



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.

December 21, 1994
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

1. **ADJUSTMENTS TO THE AGENDA**

Three items of Emergency Business were identified. The Board expressed a desire to hold Executive Session at 11:00 a.m., hearing Emergency Business items just prior to that time.

2. **PUBLIC COMMENTS**

Charles Pendleton, 78101 Pitcher Lane, Cottage Grove, referred to the Overholser/Mathews rock quarry which was recently approved by the Board. He indicated that the operation has started and dynamiting was done yesterday, which rattled all the windows in his house. Pendleton expressed concern that quarry traffic was using Pitcher Lane instead of Quagley Lane. He indicated that 5 vehicles had taken 11 trips up and down the road on Monday morning. Pendleton noted that the neighbors maintain Pitcher Lane themselves and asked that the Board tell the quarry operators/users to stay off Pitcher Lane. Frazier concurred that at site review, it was agreed that Quagley Lane was to be used and it was up to the developer to bring that road up to standards. Responding to Cornacchia, Pendleton indicated that the trucks are 4-wheel drive pick-ups and trucks that are hauling small equipment. Cornacchia remarked that the letter of the law may be being followed, although not the spirit. There was concurrence to have staff look at the record with regard to restrictions and that Frazier would contact the quarry operators, requesting that they be good neighbors.

3. **COMMISSIONERS' ANNOUNCEMENTS**

To be held later in the meeting.

4. PUBLIC HEARINGS

- a. PUBLIC HEARING AND ORDER 94-12-21-1/In the Matter of Adopting the 1994-95 Supplemental Budget #1 and Making Appropriations.

Margo Drivas, Assistant Director of Human Resources and Management Services, briefly reviewed the agenda material. Rust opened the Public Hearing. There being no one present who wished to testify, Rust closed the Public Hearing. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 4-1, Cornacchia dissenting.

5. PUBLIC WORKS

- a. PRESENTATION AND ORDER 94-12-21-2/In the Matter of Awarding and Presenting the Lane County Recycling Recognition Awards for the Second Quarter of 1994.

Matt Stern, Recycling Program Specialist, introduced Cal Morgan of Premier Distributors, Inc., who received an award for their beverage container recycling, and Gary Straube from Dari-Mart Stores, Inc., who received an award for their innovative use of returnable milk jugs. Awards were presented to each company. MOTION: Approval of the Order. Roberts MOVED, Frazier SECONDED. VOTE: 5-0.

- b. ORDER 94-12-21-3/In the Matter of Reappointing Two Members to the Roads Advisory Committee.

MOTION: Approval of an Order reappointing James Branch and Leo Stapleton to the Roads Advisory Committee. Roberts MOVED, Frazier SECONDED. VOTE: 5-0.

- c. RESOLUTION AND ORDER 94-12-21-4/In the Matter of Transferring \$25,000 From Materials and Services to Capital Outlay in General Expense (17) in the Special Revenue/Special Services Fund (Fund 28) for the Land Management Division Computer Network.

John Goodson, Public Works Director, briefly reviewed the agenda material. Frazier, as chair of the TMT Committee, noted that the report was presented to the group and accepted. She offered her recommendation that this be approved. Van Vactor noted that TMT had had more of a conceptual discussion and he expressed some reservation until complete prioritization of needs is developed. Dumdi stated that this project had been received by the Economic Development Committee as a project under the video lottery distribution and that the Committee had asked Goodson to find another way to fund the project so as not to divert those monies away from communities.

MOTION: Approval of the Order. Frazier MOVED, Dumdi SECONDED. Roberts acknowledged Van Vactor's concern, but expressed his support for the project based on an ongoing commitment to Land Management. VOTE: 5-0.

6. EXECUTIVE SESSION as per ORS 192.660

To be held at 11:00 a.m.

7. COMMITTEE REPORTS

SAVE Committee

- a. ORDER 94-12-21-5/In the Matter of Approving a SAVE Award for David Wobbe in the Amount of \$3,000 for a Video Vegetation Inventory.

Drivas reviewed this item. MOTION: Approval of the Order. Dumdi MOVED, Roberts SECONDED. VOTE: 5-0.

