

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 21, 2021
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Danielle Bethell and Commissioner Colm Willis. Also present were Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer

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

PUBLIC COMMENT

(Video Time 00:01:29)

David Beam:

- Mr. Beam would like newly instated law enforcement officers in Marion County to be trained in techniques for working with individuals with disabilities and mental health issues.

(Video Time 00:03:11)

Ronald Garst:

- Mr. Garst is an at-large board member of the Pudding River Watershed Council:
 - The council would like the board to support the Scotts Mills Dam removal project:
 - If approved the project would be done in September 2021; and
 - The permitting process would need to start in May 2021.

(Video Time 00:06:29)

Dave Stewart:

- Mr. Stewart works for the Oregon Department of Fish and Wildlife (ODFW); and
- The ODFW supports the Scotts Mills Dam removal project:
 - A landowner agreement is required to move forward;
 - The project is already funded by the Oregon Watershed Enhancement Board (OWEB); and

- The project will help salmon populations.

Board discussion:

- There is a town hall in Scotts Mills scheduled for May 27, 2021 to discuss this project:
 - Mr. Stewart will verify that the timing of the town hall is not too late for subsequently getting approval for this project to move forward.

(Video Time 00:10:02)

Brian Nicholas and Board Discussion:

- Under an agreement with Marion County, ODFW has the responsibility for keeping the fish passage in this area clear:
 - Mechanical features that were installed as part of the original construction have not been maintained;
 - Water flows through the fish passage channel, except in the summer when the water level is low; and
 - The board asked if this is an issue of maintaining or enhancing the current fish passage:
 - The current fish passage probably does not meet current standards.
- The OWEB program's core purpose is to remove barriers to fish passage in natural waters.

(Video Time 01:26:43)

Commissioner Cameron recommenced public comment.

Sam Brentano:

- Mr. Brentano inquired in to why there was a two-year time limit on the ordinance approved under Public Works, Action item #9:
 - The board would like to reevaluate in two years after receiving feedback from the Sheriff's Office, Public Works, and the community.
- Mr. Brentano expressed concern over state agencies, like Oregon Fish and Wildlife, protecting their budgets and cutting necessary services and programs; and
- The trees damaged by the wildfires need to be removed:
 - They present a fire risk; and
 - Cannot replant if the damaged trees remain.

PRESENTATION

(Video Time 00:14:18)

COVID-19 (Novel Coronavirus) update. –Katrina Rothenberger

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- Ms. Rothenberger reported the following updates for the COVID-19 pandemic as of 8:00 a.m. on Wednesday, April 21, 2021:
 - There have been an estimated 20,393 cumulative cases within the county since the start of the pandemic;
 - The positivity rate since the start of the pandemic is 8.5 percent;
 - An estimated 299 individuals have died from symptoms related to COVID-19; and
 - An estimated 32 individuals are currently being hospitalized for symptoms related to COVID-19.
- The data for the two-week period April 4, 2021 through April 17, 2021 is as follows:
 - There were 716 cases of COVID-19;
 - An incidence rate of 205.9 per 100,000; and
 - A test positivity rate of 6.8 percent.
- The numbers for April 4, 2021, through April 17, 2021, were close to a 50 percent increase over the previous two-week period:
 - Hospitalizations statewide have remained stable:
 - This allowed the county to not move up into the extreme risk category.
- Oregon has administered over 2,500,000 doses of a COVID-19 vaccine;
- Over 1,000,000 Oregon residents have been fully vaccinated;
- Over 1,600,000 Oregon residents have had at least one dose of a COVID-19 vaccine;
- In Marion County 184,696 doses of a COVID-19 vaccine have been administered;
- An estimated 111,000 Marion County residents have received at least one dose of a COVID-19 vaccine;
- There is still a pause on administering the Johnson and Johnson vaccine:
 - There were severe adverse reactions in a small number of individuals within a particular age group; and
 - Marion County Health and Human Services is anticipating a decision will be made soon on the status of the vaccine:
 - Will likely have a warning or restriction attached to its use.
- There is currently not enough supply of vaccines to vaccinate all eligible individuals; and
- Only the Pfizer vaccine is approved for use on youths age 16 and 17:
 - The Pfizer vaccine is usually available through Salem Health, Santiam Hospital, and other health care partners.

Board discussion:

- The two-week metrics that would move Marion County up into the extreme risk category are as follows:
 - Over 200 cases per 100,000 county residents:
 - Marion County is above this rate.
 - Statewide hospitalization due to COVID-19 of 300 or more individuals:
 - The state is below this rate.
 - A 15 percent increase in the seven-day statewide hospitalization average over the past week:

- The state is above this rate at 16.4 percent.
- Businesses are concerned that Marion County may be moved into the extreme risk category.

