



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
DECEMBER 6, 2022**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, December 6, 2022.

Those present at various times for the matters as indicated below were: Ryan Vogt, Executive Director, Cascades West Council of Governments; Wayne Mink, Linn County Roadmaster; Rachel Adamec, Linn County Real Property Program Manager; Amber Boedigheimer, Linn County Law Library; Steve Wills, Linn County Planning and Building Director; Alyssa Boles, Planning Manager, Linn County Planning and Building Department; Michelle Hawkins, Linn County Treasurer; Kevan McCulloch, Deputy County Attorney for Linn County; Rebecca Grizzle, Executive Director, Lebanon Chamber of Commerce; Alex Paul, Linn County Communications Officer and Joanna Mann, Reporter for *Democrat-Herald*.

1, 2, 3. At 9:30 a.m. Chair Nyquist called the meeting to order. The flag salute and roll call followed. Commissioners Roger Nyquist, Chair; Will Tucker, Vice-Chair and Commissioner Sherrie Sprenger were present, as well as, Marsha Meyer, Recorder for the Board of Commissioners. Darrin Lane, Linn County Administrative Officer, participated via teleconference.

4. Approval of Agenda.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the agenda. The vote was called. The motion passed unanimously.

5. Approval of the November 22, 2022 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the November 22, 2022 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Reports of Staff and Committees: There were no reports of staff and committees to come before.

7. COG Quarterly Update – Ryan Vogt, Executive Director, Cascades West Council of Governments.

Mr. Vogt provided the Board with a Quarterly Update. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Vogt stated that the consultants from Zilo International Group Bias Response Study would be presenting their findings of the Bias Response Study to COG's full board later this week. He stated that, from attending the summit, there were recommendations but that he did not sense that there was enough traction for any of those recommendations to have a regional impact but each agency would need to evaluate to see how they would impact their community and County. Commissioner Sprenger clarified that any results from the study would not be mandated to any city, county or region; they would have the option to participate if they chose to do so. Mr. Vogt stated that COG had not be asked to lead any additional efforts.

Mr. Vogt stated that COG had been engaged in the first level strategic planning and focusing on how to operate in the next couple of years. He has been looking at historical documents to provide a map of where they need to go and whether or not the programs they are currently doing should continue. Mr. Vogt stated that he had some thoughts of where to go with the organization with additional planning.

Next, Mr. Vogt announced that Jenny Glass, COG's Community/Economic Development Director, was no longer working with COG and so he was now in the process of looking for a new Economic Development Director. A lengthy discussion followed in regard to economic development and how it is defined and what the government's role should be.

8. Road Department – Wayne Mink, Linn County Roadmaster.

Mr. Wayne provided background information in regard to the following items.

A. Resolution & Order 2022-407 delegating authority to Wayne E. Mink, Roadmaster, to purchase four Ford F350 pickups.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2022-407. The vote was called. The motion passed unanimously.

B. Resolution & Order 2022-410 delegating authority to Wayne E. Mink, Roadmaster, to purchase a dump body, snow plow and hydraulics mounted on a Linn County provided chassis.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2022-410.

Commissioner Tucker asked Mr. Mink if the dump box was usable all the time and had spreading capabilities. Mr. Mink stated that the sanders were able to slide in and slide out.

The vote was called. The motion passed unanimously.

C. Resolution & Order 2022-411 approving contract amendment (Change Order No. 2) for the Thomas Creek, Richardson Gap Road (Shimanek) Covered Bridge Project between Marcum & Sons, LLC and Linn County.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2022-411. The vote was called. The motion passed unanimously.

Commissioner Nyquist asked if the department had adequate supply of mag chloride and if they could they get deicer spread when needed. Mr. Mink stated that there had been no conflict with getting the product. They have added tanks with application units already on them and have cross-trained multiple employees in order to get to different parts of the County; they don't just focus on bridges and overpasses. Mr. Mink stated that he has a really good supervisor that handles the anti-icing and checks the roads at 4:00 a.m. on those mornings. He then makes the decision based on history and the road conditions. Commissioner Nyquist thanked Mr. Mink and his staff for all the work they do and for being prepared for those types of conditions.

