

MINUTES & 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.

June 24, 1992
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

13. COMMISSIONERS' ANNOUNCEMENTS

None.

14. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance 6-92/In the Matter of Amending Lane Code Chapter 8 and Enacting an Ordinance Granting to Falcon Cable Systems Company a Nonexclusive Franchise for the Operation of a Cable Communications System for Unincorporated Areas of Lane County.

Dumdi read this ordinance into the record. Gary Darnielle introduced this item. Dumdi opened the Public Hearing.

Sonja M. James, 49333 Eagle Rock Place, Vida, commented that she passed a petition in 1991 asking for lower cost or restoration of channels. The petition was presented to Falcon Cable, the County Commissioners, L-COG and state representatives, with 971 signatures, with no response. Her family has disconnected from cable. James stated that she believes a franchise is definitely needed.

Effie Hahn, 56311 McKenzie Highway, McKenzie Bridge, stated that she agrees with the previous speaker.

There being no one else present who wished to testify, Dumdi closed the Public Hearing.

Cornacchia stated that he looked to the rural commissioners for direction. Dumdi observed that there are constraints, but this ordinance gives much help to the rural areas. Frazier commented that this is a step forward. Bill Van Vactor, County Counsel, asked if renegotiation could take place if federal law changes. Darnielle said yes. Cornacchia commented that it is imperative to move forward in this direction. MOTION: Approval. Rust MOVED, Frazier SECONDED. VOTE: Cornacchia, Dumdi, Frazier, Roberts and Rust AYE.

The following items were carried forward from the morning meeting.

8. PUBLIC WORKS

- e. FOURTH READING AND ACTION/Ordinance No. PA 1019/In the Matter of Adopting the West Eugene Wetlands Special Area Study, a Refinement to the Eugene-Springfield Metropolitan Area General Plan, and Adopting a Severability Clause.

Dumdi read this ordinance into the record. Michael Copely, Associate Planner, presented this item to the Board and distributed additional material. Cornacchia questioned what action the Board would take with regard to continuing the hearing due to lack of notice. Steve Gordon, Lane Council of Governments, stated that prior to the June 3 hearing, individual notice was sent to numerous people; after the June 3 meeting, notice was sent to the Association and selected owners, informing them of today's hearing. He indicated that a delay would not impact the permit. Dumdi indicated her preference would be to continue the hearing to an evening hearing in three weeks, to allow time for legal review and more public notification. Dumdi opened the Public Hearing.

Carol Fisher, 88460 Fisher Road, Eugene, indicated that she is president of the West Amazon Basin Land Owners Association. She requested an opportunity to have a group sit down with Steve Gordon to discuss specifics before the next public hearing. She emphasized that the impacts of the plan need to take into consideration all of the people.

Joyce Lorenz, 1509 Cottonwood, Springfield, distributed a copy of her statement for the record. She stated that she is discouraged, especially finding out that new information has just been presented today. She also commented that she has presented much information to L-COG and has never been contacted directly by L-COG to address her concerns. She cautioned the Board not to put so much trust in staff.

Florence Brown, 24164 Highway 36, Cheshire, recommended that a task force/study group be formed.

David Lumbr, 28614 West 11th, Eugene, stated that he was not mailed a notification of today's proceedings and he thought it had been decided to notify everyone. He noted that his property is in the

primary study area. He suggested putting off any decision until all the "loose ends" had been addressed.

Brian Bales, 88604 Oakhill Cemetery Road, commented that he is upset about the notification process; he has only received one mailing. He stated that there is already vacant land to develop.

Dolores Bales, 88737 Oakhill Cemetery Road, stated her concern over the new information that has been presented and how she could get an opportunity to see that information. Dumdi referred her to Mike Copely.

David Bales, 88737 Oakhill Cemetery Road, asked why it is necessary to approve the secondary area in order to get the permit. Dumdi responded that the Board of Commissioners had requested that the secondary area be removed from the study. Copely commented that, in effect, land acquisition for mitigation would occur only from willing owners after an independent appraisal. He stated that he would make copies of the documents to distribute to the audience today.

Ann Christensen, 1215 West 17th Avenue, Eugene, commented that she supports Alternative 3. She stated that in general she feels comprehensive development planning needs to be done. She suggested that there be a handout for the public at the beginning of each meeting to keep them abreast of current information.

