

MINUTES & NOTICE OF BOARD ACTION

BOOK 146 PAGE 2234

APPROVED 4-17-91



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 12, 1991
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

There will be two items of Emergency Business.

2. PUBLIC COMMENT

Lin Holdeman, 25395 Irene Street, Elmira, commented that he was recovering from herbicide poisoning. He commented that the County and the State are using RODEO around water and suggested that the County read the material safety data sheets from the companies that produce the herbicides.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. COMMISSIONERS' BUSINESS

a. Video: Oakridge Chamber of Commerce "Oakridge"

Frazier commented that the money for the production of the video was provided by the State of Oregon and the Oregon Economic Development Department - Tourism Division.

5. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

Legislative Standing Committee

- a. ORDER 91-3-12-1/In the Matter of Taking a Position on Legislative Bills Introduced During the 1991 Legislative Session

Marcia Morgan, Intergovernmental Relations Coordinator, presented this item to the Board.

HB2562 exempts cities with a population over 85,000 from having to post a surety bond if self-insured for workers compensation. The interest of the Committee was to include an amendment with this bill that would exempt counties over 85,000, as well. The Committee would recommend support if amended at priority 1. MOTION: To approve the Committee's recommendation. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

The Committee recommended opposition at a priority 2 on SB0581 pertaining to county fairs. Cornacchia commented that the AOC Legislative Committee has decided to take no position on this bill. Rust stated that this was enabling legislation which would give the Board of Commissioners the authority to manage the Fairgrounds, if necessary. Dumdi commented that this step was not necessary to effectuate change and that the system used by the Board was more amenable. Cornacchia commented that he would be concerned about the message this would send to the current Fair Board. Roberts commented that he is proud of the current Fair Board and this power is not needed. MOTION: To oppose this bill at a priority 2. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-1, Rust dissenting.

Morgan commented that the Committee recommended opposition at a priority 1 on HB2704. This bill would require housing cost impact statements when proposing rules in Land Use Ordinances. MOTION: To approve the Committee's recommendation. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

Teresa Wilson, Assistant County Counsel, stated that the law currently requires all public contracts to contain a condition regarding payment of overtime wages. SB0696 would clarify that the overtime requirements included payment of overtime for work on Saturdays and raise the limit from 8 hours to 10 hours per day. She recommended that this bill be supported with an amendment which require that these apply to public improvement contracts. MOTION: To support if amended. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

MOTION: To approve Order 91-3-12-1. Rust MOVED, Cornacchia SECONDED. VOTE: 5-0.

John Goodson, Director of Public Works, commented that there have been a number of measures introduced at the Legislature that would place before the voters Constitutional amendments that would allow the use of State Highway Funds for uses other than highways. He stated that the AOC has taken a position against opening the door to these highway trust funds. Rust commented that the gas taxes have grown, but the funding opportunities for parks and for the Sheriff have gone down. He would appreciate more flexibility in the fund and stated that there is a tie between the use of gas tax for law enforcement and for the parks system. MOTION: To support the recommendation from the Committee to keep the door closed on the Road Fund. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-1, Rust dissenting.

This meeting recessed at 10:37 a.m. to reconvene at 10:50 a.m.

3. COMMISSIONERS' ANNOUNCEMENTS

Cornacchia announced that the planning for the parade to welcome home the troops was going well and that there would be a meeting of volunteers on Thursday, March 14 at 2:00 p.m. in the Commissioners' Conference Room.

Cornacchia requested that the Work Session on Vegetation Management on March 27 include background on the program and information on the transition to the Engineering Program. The Board concurred that an expanded program would be appropriate.

Dumdi announced that \$18,000 from the Soil Conservation Service and Rural Resource Development for the Mapleton Dock Project has been received. She thanked Peter Thurston, Community and Economic Development Coordinator, and Marcia Cutler, intern, for their assistance on this project.

Dumdi announced that she had received a letter from the Oregon Department of Transportation requesting public input on the next six-year program. She stated that Mapleton would like the state to consider a turn lane at the intersection in Mapleton to allow for business access. Cornacchia commented that he would support a generic letter regarding access to local businesses as part of the Access Oregon projects and the Board concurred.

Dumdi announced that she had a constituent that would like to donate trees for County parks with volunteer labor. Jim Johnson, County Administrator, stated that the County has an insurance policy which covers volunteers. Rust suggested that this go to the Parks Advisory Committee as well as the Parks Manager for discussion.

Rust announced that he had attended the International Law Conference at the University of Oregon on March 9 and that he had attended a panel discussion regarding common sense ways to mitigate exposure of electromagnetic fields presented by Bob Stewart from EWEB. He commented that he had taken Representative Jontz out in the woods to give him a reasonable perspective on forest management issues.

Roberts announced that the Sheriff's Department will have an emergency vehicle and operation instructor's course held in Lane County this month. This can be viewed by the Commissioners on Wednesday, March 13.

