



**MINUTES OF THE REGULAR SESSION OF THE  
LINN COUNTY BOARD OF COMMISSIONERS  
LINN COUNTY COURTHOUSE – ROOM 200  
TUESDAY, AUGUST 20, 2024**

**The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, August 20, 2024.**

Those present at various times for the matters as indicated below were: Stacey Whaley, Linn County Parks and Recreation Director; Tristan Davis, Parks Operations Supervisor, Linn County Parks and Recreation Department; Dena Barawis, Administrative Assistant/Office Manager 3, Linn County Parks and Recreation Department; Russ Williams, Linn County General Services Director; Emma Bagozzi, Office Specialist 3, Linn County General Services Department; Dr. Adam Brady, Linn County Health Officer; Shane Sanderson, Linn County Public Health Program Manager; Steve Wills, Linn County Planning and Building Director; Alyssa Boles, Planning Manager, Linn County Planning and Building Department; Michelle Hawkins, Linn County Treasurer; Phil Van Leuven, Deputy County Attorney for Linn County; Matt Pitcher, Senior Assessment Deputy, Linn County Assessor's Office; Ron Brockmann, Applicant; Norman Bickell, Representative for Applicant; Matthew Ruettgers, Community Development Director, City of Albany; 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 August 13, 2024 Commissioners' Meeting Minutes.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the August 13, 2024 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.**

6. Reports of Staff and Committees: There was no reports of staff and committees.

7. Bid Opening – Linn County Parks Sweet Home RV Dump Station – Stacey Whaley, Linn County Parks and Recreation Director.

Ms. Whaley opened the sealed bids, as follows, for the record:

1. Riverbend Construction, Eugene, OR - \$817,000
2. Jesse Rodriguez Construction, Silverton, OR - \$1,292,425
3. Wildish Construction, Eugene, OR - \$722,000
4. Pacific Excavation, Eugene, OR - \$942,000
5. Conway Construction, Vancouver, WA - \$958,660
6. Knife River, Tangent, OR - \$690,791
7. North Santiam Paving, Stayton, OR - \$798,300
8. JBX, Crawfordsville, OR - \$695,662

Commissioner Nyquist stated that the normal process would be for Ms. Whaley to come before the Board next week after evaluating the bids. He then thanked everyone who put in a bid on this project and stated it was very competitive.

8. Bid Opening – 7<sup>th</sup> Street Building Re-Roof Project 2024 – Russ Williams, Linn County General Services Director.

Commissioner Nyquist clarified that this project was for the 7<sup>th</sup> Street medical properties.

Mr. Williams opened the sealed bids, as follows, for the record:

1. ABC Roofing, Portland, OR – Base \$398,402
2. Axiom Roofing, LLC, Bellevue, WA – Base \$267,696
3. Evergreen Roofing, Eugene, OR – Base \$295,818
4. Green Pointe Design and Construction, Beaver Creek, OR – Base \$461,198.25
5. McDonald & Wetle, Portland, OR - Base \$279,000
6. Roof Toppers, Vancouver, WA – Base \$244,685
7. Umpqua Roofing Co., Eugene, OR - Base \$272,700
8. West Coast Roofing, Salem, OR - Base \$523,850

Discussion followed regarding Mr. Williams' reference to the bid amounts as a "base" bid and what that meant. Mr. Williams stated that, if there is any additional work to be done, there would be an hourly rate for any work that was not expected. Discussion followed.

Commissioner Nyquist stated that the Board would want to have a conversation if it seemed that anything was found out of line; we're concerned about the hourly rate. He asked Mr. Williams to review the bids and get back to the Board next week.

9. Board of Health – Shane Sanderson, Linn County Public Health Program Manager.

A. Communicable Disease and Vital Statistics Report – Dr. Adam Brady, Linn County Health Officer.

Dr. Brady provided the Board with an overview of the Communicable Disease and Vital Statistics Reports for July, 2024. A copy of the reports are on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Dr. Brady stated that there were six COVID19 outbreaks which are only reported if there is over one case in a facility within a 10-day period. Commissioner Nyquist asked Dr. Brady how concerned he was with the uptick in COVID with the flu season coming. Dr. Brady stated that, as time has gone by, COVID was still settling where its going to land and, over time, it's becoming less severe. The severity of COVID was lower than what they had seen in the past and he did not see that it would overwhelm the medical facilities or providers.

B. Environmental Health Monthly Activity Report – Shane Sanderson, Linn County Public Health Program Manager.

Mr. Sanderson provided the Board with an overview of the Environmental Health Monthly Activity Report for July, 2024. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Sprenger stated that, regarding the complaints received, how many of those complaints were founded. Mr. Sanderson stated that, for the Solid Waste and Onsite Sewage Disposal, 100 percent of those complaints were founded and a lot of times they were citizen observations. In regard to the Business Licenses, he stated that probably 20 percent or less of the complaints were founded. Discussion followed regarding complaints of food trucks versus restaurants.

