

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, October 30, 2019

9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

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

ABSENT: Commissioner Kevin Cameron

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

**PUBLIC COMMENT**

*(Video Time 00:00:47)*

Kathy Rogers:

- Ms. Rogers has attended several county meetings testifying against backyard beekeeping in residential neighborhoods:
  - She supports mason bees in backyards, but is in opposition of honeybees in residential neighborhoods.
- Ms. Rogers stated there can be 40,000 to 50,000 bees in one beehive;
- She believes that the potential for 250,000 honeybees from the suggested seven beehives that would be allowed in a residential backyard is egregious;
- Ms. Rogers stated a large majority of her neighbors do not mind the honeybees, but they do oppose the large quantity that would be allowed if an ordinance is passed today;
- Ms. Rogers suggested that the following be considered before approving an ordinance:
  - Lot size restrictions;
  - Side yard restrictions;
  - Number of beehives allowed;
  - Restrictions on honey sales in residential areas;
  - People who may be allergic to bees;
  - Neighborhood children; and
  - Livability in the neighborhoods.
- Ms. Rogers believes the bees would not stay in one yard; and
- She believes individuals opposing beehives should not be subjected to bees in a neighboring yard.

## CONSENT

*(Video Time 00:08:19)*

### CLERKS OFFICE

Approve an order appointing Bob Riggi as Chairperson, and Jennifer Sasaki to the Chairpersons' Pool and Paul Allen, Gerald Bauman, Jack Yarbrough, and Micah Moskowitz to the Non Office-Holding Pool for the Marion County Board of Property Tax Appeals with terms ending June 30, 2020.

### FINANCE

Approve a quitclaim deed approving the private sale of Tax ID #R349294 for .6 acres located in Salem, Oregon.

### HEALTH AND HUMAN SERVICES

Approve an order reappointing Debra Giard and Daryl Thomas to the Local Alcohol and Drug Planning Committee with terms ending June 30, 2021.

### PUBLIC WORKS

Approve Amendment #1 to the Intergovernmental Agreement with the Oregon Department of Transportation to add \$289,500 for a total of \$294,500 for right-of-way services related to bicycle and pedestrian improvements for Hayesville Drive from NE Portland Road to Fuhrer Street.

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

## ACTION

*(Video Time 00:09:37)*

### BUSINESS SERVICES

1. Consider approval of the ratification of the Marion County Law Enforcement Association (MCLEA) Collective Bargaining Agreement. –Colleen Coons-Chaffins and Marion County Sheriff Joe Kast

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

- The MCLEA Collective Bargaining Agreement (CBA) is a tentative agreement until it is approved by the board of commissioners;
- An agreement was reached with the county's law enforcement on September 6, 2019;
- Members of the association ratified the agreement on October 25, 2019;
- The estimated cost of the agreement is \$2.1 million;
- The CBA is a three year agreement;

- Changes to the CBA included language cleanup and movement of sections to ensure that they are consistent with other areas of the same article, which included some of the following:
  - Article 5:
    - Sections 4, 6, and 9 were moved; and
    - Letters of Agreement were updated.
  - Article 7:
    - Language was cleaned up.
  - Article 12:
    - Clarifying language was added; and
    - The name of the health insurance carrier was removed to allow for changes in future carriers.
  - Article 13:
    - There was a Cost of Living Adjustment (COLA):
      - A two and one-quarter percent COLA will be received for 2019 that is retroactive to July 1, 2019;
      - A two and one-half percent COLA will be received in 2020; and
      - A two percent COLA will be received for the first full pay period of July, 2021.
  - Article 14:
    - Administration changes related to compensation for:
      - Field Training Officer; and
      - Instructor.
    - Language was cleaned up for Corrections Nurse;
    - Compensation language was revised for K-9 Officers whose duties include canine care;
    - Compensation language was cleaned up for detective and nurse shift differential;
    - Support Services Technicians received a shift differential:
      - Seventy-five cents per hour between the hours of 6:00 p.m. and 11:59 p.m.; and
      - One dollar per hour between the hours of 12:00 a.m. and 5:59 a.m.
  - Article 20:
    - Language was cleaned up; and
    - Compensation time in Section 8 was increased from 48 hours to 60 hours.
  - Article 27:
    - Language was cleaned up; and
    - Clarifying language was added for investigation notes.
- There are Letters of Agreement that renew the life of the CBA:
  - These apply to Jail Deputies and Facility Security Aides who work the same schedule.
- Bidding for vacation slots will be handled by the MCLEA union;
- Holiday pay was renewed for employees working ten hour shifts, four days a week;
- An assessment was done for the following:

- Office Specialist; and
- Sheriff's Office Records Specialist.
- A desk audit for Office Specialist 2 was agreed upon;
- A Records Specialist classification will be reviewed;
- MCLEA employees will be able to deposit money into a retirement medical trust to offset medical expenses after retirement:
  - This option is available for individuals whose age is not yet Medicare eligible:
    - The county will only be responsible for funneling the funds from an employee's paycheck to the company that will be handling the trust; and
    - The county will not be responsible for anything related to the trust or the company that is handling the trust.
- There are five Letters of Agreement related to the following that were all renewed and had no changes:
  - Shift trading;
  - Tuition assistance;
  - Vacation time conversion;
  - Voluntary physical abilities testing; and
  - Workers compensation wage continuation.
- MCLEA members make up the largest portion of staff for the Sheriff's Office.