Roberts announced that he and Rust had attended an opening at the University of Oregon Museum of Art for "I Dream a World". He urged that others attend this poignant photography exhibit.

Roberts announced that the Information Systems Standing Committee is trying to determine the proper allocation of resources between mainframes, local area networks and individual PCs. He stated that he had proposed a committee composed of Rob Rockstroh, Dara Boush, John Clague, Bill Dennehy, Randy Green, David Suchart and Sawat Wolfe. The committee will ask: 1) To what extent is work currently performed on computers properly assigned to the mainframe, local area networks or PCs; 2) How shall we determine whether additional projects or duties should be assigned to the mainframe, local area networks or PCs; 3) If the current allocation is not deemed optimal or is not consistent with future needs and requirements, how can we best effect the changes necessary to achieve optimal results; 4) Is the current method of allocating RIS and AIRS costs among the participating jurisdictions reasonable and appropriate and if not, how should it be changed; and 5) Regardless of the future directions outlined for optimal computer utilization, how can that best be accomplished within the limited resources likely to be available to the County in the years immediately ahead. Cornacchia commented that he could support it, though he had a "major doubt that the outcome would result in any changes in the pasture or the feedbag of the metro areas' largest sacred cow." The Board concurred that this committee should be formed and that it should explore the questions presented.

7. COUNTY ADMINISTRATION

a. Announcements

Johnson announced that he had received correspondence from the local Court Administrator requesting a small amount of remodeling in her office at a cost of \$980. This money could be taken from the Court Security dollars that were allocated by the Board. Cornacchia suggested that this remodeling be paid for from the Appropriated Reserve and not the Court Security money. Roberts agreed that it should come from the Appropriated Reserve and the Board concurred.

- b. ORDER 91-3-12-2/In the Matter of Approving an Agreement with the City of Eugene and the Housing Authority and Community Services Agency of Lane County (HACSA) to Develop Low-Income Housing for Families on the Site Known as Richardson Bridge

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

- c. PUBLIC HEARING AND ORDER 91-3-12-3/In the Matter of Approving the Transfer of Tax Lot No. 17-03-30-34-400 to the Housing Authority and Community Services Agency (HACSA)

Roberts opened the Public Hearing.

Tom Slocum, 1950 Graham Drive, requested that St. Vincent dePaul take a look at other sites available for their project. Slocum stated that there was no reason that nine units could not be placed on the quarter block of property that they already have under option. He stated that it will cost the taxpayers money and opportunity down the road if this project goes through as planned. He requested that the Board not approve this order.

There being no one else present to testify, Roberts closed the Public Hearing.

Roberts commented that he liked the suggestion by Cornacchia at the HACSA meeting that this revert back, but he asked County Counsel what needed to be done to accomplish this under the order. Wilson commented that the Board could change item number three to read "the County Administrator is delegated authority to take the necessary procedural steps to effectuate the transfer, including authority to execute a deed with a reversionary clause". Roberts suggested that the Board place this item on the Future Agenda for one year rather than place a reversionary clause in the deed.

MOTION: To approve the order. Frazier MOVED, Rust SECONDED. VOTE: 4-1, Cornacchia dissenting.

- d. DISCUSSION/Review and Possible Modification of Commissioners' District Boundaries

Johnson commented that Lane County's Charter requires that the Board of Commissioners review Commissioner district boundaries every ten years. Boundaries were last adjusted in 1981 (see material on file).

MOTION: To approve the recommendation of the County Administrator as outlined in the memorandum. Cornacchia MOVED, Dumdi SECONDED. Johnson clarified that this would include a seven-member task force which would begin its work after the state finishes its efforts, that the data analysis proposal from L-COG be reviewed and that there be an order prepared outlining this process. VOTE: 5-0.

8. PUBLIC WORKS

- a. DISCUSSION/Riparian Vegetation Management Issues

Jim Mann, Planning Supervisor, introduced this item to the Board. He stated that there are zoning and code implementation issues, enforcement issues and voluntary compliance issues which are elements

of a successful riparian vegetation management program. Bill Sage, Planning Aide, narrated a video showing areas of riparian vegetation along the McKenzie River. Cornacchia commented that he was satisfied with the staff response in terms of dialogue and requirements to partially address the damages to the riparian vegetation. He commented that he would support maintaining the existing riparian zones along the river, but he did object to the County determining that there is a visual impact on someone's use from a recreational standpoint.

Rust commented that the riparian zone has the largest concentration of wildlife and that there is a history of abuse in this zone. He stated that it was time for the County to put its finger on the problem and enforce this ordinance.

Cornacchia commented that he is prepared to move forward to enact this ordinance and to protect the dynamic interchange of life in the riparian zone. Frazier stated that she is not willing to support a change at this time, but she would be willing to go through the process to get to the Public Hearing.

Dumdi was excused from this meeting at 12:04 p.m.