Raymond Cole, 28828 Royal Avenue, Eugene, stressed that he is against the whole concept until due consideration has been given to the public. He stated he resents that he has not been kept informed and that he is expected to defend his position in only two minutes during a public hearing.

Lola Jackson, 89808 Greenhill Road, Eugene, stated that she had signed up to get material at the workshop and has never received anything. She said that the majority of people in the study area feel their land is being taken. She stated that farmers are concentrating on their farming right now and are unable to deal with this at this time.

Edgar Brown, 24164 Hwy. 36, Cheshire, commented that he is concerned about the increase in government agencies coming down on rural landowners, and that it seems no one is concerned about preserving farmlands.

Lucille Wobbe, 28472 Bodenhamer Road, stated that she is unhappy that her acreage is being declared wetlands in the mitigation area designation. She mentioned that she was not duly notified and has not seen an amended plan.

Bob Bodine, 04554 Blanco Street, Florence, commented that he is against spending tax money on this program. He quoted from testimony

previously given by Anna Robinson regarding the history of the wetlands in the area.

Jane Mathey, 27786 Royal Avenue, stated that she has found it difficult to reference the information that she has obtained. She said she wants to know the impact on her personally with reference to displacement, regulation and devaluation. She commented that there is no rapport or trust between the agencies and the landowners.

Herb Henning, 88282 Fisher Road, commented that he doesn't believe BLM is sincere about the purchase of land for mitigation since only two million dollars is budgeted. He requested that notice of the next meeting be sent to all affected parties.

Pat Wasp, 21817 Royal Avenue, asked whether this plan will allow her property to be zoned as a wetland, affecting her use for cattle and her ability to sell or borrow money against the property. Roberts explained that the plan's purpose is not to zone property as wetlands or place restrictions on the property. Gordon stated that the plan does not regulate grazing or limit the ability to sell the land or borrow money against it. Wasp asked about the Coble residence on Royal Avenue. Neil Bjorklund, City of Eugene Planning & Development, explained that that property has not been partitioned, but that the Nature Conservancy had purchased a "Conservation Easement" on approximately 32 acres. Wasp stated that she is concerned about the long term implications for the values of property because of uncertainty.

There being no one else present who wished to testify, Dumdi closed the Public Hearing. Roberts stated that, even though no wetland designation is being made by this plan, a potential financier may still have concerns based on state and federal designations that already exist. Gordon responded to several questions posed by Roberts, indicating that, in the study area, 1) no one will displace owners or restrict any activities on property; 2) no regulations will be placed on properties as a result of this plan; and 3) properties should not be devalued due to this plan. Cornacchia remarked that, with regard to the primary area, he has been alerted by property owners that their property is incorrectly designated. He requested that Gordon present a list of each tax lot/property that has questioned their designation. He also requested specific analyses, with regard to the legitimacy of the designation, be done of the Lumbr properties, all properties represented by Ms. Lorenz that have been questioned, and any others that, within the next week, might be brought to Gordon's attention. Gordon responded that he could provide the information from the consultants that led them to identify properties as wetlands and any information provided by citizens, but cannot provide information regarding the "prior converted" decisions of the Soil Conservation Service. Cornacchia encouraged the public to provide Gordon with information within the next week if they feel they have proof of misdesignation.

Dumdi stated that, due to prior insufficient notification, she would request a continuance of this hearing until July 14 at 5:30 p.m. MOTION: Approve continuance as stated. Rust MOVED, Roberts SECONDED. VOTE: 5-0.

Bill Van Vactor, County Counsel, brought up the issue of how much notification the Board desired. Gordon indicated notice could be sent to property owners and anyone else who has appeared at hearings/workshops. Cornacchia asked that the notice mention that materials would be available at the public hearing or could be reviewed at L-COG or Land Management offices ahead of time.

This meeting recessed at 3:25 p.m. for the Housing Authority and Community Services Agency Meeting to reconvene at 3:45 p.m.

8. PUBLIC WORKS (Continued)

- b. ORDER 92-6-24-8/In the Matter of Authorizing the County Administrator to Execute an Intergovernmental Agreement with the Lane Council of Governments, Not to Exceed \$38,700 (Hearings Official).

