

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, March 5, 2014

9:00 a.m.

Commissioners' Board Room
1115 Commercial Street NE
Salem, OR 97301

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

PUBLIC COMMENT

Amy Zimmerman, Salem, Oregon:

- Business (First Choice Cannabis) has been under Oregon Health Authority (OHA) temporary rules since August;
- Business has had no issues;
- Public safety at the top of priority list;
- 289 registries as of March 3; and
- \$ 1.16 million paid to the state.

Timindra Zimmerman, Salem, Oregon;

- Family owned business;
- Started business because of illness in family;
- Would like business be part of community; and
- Would like tax revenues to go to public school system.

Charlotte Kaul, Salem, Oregon:

- One of Salem Cannabis Industry Association member will have to close dispensary because its outside rural area:
 - Member's business has had no problems and has been taking care of patients.
- Temporary ban has created a greater sense of community; and
- Association will find a way around temporary ban.

Margo Lucas, Independence, Oregon:

- Represents both the Oregon and Salem Cannabis Industry Associations;
- Operates the Alternative Relief Clinic;
- Thanked board for open dialogue;
- Asked that the board work with Associations to move issue forward in positive way.

Christopher Oss, Salem, Oregon:

- Called county counsel to request additional restrictions;
- Have shown willingness to work with board and sheriff;
- Bank assigned representative to oversee dispensary to ensure compliance with HB3460;
- Enough rules and oversight in place to move forward with permit process; and
- Hopes to work with representatives who will work with their constituents to solve issues.

Kimberly Strand, Keizer, Oregon:

- Ban displaces patients;
- Many patients do not have access to transportation;
- Need local access;
- Approximately 209 applications, many of those already operating dispensaries with no issues; and
- Local law enforcement does not have issue with dispensary she operates.

CONSENT

BOARD OF COMMISSIONERS

OLCC APPLICATION – Recommend Approval

Nach-O Growler, Salem

Approve amendment #1 to add \$27,940.00 to the contract with Cascade Sound and Light for audio visual work in Courthouse Square. – John Lattimer, Peggy Mitchell

HEALTH

Approve an order reappointing Renee Stewart to the Marion County Health Advisory Board for a term ending January 31, 2017.

Approve the following amendments to the intergovernmental agreement with Oregon Health Authority for the financing of community addictions and mental health services:

- a) Amendment #9 removing \$251,687 in Service Element 37 Flex Funds; and,
- b) Amendment #10 adding \$1,032,068 for Invest in Capacity in Community Mental Health funding.

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

ACTION

Video Time (00:13:00)

BOARD OF COMMISSIONERS

4. Consider approval of change order #8 to add \$131,619.44 to the contract with Structural Preservation Systems, LLC for the Courthouse Square Remediation Project. – John Lattimer, Jan Fritz, Peggy Mitchell

Summary of presentation:

- Reviewed Change Order #8:
 - Changes include:
 - First and second floor tenant improvement modifications;
 - Electrical, mechanical and plumbing repairs;
 - Security cameras for transit operations;
 - Credit for re-use of existing ceiling grids;
 - Credit for repairing rather than replacing light fixtures; and
 - Pricing adjustments for Salem Keizer Transit's security camera system.
- Substantial and final completion date increased by six days:
 - 12 days until substantial completion.
- Courthouse Square building over 98 percent complete.

Board discussion:

- Clarified additional casework (Item 39) is cabinets and reception area counters;
- Change order total amount decreased by (\$5753.57) from \$131,619.44 to \$125,865.87;
- Final completion date delay will not affect rededication ceremony date; and
- Board thanked Courthouse Square Project Management Team.

