

MINUTES & APPROVED 6/12/96



NOTICE OF BOARD ACTION

LANE COUNTY BOARD OF COMMISSIONERS

This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

January 17, 1996
9:00 a.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Chair Bobby Green, Sr. presided with Steve Cornacchia, Ellie Dumdi, Jerry Rust and Cindy Weeldreyer present. Sharon Giles, Recording Secretary.

1. **ADJUSTMENTS TO THE AGENDA**

None.

2. **PUBLIC COMMENTS**

Joe Ellingson, 420 W. Lassen, Chico, CA, stated that he is a partner in Ellingson Ranch and spoke about the realignment of Sweet Creek Road. He expressed concern with curves on the property as the first two curves are surrounded by wetlands. Ellingson remarked on his belief that the plan has not been thought out well enough regarding the dumping of rock on this private property. He stated that there is land at mile post 9 and that another possibility is on Duncan Island. Ellingson stressed that he would like to see a compromise regarding the realignment on that road. Responding to Cornacchia, Ellingson stated that he believes the Forest Service is planning to do condemnation on the property to get access.

Keith Ellingson, 992 Sherwood Place, indicated that the project is funded by the "feds," explaining that the County's role is only to purchase right-of-way to widen the road by going out into their field. He stressed that the use will take about a 300' x 60' strip of the field. Ellingson added that the property in question is also the only ideal building site on that tax lot. Van Vactor suggested that he could contact Public Works for a report and this item could be pulled from the consent calendar. Ellingson remarked that they are not objecting to the

project. Dumdi expressed concern that the federal engineer refuses to back off and look at other alternatives.

3. **COMMISSIONERS' ANNOUNCEMENTS**

To be held at approximately 10:40 a.m.

4. **COMMISSIONERS' BUSINESS**

Weeldreyer referred to an award of recognition for Public Works' employees that participated in the repair of the Pleasant Hill levee. She added that she will host a coffee reception for them on Friday at 7:00 a.m. and invited Board members to attend. (Weeldreyer later read the entire resolution into the record.)

5. **EXECUTIVE SESSION as per ORS 192.660**

To be held later in the day.

6. **COUNTY ADMINISTRATION**

a. Announcements

None.

b. **ORDER 96-1-17-1/In the Matter of Filling Two Vacancies on the Rural Community Improvement Council.**

Weeldreyer presented the names of Donald Nordin and C. Max Smith for consideration.

MOTION: Approval of the Order appointing Donald Nordin and C. Max Smith to the Rural Community Improvement Council. Weeldreyer **MOVED**, Dumdi **SECONDED**.
VOTE: 5-0.

7. **PUBLIC WORKS**

a. **ORAL REPORT BACK/Solid Waste Executive Management Planning Group Progress Report**

John Goodson presented this report and reviewed the history of the group. He explained that one of the major components of their work was developing a list of proposed reductions and revenue enhancements. Goodson reported that they have finally gotten very close to the goal of \$1.8 million in proposed revenue enhancements

or reductions in costs. Craig Starr distributed and reviewed the list (see material on file), noting that it is a work in progress. Rust remarked that he was not at the final meeting, but thinks the committee did a great job. He emphasized that he likes the idea of spreading the burden throughout the system and that these proposals continue to reward recycling and waste reduction/recovery.

Starr noted that number 37 (the \$250,000 savings in "improving operational efficiencies") is undefined, but the discussion centered on the reduction of four to five positions. Van Vactor suggested that numbers 8 and 9 need some discussion. Starr explained that number 8 refers to the credit that the commercial garbage haulers receive against their fees for providing curbside recycling to their customers. He stated that it does not affect the \$1.50 credit to self-haulers and doesn't affect the \$1.50 that Eugene city residents receive for curbside efforts. Green remarked that if the credit for commercial haulers is eliminated, it is hard to understand how this will not ultimately reflect on the public. Starr agreed that there may be an impact on rates as it will be an added cost to haulers, but that impact projections are at 18 cents per month.