Roberts expressed concern over potential conflicts regarding LCOG's various roles. He asked what is done to make sure that private parties are assured of impartiality. Gary Darnielle, Hearings Official, stated that all potential conflicts are declared and people are encouraged to identify any discomfort they might have regarding who is presiding at the hearing. He introduced Mike Walsh, a Portland area attorney, who will serve as the second hearings official due to the increased workload and as needed if the first hearings officer is disqualified due to a conflict. MOTION: Approval. Roberts MOVED, Rust SECONDED. VOTE: 4-1, Cornacchia dissenting.

- c. ORDER 92-6-24-9/In the Matter of Appointing Gary Darnielle and Michael Walsh (L-COG) as Lane County Hearing Officials for Land Use and Infraction Matters Administered by the Public Works Department.

MOTION: Approval. Roberts MOVED, Frazier SECONDED. VOTE: 4-1, Cornacchia dissenting.

9. CONSENT CALENDAR

Dumdi asked to have item 9.B.2 pulled from the Consent Calendar. Frazier requested that item 9.H.1 be pulled from the consent calendar.

- A. Approval of Minutes:
 - May 13, 1992, Regular Meeting, 9:00 a.m.
 - May 13, 1992, Regular Meeting, 1:30 p.m.
 - May 19, 1992, Work Session, 9:00 a.m.
 - May 19, 1992, Work Session, 1:30 p.m.
 - May 20, 1992, Regular Meeting, 1:30 p.m.
 - May 20, 1992, Public Hearing, 7:00 p.m.
 - June 2, 1992, Work Session, 9:00 a.m.

June 3, 1992, Regular Meeting,
Following HACSA
June 3, 1992. Regular Meeting, 1:30 p.m.

B. County Administration

- 1) ORDER 92-6-24-11/In the Matter of Granting HACSA a Sum Equivalent to Lane County's FY 91 Share of PILOT Payments.
- 2) ORDER 92-6-24-12/In the Matter of Granting the County Administrator Authority to Execute 1992/93 Agreements for Intergovernmental and Association Dues.

Pulled.

C. County Counsel

- 1) ORDER 92-6-24-13 /In the Matter of Acceptance of Certificate of Election and Proclamation of Results (McKenzie River Water Quality and Recreation Ordinance).
- 2) ORDER 92-6-24-14/In the Matter of Amending Chapter 21 of Lane Manual to Revise Provisions with Regard to Execution of Contracts to Add Computer Software Licenses not Exceeding a Purchase Price of \$25,000 (LM 21.105(3)(v)).
- 3) ORDER 92-6-24-15/In the Matter of Setting a Date for the Final Hearing on the Formation of the Blue McKenzie Rural Fire Protection District.

D. Finance and Management Services

- 1) ORDER 92-6-24-16/In the Matter of Authorizing the County Administrator to Execute a One-Year Materials and Services Contract with the City of Oakridge for the Maintenance and Management of the Willamette Activity Center, with Two One-Year Options to Renew.
- 2) ORDER 92-6-24-17/In the Matter of Re-Adopting Lane Manual 4.020 Relating to Investment Policies.
- 3) ORDER 92-6-24-18/In the Matter of Providing Animal Control Services for the City of Eugene for Fiscal Year 1992-93 Under a One-Year Revenue Contract.
- 4) ORDER 92-6-24-19/In the Matter of Cancellation of County Checks More than Seven Years Old and Other Items Considered as Abandoned Property More than Five Years Old.

- 5) ORDER 92-6-24-20/In the Matter of Authorizing the Sale of County-Owned Surplus Real Property Located Adjacent to 89864 Sheffler Road, Elmira (Map/Tax Lot #17-06-14-00-00309)

E. Health and Human Services

- 1) ORDER 92-6-24-21/In the Matter of Amending Chapter 60 of the Lane Manual to Revise Certain Health and Human Services Fees (LM 60.840) Effective July 1, 1992.
- 2) ORDER 96-6-24-22/In the Matter of Accepting Revenues in the Amount of \$901,900 from the Cities of Eugene and Springfield to Manage, Coordinate and Implement the Intergovernmental Human Service Program; to Approve the Intergovernmental Agreement Between Lane County and the Cities of Eugene and Springfield and to Delegate Authority to the County Administrator to Sign the Intergovernmental Agreement and Subcontracts as Listed in Exhibit A in the Department of Health and Human Services for Fiscal Year 1992/1993.
- 3) ORDER 92-6-24-23/In the Matter of Accepting Funds from the City of Eugene; and Delegating Authority to the County Administrator to Sign a Subsequent Contract.
- 4) ORDER 92-6-24-24/In the Matter of Delegating Authority to the County Administrator to Sign the Subcontracts Listed in Exhibit A.
- 5) ORDER 92-6-24-25/In the Matter of Approving the Submittal of a Federal Grant Application for Five-Year Transitional Housing Program in the Total Amount of \$550,252.

