

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.

March 27, 1991
9:00 a.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Chair Jack Roberts presided with Steve Cornacchia, Ellie Dumdi and Jerry Rust present. Marie Frazier excused. Judy Haldeman, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

Roberts announced that the vegetation management item, 8.a., would follow Public Comment.

2. PUBLIC COMMENT

Jan Wroncy, 94340 Horton Road, Blachly, commented that integrated vegetation management does not necessarily mean that all the tools that humans can dream up should be used. The incorporation of inventories, planned low maintenance plant communities, mechanical and manual management provide all of the tools necessary for a more environmentally sound program, protective of the environment and protective of the people served. She stated that toxic chemicals are not cost effective and that people have a right to protect themselves, their families and their property. People have a right to protect the environment for future generations of Oregonians. These rights should be in the forefront of the Commissioners' considerations.

Ginny Osteen, 85392 Edenvale, Pleasant Hill, commented that she was representing 13 families on County roads and had a petition from 135 residents. She stated that she was protesting the portion of the vegetation management plan which allows toxic herbicides to be used as part of the road maintenance program. She urged the Board to continue to use mechanical and manual maintenance. She asked the Board if it had considered the risk of using herbicides. She asked to have published a comparison of costs between using herbicides and manual labor.

David Eisler, 88613 Nelson Mountain Road, Walton, commented that there are 25 families in his community organization opposed to spraying in their

watershed area. He commented that the organization was concerned about the investment in equipment that would influence the County to continue the spray program.

Norma Grier, P. O. Box 1393, Director of the Northwest Coalitions for Alternatives to Pesticides, commented that the point of the program should not be to get sprays back on the County roads. She stated that there should be a commitment such as the commitment by the City of Eugene in the Memorial Rose Garden to alternatives for toxic chemicals. She stated that there are citizens that are surprised by the proposed program and urged the Commissioners to provide a high profile to inform the public.

Ronald Brew, 89119 Nelson Mountain Road, Walton, commented that he felt that the County at large is probably against the spraying of roads. He commented that there is a general lack of information and public awareness about this spray program which affects everyone. Children, elderly and asthmatics are at a higher risk of being impacted by the sprays. He commented that the chemicals will impact the food grown and the aquatic life in the area.

Lin Holdeman, 94739 Turnbow Road, Junction City, commented that a clearcut area was sprayed by helicopter which has caused his neighbor to lose skin and Holdeman is experiencing jumbled speech and lung problems from the spray.

Tom Pinnell, 3370 Gardenia Way, commented on the Clear Lake Road project. He stated that he owns the Fern Ridge Market and that he would support the realignment of Clear Lake Road to allow for an increase in traffic and traffic safety.

8. PUBLIC WORKS

a. REPORT/Vegetation Management in Developed Areas

David Dunlap, Vegetation Management Coordinator, presented this item to the Board. He discussed the impact of established landscape vegetation on safety and maintenance operations (Lane Code calls for a 15 foot clear zone on corners). He stated that maintenance operations such as street sweeping, pavement renovation and vegetation management operations are hindered by overgrown vegetation.

Dunlap commented that he had received 125 no-spray requests to date from around the County. He commented that the County program is being closely coordinated with the Forest Service and Bureau of Land Management programs. He stated that there has been new equipment ordered and it should be available within four weeks. Dunlap stated that the Vegetation Management Coordinator is now under the Road Maintenance Section of the Engineering Division and coordinating closely with Vegetation Management Operations. He stated that the information from the roadside inventory will be used in the

application of herbicides and he explained that there will be 100 foot buffers on either side of the environmentally sensitive areas.

Dumdi commented that there will be instances when the department is going to use herbicides for safety reasons, but in most instances a combination of tools will be used. Dunlap commented that herbicides will be used in a coordinated way. Rust commented that the application of herbicides will be done less for safety than for convenience and cost. He stated that the burden will be on the County to establish a balance and herbicides should be used only as a last resort. He stated that risk is something that the County should be aware of and added that cancer is on the rise.

Roberts commented that the Board wanted to have high visibility on this issue so that the public would understand the decision. He would like to have this plan given a fair chance.

Cornacchia commented that he appreciated the concern of Dunlap for the urban safety issues, but he was not interested in making changes at this time except on a complaint basis. He commented that it was not realistic that there be no herbicide application in the County. He stated that there has been a lot of time spent by the advisory committee and by staff and there was sensitivity and concern on the part of the County for integrated vegetation management which is a responsible, legitimate and integrated program.

