

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 28, 2017
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Sam Brentano, Commissioner Janet Carlson and Commissioner Kevin Cameron. Also present were Gloria Roy as county counsel and Kristy Witherell as recorder.

ABSENT: John Lattimer, Chief Administrative Officer

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

PUBLIC COMMENT

(Video Time 00:00:54)

Estelle Watson:

- Volunteer at the Marion County Dog Shelter;
- Here to speak on behalf of Rosie the dog;
- Rosie was a victim of circumstance;
- Was in an unlocked room where a small boy gained access and Rosie bit him in the face;
- Rosie's background:
 - Abandoned on back steps of the Willamette Humane Society; and
 - Brought to the shelter to participate in the enrichment program to address fear and abandonment issues.
- Believes that Rosie was put in jeopardy;
- Believes Rosie deserves a second chance;
- She bit out of fear;
- Believes Rosie can be rehabilitated; and
- Hopes the board will consider giving the dog a second chance.

Linda Baehr:

- Volunteer at the Marion County Dog Shelter;
- Rosie matters and dog people vote;
- Believes volunteers at the shelter are afraid to advocate for dogs for fear they will be let go from working at the shelter;
- Was not at the shelter at the time of the incident;
- Other dogs are under lock and key;
- Unfortunate that Rosie was in an unlocked room;
- Believes the tech and the manager put Rosie in the situation; and
- Wants Rosie to go to another rescue center for rehabilitation.

PRESENTATION

(Video Time 00:14:58)

2017 Marion County Fair Highlights – Tamra Goettsch

Summary of presentation:

- Rough stock rodeo;
- Night Ranger and Diamond Rio;
- ART JAM:
 - Every day until 8:00 p.m. will be conducting art exhibits.
- Kid Zone with inflatables;
- 4-H and FFA exhibits;
- BBQ grill-off:
 - Can participate by signing up on the website.
- Muddy Paws Fly ball Tournament;
- Real heroes demonstration:
 - Opportunity for competitions; and
 - Sign up on the website.
- Public competitions;
- Hands-on family activities;
- FUNtastic carnival;
- All American racing pigs:
 - Every day, every two hours.
- Barn Yard fun:
 - Kids can get up close and personal with farm animals.
- Science, Technology, Engineering, Art and Math (STEAM):
 - Activities all over the fairgrounds.
- Teen idol singing contest;
- Thursday:
 - Honor Day;
 - Veterans event;
 - Cake walk;
 - Bean bag bingo;
 - Cheesecake contest;
 - Real Heroes contest;
 - Free health screening;
 - Senior Stage musical act;
 - Wood carvers demo;
 - Quilting and spinning; and
 - Free professional photos.
- Friday:
 - Awesome Day:
 - Partnership with the Awesome 3000; and
 - Kids get in free with t-shirt.
 - Social media games;

- Photo booth fun; and
- Contests and giveaways.
- Saturday:
 - Agriculture Day;
 - Rough stock rodeo;
 - Home Depot kids workshop;
 - 4-H/ FFA barbecue and market;
 - Benny the Beaver; and
 - Music on main stage all day long.
- Sunday:
 - Teen Idol singing contest;
 - Free children's activities;
 - Super heroes;
 - BBQ grill-off competition;
 - Home Depot kids workshop; and
 - 4-H small animal contest.
- Cannot do it without the sponsors supporting the Marion County Fair;
- Appreciation of the Marion County Fair Board;
- Presale tickets at www.marioncountyfair.net;
- If the entry gate is too expensive, there is coloring contests:
 - Complete and bring in for a free ticket to get into the fair.

Board discussion:

- The fair board is a hands on, roll up your sleeves type of job;
- The fair gets better and better each year;
- The commissioners appreciate the hard work of Community Services, Marion County Fair Board and the volunteers for putting on the Marion County Fair;
- The Marion County Fair is more intimate and different event; and
- There will be a special board session at the fairgrounds.

CONSENT

(Video Time 00:35:00)

BUSINESS SERVICES

Approve Amendment #5 to the Lease Agreement with Valley Office Buildings, LLC by Pioneer Trust Bank to add \$137,317.20 for lease payments and extend the Law Library Lease through June 30, 2020.