F. Public Safety

- 1) ORDER 92-6-24-26/In the Matter of Approving Various Liquor License Renewals for Various Individuals.
- 2) ORDER 92-6-24-27/In the Matter of Authorizing Intergovernmental Law Enforcement Agreement with City of Veneta.
- 3) ORDER 92-6-94-28/In the Matter of Approving an OLCC License (Change Ownership) for Gordon Siebers and Thomas Siebers; dba: Tokatee Restaurant, Blue River.
- 4) ORDER 92-6-24-29/In the Matter of Approving Various Liquor License Renewals for Various Individuals.
- 5) ORDER 92-6-24-30/In the Matter of Authorizing Intergovernmental Law Enforcement Agreement with Willamette National Forest Service.

- 6) ORDER 92-6-24-31/In the Matter of Approving an OLCC Liquor License (New Outlet Winery) to Sharon K. and Linde G. Kester; dba: Chateau Lorane, Lorane.
- 7) ORDER 92-6-24-32/In the Matter of Approving an OLCC License (Tasting Room/New Outlet) to Sharon K. and Linde G. Kester; dba: Chateau Lorane, Lorane.

G. Public Works

- 1) ORDER 92-6-24-33/In the Matter of Awarding a Contract to Oakridge Sand and Gravel Inc., for Grading, Basing and Paving Hamm Road, M.P. 0.00 (Territorial Highway) to M.P. 1.90, Contract No. 91/92-17.
- 2) ORDER 92-6-24-34/In the Matter of Awarding a Contract to Ross Bros. & Company, Inc., for Grading, Basing and Paving and Structure, Deerhorn Road Bridge at M.P. 4.85 (Bridge No. 17-1W-24), Contract No. 91/92-19.
- 3) ORDER 92-6-24-35/In the Matter of Awarding a Contract to 2G, Inc., dba: 2G Construction for Grading, Basing, Paving and Structure, Belknap Covered Bridge at M.P. 0.01 (Bridge No. 16-5E-20), Contract No. 91/92-20.
- 4) ORDER 92-6-24-36/In the Matter of Awarding a Contract to Willamette Valley White GMC Trucks in the Amount of \$493,773 for the Purchase of Seven (7) New, 10-Yard Dump Trucks, Contract FY 92/93 FS-02.
- 5) ORDER 92-6-24-37/In the Matter of Awarding a Contract to BRING Recycling, Inc., for Recycling Education Services and Authorizing the County Administrator to Sign the Contract.
- 6) ORDER 92-6-24-38/In the Matter of Awarding a Contract to BRING Recycling Inc., for Full-Line Recycling Services at the Glenwood C.R.S. and Authorizing the County Administrator to Sign the Contract.
- 7) ORDER 92-6-24-39/In the Matter of Awarding a Contract to Weyerhaeuser Paper Company, Recycling Division, for Rural Recycling Services and Authorizing the County Administrator to Sign the Contract.
- 8) ORDER 92-6-24-40/In the Matter of Renewing Wetlands Consulting Services Contracts with David Evans and Associates, Inc., and Wilbur TERNYIK/Onno Husing for FY 1992-93.
- 9) ORDER 92-6-24-41/In the Matter of Amending Agreements with OBEC Consulting Engineers to Provide Construction Engineering for High

Pass Road Bridge, Belknap Covered Bridge, Willamette Drive Bridge, Hall Road Bridge and Deerhorn Road Bridge.

10) ORDER 92-6-24-42/In the Matter of Awarding a Contract to Pape Bros. Inc., in the Amount of \$208,649 with Trade-In for the Purchase of One (1) New, Crawler Tractor, Contract No. FY 92/93 FS-03.

11) SUBDIVISION PLAT

a. Kari Ann Subdivision
City of Eugene
17-04-15

H. RIS

1) ORDER 92-6-24-43/In the Matter of Approving an Intergovernmental Agreement to Provide Computing Systems Resources and Application Software Services.

Pulled.

