



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
TUESDAY, JULY 25, 2023**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, July 25, 2023.

Those present at various times for the matters as indicated below were: Michelle Duncan, Linn County Sheriff; Emerson Marsh, Emergency Management Recovery Coordinator, Linn County Sheriff's Office; Torri Lynn, Linn County Juvenile Department Director; Wayne Mink, Linn County Roadmaster; Steve Wills, Linn County Planning and Building Director; Alyssa Boles, Linn County Planning Manager, Linn County Planning and Building Department; Kate Bentz, Assistant Planner, Linn County Planning and Building Department; Michelle Hawkins, Linn County Treasurer; Todd Noble, Linn County Health Services Administrator; Gene Karandy, County Attorney for Linn County; Kevan McCulloch, Deputy County Attorney for Linn County; Robert Wheeldon, Consultant for the Applicant, Wilsonville Concrete Products, Inc.; Michael Bernert, Co-Owner, Wilsonville Concrete Products, Inc.; Rebecca Grizzle, Executive Director, Lebanon Chamber of Commerce; Alysia Rodgers, Economic Development Catalyst, City of Lebanon; Jim Belshe, Trial Court Administrator, Linn County Circuit Court; other audience members; Alex Paul, Linn County Communications Officer and Shayla Escudero, 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, Darrin Lane, Linn County Administrative Officer and Marsha Meyer, Recorder for the Board of Commissioners.

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 July 11 and 18, 2023 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the July 11 and 18, 2023 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Sheriff's Office – Michelle Duncan, Linn County Sheriff.

Emerson Marsh, Emergency Management Recovery Coordinator, Linn County Sheriff's Office, presented the following item on behalf of Sheriff Duncan.

A. Resolution & Order 2023-008 approving an Agreement between the City of Sweet Home Jim Riggs Community Center and Linn County.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-008.

Commissioner Tucker thanked Mr. Marsh for working with the City of Sweet Home to get this Agreement done and asked if it included having the Riggs Center powered up for generator connections and Mr. Marsh stated yes.

The vote was called. The motion passed unanimously.

7. Reports of Staff and Committees:

A. Juvenile Department Update – Torri Lynn, Linn County Juvenile Department Director.

Mr. Lynn provided the Board with a Juvenile Department Update for the month of June, 2023. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

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

A. Resolution & Order 2023-100 accepting and recording certain real property granted to Linn County for road purposes (County Road Number 0328, Goldfish Farm Road).

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-100. The vote was called. The motion passed unanimously.

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

10. 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. Resolution & Order 2023-274 approving a Purchase and Sale Agreement between Albany Evangelical Church and Linn County.

Darrin Lane, Linn County Administrative Officer, provided background information on this item. He stated that this was in regard to the Health Department's need to find a location suitable for the needs of the various Health Department programs.

Commissioner Sprenger asked where the money for the purchase would come from and Mr. Lane stated that it had been discussed that \$1 million would come from the County and \$400,000 from Health Services but that was yet to be determined and there was room for discussion.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-274.

Commissioner Nyquist stated that he would be voting against the motion; with everything going on in the world he didn't think that they should be turning houses of worship into government buildings. Commissioner Sprenger stated that she was in support of the motion. She had taken a walk around the building and that, frankly, she saw a significant need for more space for the health programs; it was a good plan and she supported them moving forward.

The vote was called. The motion passed 2-1 with Commissioner Nyquist voting in opposition.

11. Unfinished Business and General Orders:

A. Discussion regarding appropriation of funds for Courthouse security/improvements.

Commissioner Nyquist provided background information on this matter. He stated that, recently, the Board attempted to get the legislature to change the eligibility for the allocated \$16 million match for a new courthouse. The County had set aside federal funds received from the American Rescue Plan Act (ARPA) hoping the legislature would give the County some flexibility, however, those efforts were unsuccessful and the \$16 million from the State went back to them. He stated that left the County with their side of the equation of substantial funds to make improvements to the Courthouse and court security and, collectively, the County had done what they could with the resources they've had; this is a chance to invest the funds of about \$10 million.

Mr. Lane stated that the amount of ARPA funds left over was about \$14.5 million, however, there were other projects that the Board hadn't formally approved but may decide to use some of those funds for those projects. Commissioner Nyquist stated that it was appropriate for the Board to allocate some of those funds and to have Russ

Williams, Linn County General Services Director and the appropriate parties, get to work making the changes that, ultimately, everyone would agree upon going forward.

Commissioner Sprenger recommended that there be a work group of specific individuals, possibly the current Safety Committee, to report back to the Board with clear goals and objectives. She suggested that the work group look at what the other counties across the State were doing to see what security measures they use and what the cost is for those measures and/or what other options are available. Commissioner Sprenger stated that she wanted to see that information in order to be better equipped to make any decisions moving forward.

Commissioner Tucker recommended that the current Courthouse Security Advisory Committee be assigned to this matter; Commissioner Sprenger agreed. He stated that he concurred with looking to see what selected counties were doing with the understanding that every facility and make up of elected officials were unique. Commissioner Tucker recommended the committee focus on our building and talking to security experts about how best to make our Courthouse building safer for employees, as well as, the people coming into the Courthouse to do business.

