



OREGON

MARION COUNTY BOARD OF COMMISSIONERS

# Management Update Minutes

**Monday, January 27, 2020, 9:00 a.m.**

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

## ATTENDANCE:

Commissioners Kevin Cameron and Sam Brentano, Jan Fritz, Sheriff Joe Kast, Jane Vetto, Brian Nicholas, Scott Norris, Matt Knudsen, Jeff Stutrud, Brandon Reich, Joe Fennimore, Joe Miller, Dawn Thompson, Debbie Gregg, Barb Young, Chad Ball, Lisa Trauernicht, David Jenson, Lani Radtke, and Kristy Witherell as recorder.

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

## INFORMATIONAL:

### **Review Revised District Attorney's Office Discovery Fee Schedule**

- Dawn Thompson, Debbie Gregg

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

- Reached out to multiple counties for comparable, Clackamas County did not respond;
- Decided on a flat rate fee schedule;
- Going paperless in April 2020, but staff will still need to upload documents into the computer to make them retrievable online;
- Staff will be able to key in prices and will be able to take payments online;
- District Attorney's Office is going to look at the fee schedule every three years; and
- \$200,000 a year is generated and goes into the General Fund to offset General Fund Transfer to District Attorney's Office.

### **Discuss Issues related to Marion County's Dangerous Building Code**

- Brandon Reich, Chris Trussell, Joe Fennimore, Scott Norris, Joe Miller

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

- Follow-up from a code enforcement/fire inspector issue on a property on 35<sup>th</sup> Avenue, Keizer;
- The property is being used for hemp extraction;
- The equipment being used has an open flame;
- Previously, there had been a question of a large accumulation of hazardous materials at the warehouse, which prompted the fire inspector to look at the property;
- The amount of ethanol that was being stored on the property and in the warehouse exceeded what the fire code allowed;
- The property owners were notified to be in compliance with the fire code, even though the warehouse is an Agriculture Exempt building;

- The property owners removed the ethanol from the property;
- There was a fire at the property a few months later:
  - The ethanol that was removed has been returned and quadrupled in the amount that was originally there; and
  - The electrical system combined with the ethanol in the warehouse does not meet the fire code.
- The county's electrical code applies to installation and removal of electrical systems;
- The fire code is what governs the safety aspects of electrical systems for fire compliance;
- This has left the county in a bit of a dilemma, due to allowing for an Agriculture Exemption from the structural code, but the use of the building shows that there is a need to comply with the fire code;
- The building is exempt under the building code because of farm use;
- With the storage of ethanol on the property, it could mean that the structure could be regulated by the State Fire Marshal:
  - The building is no longer exempt from the structural code.
- Legal Counsel's understanding under the fire code is that a property owner can have up to 120 gallons of flammable liquid on site and not be subject to the fire code.

***Board discussion:***

- Working out regulation issues with the building with the local and maybe State Fire Marshal;
- Suggestion was to modify the county's Dangerous Building Code;
- When a hemp oil extraction facility permit comes through the Building Codes Division, it will not be signed off as agricultural exempt unless they can show that their process does not involve chemicals that are regulated by the State Fire Marshal;
- Mint is a farm crop:
  - The farmers extract the mint oil by cooking it and lifting it out by steam.
- There are 15-20 hemp processors in Marion County;
- Staff will come back to the board for some recommendations on the Dangerous Building Codes; and
- Mr. Reich is not aware of other counties looking into changing their codes to mitigate this issue.

**2020 INFRA Grant Program and ODOT's I-5: Aurora-Donald Interchange Project Update**

- Brian Nicholas

***Summary of presentation:***

- Public Works met with Anna Henson and John Hustes with the Oregon Department of Transportation (ODOT);
- The Grant Program is intended to promote public development to help promote private development and economic development;
- One stipulation is a 40 percent match requirement;
- Maximum funding this year would be \$25 million;

- Would possibly complete Phase 1 of the project, but not enough to complete Phase 2; and
  - Would leave the project \$12 million short.
- Grant award timeline could allow a stipulation to complete the project in one phase and not have to do temporary work for two phase construction:
  - Saving of \$4-5 million; and
  - ODOT or Marion County would need to fund the remainder of the project.
- Grant program documents outline the grading criteria, including bonus criteria for final score:
  - This project seems to score high in the bonus criteria.
- The county cannot offer funding, but the project may have approval of ODOT to provide matching dollars;
- Public Works is meeting with ODOT again today to discuss moving forward with the project; and
- There is some funding in the Rural SDC Program that Public Works can offer toward the project, but it is only \$300,000.