MOTION: Commissioner Milne moved approval of change order #8 to add \$125,865.87 to the contract with Structural Preservation Systems, LLC for the Courthouse Square Remediation Project. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Video Time (00:41:55)

1. Consider approval of a proclamation designating March 2014 as American Red Cross Month in Marion County. – Don Russo and Willamette Chapter, American Red Cross Executive Director Maria Salazar

Summary of presentation:

- Willamette Chapter of American Red Cross oversees Marion, Polk and Lincoln Counties;
- Marion County has largest population with the most volunteers and support;
- Willamette Chapter founded over 90 years ago;
- Line of services:
 - Disaster Services;
 - Service to the armed forces;
 - Health and safety services;
 - Blood services; and
 - International services.
- Disaster services trained 1,500 residents on disaster response or preparedness;
- Willamette Chapter responded to over 60 local disasters; and
- Deployed over 60 local volunteers to respond to Hurricane Sandy.

Board discussion:

- 10th Annual Real Hero Breakfast will be on September 11, 2014, at the Salem Conference Center;
- Critical importance of humanitarian organizations such as American Red Cross; and
- Board thanked Willamette Chapter of the American Red Cross for their work.

MOTION: Commissioner Carlson moved approval of a proclamation designating March 2014 as American Red Cross Month in Marion County. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

The commissioners then read the proclamation.

Video Time (00:57:50)

2. Consider adoption of an amendment to the Medical Marijuana Dispensary Facilities Ban and Ban Exemption Permit Ordinance to regulate hours of operation, by emergency procedure. – Gloria Roy, Scott Norris

Summary of presentation:

- Amendment added to previously adopted ordinance 1333;
- Regulating hours of operation was suggested by a medical marijuana dispensary applicant;
- Hours of operation being regulated for public safety reasons;
- Amendment was previously discussed at a Management Update meeting;
- Hours of operation, 7 a.m. to 10 p.m., similar to Oregon Liquor Control Commission (OLCC) liquor store hours;
- State of Oregon allows regulation by counties and smaller cities; and
- Section 3 adds subsection 8(J) to ordinance 1333:
 - Regulations governing medical marijuana dispensary facilities; and
 - Hours of operation.

Board discussion:

- Retail liquor stores allowed to be open holidays and weekends;
- Amendment only addresses hours of operation if a facility makes it through the exemption permit process;
- Limitations and conditions:
 - By statute, counties allowed to place limitations and conditions on medical marijuana facility's location, manner of distribution, and hours.

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

Commissioner Brentano read the ordinance by title only twice.

MOTION: Commissioner Milne moved adoption of an amendment to the Medical Marijuana Dispensary Facilities Ban and Ban Exemption Permit Ordinance to regulate the hours of operation, by emergency procedure. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Video Time (01:08:14)

3. Consider approval of an order establishing fees for Medical Marijuana Ban Exemption Permits. – Joe Fennimore

Summary of presentation:

- Allows county to charge non-refundable fees for:
 - Processing permit application;
 - Application renewal;
 - Appeal of revoked, suspended or denied ban exemption permit; and
 - Criminal background check.
- Board reviewed fees at February 24, 2014, Management Update meeting;
- Employees/volunteers working at medical marijuana dispensary must submit to criminal background check; and
- \$45 fee for criminal background check allows Sheriff's Office to recover costs.

Board discussion:

- February 24, 2014, Management Update meeting:
 - \$200 permit fee covers staff time to process application;
 - \$200 is on low-end of county land use permit fees; and
 - Appeal process similar to land use appeal process. Same fee of \$250.
- \$45 fee for criminal background check is less than Oregon State Police cost to process and covers Sheriff's Office estimated cost;
- Marion County would conduct its own criminal background, in addition to the one performed by OHA;
- U.S. Department of Health and Human Services booklet "Marijuana: Facts parents Need to Know" (Attachment B).

MOTION: Commissioner Carlson moved approval of an order establishing fees for Medical Marijuana Exemption Permits. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Video Time (01:25:30)

PUBLIC WORKS - PLANNING

5. Consider adoption of administrative ordinance, LA 14-001, amendments to the Marion County Urban and Rural Zone Codes, by emergency procedure. – Joe Fennimore

Summary of presentation:

- Permits would not be issued when property is being used in violation of state or federal law and if those uses are not permitted by the code;
- Board initiated amendments in January 2014;
- Public hearing February 12, 2014; and

- February 19, 2014, board approved amendments and directed staff to prepare ordinance.