Rust added that safety is more important to him than aesthetics with regard to urban vegetation and he would support the staff recommendation on this. Dunlap commented that he would provide more information to Rust with regard to replacement vegetation. Dumdi commented that it was important that staff work with the property owners on vegetation management in urban areas. Roberts stated that he was prepared to rely on the judgment of staff in this area.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. COMMISSIONERS' BUSINESS

- a. PRESENTATION/LCDC Acknowledging an Outstanding Contribution to Oregon's Pilot Program for Secondary Lands

Roy Burns, Land Management Manager, read the award for the County contribution to Secondary Lands from the Land Conservation and Development Commission. He stated that this has been a long process and that this is the beginning and not the end of it. He thanked his staff, particularly Kent Howe, Associate Planner, and Bill Sage, Planner Aide, for their hard work on this matter and thanked the Board of Commissioners for their support. Dumdi thanked Burns and his staff for all of their hard work. Rust commented that this would

not have been possible without the computer technology of the County. Roberts commented that this work was very high quality and it would be unfortunate if the County was unable to build on this information.

- b. ORDER 91-3-27-1/In the Matter of Recognizing the East Prairie Neighborhood Association as a Chartered Community Organization Pursuant to LM 3.513

Dumdi presented this item to the Board.

MOTION: Approval of the East Prairie Neighborhood Association. Dumdi MOVED, Rust SECONDED. VOTE: 4-0.

- c. ORDER 91-3-27-2/In the Matter of Creating a County Road Fund Endowment

Rust commented that saving means giving up something today to gain something for the future and the savings is affordable with a \$40 million reserve in the Road Fund. He commented that the concept of an endowment is sound and he would urge that the Board pick a number and direct County Counsel to prepare an ordinance that develops this idea for consideration and Public Hearing. John Goodson, Director of Public Works, commented that he would like the Board to consider an expenditure limitation prior to enacting an ordinance. Rust stated that a cap can cause problems in an area that is fast growing and he would prefer the savings approach. Dumdi stated that the proposal by Rust is worthy of consideration and that a savings account does make sense. Roberts agreed that this proposal is a good middle ground and he is willing to support County Counsel's preparation of a draft ordinance. The majority of the Board supported the concept of a draft ordinance. Cornacchia commented that he could not support a proposal which implies that he cannot be trusted with the County's money.

This meeting recessed at 10:30 a.m. to reconvene at 10:45 a.m.

3. COMMISSIONERS' ANNOUNCEMENTS

Rust announced that there was an issue raised at the NACo Convention in Washington DC regarding the Abshire Case from Los Angeles. Supervisory employees who work less than 40 hours per week are entitled to recover under the FLSA if their employer takes away some of their pay for working less than a full day.

Dumdi announced that she worked with the JTPA amendments while she was in Washington DC and she met with Vice President and Mrs. Quayle at a reception at the old executive office building. She stated that she had had some individual meetings regarding possible federal monies for the Clear Lake situation in Florence. Funds for small port dredging have been left intact in the Corps of Engineers' budget.

Cornacchia announced that there were two lawsuits, the Zilly case and the Dwyer case, that could effectively halt timber sales for next year. He stated that there was no consensus in the Northwest delegation and that Senator Hatfield will sponsor a meeting April 10 with the Oregon delegation to attempt a compromise on forest management.

Cornacchia announced that there will be a press conference on the parade to welcome the troops on March 29, 1991. He asked the Board to address the extent of the County involvement in this parade. He would encourage the County to be the sponsor of the parade and purchase a single-event insurance policy to cover liability. Rust requested an evaluation from County Counsel and Risk Management regarding County liability. The Board concurred and there will be a report on April 10, 1991.

Roberts announced that there will be a grand opening ceremony on April 2 at 9:30 a.m. for the Looking Glass Pathways Program at Youth Services.

6. COMMITTEE REPORTS

a. Legislative Standing Committee

- 1) ORDER 91-3-27-3/In the Matter of Taking a Position on Legislative Bills Introduced During the 1991 Legislative Session

Marcia Morgan, Intergovernmental Relations Coordinator, explained that HB2966 changes the procedure in the way that arbitrators are selected in specific situations. The Legislative Committee recommended opposition at a priority 1 on this bill. MOTION: To oppose HB2966 at a priority 1. Dumdi MOVED, Rust SECONDED. VOTE: 4-0.

Morgan explained that SB0317 would consolidate land use procedures for cities and counties and put them into a single ORS chapter, provide comprehensive land use plan enforcement tools and create comprehensive changes to matters pertaining to land use. The Committee recommended support for this bill at a priority 2. MOTION: To support HB0317 at a priority 2. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

Morgan explained that HB2680 would repeal the prohibition on self-service gasoline dispensing and require that an attendant be available. The Committee recommended support at a priority 2. Dumdi commented that she was personally opposed to this bill as it destroys an employment opportunity for young people. Roberts commented that the County would like a provision so that it could use a card lock system for gasoline, but he recommended that the County not get involved with this bill. MOTION: To take no position on this bill. Cornacchia MOVED, Dumdi SECONDED. VOTE: 3-1, Rust dissenting.