Commissioner Sprenger stated that she would like to see a report back to the Board by October 1, 2023; she did not want to have this conversation without an end date for a review. Commissioner Tucker concurred with the urgency to respond; this isn't a one-time issue and it should be a standing committee to review ongoing and new security concerns as they arise. Commissioner Sprenger stated that she would be willing to discuss who should be appointed to the committee as she has some concerns with a few of the positions.

Commissioner Nyquist stated that he had years of minutes from the current Court Security Advisory Committee and that Mr. Williams had numerous inquiries, proposals and potential plans that he believed were either ready to go, or near ready to go, in the way of a concept for the work to be done. He stated that there was also a requirement that this project start by the end of this year with federal funds. Commissioner Nyquist stated that he was okay with adding or taking a look at the make-up of the committee but smart people have been looking at this for a long time and it shouldn't take a long time to get this moving forward.

Commissioner Nyquist stated that the appropriate action of the Board would be to acknowledge that there was a consensus to spend \$10 million on Courthouse improvements and court security and that the current Courthouse Security Advisory Committee, including Mr. Williams and Mr. Lane, be the hub for doing that. If there are any gaps, deficiencies or changes that need to be made, the Board could talk with Mr. Lane individually in the next few days and the committee could set a meeting date to get started. Commissioner Sprenger confirmed that Commissioner Nyquist stated to allocate \$10 million and asked if he meant to say up to or somewhere between \$10 million. Commissioner Nyquist stated that this was their one chance to get some federal money to make these improvements and do what they can with what they have; it's a good plan.

Commissioner Sprenger added that it was the responsibility of the Board to make the decision in regard to the Courthouse building and that this would be done in conjunction with the Linn County Sheriff as she is, per statute, responsible for court security.

Commissioner Tucker also asked for a consensus to talk to the legislature about courtroom space as the County is growing; for the legislature to say that we have to build a whole new courtroom system at another location is absolutely crazy. He stated that, at the next legislative session, he would like to see the Board attempt to change the law for Linn and other counties to be able to add on to their courthouse.

By consensus, the Board agreed to spend up to \$10 million on improvements to the Courthouse and court security and that the Court Security Advisory Committee, along with Mr. Williams and Mr. Lane, would begin working on this matter and report back to the Board keeping in mind the timeline of when the money needed to be spent and when the project needed to start.

Commissioner Nyquist recognized Tim Felling, Attorney in Albany, who wanted, for the record, to recognize the Sheriff Civil Lieutenant Bruce Davis and Captain Jeff Schrader's heroism for interrupting a man in the courtroom who had a gun in his waist band; it could've been a very bad situation. He stated it would've been caught by a metal detector or some other system but it wasn't and he hoped the Board took this incident very seriously and would stick to the deadlines, get the reports and spend the money for court security as discussed.

B. Calendar Update: The Commissioners updated their calendars. Commissioner Nyquist stated that he would be participating in the Board meetings telephonically for the next two weeks.

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

13. Announcements: There was no announcements.

14. Business from the Public (3-minute limit per speaker): There was no one telephonically wishing to use this forum.

Commissioner Nyquist recognized Corey Madson who stated that he currently works on the first floor of the Courthouse in the Judicial Department but that he was speaking on his own behalf. He told the Board that he had been involved in a mass shooting and didn't ever want to see that happen again. Mr. Madson stated that, in light of that experience, he would like to see something change short-term and asked the Board to implement some immediate changes in regard to Courthouse security.

15. Planning & Building Department – Steve Wills, Linn County Planning and Building Director.

Alyssa Boles presented the following item and provided the Board with background information on this matter.

A. Resolution & Order 2023-276 approving an application for a partition, an easement review and a Measure 49 review for Fern Hollow Farms.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-276. The vote was called. The motion passed unanimously.

Commissioner Nyquist recessed the regular Board meeting at 10:08 a.m.

Commissioner Nyquist reconvened the regular Board meeting at 10:12 a.m.

B. Public Hearing – PLN 2023-00303: Combined applications by Willamette Concrete Products, Inc. for a Comprehensive Plan (Plan) Text Amendment on a 5.00-acre portion of two properties (T15S, R03W, Section 9, Tax Lots 202 and 219) – Kate Bentz, Assistant Planner, Linn County Planning and Building Department.

Commissioner Nyquist called upon Ms. Bentz to review her Staff Report with the Board. A copy of her report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Ms. Bentz stated that there was no opposition present at the Planning Commission meeting and that the Planning Commission voted unanimously to adopt a motion to recommend that the Board approve the proposed application.

Commissioner Nyquist stated that the Application shows Willamette Concrete Products. Ms. Bentz stated that it was a typo on the first page of the Staff Report but the rest of the application reflected the correct company name of Wilsonville Concrete Products. Commissioner Nyquist asked how it was presented to the Planning Commission and Ms. Bentz stated that, based on the text of the Planning Commission Staff Report, it indicated that it was presented to the Planning Commission as Wilsonville Concrete Products.

Commissioner Nyquist then read the hearing criteria into the record.