9. Property Management – Rachel Adamec, Linn County Real Property Program Manager.

A. Sealed Bid Openings – Account Nos. 350823 and 876254.

Ms. Adamec provided the Board with background information regarding the accounts and then opened the sealed bids.

Account No. 350823 – Ms. Adamec stated that there were two sealed bids for this account number. She stated that the real market value was \$10,770. She then opened the first bid.

The first envelope did not contain a bid but instead it was a Consolidation Request Form with remarks noted from Mary and Dale Blanshan. Ms. Adamec read the remarks into the record.

Ms. Adamec then opened the 2nd sealed bid received from Corey and Rebecca Leslie for \$200 and included was a \$35 deposit. She stated that, on the map, the Leslie's owned the property to the east. Commissioner Tucker stated that the piece of property was unbuildable today. Commissioner Nyquist asked if it was within the urban growth boundary and Commissioner Tucker stated no.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the bid from Corey and Rebecca Leslie in the amount of \$200 for an unbuildable lot.

Commissioner Nyquist stated that he would be a “no” vote due to the lack of information as he was not sure what triggering a “yes” vote would do in the way of easements, property lines or regarding the other person who had been taking care of the property for years. He stated that accepting this the Board would be on the other of end and we never know what other situations may come up. Commissioner Tucker stated that Ms. Adamec had written to all three of the people who adjoined this property. Ms. Adamec clarified that the letter was from Mary and Dale Blanshan who live down from this property; the end of their property panhandle touches the property the County currently owns. Commissioner Tucker clarified that the bidders, Corey and Rebecca Leslie’s property, abuts the County owned property and Ms. Adamec stated yes.

Commissioner Nyquist stated that he was now convinced to vote on this motion.

The vote was called. The motion passed unanimously.

Account No. 876254 – Ms. Adamec stated that she had one sealed bid for this account. She stated that this property was 0.09-acres and was unbuildable with the real market value of \$500. She then opened the bid.

The bid was from Verlyn P. Aerni, III for \$100 and included a \$10 check.

Commissioner Tucker stated that the County’s property actually goes through their house and the shed in the backyard; it would be good to get into their hands.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the \$100 bid. The vote was called. The motion passed unanimously.

10. Law Library – Amber Boedigheimer, Linn County Law Librarian.

Ms. Boedigheimer provided background information on the following items.

A. Resolution & Order 2022-420 approving an Amendment No. 1 to a Grant Agreement between the State of Oregon State Library and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2022-420. The vote was called. The motion passed unanimously.

B. Resolution & Order 2022-421 approving an Amendment No. 2 to a Grant Agreement between the State of Oregon Library and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2022-421.

Commissioner Nyquist asked Commissioner Tucker how this was going to work. Commissioner Tucker stated that this was a “warm line” of people who have experience in counseling and advising people who are facing eviction and who have access to a pool of lawyers to help with eviction challenges. Commissioner Nyquist asked if there still was a huge number of evictions working through the system. Commissioner Tucker stated this was in regard to the tenant’s rights being violated in terms of process, such as getting their furnace fixed and was not just for non-payment of rent.

The vote was called. The motion passed unanimously.

11. Correspondence: There was no correspondence to come before the Board.

12. Special Orders:

A. Personnel Action Forms.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the Personnel Action Forms list as Exhibit 1. The vote was called. The motion passed unanimously.

B. Approving a Wrecking License for Aerostar Towing & Auto Wrecking with a Letter of Understanding.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the Wrecking License for Aerostar Towing & Auto Wrecking with a Letter of Understanding.

Commissioner Nyquist stated that the essence of the letter was that all materials must be kept inside and below the height of the fence.

The vote was called. The motion passed unanimously.

C. Resolution & Order 2022-423 setting a Public Hearing and ordering Publication for the Proposed Authorization of certain revenue bonds by the Arizona Industrial Development Authority for a project located within Linn County for the purpose of complying with Section 147(f) of the United States Internal Revenue Code and affirming the purpose and nature of the project.

Darrin Lane, Linn County Administrative Officer (participating telephonically) provided the Board with background information on this item.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2022-423. The vote was called. The motion passed unanimously.

13. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Nyquist stated that there would be a Ribbon Cutting Ceremony on Thursday, December 15, 2022 at 10:30 a.m. at the Intermodal Facility in Millersburg. He stated that possibly more than one Commissioner would attend.