Board discussion:

- Item being presented for the record;
- Underlines the county’s ability to ban medical marijuana facilities in farm and forest zones; and
- Language constructed to define how federal, state and this local implementation work together.

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

Commissioner Brentano read the ordinance by title only twice.

MOTION: Commissioner Milne moved adoption of administrative ordinance, LA 14-001, amendments to the Marion County Urban and Rural Zone Codes, by emergency procedure. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous

Video Time (01:29:58)

**PUBLIC HEARING
9:30 A.M.**

PUBLIC WORKS – ENVIRONMENTAL SERVICES

A. Public hearing to consider changes to the Marion County Solid Waste Ordinance (MC Code Chapter 8.05) adding service area standards. – Alan Haley, Jeff Bickford

Summary of presentation:

- Sets standards for placement, screening, enclosure and provision of access to commercial-sized garbage, recycling and composting containers;
- Inappropriate location/design of containers creates unsafe working conditions;
- Proposed draft based on City of Salem standards adopted in 2011;
- If approved, standards consistent throughout Marion County and Salem area;
- Brought before Solid Waste Management Advisory Council (SWMAC) on August 2013;
- November 26, 2013, SWMAC passed motion recommending board consider and approve amendment;
- Applies to new commercial and multi-family construction and remodels requiring a building permit; and
- Applies to solid waste receptacles one cubic yard or larger.

Testimony:

Mid-Valley Garbage and Recycling Association President Todd Irvine:

- Primary concern is safety;
- Item addressed through SWMAC; and

- Draft based on City of Salem's standards, but meets Marion County's needs.

Board discussion:

- Discussed previously at Management Update meeting;
- Does not address existing commercial or multi-family building; however, Mid-Valley Garbage and Recycling Association take proactive approach to provide necessary assistance;
- Commissioner Brentano worked on issue in 1999; and
- Consider rates that take into consideration special procedures and actual time spent at locations.

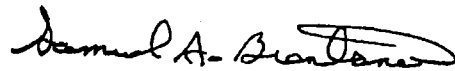
MOTION: Commissioner Carlson moved to close the public hearing and read the ordinance by title only twice. Seconded by Commissioner Milne; motion carried.

Commissioner Brentano read the ordinance by title only twice.

MOTION: Commissioner Carlson moved to adopt the changes to the Marion County Solid Waste Ordinance (MC Code chapter 8:05) adding service area standards, by emergency procedure. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano adjourned the meeting at 10:45 a.m.

Attachments: (A) Change Order #8 to Contract with Structural Preservation System LLC.



CHAIR



COMMISSIONER

Board Sessions can be viewed on-line at <http://www.cctvsalem.org/streaming.php> under Marion County Board of Commissioners.

structural

 OWNERS
 CONTRACTOR

CHANGE ORDER

PROJECT:	Courthouse Square Remediation Project 555 Court Street NE Salem, OR 97301	CHANGE ORDER NUMBER:	403949-08
TO CONTRACTOR:	Structural Preservation Systems, LLC 6955 San Tomas Road Elkridge, MD 21075	DATE:	3/4/2014
		CONTRACT DATE:	9/20/2012
		CONTRACT FOR:	Courthouse Square Remediation

The contract is changed as follows:

	County	Transit	TOTAL	Complete By
1) 1st/2nd Floor Tenant Improvement Changes	\$ 11,796.07	\$ 4,964.47	\$ 16,760.55	
2) Dishwasher Installation	\$ 1,618.45	\$ 808.01	\$ 2,426.46	
3) Modular Unit Plumbing Removal	\$ -	\$ 1,985.00	\$ 1,985.00	
4) Modular Unit Electrical Removal	\$ -	\$ 2,231.00	\$ 2,231.00	
5) Blind Removal and Installation Credit	\$ (886.08)	\$ (372.92)	\$ (1,259.00)	
6) 5th Floor Water Heater Installation	\$ 5,340.41	\$ 2,247.55	\$ 7,587.96	
7) Feed 4th floor power to 2160	\$ 1,875.90	\$ -	\$ 1,875.90	
8) Change Two CAT6 lines	\$ -	\$ 5,735.00	\$ 5,735.00	
9) Install Fiber for Wireless Access Points	\$ -	\$ 3,680.00	\$ 3,680.00	
10) Update 1st to 4th Fl Fiber - 24 Strand	\$ -	\$ 4,620.00	\$ 4,620.00	
11) Server Room Ceiling Credit	\$ (652.68)	\$ -	\$ (652.68)	
12) Reuse Lobby Grid at 1st-5th Floors Credit	\$ (3,715.39)	\$ (928.85)	\$ (4,644.24)	
13) 2nd Floor Access Control Changes	\$ 2,767.23	\$ -	\$ 2,767.23	
14) Expansion Joint Installation at Existing Walls	\$ 393.42	\$ 165.58	\$ 559.00	
15) Upgraded WIFI in room 5231	\$ 821.00	\$ -	\$ 821.00	
16) Floor box for Room 2201	\$ 2,459.00	\$ -	\$ 2,459.00	
17) Abandon 11 Floor Boxes	\$ 2,066.36	\$ 206.64	\$ 2,273.00	
18) Credit for 1st Floor Ceiling Grid	\$ (7,492.65)	\$ (3,153.35)	\$ (10,646.00)	
19) Install System Furniture Whips	\$ 5,856.36	\$ -	\$ 5,856.36	See Below
20) Corner Guard Installation	\$ 1,306.25	\$ 549.75	\$ 1,856.00	
21) Damage Repair from Leaking Urinal	\$ 9,819.42	\$ 4,132.58	\$ 13,952.00	
22) Clips for Ceiling Grid at Tax Office	\$ 419.58	\$ -	\$ 419.58	
23) Bulletproof Glass/Panels at Reception Area	\$ 12,702.00	\$ -	\$ 12,702.00	4/23/2014
24) Electric Car Wiring	\$ 7,437.00	\$ -	\$ 7,437.00	4/1/2014
25) Pressure Blocks in Garage	\$ 2,477.38	\$ 1,042.62	\$ 3,520.00	
26) SD Lamp Repair vs New LED	\$ (6,239.19)	\$ (2,625.81)	\$ (8,865.00)	
27) Revised Security Camera Pricing	\$ -	\$ 48,031.00	\$ 48,031.00	4/1/2014
28) Deduct Previous Security Camera Pricing	\$ -	\$ (42,891.00)	\$ (42,891.00)	4/1/2014
29) Room 5236 VCT and Leveling	\$ 3,787.32	\$ -	\$ 3,787.32	
30) Security Window Film	\$ -	\$ 2,094.00	\$ 2,094.00	
31) North Block Stairwells Window Film	\$ 4,479.69	\$ 1,885.31	\$ 6,365.00	
32) Fire Damper Investigation	\$ 970.54	\$ 408.46	\$ 1,379.00	
33) Modular Unit Anchoring Damage Repair	\$ -	\$ 1,215.00	\$ 1,215.00	
34) Ramp Light Repairs	\$ 2,998.33	\$ 1,261.87	\$ 4,260.20	4/1/2014
35) Thermostat Relocations	\$ 4,045.40	\$ 4,045.40	\$ 8,090.79	See Below
36) Security Camera Aiming	\$ -	\$ 7,792.20	\$ 7,792.20	4/1/2014
37) Remove Cable from Room 1280	\$ -	\$ 848.04	\$ 848.04	
38) 2nd Floor Carpet Installation at Tile	\$ -	\$ -	\$ -	
39) Misc. Additional Casework	\$ 10,370.67	\$ 4,364.58	\$ 14,735.25	4/1/2014
40) AV USB Installation Credit	\$ (11,718.27)	\$ (4,931.73)	\$ (16,650.00)	
41) Room 5231 AV Work Credit	\$ (9,324.00)	\$ -	\$ (9,324.00)	
42) Increment Weather Delay Claim	\$ -	\$ -	\$ -	
43) TI Credit at Restaurant Location	\$ -	\$ (2,553.00)	\$ (2,553.00)	
44) Smoke Detector Annual Inspection	\$ 959.63	\$ 403.87	\$ 1,363.50	
45) Sprinkler System Annual Inspection	\$ 707.71	\$ 297.85	\$ 1,005.56	
46) Additional Floor Leveling - 5th/4th Floors	\$ 1,756.96	\$ 739.43	\$ 2,496.39	
47) Exterior Electrical Box Painting	\$ -	\$ 595.00	\$ 595.00	4/23/2014