Cornacchia asked what the anticipated reduction in volume is to Short Mountain at full operation of the two MRFs (Materials Recovery Facilities). Starr estimated 40,000 tons or approximately 15% to 17%. Responding to Cornacchia, Starr stated that \$1.8 million represents close to 15% of revenues. He stated that this is all commercial and charged at \$45 ton. Cornacchia indicated that he was trying to associate cause and effect, and asked if operating expenses have been reduced commensurate with the reduction in workload. Starr indicated that by the time the work is done to achieve the \$250,000 in operating efficiencies, it should be commensurate. He also noted that there are costs that track to volume and costs that don't track to volume, noting that the County will still have to keep the site open, regardless of volume. Rust emphasized that he thinks \$250,000 in operations/administration is significant and that there are other efficiencies at the beginning of the list. He remarked that he thinks the County ought to go through the entire Public Works budget in this fashion, which would result in the gain of a lot of efficiencies.

Weeldreyer recalled that there was not clear direction from the Board to the committee in the beginning. She noted that yesterday the two unions were talking about proposals to increase operational efficiencies. Dumdi indicated that she was pleased to see that closure of transfer sites was rejected.

Starr stressed that this is the recommendation from the group to the Board and that they will not be reviewing this further unless there is further direction from the Board back to the group. Rust suggested that the group bring this back to the Board in two weeks for final approval and then, at that time, if any Board member is unsatisfied,

they can bring back other options. Cornacchia expressed concern that it seems like the group felt its direction was to find ways to deal with this without reducing employees. Rust suggested this be treated as any other budget exercise, observing that the committee has done its job and that they have presented a balanced proposal. Consensus was reached that Starr would "tweak" the numbers in the recommendation, submit a final copy directly to Board members, giving the Board an opportunity to do their individual exercise with the numbers and then a work session would be held in two weeks or so for final review/approval. Van Vactor thanked those private citizens who helped on this process.

- b. ORDER 96-1-17-2/In the Matter of Electing Whether or Not to Consider an Appeal of a Hearings Official Decision Approving a Special Use Permit for a Campground Within the C-2/Neighborhood Commercial Zone (File PA 1390-95; Rae).

Michael Copely, Associate Planner, reviewed this item for the Board. Green asked for ex parte contacts. Weeldreyer indicated that she has had conversations with members of the McKenzie Valley Chamber of Commerce some time ago, but that nothing has biased her.

MOTION: Approval of the Order not to hear the appeal. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. ORDER 96-1-17-3/In the Matter of The Surrender of Seven County Roads or Portions Thereof to the City of Eugene.

MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

8. CONSENT CALENDAR

A. Approval of Minutes: None.

B. Health and Human Services

- 1) RESOLUTION AND ORDER 96-1-17-4/In the Matter of Accepting Revenues From the City of Eugene; to Increase Appropriations in the Amount of \$40,000 in Fund 85 for FY 95/96; and Delegate Authority to the County Administrator to Sign an Intergovernmental Agreement With the City of Eugene and a Subcontract With St. Vincent de Paul.
- 2) RESOLUTION AND ORDER 96-1-17-5/In the Matter of Approving a Rate Increase for the Lane County Psychiatric Hospital.

C. Human Resources and Management Services

- 1) ORDER 96-1-17-6/In the Matter of Authorizing the Sale of Surplus County-Owned Real Property to Southern Oregon Mortgage Inc. (Map #19-03-15-30, Tax Lots 3200 and 3201, Adjacent to 82897 Florence Avenue, Creswell).

D. Public Works

- 1) ORDER 96-1-17-7/In the Matter of awarding a Contract to Willamette Crushing Co. for Base Rock Production, Various Stockpile Sites, Contract No. 95/96-06.
- 2) ORDER 96-1-17-8/In the Matter of The Alteration of a Portion of County Road Number 113 and 436 (Commonly Known as Willamette Street South) and Being Located Within Sections 19, 30 and 31 of Township 18 South, Range 3 West, and Sections 25 and 36 of Township 18 South, Range 4 West, W.M.
- 3) ORDER 96-1-17-9/In the Matter of Acquiring Fee or Other Interests in Portions of Certain Real Properties for the Improvement of Sweet Creek Road.

Dumdi asked that Item 8.D.3. be pulled from the Consent Calendar and Cornacchia asked that Item 8.C.1. be pulled.

MOTION: Approval of the balance of the Consent Calendar. Weeldreyer MOVED, Dumdi SECONDED. VOTE: 5-0.