Rural Community Improvement Council

- b. ORDER 94-12-21-6/In the Matter of Amending Chapter Three of the Lane Manual to Revise Purpose Provisions With Regard to the Rural Community Improvement Council.

Stephanie Schulz, Rural Development Coordinator, briefly reviewed this item. MOTION: Approval of the Order. Dumdi MOVED, Frazier SECONDED. VOTE: 5-0.

- c. ORDER 94-12-21-7/In the Matter of Reappointing Five Members to, and Filling Four Vacancies on the Rural Community Improvement Council.

Frazier indicated that there are not recommendations for the four vacancies at this time, but proposed coming back at a later time with those recommendations. She asked the Board, however, to approve the five reappointments. MOTION: Approval of the reappointments of Trenery, Ellingson, Hobson, Case and McClure. Frazier MOVED, Dumdi SECONDED. VOTE: 5-0.

- d. ORDER 94-12-21-8/In the Matter of Approving the Rural Community Improvement Council's By-Laws.

Schulz reviewed this item for the Board. Frazier recognized the initial council members who helped get the RCIC to this point.

MOTION: Approval of the Order. Dumdi MOVED, Frazier SECONDED. Roberts asked, with regard to Article V, Paragraph B, who determines "misconduct." He suggested a friendly amendment which would allow the Board of Commissioners to make that determination. With regard to Article VIII "Conflict of Interest", Roberts asked what state law currently provides for not participating in a decision where there is a conflict of interest. Teresa Wilson, County Counsel, responded that state language provides that an office cannot be used for financial gain/pecuniary benefit for yourself or a member of your family or a business with which you are associated. Wilson remarked that her office would be willing to do a government ethics training

for RCIC members to help people avoid an inadvertent error. Dumdi accepted Wilson's offer. Frazier thanked Schulz for her work. VOTE: 5-0. Dumdi thanked Frazier for her work in forming the RCIC.

Finance and Audit

e. REPORT/Concealed Weapons Licenses.

David Suchart, Performance Auditor, presented the report on this item (see material on file), noting that it had been done at the request of the Sheriff's Office. He highlighted an appointment system that has been instituted. Responding to Dumdi, Pat Dawley, Sheriff's Office, indicated that appointments for renewals are being made before their expiration date. Roberts remarked that Finance and Audit has looked at the revenue issue and Van Vactor indicated that he would initiate discussions with the city managers regarding a uniform fee. MOTION: To accept the report. Frazier MOVED, Dumdi SECONDED. VOTE: 5-0.

8. COUNTY ADMINISTRATION

a. Announcements

Van Vactor remarked that he would be on vacation from December 23 until January 5, noting that Wilson and Dave Williams would split the role of Acting County Administrator. He also took the opportunity to thank Frazier and Roberts for their service to Lane County.

9. CONSENT CALENDAR

Responding to Rust, Wilson stated that it was not necessary to read the title changes into the record.

A. Approval of Minutes: None.

B. County Administration

- 1) ORDER 94-12-21-9/In the Matter of Authorizing a CDBG Application for Funding Mapleton Water District Improvement Planning.

C. Health and Human Services

- 1) ORDER 94-12-21-10/In the Matter of Accepting Revision #4 to the 1994/95 Intergovernmental Agreement With the Oregon Health Division in the Amount of \$48,734; Increasing Appropriations in Revenues and Expenditures in the Amount of \$48,734; and Delegating Authority to the County Administrator to Sign Revision #4.

D. Human Resources and Management Services

- 1) ORDER 94-12-21-11/In the Matter of Authorizing the Sale of Surplus County-Owned Real Property Sold at Sheriff's Sale to: A) James K. Jackson (Map/Tax Lot #17-04-01-03-09-00-00301); B) David A. Harris (Map/Tax Lot #17-04-01-33-04400); C) Fore-Ward Investments (Map/Tax Lot #17-04-15-10-00503); D) Lisa Tyler (Map/Tax Lot #17-04-22-31-07500); and E) Vern Gibbens (Map/Tax Lot #21-35-17-32-06500).
- 2) ORDER 94-12-21-12/In the Matter of Authorizing the County Administrator to Execute Lease Agreements With: A) State of Oregon (Office Space in PSB); B) Lane Council of Governments (Office Space in PSB); and C) McKenzie Enterprises, Inc. (Central Lane Justice Court).
- 3) ORDER 94-12-21-13/In the Matter of Amending Chapter 2 of the Lane Manual to Revise Monthly Automobile Allowance Provisions (LM 6.636(1)).