MOTION: To direct County Counsel to prepare Chapter 16 Code Amendments for consideration using the 1987 riparian vegetation standards as a guideline and to bring them to the Board prior to turning them over to the Planning Commission. Rust MOVED, Cornacchia SECONDED. Cornacchia commented that the intent of this motion should be to get this issue into the public process before the Planning Commission. VOTE: 4-0. Wilson commented that this could be done within 45 days.

This meeting recessed at 12:14 p.m. to reconvene at 2:00 p.m.

Frazier was excused from this meeting.

- b. DISCUSSION AND ORDER 91-3-12-4/In the Matter of Waiving Disposal Fees for Petroleum Contaminated Soils for the Eugene Mission

Mike Turner, Solid Waste Manager, presented this item to the Board. MOTION: To approve the staff recommendation to grant a fee waiver and authorize work to proceed on a Lane Manual provision that would set forth policies for granting or denying requests in the future. Rust MOVED, Dumdi SECONDED. Cornacchia expressed his appreciation to Turner for the manner in which this was done. Roberts commented that getting a policy developed was a good approach. VOTE: 4-0.

9. CONSENT CALENDAR

- A. Approval of Minutes: February 26, 1991, Regular Meeting
9:00 a.m.

B. Assessment and Taxation

- 1) ORDER 91-3-12-5/In the Matter of a Refund to AT&T Communications of the Pacific Northwest, Inc.

C. Public Works

- 1) ORDER 91-3-12-6/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement and County Road for Mill Creek Road (16-55-17)
- 2) ORDER 91-3-12-7/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement and County Road for McKenzie River Drive (16-55-17)
- 3) RESOLUTION AND ORDER 91-3-12-8/In the Matter of Authorizing Purchase of Real Property Adjacent to the Florence Landfill
- 4) SUBDIVISION PLAT
 - a) Lucerne Meadows, Replat of Lots 50-54
City of Springfield
18-02-05
 - b) Bohemia West, First Addition
City of Cottage Grove
20-03-32

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

10. HEALTH AND HUMAN SERVICES

- a. ORDER 91-3-12-9/In the Matter of Appointments to the Health Advisory Committee

Rob Rockstroh, Director of Health and Human Services, presented this item to the Board. Dumdi commented that there was no one from West Lane County on this Committee and she suggested that she would assist in this regard in the future. MOTION: Approval of Calvin Cordell, Pauline Rughani and Colin Greenlaw, M.D. as recommended by the Committee. Rust MOVED, Dumdi SECONDED. VOTE: 4-0.

11. PUBLIC SAFETY

- a. ORDER 91-3-12-10/In the Matter of Denying an OLCC Liquor License (New Outlet/Restaurant) for Williams Dexter Lake Club Inc., dba: Dexter Lake Club, Oregon

Robert McManus, Sheriff Pro Tem, commented that the Department of Public Safety routinely does background checks on persons seeking

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liquor licenses in Lane County. He stated the recommendation was to deny this application based on substance abuse and past felony convictions for one of the applicants. MOTION: To deny this application. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

12. EMERGENCY BUSINESS

ORDER 91-3-12-11/In the Matter of Approving a One-Year Policy Requiring County Departments to Use HACSA's Construction Services for All Construction Work Below \$10,000

MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

ORDER 91-3-12-12/In the Matter of Authorizing the County Administrator to Execute an Intergovernmental Agreement with the City of Cottage Grove for Recording a Plat for Bohemia West First Addition and Allowing Payment of Taxes Upon Sale of Lots

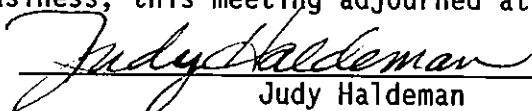
Johnson stated that the City of Cottage Grove had requested some assistance in the recording of a subdivision plat along with allowing him to execute an intergovernmental agreement. Roberts commented that there was an exception being made for the City of Cottage Grove in this case that would not be made for a private party. (There was no motion made on this item though a vote was taken). VOTE: 4-0 in favor of this order.

5. EXECUTIVE SESSION as per ORS 192.660

ORDER 91-3-12-13/In the Matter of Authorizing the County Administrator to Execute an Intergovernmental Agreement with the City of Eugene and the University of Oregon for Construction of Leo Harris Drive near Autzen Stadium.

Roberts stated that he would brief the Board in Regular Session regarding Leo Harris Drive rather than have an Executive Session today. Roberts stated that he had had a discussion with Dan Williams of the University of Oregon about the long-term role that the County will play in providing the University with a practice field across from Autzen Stadium. The University would prefer to look at this as a relatively permanent location for the practice field and Roberts discussed leasing or selling this lot to the University. He stated that there had been Board consensus to decouple the Leo Harris Drive discussions from the practice field discussion and proceed in good faith. MOTION: To authorize the County Administrator to enter into an intergovernmental agreement with the City of Eugene and the University of Oregon regarding Leo Harris Drive as presented today. Cornacchia MOVED, Roberts SECONDED. VOTE: 4-0.

There being no further business, this meeting adjourned at 2:30 p.m.



 Judy Haldeman
 Recording Secretary