CONSENT

(Video Time 00:22:54)

BOARD OF COMMISSIONERS

OLCC Application – Recommended Approval

Bustos Group, LLC, dba, Los Temos Taqueria –Salem, Oregon

Approve an order appointing Hubbard Police Chief David Rash and Lieutenant Chris Zohner to the Marion County Public Safety Coordinating Council with terms ending March 14, 2024.

COMMUNITY SERVICES

Approve an order appointing Commander Kevin Karvandi and Denyc Boles to the Marion County Children and Families Commission with terms ending April 30, 2025.

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

ACTION

(Video Time 00:24:36)

HEALTH AND HUMAN SERVICES

1. Consider approval of Amendment #1 to the Intergovernmental Agreement with Polk County to add \$152,754 for a new contract total of \$186,298.38 for Polk County Public Health Department’s communicable disease control through June 30, 2021. –Katrina Rothenberger

Summary of presentation:

- The funds come from Oregon Health Authority (OHA) through Marion County’s Intergovernmental Agreement (IGA), Program Element 51, Public Health Modernization:
 - Marion and Polk counties formed a partnership to engage in this work together:
 - The funds are currently being used for COVID-19 response.

Board discussion:

None.

MOTION: Commissioner Willis moved to approve Amendment #1 to the Intergovernmental Agreement with Polk County to add \$152,754 for a new contract total of \$186,298.38 for Polk County Public Health Department's communicable disease control through June 30, 2021. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:28:08)

2. Consider approval of Amendment #22 of the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$7,103,915 for a new contract total of \$18,849,498.21 for COVID-19 active monitoring and home visitation through June 30, 2021.

–Katrina Rothenberger

Summary of presentation:

- The amendment adds funds to the county's IGA under three sections that support COVID-19 response:
 - \$5,573,432 to Program Element #01-09, COVID-19 Active Monitoring-Epidemiology, and Lab Capacity:
 - The Program Element changed to add vaccine planning and distribution.
 - \$1,482,518 to Program Element #01-10, CARES funds; and
 - \$47,965 to Program Element #42-14, Home Visitation:
 - Supports the Family Connects Oregon program; and
 - The funds cover the match that is billed for each home visit.
- Funds do not need to be spent by the end of the current fiscal year:
 - The COVID-19 active monitoring, epidemiology, and lab capacity funds can be used through June 30, 2023;
 - The CARES funds can be used through June 30, 2024; and
 - Funds can be rolled over to the next fiscal year.

Board discussion:

- Commissioner Willis questioned if the county is the correct entity to be providing the home visits offered under the Family Connects Oregon program:
 - There are non-profits already providing this service; and
 - He would like more discussion before the next fiscal year.

MOTION: Commissioner Bethell moved to approve Amendment #22 of the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$7,103,915 for a new contract total of \$18,849,498.21 for COVID-19 active monitoring and home visitation through June 30, 2021. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:33:52)

PUBLIC WORKS

3. Consider approval of the Infectious Waste Disposal Agreement with Marion Recycling Center, dba, Marion Environmental Services for the continued hauling and disposal of infectious waste through June 30, 2024. Contract terms except for the term date remain unchanged with no financial impacts to the county. –Brian May

Summary of presentation:

- There are no modifications to the existing contract except the term date;
- The company currently provides service to an estimated 600 customers; and
- Marion County has worked with the company since 1980.

Board discussion:

- The agreement is for the hauling and disposal of infectious waste generated within Marion County; and
- The agreement benefits the county's hospitals and health care providers:
 - Current market rates are 5 to 10 times higher.

MOTION: Commissioner Willis moved to approve the Infectious Waste Disposal Agreement with Marion Recycling Center, dba, Marion Environmental Services for the continued hauling and disposal of infectious waste through June 30, 2024. Contract terms except for the term date remain unchanged with no financial impacts to the county. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:36:37)

Commissioner Cameron requested to advance the public hearing and received unanimous consent.

(Video Time 00:46:45)

4. Consider approval of a Contract for Services with United Disposal Services, dba, Republic Services, Inc. in the amount of \$150,000 for the recycling of used tires collected from the North Marion Recycling and Transfer Station through June 30, 2026. –Brian May

Summary of presentation:

- Last year this service moved over 4,500 tires from over 1,100 customers;
- This service keeps tires from being disposed of inappropriately:
 - A lower fee is charged for tire disposal at the county's transfer stations.
- The material can be reused for the following purposes:
 - Playground surfaces;
 - Running tracks; and
 - Other applications.
- The contract is for an estimated \$30,000 per year.