***Board discussion:***

- Jobs in law enforcement can be a competitive market:
  - The county needs to be competitive in order to recruit and retain employees.
- The commissioners expressed their appreciation to all the individuals who worked on the CBA for the MCLEA.

**MOTION:** Commissioner Willis moved to approve the ratification of the Marion County Law Enforcement Association (MCLEA) Collective Bargaining Agreement. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:21:02)*

**HEALTH AND HUMAN SERVICES**

2. Consider approval of an order appointing Shelley Day to the Intellectual and Developmental Disabilities Advisory Committee (IDDAC) with a term ending December 31, 2023. –Corissa Neufeldt and Shelley Day

***Summary of presentation:***

Corissa Neufeldt:

- The Health and Human Services Department is recommending Ms. Day be appointed to the IDDAC;
- There are twelve membership seats on the committee;
- Ms. Day will be appointed to one of the family member positions; and

- Ms. Day has both professional and personal experience that will assist her with this new role.

Shelley Day:

- Ms. Day is looking forward to her appointment and increasing awareness for individuals with Intellectual and Developmental Disabilities (IDD); and
- She hopes to improve communication.

***Board discussion:***

- Commissioner Brentano shared a story about a family member;
- Commissioner Willis shared a story related to volunteering in his youth; and
- There are camps available to individuals with IDD that can be a very rewarding experience for both family members and employees.

**MOTION:** Commissioner Willis moved to approve an order appointing Shelley Day to the Intellectual and Developmental Disabilities Advisory Committee (IDDAC) with a term ending December 31, 2023. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:29:11)*

**PUBLIC WORKS**

3. Consider approval of a Purchase Order with PacWest Machinery in the amount of \$135,704 for the purchase of two Broce Brooms as part of the continuing replacement plan of Marion County Public Works. –Scott Wilson

***Summary of presentation:***

- The Purchase Order request is for the Public Works Road Operations Division for the following:
  - To replace one existing self-propelled broom purchased in 2002; and
  - To purchase one additional self-propelled broom.
- The purchase is part of a continuing replacement plan for the Public Works Department to update road equipment that is used for maintaining the county's road systems;
- The county will use the Washington State Pricing Agreement for the purchase;
- The estimated cost for both brooms is \$135,704;
- The funding has been approved to come out of Capital Expenditures;
- Options for the board include the following:
  - Approve the Purchase Order and allow continued purchasing of vehicles from Pac West Machinery; or
  - Deny the approval of the Purchase Order.
- The Public Works Department recommends the board approve the Purchase Order and allow the purchase of two Broce Brooms from Pac West Machinery.

**Board discussion:**

- The self-propelled brooms are attached to a motorized vehicle that contains an enclosed air-tight cab where the operator sits;
- The brooms are primarily used to sweep off the side of the road for the following:
  - Chip seal projects;
  - Shoulder line striping; and
  - Storm debris removal.
- The purchase is for two Broce Brooms, which is a combination of the vehicle and broom.

**MOTION:** Commissioner Willis moved to approve a Purchase Order with PacWest Machinery in the amount of \$135,704 for the purchase of two Broce Brooms as part of the continuing replacement plan of Marion County Public Works. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:32:58)*

4. Consider approval of the Contract for Services with Brown Contracting, Inc. in the amount of \$848,227 for construction of the Lancaster and Macleay Road traffic signal update. –Ryan Crowther

**Summary of presentation:**

- The project is located in east Salem at the intersection of Lancaster Drive and Macleay Road;
- An outdated span wire traffic signal and noncompliant American’s with Disabilities Act (ADA) facilities are currently located at the intersection;
- The project will include the following updates:
  - Replacing the span wire traffic signal with a mast arm traffic signal that meets current standards;
  - Construct new ADA facilities;
  - Widen the road to accommodate a bike lane on Macleay Road;
  - Increase the northeast corner radius to improve truck turning movements and meet current standards; and
  - Improve stormwater conveyance at the intersection by adding inlets.
- Brown Contracting, Inc. submitted the lowest bid of \$848,227 for the project;
- Federal funding in the amount of \$606,001 will pay for the bulk of the project;
- Marion County will fund \$242,226 for the project;
- The project is scheduled to start in the Winter of 2019; and
- The anticipated completion date is June 30, 2020.

**Board discussion:**

- The commissioners expressed their appreciation for the rapid progression of the project.