I. Youth Services

1) ORDER 92-6-24-44/In the Matter of Approving Continuation of an Intergovernmental Agreement for \$27,959 Between Lane County and the University of Oregon for Evaluation of the Community Partnership Program for 1992 and Delegating Authority to the County Administrator to Sign the Agreement.

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

9. CONSENT CALENDAR

B. County Administration

2) ORDER 92-6-24-12/In the Matter of Granting the County Administrator Authority to Execute 1992/93 Agreements for Intergovernmental and Association Dues.

Dumdi declared a potential conflict of interest and said she would abstain from the vote. MOTION: Approval of the Order. Roberts MOVED, Rust SECONDED. VOTE 4-0-1, Dumdi abstaining.

H. RIS

1) ORDER 92-6-24-43/In the Matter of Approving an Intergovernmental Agreement to Provide Computing Systems Resources and Application Software Services.

Frazier expressed concern over whether developing a plan for transitioning to an environment supported by RIS would allow the County flexibility in projected downsizing. MOTION: Approval of the Order. Roberts MOVED, Rust SECONDED. VOTE: 4-1, Frazier dissenting.

10. HEALTH AND HUMAN SERVICES

- a. PUBLIC HEARING AND ORDER 92-6-24-45/In the Matter of Accepting Amendment #19 to the 1991-93 Intergovernmental Agreement #20-001 with the State of Oregon Mental Health and Developmental Disabilities Services Division; Decreasing Appropriations for Revenues and Expenditures in the Amount of \$67,656 in Programs for the Mentally and Emotionally Disturbed, Persons with an Alcohol or Drug Problem and Persons with a Developmental Disability; and Delegating Authority to the County Administrator to Sign the Letter of Acceptance and the Associated Subcontract Amendments as Per Exhibit A.

Dumdi opened the Public Hearing. There being no one present who wished to testify, Dumdi closed the Public Hearing. MOTION: Approval of the Order. Roberts MOVED, Rust SECONDED. VOTE: 5-0.

11. HUMAN RESOURCES

- a. ORDER 92-6-24-46/In the Matter of Amending Chapter 21 of Lane Manual to Provide for Affirmative Action in Purchasing Practices Involving Retainer Contracts and Purchase Orders (LM 21.107, 21.205(1) & 21.215(1)).

George Russell presented this item to the Board and provided some background on the issue. MOTION: Approval. Robert MOVED, Cornacchia SECONDED. VOTE: 5-0.

- b. ORDER 92-6-24-47/In the Matter of Appropriating an Amount Not to Exceed \$20,000 in Order to Conduct an Architectural Barriers Survey as Required Under the Americans With Disabilities Act.

George Russell reviewed this item for the Board. In response to a question from Rust, Russell stated that information would be gathered at this time; then work would be done with the Disability Committee and the Implementation Task Force to establish priorities. Cornacchia questioned why the cost was so high and why the RFP process hadn't been used. Van Vactor responded that he sits on the ADA Committee and there had been a consensus to move forward as proposed because it was expeditious. MOTION: Approval of the Order. Rust MOVED, Roberts SECONDED. VOTE: 4-1, Cornacchia dissenting.

- c. ORDER 92-6-24-48/In the Matter of Amending the Salary Range for the Classification of Document Resource Center Specialist.

Cheryl McCawley, Personnel Analyst, presented this item to the Board.
MOTION: Approval of the Order. Roberts MOVED, Rust SECONDED. VOTE:
 5-0.

12. EMERGENCY BUSINESS

- a. ORDER 92-6-24-49/In the Matter of Releasing, Dedicating, and Accepting Part of a Reserve Strip, a Parcel of County Owned Real Estate, as a Public Road (17-04-23).

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

7. COUNTY ADMINISTRATION

- b. ORDER 92-6-24-5/In the Matter of Continuing Regional Relationships in the Service Areas of Animal Regulation, Jails and the Regional Information System.


This item was continued from the morning meeting.

Johnson presented the Amended Order which reflected continuing the cooperative relationship, rescinding the one-year termination that was given for Animal Regulation and giving one-year notice for maximum flexibility. MOTION: Approval of the Amended Order. Rust MOVED, Roberts SECONDED. VOTE: 5-0.

15. OTHER BUSINESS

None.

There being no further business, this meeting adjourned at 4:30 p.m.



 Sharon Giles
 Recording Secretary