COMMUNITY SERVICES

Approve an order distributing video lottery receipts to promote economic development for fiscal year 2017-18 to the following:

- GROW EDC, \$60,000;
- Oregon Garden Foundation, \$100,000
- SEDCOR, \$160,000; and
- Travel Salem, \$100,000.

INFORMATION TECHNOLOGY

Approve the Client Support and Software Agreement with Tyler Technologies, Inc. for \$170,065 for the Assessor's Office taxation software program.

HEALTH

Approve the Contract for Services with TVW, Inc. dba Sustainable Cleaning Systems for \$200,000 to provide janitorial services at ten Health Department locations.

Approve the Intergovernmental Agreement with Oregon Health Authority for \$2,190,493 for the Financing of Public Health.

DISTRICT ATTORNEY'S OFFICE

Approve an order appointing Dr. Douglas Eliason as the Marion County Medical Examiner.

JUVENILE

Approve the Intergovernmental Agreement with the Oregon Youth Authority for \$1,806,900 for basic and diversion services to reduce and prevent juvenile crime.

PUBLIC WORKS

Approve an order reappointing Wayne Rawlins to the Marion County Parks Commission with a term ending June 30, 2021.

Approve an order extending the term of the Cable Franchise Agreement with Comcast of Oregon I, Inc. until October 31, 2017.

Approve Amendment #1 to the Intergovernmental Agreement with Oregon Department of Transportation to add \$910,833 to the 45th Avenue Bike Pedestrian Improvement Project.

Approve Amendment #1 to the Public Improvement Agreement with K&E Excavating, Inc. to add \$240,913.02 for the St. Louis Road Rail Crossing Safety Project.

Approve the Materials Price Agreements for rock products used for maintenance activities performed by Public Works employees on Marion County's road system to the following: Allied Rock, LLC (Lyons); Baker Rock (Molalla); Crabtree Crushing (Dundee); Hupp Farms (Silverton); K & E Excavating (Silverton); Knife River (Jefferson, Salem, Sherwood, Stayton); Northrock, Inc. (Lyons); PNP Quarry (Salem); River Bend Sand & Gravel (Salem, Turner) and Windsor Rock (Keizer).

Approve the Materials Price Agreements for asphalt concrete and asphalt cements used for maintenance activities performed by Public Works employees on Marion County's road system to the following: Baker Rock (Dayton); Knife River (Salem) and River Bend Sand & Gravel (Salem).

SHERIFF'S OFFICE

Approve Amendment #3 with the Oregon Judicial Department to add \$17, 215 for the Veterans Drug Court.

TREASURER'S OFFICE

Approve an order authorizing the Treasurer to invest in surplus county funds.

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

ACTION

(Video Time 00:40:00)

BOARD OF COMMISSIONERS

1. Consider a resolution regarding the Turner Downtown Renewal Plan. – Gloria Roy and David Sawyer, Turner City Administrator

Summary of presentation:

- City of Turner's population is just under 2,000 people;
- Was a vibrant community until a combination of timber policy, road direction and where people shopped, turned downtown into a large amount of vacant buildings;
- Only four businesses in downtown area;
- City has been working for some time to bring it into a vital and sustainable area;
- Proposal is to do a downtown revitalization area;
- Did a study in 2008 that initiated the process;
- Seeing a lot of residential development and now seeing that now is the right time to recreate a downtown to support the development;
- In process for the last six months with an advisory committee that includes business owners and residents;
- Held an advisory meeting and open house;
- Fire district negotiations are part of an urban renewal proposal:
 - About to sign an intergovernmental agreement with the fire department.
- Trying to create a strengthened sense of community;
- Categories of projects:
 - Project support:
 - Studies and analysis to provide marketing information on how to pursue business development.
 - Infrastructure:
 - Stormwater and street issues that need to be upgraded.
 - Economic development:
 - Proceeding with storefront improvement loans immediately.
 - Want to build a business development center where Turner can help consult and guide small businesses to be successful.
 - Public Safety:
 - Fire protection issues; and
 - Money for flood mitigation.
 - Amenities:
 - Signage; and
 - Gazebos.