**MOTION:** Commissioner Willis moved to approve the Contract for Services with Brown Contracting, Inc. in the amount of \$848,227 for construction of the

Lancaster and Macleay Road traffic signal update.. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:36:08)*

5. Consider adopting an administrative ordinance for Legislative Amendment (LA) Case #19-003, regarding amendments to the Marion County Code, Title #16 (Urban Zone Code), Title #17 (Rural Zone Code), and declaring an emergency. –Joe Fennimore

***Summary of presentation:***

- On July 3, 2019, the board adopted a resolution that initiated amendments to the county's urban and rural zone codes related to the keeping of bees in residential zones;
- The matter was referred to the Marion County Planning Commission:
  - The planning commission held a public hearing on August 20, 2019; and
  - Recommended the board adopt the same standards that had already been adopted by the City of Salem.
- The board held a public hearing on October 9, 2019:
  - The evidence and testimony from the public hearing were considered; and
  - The amendments were approved.
- The amendments allow the keeping of honey bees for personal use in residential zones subject to the following standards:
  - There is a limit on the number of hives allowed;
  - Hives must be located in a side or rear yard;
  - Setback requirements must be met;
  - Hives located within 25 feet of a property line must be elevated at least 10 feet in the air or have a flyway barrier;
  - An adequate water supply must be maintained within 15 feet of the hive;
  - Hives must be maintained in a manner that does not attract predators;
  - Hives must not produce a noise or an odor that creates a nuisance on adjacent properties; and
  - A hive located on the following properties must have a warning sign installed at the primary entrance to the property:
    - A community garden;
    - A school;
    - A governmental agency; or
    - A religious organization.
- Adoption of the amendments requires the adoption of two ordinances:
  - An ordinance to amend the rural and urban zone codes:
    - This ordinance will remove the prohibition on the keeping of bees in residential zones; and
  - An ordinance that sets the standards for the keeping of bees in a residential zone, (Reference Action Item #6).
- An ordinance amending Marion County Code, Title #16 (Urban Zone Code), Title #17 (Rural Zone Code) was prepared;
- Notice of the adoption was given on October 23, 2019;

- The options for the board to consider included the following:
  - Approve the ordinance as prepared;
  - Direct staff to prepare a modified ordinance; or
  - Take no action at this time.
- Staff recommended the board adopt the ordinance as written.

***Board discussion:***

- The ordinance for Action Item #5 and the ordinance for Action Item #6 are related and go together;
- Commissioner Brentano expressed concerns regarding the number of hives and the lot sizes:
  - Residents would be allowed five to seven hives depending on specific months out of the year;
  - There is no limit on property size; but
  - There are setback requirements.
- Mr. Fennimore stated the ordinance could be amended if issues arise; and
- Commissioner Willis reiterated his belief in private property rights as long as the property owner's neighbors are not impacted.

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

The chair read the ordinance by title only twice.

**MOTION:** Commissioner Willis moved to approve an administrative ordinance for Legislative Amendment (LA) Case #19-003, regarding amendments to the Marion County Code, Title #16 (Urban Zone Code), Title #17 (Rural Zone Code), and declaring an emergency. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:42:09)*

6. Consider adopting an ordinance amending the Marion County Code in the matter of regulating the keeping of bees on residentially zoned lands under Marion County jurisdiction, and declaring an emergency. –Joe Fennimore

***Summary of presentation:***

- This proposed ordinance will complete the process of amending the Marion County Code to allow beekeeping for personal use in residential zones:
  - The ordinance will add beekeeping standards to Title #16 of the county's code;
- Amendments to the code were approved at a public hearing that was held on October 9, 2019;
- The draft ordinance that was proposed at the public hearing has been revised to include the following changes:



- The prohibition for the sale of honey or bees has been removed; and
- The term “keeping of bees for personal use” was added to the Purpose Section of the ordinance.
- The ordinance was prepared and is ready for formal adoption;
- The board had the following options:
  - Adopt the ordinance as prepared;
  - Direct staff to prepare another ordinance; or
  - Take no action.
- Staff recommends the board adopt the ordinance as written by emergency procedure.

**Board discussion:**



- Commissioner Brentano requested more discussion related to the following:
  - Setbacks;
  - Lot size:
    - The City of Salem has a minimum lot size requirement of 4,000 square feet; and
    - Increasing lot sizes to a minimum of 10,000 square feet.
  - Hive quantities:
    - The density of five to seven hives on one lot is concerning; and
    - Decreasing the maximum number of hives allowed.
- Salem’s policy that allows backyard beekeeping went into effect in August, 2019;
- Mr. Fennimore has received no feedback regarding issues with Salem’s new policy;
- Commissioner Brentano requested recommendations be brought to a Management Update meeting for further discussion;
- This agenda item was tabled; and
- No motion was made.

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

None.

Commissioner Willis read the calendar.  
Commissioner Brentano adjourned the meeting at 9:54.

Not Present At Meeting

CHAIR  
  
 COMMISSIONER  
  
 COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>