Commissioner Nyquist called upon the Applicant.

Robert Wheeldon, Consultant to the Applicant, Wilsonville Concrete Products, Inc. – 1645 9th Ave, SE #137, Albany, OR 97322.

Mr. Wheeldon stated that he was representing the Applicant, Michael Bernert who is the co-owner of Wilsonville Concrete Products, Inc. He thanked the staff for their assistance stating that they were extremely helpful. Mr. Wheeldon stated that the Staff Report did a good job of summarizing and explaining the application and requirements for approval.

Mr. Wheeldon stated that the Applicant was requesting a goal exception which is a plan text amendment to adopt a limited use overlay to allow the ready-mix concrete plant on the property on Belts Drive.

Mr. Wheeldon stated that the application established the need for local sources for ready-mix concrete in southern Linn County, as well as, establishing the reason why the subject property was the only practical location in the area to site this facility and to meet those needs. He stated that this property was selected because of its central location and proximity to aggregate supplies, transportation facilities and the absence of any identifiable impacts on surrounding properties. He noted that, contrary to what some may believe, the Administrative Rules do support and encourage resource dependent businesses, such as concrete production, to be located within proximity to natural resources. Mr. Wheeldon stated that the application included five letters of support which describe the need for a local supplier in the area and included a letter of support from Malpass Farms who owns all the farmland in that area.

Mr. Wheeldon stated that the application included marketing analysis; alternative sites analysis; transportation systems analysis; conflict analysis; environmental site analysis; and contains a storm water protection plan which is excellent in preventing run off for swales and berms; it provides for recycling of water on site that is used to wash equipment.

Mr. Wheeldon stated that he talked to the Linn County Road Department regarding the haul route; there are two ways to get to the location. They will be using Rowland Road which is not a weight limited road according to the Road Department charts.

Mr. Wheeldon stated that this application demonstrates compliance with all the applicable state and county regulations for the proposed exception and the limited use overlay. He urged the Board to approve the amendments then stated that Michael Bernert, Applicant, would like to provide an explanation of the operation.

Commissioner Tucker stated that Mr. Wheeldon and Ms. Bentz submitted a good application and, after reading it, he didn't have a single question. It was very thorough and well done.

Commissioner Nyquist called upon the Applicant.

Michael Bernert, Co-Owner, Wilsonville Concrete Products, Inc., 10050 SW Wilsonville Rd, Wilsonville, OR 97070 – Applicant.

Mr. Bernert provided some background about his business. He stated that they currently service the Portland/Metro area down through Salem where they have an existing facility. He stated that over the last 5-10 years, as the industry has consolidated, the demand for his company to go further south has increased which has increased their deliveries to the Albany area. Due to the nature of their product, once the rock and cement binder are mixed with water they have 30-60 minutes to pour; after 60 minutes they have the risk of the concrete setting up in the barrel which creates geographical limitations in their ability to service the market further south than Albany. Mr. Bernert stated that south of Albany there were two providers located in urban areas (Corvallis and Eugene) so they are proposing a location in the middle of those existing suppliers to focus on the rural communities and southern Linn County.

He asked the Board if they had any questions and stated that he would be honored to be a part of the community.

Commissioner Tucker stated that he understood the fragility of concrete and having the ability for them to be here makes a market like Sweet Home's construction of buildings safer with them being within that striking distance. It would help our builders to have that solution, as well as, putting pressure on the market which is always a good thing. Commissioner Tucker thanked Mr. Bernert for considering coming to Linn County.

Commissioner Nyquist stated that there was a sign-in sheet for anyone wishing to testify and there were only two names on the sheet both Mr. Wheeldon and Mr. Bernert who testified in support. He then asked if there was anyone else in the room wishing to testify in support or in opposition and/or neutral. For the record, there was no one else from the public wishing to testify on this matter and, therefore, there was no need to hear a rebuttal.

Commissioner Nyquist asked if it would be the pleasure of the Board to accept documents into the record now or close the public hearing. Commissioner Tucker recommended the Board close the public hearing, accept documents and make declarations of conflict.

Commissioner Nyquist closed the public hearing.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept into the record the Staff Report dated July 18, 2023. The vote was called. The motion passed unanimously.

Commissioner Tucker stated that he had no conflict of interest and this was the first time meeting the company and had no interest in the property or opportunity to make financial gain. Commissioner Sprenger stated that she had no conflict of interest and no exparte communications. Commissioner Nyquist also stated that he had no conflict of interest nor any exparte communications regarding this matter.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve PLN 2023-00303 for an application for a text amendment, planning amendment and a code text amendment.

Commissioner Sprenger stated that, based on the testimony, documents and attachments, she did not see any opposition to this project and was prepared to support it.

The vote was called. The motion passed unanimously.

Commissioner Nyquist welcomed Mr. Bernert to Linn County and stated that he hoped they found it prosperous and enjoyable.

16. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:23 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on Tuesday, Tuesday August 1, 2023.


Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS



Roger Nyquist, Chair



William C. Tucker, Vice-Chair



Sherrie Sprenger, Commissioner

Date 8-1-2023