- Community facility:
 - Adding a historic museum; and
 - Build an event center.
 - Transportation:
 - Renewed parking; and
 - Street lights.
 - The renewal plan is estimated to cost \$5 million;
 - Sunset clause of 27 years;
 - Impacts to taxing districts;
 - The hope is the growth created will feed out to other district areas;
 - This is critical for Turner to create a sustainable community for the 2,000 residents; and
 - This effort takes a lot of resources.

Board discussion:

- The board appreciates Mr. Sawyer’s leadership in Turner;
- Little bit less money for Marion County and 4-H District; and
- Critical for the community moving forward.

MOTION: Commissioner Carlson moved for approval of a resolution regarding the Turner Downtown Renewal Plan. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:51:08)

HEALTH

2. Consider approval of the Intergovernmental Agreement with the Oregon Department of Human Services for \$250,000 to provide in-home crisis respite services for children and youth. – Cydney Nestor,

Summary of presentation:

- Child Welfare has committed the money over the course of two years to support development of crisis services;
- True commitment to support all families in crisis;
- Looking to provide in-home crisis services:
 - If not available, looking to do respite homes; and
 - Intensive case management.
- Looking to open the doors August 1, 2017 with community partners; and
- Peer support will be provided.

Board discussion:

- Marion and Polk County residents will be eligible for services.

MOTION: Commissioner Cameron moved for approval of Intergovernmental Agreement with the Oregon Department of Human Services for \$250,000 to provide in-home crisis respite services for children and youth. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

(Video Time 00:56:03)

SHERIFF'S OFFICE

3. Consider approval of the Contract for Services with Bridgeway Recovery Services, Inc. to provide Marion County Reentry Initiative services to the following:

- \$228,000 for treatment education;
- \$165,578 for the Transition Center clientele;
- \$258,790 for non-violent property and drug offenders with medium to high risk;
- \$378,822 for males released from prison for medium to high risk who are substance abusing with a co-occurring mental health disorder; and
- \$358,192 for qualified offenders with primary custody of minor children.

–Commander Jeff Wood

Summary of presentation:

- Renew contracts with Bridgeway Recovery Services;
- The design of contracts is to lower recidivism rate;
- Enhance public safety in Marion County;
- 3,600 offenders supervised;
- Get out of the criminal justice system;
- Target population is medium and high risk offenders;
- Have dosage requirements for Bridgeway;
- Contract provides a certified drug and alcohol mentor:
 - Certified drug and alcohol counselor.
- With the passage of SB 267, which mandates evidence based practices, Marion County is required to provide 75 percent evidence based;
- All contracts are state funded;
- Contracts are based on fiscal year 2015-17 numbers;
- Do not want to disrupt service;
- Treatment Education:
 - Substance abuse.
- Transition center clientele:
 - For jail reentry program;
 - Felony offenders that serve less than a year; and
 - People in group are more impulsive.
- Non-violent:
 - SB 416 prison diversion program;
 - Collaborative between Sheriff's Office, District Attorney's Office and Bridgeway Recovery Services;
 - Drug and property crimes; and
 - Only two people have been sentenced into Department of Corrections (DOC) prison.
- Link Up program with those who are dually diagnosed with substance abuse and mental health issues:
 - Person returning to the community will have counselor and mentor.
- Family sentencing alternative program:
 - Program started in January 2016;
 - Served 26 adults and 48 children;

- Children are involved with DHS;
- Only had one person return to prison; and
- Supporting mostly women and children.
- There's now Prison Rape Elimination Act (PREA) clause in contracts:
 - Law impacts all housed in jails, prisons and transition centers;
 - How to handle PREA complaints; and
 - Auditor showed that the Sheriff's Office is PREA compliant.

Board discussion:

- A big piece of what Marion County does for the reentry program; and
- Have had a contract with Bridgeway Recovery Services for the last 4-6 years.

MOTION: Commissioner Carlson moved for approval of the Contract for Services with Bridgeway Recovery Services, Inc. to provide Marion County Re-entry Initiative services. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

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

(Video Time 01:09:42)

PUBLIC WORKS

A. Public hearing to consider the application for Mass Gathering Case #17-003/Whitewind Woodland, LLC. Clerks file #5725. – Brandon Reich

Summary of presentation:

- On Exclusive Farm Use (EFU) zoned property;
- Events will be held on:
 - July 22-23, 2017;
 - July 29-30, 2017;
 - August 12-13, 2017; and
 - August 19-20, 2017.
- Estimated attendance is between 1,500-2,000 people;
- The property is on the south side of Cascade Highway;
- Applicant holding a renaissance fair and wild west event;
- Sound amplification will be used;
- Alcohol will be served;
- Fireworks will not be used or shown;
- All Marion County agencies approved the application:
 - Silverton Fire District asked to tour the property before the event.
- Staff recommends approving the Mass Gathering.