14. New Business: There was no new business to come before the Board.

15. Announcements:

A. Commissioner Nyquist announced that there would be an Elected Officials meeting held from Noon to 2:00 p.m. on Wednesday, December 7, 2022 at the Linn County Fair and Expo Center in Conference Room 4.

B. Commissioner Nyquist announced that the Board would only meet on Tuesday, December 27, 2022 if there was year-end business to be conducted. Commissioner Nyquist stated that the December 27th meeting was tentative and the public would be noticed of that meeting no later than Monday, December 26, 2022.

16. Business from the Public (3-minute limit per speaker): There was no one present from the public wishing to use this forum neither in person or telephonically.

17. Public Hearing – PLN-2022-00526: an application by Robert and Vicki Ward for Zoning Map Amendment on 1.70 acres of the 6.16-acre subject property. The amendment proposes to change the zoning from Urban Growth Area-Limited Industrial (UGA-LI) to Urban Growth Area-Rural Residential (UGA-RR-2.5) – Alyssa Boles, Planning Manager, Linn County Planning and Building Department.

Commissioner Nyquist called upon Ms. Boles to review her Staff Report with the Board. She noted that there were three responses, as part of Exhibit D, giving no comment nor were there any comments from the surrounding property owners. Ms. Boles did state that she received one additional comment from the Department of Land Conservation & Development (DCLD) commenting that there were some wetlands but those wetlands were outside of the area proposed to be developed.

Ms. Boles stated that on November 8, 2022 the Planning Commission unanimously voted to recommend the Board approve the application as proposed. Commissioner Sprenger confirmed with Ms. Boles that no one had stepped forward in opposition of this application. Ms. Boles stated that was correct.

Commissioner Tucker noted that there were residential all around this piece of property.

Commissioner Nyquist then asked the Board to declare any exparte communication or conflicts of interest. All three Commissioners declared no exparte communication or conflict of interest in this matter.

Commissioner Nyquist then opened the hearing and read, into the record, the hearing process.

Commissioner Nyquist then called upon the Applicant for testimony.

Laura LaRoque, Udell Engineering and Land Surveying - Representative for the Applicant.

Ms. LaRoque stated that the property had a split zoning, currently, and the majority of the property was already zoned residential. The urban growth boundary of Mill City has comprehensive plan designation of residential for that portion of the property. She stated that she was requesting to change the Linn County zoning designation to match the comprehensive plan so that it could be developed with residential uses.

Ms. LaRoque stated that the Applicant had approval for a septic system and a well on the site. Also, there is adequate access without causing any traffic concerns along Lyons-Mill City Road. All the adjacent development is already approved with residential development and is not an appropriate site for industrial use.

Commissioner Nyquist asked if there was anyone else wanting to testify in support of this application either in person or telephonically. There was no one else wishing to speak.

Commissioner Nyquist then called upon anyone wishing to speak in opposition of this application either in-person or telephonically. Hearing none, he called upon anyone who had a comment or question or neither supported or opposed this application. There was no one wishing to speak. Commissioner Nyquist stated that, hearing none, the Applicant would have an opportunity for rebuttal and Ms. LaRoque stated she did not have a rebuttal.

Commissioner Nyquist then asked if the Board had any questions for staff. There being no questions from the Board, Commissioner Nyquist asked what the pleasure of the Board would be. He stated they could either close the Public Hearing; move to deliberations or leave the record open. He stated that he saw no reason to do that as there had been no testimony in opposition or questions raised about the application. Commissioner Nyquist stated that it was his preference to close the Public Hearing.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to close the Public Hearing.

Commissioner Nyquist closed the Public Hearing.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the Staff Report and the late arrival of comments from the DCLD that was delivered separately into the record. The vote was called. The motion passed unanimously.


Action – Commissioner Sprenger moved and Commissioner Tucker moved to approve PLN-2022-00526.

Commissioner Nyquist stated that this decision made sense with the properties around it; given the nature of the area today; and, given the demand for residential housing in that area.

The vote was called. The motion passed unanimously.

18. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:25 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on Tuesday, December 13, 2022.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice-Chair


Sherrie Sprenger, Commissioner

Date 12-13-2022