easements to Verizon and Portland General Electric, a recorded road maintenance agreement between the two parties, and access easements with a requirement that the access meet fire district standards.

Commissioner Carlson had a technical question about the petition for vacation. She said that the conditions just mentioned were described in the engineer's report but were not listed on the order. She asked if the conditions needed to be listed on the order as well. Ms. Nordahl said that the conditions should have been listed on the order, and Ms. Stonecipher was in agreement about this. Jo Stonecipher, legal counsel, said they would make sure these conditions were included as an attachment to the order so they would be reflected in the final document.

MOTION: Commissioner Carlson moved to close the public hearing and approve the vacation of a portion of No Name Road off Ettlin Loop, Scotts Mills, Clerk's File #2093-R, vesting the right-of-way to the abutting property owners, with the following conditions: recorded easements to Verizon and Portland General Electric, a recorded road maintenance agreement between the two parties, and access easements to meet fire district standards. Commissioner Milne seconded; motion passed. A voice vote was unanimous.

Commissioner Brentano read the weekly calendar.

Commissioner Carlson said the Marion County Fair Board has worked hard on preparations for the fair, which begins on Thursday, July 10. She said there would be great entertainment and many activities at the fair. All entertainment is free, and Friday, July 11, will be Teen Day.

Commissioner Milne spoke about Monsignor Charles Patrick Taaffe, who passed away on Saturday, July 5, after a heart attack and recent surgery. All of the commissioners have had the opportunity to work with him over the years. Commissioner Milne said he is one of many strong community advocates who have passed away recently, along with Bryan Johnston and Guido Caldarazzo. Monsignor Taaffe

was best known for providing homes for pregnant teenagers and for helping these girls and young women get the help, support, and education they needed. He was associated for many years with Blanchet Catholic School, where he was the pastor for the school. He was very supportive of the school, students, and staff. Commissioner Milne said his passing was a great loss to the community.

Commissioner Milne said there would be two services for Monsignor Taaffe. One will be on Monday, July 14, at Queen of Peace Catholic Church in Salem. The other will be held at St. Mary’s Cathedral in Portland on Thursday, July 10, at 11:00 a.m.

Commissioner Brentano said he had worked with Monsignor Taaffe as a part of many boards and groups and agreed that his death was a great loss to the community.

ADJOURNMENT: There being no further business before the board, Chair Brentano declared adjournment at 9:50 a.m.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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