Board discussion:

- This service is not for tire stores and other large industrial collectors:
 - There is a ten tire per day limit; and
 - Large collectors are directed to the county's recycle source.

MOTION: Commissioner Bethell moved to approve the Contract for Services with United Disposal Services, dba, Republic Services, Inc. in the amount of \$150,000 for the recycling of used tires collected from the North Marion Recycling and Transfer Station through June 30, 2026. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:49:54)

5. Consider approval of a Contract for Services with Capitol Recycling and Disposal, Inc., dba, Republic Services, Inc. in the amount of \$300,000 for the recycling of used tires collected from the Salem Keizer Recycling and Transfer Station through June 30, 2026. –Brian May

Summary of presentation:

- The contract replaces an existing contract;
- Last year this service moved an estimated 15,000 tires from 3,700 customers; and
- The contract is for an estimated \$60,000 per year.

Board discussion:

- Non-profit organizations performing community clean-up can contact Marion County Public Works to arrange free drop-off of large quantities of recovered tires.

MOTION: Commissioner Willis moved to approve the Contract for Services with Capitol Recycling and Disposal, Inc., dba, Republic Services, Inc. in the amount of \$300,000 for the recycling of used tires collected from the Salem Keizer Recycling and Transfer Station through June 30, 2026. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:52:42)

6. Consider adoption of an ordinance prohibiting the violation of a posted restriction of use on public right-of-way, in county parks, or on state, federal, or tribal properties with a term date ending April 21, 2023, and declaring an emergency. –Brian Nicholas and Commander Jeff Stutrud

Summary of presentation:

- An order was issued in March 2021, restricting access to North Fork Road SE, Gates Hill Road SE, and Pioneer Road SE:
 - Public Works installed signage notifying the public of the restrictions:
 - Prohibits parking on North Fork Road SE; and
 - Limits access to the river from parks and county rights of way.

- The ordinance is tied to the posted limited use signage;
- The ordinance does not replace the order, it compliments it through the implementation of four additional measures:
 - Defines the violation of the posted restrictions as a Class A violation;
 - Places enforcement in the Marion County Justice Court system;
 - Ordinance is temporary and will be reevaluated in two years; and
 - Ordinance declares an emergency so it can go into effect immediately.
- Due to the wildfires there are limited legal access points to the river for recreational use;
- The ordinance is an additional tool for Sheriff deputies to use to help protect individuals and the environment:
 - Will protect residents of the area, their properties, and equipment being used to rebuild after the wildfires.
- The ordinance will keep low-level offenders out of the criminal justice system.

Board discussion:

- It is a priority of the county to rebuild the communities impacted by the wildfires;
- Property owners in the area have reported problems with individuals trespassing on their property:
 - This can cause safety issues.
- The ordinance will facilitate enforcing the restrictions of the order;
- The ordinance is not permanent;
- The recovery process in the area will be lengthy;
- U.S. Forest Service and Bureau of Land Management parks in the area are closed for the summer; and
- The county can educate citizens on the needs of the communities impacted by the wildfires.

MOTION: Commissioner Bethell moved that the chair read the ordinance by title only twice. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Cameron read the ordinance by title only twice.

MOTION: Commissioner Bethell moved to approve an ordinance prohibiting the violation of a posted restriction of use on public right-of-way, in county parks, or on state, federal, or tribal properties with a term date ending April 21, 2023, and declaring an emergency. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 01:03:47)

7. Consider adoption of an ordinance prohibiting entering or remaining unlawfully on the property of another with a term date ending April 21, 2023, and declaring an emergency. –Brian Nicholas and Commander Jeff Stutrud

Summary of presentation:

None.

Board discussion:

None.

MOTION: Commissioner Willis moved that the chair read the ordinance by title only twice. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

Commissioner Cameron read the ordinance by title only twice.

MOTION: Commissioner Willis moved to approve an ordinance prohibiting entering or remaining unlawfully on the property of another with a term date ending April 21, 2023, and declaring an emergency. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 01:05:18)

8. Consider adoption of an ordinance prohibiting littering with a term date ending April 21, 2023, and declaring an emergency. –Brian Nicholas and Commander Jeff Stutrud

Summary of presentation:

- There has been a lot of littering by individuals visiting Santiam Canyon; and
- The ordinance will help with the following:
 - It is an additional tool for Sheriff deputies to use while performing their duties and enforcing existing statutes;
 - It will hold individuals accountable for their littering;
 - It will help protect the environment; and
 - It supports the communities impacted by the wildfires.