C. Human Resources and Management Services

- 1) ORDER 96-1-17-6/In the Matter of Authorizing the Sale of Surplus County-Owned Real Property to Southern Oregon Mortgage Inc. (Map #19-03-15-30, Tax Lots 3200 and 3201, Adjacent to 82897 Florence Avenue, Creswell).

Cornacchia commented that he thought staff was adding foreclosure costs on all of these kinds of situations.

Turk replied that according to the statute, this is now a sale from the foreclosed program and the statute allows the county to recover the five percent, plus a *50 penalty for each property. Turk indicated that they were treating this as if it were a redemption. Cornacchia remarked that since the amount is small, he can deal with that.

MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

D. Public Works

- 3) ORDER 96-1-17-9/In the Matter of Acquiring Fee or Other Interests in Portions of Certain Real Properties for the Improvement of Sweet Creek Road.

Dumdi remarked that there are three curves altogether in this project and two of them are okay, stating that she would like to see those two approved and moved forward on. Snowden concurred. MOTION: To amend the Order to delete TL 800, but approve acquisition of portions of TL 701 and 202. Dumdi MOVED, Cornacchia SECONDED.

Dumdi stated that this is a federally funded project and that the plans for TL 800 involve a severe impact. Snowden indicated that this is a project that falls under the category of forest highway funding, and was initiated by the Forest Service and Lane County. He stated that in order to qualify for this money, it has to go through a rigorous test regarding users, timber, etc. Snowden continued that there is money available to cover three curves. He indicated that one of the reasons the Forest Service is interested in including the Ellingson curve at M.P. 6.6 is because the first two curves are generating a great deal of waste material. He noted that the County is only responsible for acquiring the right-of-way. Snowden explained that the intergovernmental agreement indicates that if the project is terminated at this point, the "feds" may want to be reimbursed for costs to date. He remarked that he needs Board direction on whether there is any intention of pursuing the third curve. Responding to Rust, Snowden stated that the Forest Service felt it was needed and listed it as one of their highest priority projects. He observed that safety could be increased with smaller adjustments. Rust stated that he would like to opt down to that lower level, noting that Sweet Creek is not a "destination point." Snowden noted that it was primarily designed to get timber out of the woods, remarking that that mission has changed somewhat. He indicated that safety improvements could be made with County forces at a fraction of the cost for the feds. Dumdi suggested that the signage be improved and also noted that there is a project on Duncan Island that could use those spoils, taking away the need to dump on the Ellingson property. VOTE: 5-0. There was consensus that Public Works would return with a Board Order regarding Tax Lot 800 in 30 days.

11. COUNTY COUNSEL

- a. ORDER 96-1-17-10/In the Matter of Appointing Two Lay Members to the Law Library Advisory Committee.

MOTION: Approval of the Order reappointing Grosscup and appointing Lapich to the Law Library Advisory Committee. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

9. HEALTH AND HUMAN SERVICES

- a. RESOLUTION AND ORDER 96-1-17-11/In the Matter of Establishing a 1.0 FTE Mental Health Specialist (MHS) Position and Appropriating \$35,612 in Revenues and Expenditures in Fund 86 in the Department of Health and Human Services.

MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0. Van Vector thanked Youth Services and Health and Human Services for working cooperatively in the administration of grants.

10. EMERGENCY BUSINESS

- a. ORDER 96-1-10-8/In the Matter of Creating the Classification and Salary Range for Waste Management Technical Specialist and Adding 1.0 FTE to the Budget of the Waste Management Division.

Starr reviewed this item from last week regarding the creation of the classification for Waste Management Technical Specialist and adding a position to the budget. As requested last week, Starr distributed a proposed work plan (see material on file). He stressed that he believes this is a necessary action. Responding to Green, Starr stated that making sure the plan is followed is the responsibility of the division manager. Responding to Rust's questions regarding the Solid Waste Executive Group's discussion of this position, Starr indicated that there was basic agreement that it wasn't appropriate for them to deal with this matter as it was not the appropriate forum. Starr remarked that the cost of this position is on top of the \$250,000 and it will be his responsibility to find the additional \$65,000 beyond the \$250,000 figure.

Cornacchia stated that adding this to number 37 and to the deficit number makes him more comfortable. MOTION: Approval of the Order. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

- b. ORDER 96-1-17-13/In the Matter of Appointing One Member to the Lane County Budget Committee.