E. JTPA

- 1) ORDER 94-12-21-14/In the Matter of Appropriating an Additional \$1,179,607 in Revenues and Expenditures and Establishing a 1.0 FTE Employment and Training Supervisor Position.

F. Public Works

- 1) ORDER 94-12-21-15/In the Matter of Awarding a Contract to Interstate Manufacturing, Inc. in the Amount of \$166,200 for the Purchase of Four (4), New Solid Waste Transport Trailers, Contract FY94/95 FS-04.
- 2) ORDER 94-12-21-16/In the Matter of Authorizing a Sheriff's Sale of Various Surplus County-Owned Real Property.
- 3) RESOLUTION AND ORDER 94-12-21-17/In the Matter of Acquiring Fee or Other Interests in Portions of Certain Real Properties for the Improvement of Irving Road From River Road to Highway 99.
- 4) RESOLUTION AND ORDER 94-12-21-18/In the Matter of Acquiring Fee or Other Interests in Portions of Certain Real Properties for the Improvement of North 19th Street and Yolanda Street.
- 5) ORDER 94-12-21-19/In the Matter of Approving a Lease Agreement With Willamette Industries for Real Property on Which to Operate the Marcola Transfer Station.
- 6) ORDER 94-12-21-20/In the Matter of Awarding a Requirements Contract for Landfill Engineering Services to Emcon Northwest,

Inc. and Authorizing the County Administrator to Sign the Contract.

- 7) ORDER 94-12-21-21/In the Matter of Amending a Contract With Cascade Mapping, Inc. for Photogrammetric Mapping of Various Road and Bridge Construction Projects for Calendar Year 1995.
- 8) ORDER 94-12-21-22/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement for North 17th Place (17-03-24).
- 9) ORDER 94-12-21-23/In the Matter of Accepting a Deed of Land to be Used as a Public Utility Easement (17-03-24).
- 10) ORDER 94-12-21-24/In the Matter of Accepting a Deed of Land to be Used as a Public Utility Easement for the North Line of Parcel 1 of Land Partition Plat No. 93-P0442 (17-03-24).
- 11) ORDER 94-12-21-25/In the Matter of Accepting a Deed of Land to be Used as a Public Utility Easement Through Parcel No. 3 of Land Partition Plat No. 94-P0609 (17-03-24).
- 12) ORDER 94-12-21-26/In the Matter of Accepting a Deed of Land to be Used as a Public Utility Easement Abutting Cul-de-sac of North 17th Place of Land Partition Plat No. 94-P0609 (17-03-24).
- 13) ORDER 94-12-21-27/In the Matter of Accepting a Deed of Land to be Used as a Public Utility Easement Across Parcels 1, 2, and 3 of Land Partition Plat No. 93-P0549 (17-03-24).
- 14) ORDER 94-12-21-28/In the Matter of Accepting a Deed of Land to be Used as a Public Utility Easement for the South Line of Parcel 1 of Land Partition Plat No. 93-P0441 (17-03-24).
- 15) ORDER 94-12-21-29/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement for Otto Street (17-03-25).
- 16) ORDER 94-12-21-30/In the Matter of Accepting a Deed of Land to be Used as a Public Utility Easement for the North Line of Parcel 2 of Land Partition Plat No. 93-P0442 (17-03-24).

G. Youth Services

- 1) ORDER 94-12-21-31/In the Matter of Accepting a Healthy Start Grant From the Oregon Commission on Children and Families and Delegating Authority to the County Administrator to Execute Contracts With Birth to Three for \$51,632, Relief Nursery for \$20,000, and Centro Latinoamericano for \$14,271.