Board discussion:

- The ordinance addresses nuisance littering and unlawful dumping;
- Residents in the Santiam Canyon have had trash dumped on their property; and
- Deputies spend a significant amount of time and work investigating and enforcing these cases of unlawful dumping.

MOTION: Commissioner Bethell moved that the chair read the ordinance by title only twice. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Cameron read the ordinance by title only twice.

MOTION: Commissioner Bethell moved to approve an ordinance prohibiting littering with a term date ending April 21, 2023, and declaring an emergency. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 01:12:53)

9. Consider adoption of an ordinance prohibiting the discharge of firearms at live standing timber within the boundaries of the Beachie Creek and the Lionshead fires, with a term date ending April 21, 2023, and declaring an emergency. –Brian Nicholas and Commander Jeff Stutrud

Summary of presentation:

- The ordinance does the following:
 - Defines the violation as a Class A violation;
 - Places enforcement in the Marion County Justice Court system;
 - The ordinance is temporary; and
 - The ordinance declares an emergency so it can go into effect immediately.
- The ordinance is not countywide:
 - It applies specifically to the wildfire impacted areas within the county.
- Target practice is allowed on private property with the property owner’s permission;
- The target cannot be attached to a tree;
- The ordinance addresses safety concerns in the area:
 - There are a lot of construction workers and workers helping to clean up debris;
 - If bullets are lodged in a tree that is then harvested it can damage mill equipment, and mill workers can be harmed by fragments coming out of the tree when the tree is cut; and
 - Bullets can ricochet off of rocks and cause sparks and fires.
- The ordinance will help stop damage to trees.

Board discussion:

- The Board discussed the private property exception, and the issue of targets attached to trees:
 - Private property owners, and individuals they give permission to, can attach targets to trees located on their own property:
 - Ordinance language modified to reflect this.

MOTION: Commissioner Willis moved that the chair read the ordinance by title only twice. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

Commissioner Cameron read the ordinance by title only twice.

MOTION: Commissioner Willis moved to approve an ordinance prohibiting the discharge of firearms at live standing timber within the boundaries of the Beachie Creek and the Lionshead wildfires, with a term date ending April 21, 2023, with an amendment amending section 2 subsection b paragraph 6 to read “persons engaged in target practice with the permission of the owner”, and declaring an emergency. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:37:02)

PUBLIC HEARINGS

9:30 A.M.

PUBLIC WORKS

A. Public hearing to consider Comprehensive Plan Amendment/Zone Change/ Property Line Adjustment (CP/ZC/PLA) Case #21-001/Wing Properties, LLC and Shane and Tracy Meyerhofer. –Lindsey King

Summary of presentation:

Lindsey King:

- The application is to change the Comprehensive Plan designation from Primary Agriculture to Industrial, with an exception to Goal 3, Agricultural Lands, and to change the zone from Exclusive Farm Use (EFU) to Industrial:
 - The property is a three-acre portion of a five-acre parcel located on Shank Road NE just outside of the City of Hubbard.
- The application is also for a property line adjustment on the five-acre parcel, to move the property lines to match the new zoning, if the new zones are approved;
- There are existing buildings and established businesses located on the property;
- Adjacent properties to the west, east, and north are zoned EFU;
- The adjacent property to the south is zoned Industrial;
- The hearings officer conducted a public hearing March 4, 2021:
 - Found that the applicant satisfied all relevant approval criteria and issued a recommendation that the board approve the request.
- The applicant is seeking an irrevocably committed exception to Goal 3:
 - To receive an irrevocably committed exception to Goal 3 it must be established that the site is no longer available for uses by the applicable goal:
 - The hearings officer concluded that the criteria are satisfied.
- The board has the following options:
 - Continue the public hearing;
 - Close the hearing and leave the record open;
 - Close the hearing and approve;
 - Modify or deny the request; or
 - Remand the matter back to the hearings officer.

Testimony:

Support:

Douglas White:

- Mr. White is a planning consultant with Oregon Planning Solutions;
- The application meets the intent and the letter of the law;
- The land previously supported a poultry operation; and
- The applicants agree with the conditions required for approval of this application.

Board discussion:

- Ms. Vetto clarified that the board was approving the hearings officer's recommendation, with conditions.

MOTION: Commissioner Bethell moved to close the public hearing and approve Comprehensive Plan Amendment/Zone Change/ Property Line Adjustment (CP/ZC/PLA) Case #21-001/Wing Properties, LLC and Shane and Tracy Meyerhofer. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Bethell read the calendar;
Commissioner Cameron reopened public comment with unanimous consent;
Commissioner Cameron adjourned the meeting at 10:32 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

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