Green reported that Kate Jones has resigned. He explained that Carol Jones is a CPA, has attended a couple of meetings and lives in his district.

MOTION: Approval of the Order appointing Carol Jones to the Budget Committee. Dumdi MOVED, Weeldreyer SECONDED. VOTE: 5-0. The Board expressed their appreciation to Kate Jones for her service to the committee.

3. COMMISSIONERS' ANNOUNCEMENTS

Dumdi indicated that she has been receiving correspondence and phone calls from Florence area people who have concerns regarding the potential gaming center. There was consensus to request that Van Vactor contact Rod Courtier at the Bureau of Indian Affairs and request another extension from January 19 until the middle of February and for Dumdi, Rust and Van Vactor to meet with the tribal representatives.

Weeldreyer asked Van Vactor for his report back on the scope of work for determining the impact on county roads as a result of the Pleasant Hill levee. Van Vactor remarked that he had received a note back from John Goodson, who stated that Land Management staff had taken a quick look at the elevations which seemed to indicate that if the dike had gone out, there would have been some concern regarding potential jeopardy to county roads. Van Vactor reported that the estimated cost is between \$3,000 to \$8,000 to do a more precise evaluation and was not sure it would be any better than just looking at elevations. Van Vactor stated that the next step may be to have a meeting with County staff to determine the amount of road funds that would be appropriate to contribute. Cornacchia noted it is necessary to get advice from counsel whether the present review is sufficient/defendable. Vorhes reported that he has not reviewed the documentation yet and would need to look at what led to the conclusion.

Weeldreyer referred to her January 16 memorandum with the subject "Paintball Issue Concerns" (see material on file). She indicated that she had attended a meeting of the Goshen Neighborhood Association last night. Weeldreyer stated that there are a number of properties in that area that have been granted Conditional Use Permits with site review provisions/conditions and they have had continuing problems with the County's lack of resources to enforce those conditions. She noted that she would like to see some conditions included in the Findings that are being drawn up. Weeldreyer continued that at some point she would like to have the opportunity to have those conditions considered. She expressed concern, however, that since the County lacks the resources in the compliance area to enforce those, it is like giving the neighbors a hollow promise.

Rust observed that the attorneys for both sides need to be part of any subsequent discussion, noting that final action has not been taken. Cornacchia remarked that the Board did not approve a Conditional Use Permit, but had affirmed a Hearings Official decision. With regard to lack of resources to enforce, Cornacchia indicated that is inaccurate as there are compliance officers in the County. He pointed out that a Conditional Use Permit can also be enforced privately in the event the County doesn't act. Cornacchia agreed that if new issues/conditions are going to be discussed, particularly liability insurance as referred to in Weeldreyer's memo, then both attorneys need to be involved. He highlighted the need for legal counsel's direction. Rust recommended that both parties be notified of this discussion and be given a copy of Weeldreyer's memorandum and a tape of this meeting. Cornacchia

urged Weeldreyer to submit the memorandum to legal counsel and discuss the opportunities available to her as a commissioner.

There was consensus to provide information regarding today's discussion to both attorneys. Stephen Vorhes, Assistant County Counsel, remarked that if this Board were to reconsider issues raised on the appeal, then it might want to hear additional argument from those parties based on Board discussion in that reconsideration. He added that, as part of the land use process, the Board does have some discretion to reconsider a decision, noting that there is not really a process spelled out to deal with this type of issue where the decision is not final yet. Vorhes continued that there could be discussion/deliberation during review of the Findings, but he recommended against it without some sort of opportunity for the parties to participate in that process.

Weeldreyer asked if there is an option at this time to reconsider having the Hearings Official accept new information. Vorhes responded that if it were related to an issue raised on appeal, then it may be an option that is available to the Board. Rust observed that it takes three votes to approve the Findings. Responding to Cornacchia's comment that there is a responsibility to show how the Findings are inconsistent with the position taken by the Board, Rust emphasized that a member of the prevailing vote has the option to change their vote. Weeldreyer indicated that she would like an opportunity to talk further with County Counsel on this issue.

There being no further business, this meeting adjourned into Executive Session at 10:55 a.m.



Sharon Giles
Board Secretary