Morgan stated that HB2136 imposes an excise tax on carbonated beverages and soda syrup which would be dedicated to park and

recreation sites. The Committee recommendation was to support with amendments at a priority 2. Cornacchia commented that the AOC Legislative Committee had taken the opposite position as there are many unmet needs in human services which have not been addressed. Roberts suggested that the Board take a neutral position on this bill. MOTION: To take a watch only position on this bill. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

Morgan stated that HB2866 would require the public authority with jurisdiction over railway crossings to maintain liability insurance of \$20 million for accidents if the Public Utility Commission orders a restriction or change to the sound or warning devices at the crossings. The Committee recommended opposition with a priority 2. MOTION: To oppose HB2866 at a priority 2. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

MOTION: To approve ORDER 91-3-27-3 with the understanding that Rust dissented on HB2680. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

Cornacchia stated that HB2550, a ballot measure implementation bill, was discussed at the AOC Legislative Committee meeting. AOC would like to have the Assessors of the counties quickly assess what this would cost each county. The Board agreed to have the Assessor analyze these new requirements. AOC would like to have facts on bills regarding franchise fees, pavement damage and permits with a response from Public Works about the expense to the County to clean up after utilities have done their work in the County right-of-way. John Goodson, Director of Public Works, stated that he had provided this information to the AOC already. Cornacchia commented that Ted Calouri agreed to carry the AOC gas tax hike bill as a priority bill. Calouri would like to have business and industry support for this tax and would like to have the County help in this regard.

b. Finance and Audit Standing Committee

1) DISCUSSION/Changes in Public Contract Rules

Teresa Wilson, Assistant County Counsel, presented this item to the Board. MOTION: To support the staff recommendation on raising the bid limits as set forth in state contract law. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0. MOTION: To raise the limit of the authority delegated to the County Administrator to execute contracts to mirror that of the state limits. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0. Wilson commented that the third issue to consider was whether to continue the pre-award appeal for request for proposals. Cornacchia commented that the Board has handled appeals fairly well and he would rather have the pre-appeal process retained. Wilson stated that she intended to recommend some changes to the way that the RFP appeal process is written. Roberts commented that the Finance and Audit Committee had supported the first two recommended changes and had not supported the third recommendation. Wilson

stated that she would have the contract portion of Lane Manual back to the Board within a few weeks.

7. COUNTY ADMINISTRATION

a. Announcements

None.

b. ORDER 91-3-27-4/In the Matter of Nominating Three Lane County Businesses for "You Keep us Working" Awards

MOTION: To approve the order with the understanding that the Chair announce the three recipients. Cornacchia MOVED, Dumdi SECONDED. Roberts stated that the three businesses were Sage Advance Corporation; Molecular Probes, Inc; and Log Cabin Inn. VOTE: 4-0.

8. PUBLIC WORKS

d. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 3-91/In the Matter of Amending Chapters 10 and 16 of Lane Code to Make Housekeeping Revisions and to Add or Revise Definitions and Regulations Pertaining to: Mobile Home Parks in Urban Growth Areas; Family Day Care Facilities, Residential Homes and Residential Care Facilities in Agricultural, Residential or Commercial Zones; Historic Properties, Seasonal Farm Worker Housing, Room and Board Arrangements, Subsurface Resource Recovery, Wineries and Wetland Creation, Restoration or Enhancement in Agricultural Zones; and Floodplain Combining Zones

This item taken out of order.

Roberts read the ordinance into the record. MOTION: Approval of First Reading and setting Second Reading and Public Hearing for April 17, 1991, 1:30 p.m. Harris Hall. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

e. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 4-91/In the Matter of Amending Chapter 16 of Lane Code to Revise LC 16.251 to Make Alterations of Nonconforming Use Subject to Hearings Official Approval

Roberts read the ordinance into the record. MOTION: Approval of First Reading and setting Second Reading and Public Hearing for April 17, 1991, 1:30 p.m. Harris Hall. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

f. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 5-91/In the Matter of Amending Chapter 16 of Lane Code to Revise Setback Requirements and Make Housekeeping Changes in the C-1, C-2 and C-3 Zones (LC 16.220, 16.221 and 16.222)

Roberts read the ordinance into the record. MOTION: Approval of First Reading and setting Second Reading and Public Hearing for April 17, 1991, 1:30 p.m. Harris Hall. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