Work Items	\$ 59,203.81	\$ 48,893.56	\$ 108,097.37
SPS Markup	\$ 8,880.57	\$ 7,334.03	\$ 16,214.60
Subtotal	\$ 68,084.38	\$ 56,227.59	\$ 124,311.97
Bond	\$ 851.05	\$ 702.84	\$ 1,553.90
Total	\$ 68,935.43	\$ 56,930.44	\$ 125,865.87

Note: All items will be completed by Substantial Completion, except as noted in the "Complete By" column, where the completion date is listed. All work is to be completed per the attached backup. For the thermostat and furniture whip installation work, the following completion dates will apply:

5th Floor 3/20/2014
4th Floor 4/22/2014
3rd Floor 3/26/2014
2nd Floor 4/14/2014

All terms and conditions of the base contract apply to this change order.

Total Change Order Amount \$ 124,311.97

Not valid until signed by the Contractor

The original (Contract Sum) was	\$22,894,850.00
Net change by previously authorized Change Orders.....	\$ 2,040,472.49
The (Contract Sum) prior to this Change Order was.....	\$24,935,322.49
The (Contract Sum) will be (changed) by this Change Order in the amount of.....	\$ 124,311.97
Additional Bond Premium (Should the Contract Sum exceed the original Contract Sum).....	\$ 1,553.90
The new (Contract Sum) including this Change Order will be.....	\$25,061,188.36

The Contract Time will be (increased) by (6) days.

The date of Substantial Completion as of the date of this Change Order therefore is March 17, 2014.

Contractor has indicated agreement by signature on this document. Work shall not begin until notified that the agreement has either been approved or that Work may commence under advance written approval by Owners. This Change Order represents a complete and equitable adjustment to the contract price and time; and includes all costs, both direct and indirect, associated with delays, impacts and time extension.

Reviewed and approved by Owner's Project Management Team	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Date: 3/4/2014
Reviewed and approved by Owner's Project Manager	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Date: 3/4/2014

Marion County OWNER 451 Division St. NE, Suite 200 Address PO Box 14500, Salem, OR 97309	Salem Area Mass Transit District OWNER 925 Commercial St. SE, Suite 100 Address Salem, OR 97302	Structural Preservation Systems, LLC CONTRACTOR 6955 San Tomas Road Address Elkridge, MD 21075
BY: <i>[Signature]</i>	BY: <i>[Signature]</i>	BY: <i>[Signature] David P. Clark</i>
DATE: 03/04/14	DATE: 3/6/14	DATE: 3/4/2014

CHANGE ORDER

structural

OWNERS
CONTRACTOR

CHANGE ORDER

Change Order #: 403949-08	Date:	Amount: \$	125,865.87
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SIGNATURE PAGE FOR CHANGE ORDERS REQUIRING APPROVAL BY MARION COUNTY BOARD OF COMMISSIONERS/SALEM AREA MASS TRANSIT DISTRICT DIRECTORS

OWNERS:

MARION COUNTY BOARD OF COMMISSIONERS

Samuel A. Brown
Chair

Patricia Meloe
Commissioner

Janet Barlow
Commissioner

Date: March 5, 2014

APPROVED LEGAL SUFFICIENCY

Reggy Mitchell 3/4/14
Marion County Contracts Date

Sharon M. Roy 3/5/14
Marion County Legal Counsel Date

SALEM AREA MASS TRANSIT DISTRICT

[Signature] 3/6/14
President, Board of Directors Date

[Signature] 3/6/14
General Manager Date

APPROVED LEGAL SUFFICIENCY

[Signature] 3/6/14
Transit Legal Counsel Date