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

10. COUNTY COUNSEL

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 12-94/In the Matter of Amending Chapter 2 of Lane Code to Create a Local Contract Review Board and Declaring an Emergency (LC 2.060) (Second Reading and Public Hearing, January 11, 1995, 1:30 p.m., Harris Hall Main Floor)

Rust read this Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing for January 11, 1995 at 1:30 p.m. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

- b. ORDER 94-12-21-32/In the Matter of Adopting Interim Public Contract Rules and Procedures.

Wilson briefly reviewed this agenda item. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

11. EMERGENCY BUSINESS

- a. ORDER 94-12-21-35/In the Matter of Authorizing the County Administrator to Execute an Intergovernmental Agreement.

Cornacchia remarked that he disagreed with the recommendation, noting that the City should assume all of the risk and, if the City Council does not approve the project, then the money returns to the County. Dumdi concurred with Cornacchia. Rust remarked that Councilor Laue feels the project is going to go forward. John Goodson, Public Works Director, indicated that the explanation he received was that the way the City budgets for their engineering staff is that if they don't have the funds up front to pay them, then they would have to put them on other projects. Responding to Cornacchia, Goodson remarked that the City is asking Lane County to share the risk. Rust questioned whether intergovernmental agreements with other cities are structured in a way that requires that Lane County pay up front for engineering. Cornacchia remarked that that is comparing apples to oranges as other projects are normally brought forward by the cities while this project was brought to the Board by a commissioner and Mike Gleason, Eugene City Manager. Roberts commented that he shares some of the concerns being expressed. He remarked that it may be appropriate to address some of the issues of resistance from the area residents before engineering is funded. Roberts indicated that he could support this as a compromise, but does understand the concerns of other commissioners.

Rust indicated that he was ready to move to Option 2, wherein an intergovernmental agreement would be fashioned without the provision requiring repayment of 50 percent of the funds. Goodson clarified that \$100,000 is for conceptual engineering and that it will probably be \$300-400,000 for all of the preliminary engineering. He

summarized direction as advancing \$100,000 and then when the contract is awarded, progress payments for the remaining \$1.1 million would be made; in the event the contract is not awarded, the city would pay back the \$100,000 out of next year's road fund allocation, if necessary. Roberts questioned the necessity of repaying the money with interest. Cornacchia reiterated that he was mainly interested in having the City Council deem this project as a high priority to which they are committed, allowing the design to remain flexible. MOTION: Approval of an Order reflecting Option 2, advancing \$100,000 and requiring repayment of 100% of the funds if the project does not go forward. Frazier MOVED, Dumdi SECONDED. VOTE: 5-0.

- b. ORDER 94-12-21-36/In the Matter of Approving and Ratifying an Agreement for the Public Works Administrative, Professional and Technical Staff, Adding Two (2) Categories for Registration Differential, and Amending the Salary Range for the Engineering Associate Series and Two (2) Related Classifications.

MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-1, Cornacchia dissenting.

- c. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 13-94/In the Matter of Amending Lane Code Chapter 10 to Adopt Amendments to the Springfield Development Code Which Add Article 37 Master Plans Provisions and Amend Article 26 Hillside Development Overlay District Standards for the Urbanizable Lands Within the Springfield Urban Growth Boundary (LC 10.600-15); Adopting a Savings and Severability Clause; and Declaring an Emergency.

Rust read this Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing for January 11, 1995 at 1:30 p.m. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

3. COMMISSIONERS' ANNOUNCEMENTS

Frazier distributed copies of a memorandum from Willamalane Park and Recreation District and commented that the McKenzie Watershed Council would only give support to the aspects of the PROS Plan that had relevancy to the McKenzie Watershed Council's scope and purpose. She asked the Board to review the information and let her know if there are any desired changes.

Rust wished all Lane County employees a happy holiday and wished Frazier and Roberts well in their new endeavors.

There being no further business, this meeting adjourned at 10:32 a.m. to convene into Executive Session at 10:50 a.m.



Sharon Giles
Sharon Giles
Board Secretary