9. CONSENT CALENDAR

- A. Approval of Minutes: February 26, 1991, Public Hearing
7:00 p.m.
March 5, 1991, Public Hearing
5:30 p.m.
- B. County Counsel
- 1) ORDER 91-3-27-6/In the Matter of Authorizing the Execution of an Amendment to the Centennial Bank Parking Lease
- C. Assessment and Taxation
- 1) ORDER 91-3-27-7/In the Matter of a Refund to Excel Logging Company
- D. Finance and Management Services
- 1) ORDER 91-3-27-8/In the Matter of Selling County-Owned Real Property Map/Tax Lot Number 19-03-14-30-00134, Located Adjacent to 420 South 2nd Street, Creswell, OR
 - 2) ORDER 91-3-27-9/In the Matter of Selling County Real Property Map/Tax Lot Number 18-12-35-33-01100, Located at the Corner of Proposed Colter and Market Street, South of Florence, OR
 - 3) ORDER 91-3-27-10/In the Matter of Selling County-Owned Real Property Map/Tax Lot Number 17-04-14-14-03700, Located Adjacent to 121 Hamilton, Eugene, OR
- E. Health and Human Services
- 1) ORDER 91-3-27-11/In the Matter of Accepting Revision #3 to the 1990-91 Intergovernmental Agreement with the Oregon State Health Division; Appropriating an Additional \$20,613 in Revenues and Expenditures; and Delegating Authority to the County Administrator to Sign the Letter of Acceptance and the Subsequent Subcontract Amendment as Per Exhibit A
- F. JTPA
- 1) ORDER 91-3-27-12/In the Matter of Establishing One Temporary FSA Job Developer Position (Employment Specialist 1) and One Temporary Homeless Program Job Developer Position (Employment Specialist 1)

G. Public Safety

- 1) ORDER 91-3-27-13/In the Matter of Approving an OLCC License for George E. and Marilyn J. Shephard dba: Irving Market Inc., Eugene

H. Public Works

- 1) ORDER 91-3-27-14/In the Matter of Awarding a Contract to Wildish Paving Co., for Sewers, Grading, Paving and Signals on Maxwell Road - Prairie Road to River Road, Contract No. 90/91-13
- 2) ORDER 91-3-27-15/In the Matter of Awarding a Contract to Morse Bros., Inc., for Grading, Basing, Drainage and Paving River Road Area Streets, Contract No. 90/91-14
- 3) ORDER 91-3-27-16/In the Matter of Awarding a Contract to Wentworth Buick GMC in the Amount of \$21,969.47 for the Purchase of One (1), New, 14' Flatbed Dump Truck, Contract FY 90/91 FS-14
- 4) ORDER 91-3-27-17/In the Matter of Awarding a Contract to Wentworth Buick GMC in the Amount of \$21,971.32 for the Purchase of One (1), New, One-Ton Crew-Cab and Chassis with Covered Service Body, Contract FY 90/91 FS-15
- 5) ORDER 91-3-27-18/In the Matter of Entering into an Agreement with the Oregon State Highway Division for Preliminary Engineering and Construction Finance of Improvements for the Intersection of McKenzie Highway and Holden Lane
- 6) RESOLUTION AND ORDER 91-3-27-19/In the Matter of Setting a Public Hearing on the Proposed Surrender of Chambers Connector from 8th Avenue to River Road to the City of Eugene, Being in Sections 25 and 36, Township 17 South, Range 4 West of the Willamette Meridian (Public Hearing: May 1, 1991, 1:30 p.m., in Harris Hall Main Floor)
- 7) RESOLUTION AND ORDER 91-3-27-20/In the Matter of Vacating the Lot Line Common to Lots 1 and 2, Block 3, East Heceta Beach, as Platted and Recorded in Book 30, Page 7, of Lane County, Oregon Plat Records, Without a Public Hearing, and Adopting Findings of Fact (18-12-04)
- 8) SUBDIVISION PLAT
 - a. Colleys Bend Subdivision
Lane County
17-09-15

b. Emerald Estates
City of Eugene
17-03-21

MOTION: Approval of the Consent Calendar. Rust MOVED, Cornacchia
SECONDED. VOTE: 4-0.

10. FINANCE AND MANAGEMENT SERVICES

- a. ORDER 91-3-27-21/In the Matter of the Return of Sheriff's Auction Held February 28, 1991 and Accepting the Bid on Map/Tax Number: a) 17-04-11-22-00911, Located Behind 3148 Myrna Avenue, Eugene; and Rejecting the Bid on Map/Tax Number: b) 19-03-20-00-00800, Located Across from 31965 Deberry Road, Creswell

Cornacchia commented that there was no memorandum from the right-of-way staff and he did not have an opportunity to analyze this information. Jef Faw, Director of Finance and Management Services, stated that Public Works had requested that this item be pulled from the Sheriff's Sale toward the end of the process. Roberts will hold this item for comment from Public Works's staff in the afternoon. Cornacchia asked that there be better communication between departments to avoid this happening again in the future.

There being no further business, this meeting adjourned at 11:58 a.m.


Judy Haldeman
Recording Secretary