Testimony:

Nancy White:

- Will have a Wild Bill stunt show;
- Trick ropers and riders;
- No one in the northwest is doing a show like this; and
- Applicant purchased the property the mass gathering is held on.

Board discussion:

- Public Works will be bringing forward a proposal to have a five year approval of renewals for mass gatherings approved by the planning director.

MOTION: Commissioner Cameron moved to close the public hearing and approve the application for Mass Gathering Case #17-003/Whitewind Woodland, LLC. Clerks file #5725. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

(Video Time 01:16:26)

B. Public hearing to consider Zone Change/Comprehensive Plan Case #17-001/Sharabarin, Clerk's file #5724. – Joe Fennimore

Summary of presentation:

- Application to change the zone from Exclusive Farm Use to AR-10 and to change the comprehensive plan designation from Primary Agriculture to Rural residential;
- The property is a 7.3 acre parcel;
- The property is located on the east side of highway 99E at the Carl Road intersection;
- It contains a well, farm field and paved areas where a fruit stand once stood;
- Adjacent to the property to the southwest, across from highway 99E, is within the Urban Growth Boundary (UGB) and Woodburn city limits:
 - Other properties on the west side of highway 99E is EFU zoned;
 - North of the property is residential use; and
 - Southeast of the property is a mobile home park.
- The Hearings Officer held a public hearing on this application on March 22, 2017 and on May 18th issued a recommendation that the board approve the request if additional satisfactory information is submitted;
- The property is subject to Statewide Planning Goal 3, Agricultural Lands:
 - In order for the request to be approved, the applicant must justify an exception to this goal;
 - In this instance, the applicant proposes an irrevocably committed exception to Goal 3; and
 - This type of exception is based on the concept that the land surrounding a property is developed to such an extent that the property is irrevocably committed to uses other than resource use.
- The hearings officer conducted a detailed review on the applicable goal exception criteria and identified two items where additional information is needed:

- In finding 9 on page 6 of the recommendation, the applicant indicates the property is burdened with the existence of a 10 foot wide stormwater easement running along the northern property line:
 - The hearings officer indicated it would be helpful if that easement could be depicted on a map or aerial photograph; and
 - The applicant needs to explain how the soil calculations were determined.
- In finding 14, ending on page 14, the hearings officer indicates that the applicant needs to provide supporting evidence showing why the property cannot be managed for a profit in money from farm use; and
- The hearings officer then reviewed all the applicable comprehensive plan polices and zone change criteria and concluded that the goal exception is justified and granted the comprehensive plan policies and zone change will be met and application can be approved.
- Additional information for consideration has been submitted and the applicant is prepared to present it to the board.

Testimony:

Support:

Rebecca Dohrman, attorney for applicant:

- The property is surrounded by uses that are not resource uses;
- The conditions are unique;
- Hearings officer requested information of the following:
 - Stormwater easement:
 - Runs from east to west: and
 - Takes stormwater from a mobile home park to an outflow on HWY 99E.
 - Soil analysis:
 - Gentleman who conducted analysis used an aerial photograph online without property lines;
 - Applicant provided property lines; and
 - Recalculated to 6.45 acres.
 - Deed of .4 acres to ODOT for highway 99E;
 - Provided more information about income:
 - Property does make a profit, but not when expenses are included:
 - \$19,000 annual loss.
 - Showed financial obstacles:
 - Is not able to make money on this property from agriculture.

Board discussion:

- The only condition recommended was more right of way dedication on Carl Road:
 - Applicant does not contest the condition.
- Will be coming back with an ordinance that will state conditions.

MOTION: Commissioner Carlson moved to close the public hearing and approve Zone Change/Comprehensive Plan Case #17-001/Sharabarin, Clerk's file #5724. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Brentano read the calendar.

Commissioner Brentano adjourned the meeting at 10:33 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.