***Board discussion:***

- The commissioners would like to take advantage of the \$4-5 million savings and complete it in one phase;
- The commissioners would like to find more funding to be able to use to match dollars;
- If the project moves forward, it will need to be decided which agency will be the lead agency on the application; and
- The grant application is due February 25, 2020.

**McKay/Yergen/Ehlen Road Corridor Traffic Control Enhancements Update**

- Brian Nicholas, Lani Radtke, Jeff Stutrud

***Summary of presentation:***

- There have been five saturation patrols since May, 2019;
- The results are showing high speeds from the saturation patrols;
- Believes that the high speeds have gone down on the road;
- More than seven other agencies have been involved in the saturation patrols;
- Roadway improvements include the following:
  - Centerline rumble strip through entire corridor;
  - Wider stop bars;
  - Repainted fog lines and pavement markings; and
  - Vegetation has been removed.
- Currently working on adding street lighting at intersections, as well as leading up to and exiting from intersections;
- More than half of the crashes were at intersections;
- Rumble strips on Butteville Road were installed a few years ago;
- Speed data will be collected via vacuum tubes prior to and after driver feedback signs:
  - May be after ODOT's update of speed zone setting methodology and standards report.
- Installing driver feedback signs:

- These speed limit radar signs show real time speeds and data can be collected from them from the office; and
- They can be relocated as they slip into tubes affixed in the ground.
- Amber warning beacons are funded by ODOT:
  - Red beacons are an added feature to alert drivers of stop signs at Ehlen and Butteville Road intersection;
  - These are radar based are triggered by cross traffic;
  - May be installed at French Prairie Road; and
  - Beacons are a pilot program and will be solar powered due to not having electricians on staff.
- Long term traffic improvements include:
  - Pavement markings for no passing zone; and
  - Left turn lanes.
- Possible Safety Corridor designation with increased fines:
  - Getting more information from ODOT next week.

***Board discussion:***

- The commissioners requested to have the deputies who patrol the area attend the next PAAM Meeting to discuss traffic issues.

**Review the Environmental Protection Agency's (EPA) Proposed Willamette Basin Mercury Total Maximum Daily Load (TMDL)**

- Matt Knudsen

***Summary of presentation:***

- EPA opened a public comment period looking for feedback on new requirements for Mercury TMDL in county waterways and ditches;
- The county drafted a letter to address four areas of concern:
  - Pollution prevention in ditches and state waterways:
    - This is already a countywide internal Public Works operation.
  - Public education and outreach:
    - Mercury is in the soil sediment and can run off into ditches and enter the state waterways; and
    - Contacting and educating property owners in adjacent farms is being left up to the counties to create a program to accomplish this:
      - Marion County Public Works will be working with local Soil & Water Conservation Districts.
  - Prohibition of allowing sediment to enter the county ditches:
    - Marion County is to create a program to be in compliance with this requirement.
  - Construction site runoff is very vague and does not specify if permits will need to be obtained or how to put protocols into place:
    - Marion County has protocols in place in urban areas, but not rural areas; and
    - DEQ has guidelines in place for sites that are one acre or more, but not less than one acre.

**Board discussion:**

- The letter will come from the board's office and will be signed by the commissioners.

LEGISLATIVE

**Update**

- Barb Young

**Summary of presentation:**

- The Association of Oregon Counties will be holding a Cap and Trade meeting Thursday, January 30<sup>th</sup> at 2:00 p.m.:
  - It is a call-in only meeting; and
  - It is an information gathering meeting to see which side each county is on in regards to the bill.
- Michael Greenblatt sent the commissioners an email regarding water infrastructure legislation:
  - It is in regards to contracting, so Ms. Young sent the information to the Finance Department.
- Ms. Young received an email from Alex Kyler, who is the Legislative Manager for Lane County:
  - The speaker will be requesting \$40 million for shelter funding; and
  - Mr. Kyler is inquiring if Marion County wants to join a coalition to obtain some of the proposed funding.
- LC-Draft 64:
  - Tillamook County Commissioner Yamamoto requested a proclamation for support of protecting state forest lands.
- Toured Covanta with Representative Lively on Friday, January 24<sup>th</sup> and he had favorable comments about the Renewable Energy Certificate Bill.

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE:

Sam Brentano:

- The commissioners are drafting a letter to commit money to Willamette Falls Locks Commission.

Kevin Cameron:

- Interviewing four people for the executive director position of the Oregon State Fair Foundation;
- Toured Hillcrest; and
- Attended the PAAM Meeting.

Colm Willis:

- Attended the first Willamette Health Council Finance Committee.

Meeting adjourned at 10:29 a.m.

COMPLETED BY: **Kristy Witherell and Molly Hatfield**

Reviewed by: *Joanna Ritchie*