Commissioner Nyquist thanked Alyson Reynolds for the work she did by herself and for sticking to it while the department was short-staffed; he stated that her understanding of what needed to be done and her knowledge was unique and he didn't know of very many people who could've performed at the level she did. Mr. Sanderson agreed.

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

Mr. Wills was not present at the time this item was heard. Alyssa Boles, Planning Manager, Linn County Planning and Building Department, presented this item on his behalf.

A. Ordinance 2024-273 amending the Linn County Land Development Code, Codified at Linn County Code 935.

Ms. Boles stated that the Board had held a hearing on this matter on Tuesday, July 9, 2024 and Tuesday, July 16, 2024 and voted 2-0 to approve the amendments. She stated that Commissioner Nyquist recused himself from both hearings.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Ordinance 2024-273.**

Commissioner Nyquist stated that he did not participate in the hearings and, therefore, he would not be voting on this item.

**The vote was called. The motion passed 2-0 with Commissioner Nyquist not voting on this matter.**

11. Treasurer's Office – Michelle Hawkins, Linn County Treasurer.

Ms. Hawkins provided background information regarding this item.

A. Resolution & Order 2024-288 approving an Affidavit and Indemnity for Lost Note and/or Trust Deed and request for reconveyance.

Commissioner Sprenger asked if the County Attorney approved this process and Ms. Hawkins replied yes.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-288.**

Commissioner Nyquist stated that this was the reason that, in the early 2000's, the County stopped taking people's homes or property for collateral on loans for small business activity. The County no longer does these types of loans and would not be doing them in the future.

**The vote was called. The motion passed unanimously.**

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

13. 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 2024-287 appointing a member on the Linn County Linn Local Advisory Committee.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution 2024-287.**

Commissioner Tucker thanked Emma Deane, who was in the audience, for her service on this Committee.

**The vote was called. The motion passed unanimously.**

C. Resolution 2024-294 appointing a member on the Linn County Noxious Weed Control Advisory Committee.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution 2024-294. The vote was called. The motion passed unanimously.**

D. Resolution 2024-292 appointing a Linn County Budget Officer.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to appoint Michelle Hawkins as the Linn County Budget Officer. The vote was called. The motion passed unanimously.**

E. Resolution 2024-291 appointing a Linn County Tax Collector.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to appoint the County’s new Linn County Assessor as the Linn County Tax Collector. The vote was called. The motion passed unanimously.**

14. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Tucker noted that there was a combined meeting scheduled on Wednesday, August 21, 2024 regarding COG and CSC consolidation and discussion regarding the search for an Executive Director. He stated that both he and Commissioner Sprenger may be on the same conference call.

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

16. Announcements: There was no announcements.

17. 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.

18. Public Hearing – PD24-0170; an Application by Ron Brockmann for a Zoning Map Amendment on a 4.38-acre property – Alyssa Boles, Planning Manager, Linn County Planning and Building Department.

Commissioner Nyquist asked the Board if they had any exparte communication or conflict of interests to declare. Commissioner Tucker stated he had none. Commissioner Sprenger stated that she had no conflict but she had a conversation with the Applicant but did not discuss a decision. She also mentioned that she has a relationship with both the Applicant and his wife but that she could make an unbiased and objective decision in this matter. Commissioner Nyquist stated that he had no conflict of interest or exparte communication.

Commissioner Nyquist read the hearing procedures and time limits for the Public Hearing.

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

Ms. Boles reviewed her Staff Report with the Board. She stated that there had been no comments from surrounding property owners; the Linn County Road Department and Linn County Sheriff's Office had no comments; but the Oregon Department of Lands commented that a wetland delineation would be needed due to hydric soils that are on the property. A comment from the City of Albany also was received that noted the application was not consistent with the criteria in 921.822(B)(7) which states that the criteria in the proposed amendment was consistent with the City's Comprehensive Plan. Ms. Boles stated that the City's comments noted that the City's proposed conditions could be adopted as part of the Board's decision in the interest of finding amicable solutions for the Applicant to develop this property. She stated that the conditions that were initially proposed were on Page 5 of the Staff Report and the City's comments noted that, if those conditions were adopted as part of the decision, the City would not object to the zoning map amendment.

Ms. Boles stated that the Planning Commission held a hearing on Tuesday, August 13, 2024 and recommended approval of the application including the City's proposed conditions as part of their recommendation. Ms. Boles stated that the County staff met with the City staff and the Applicant yesterday, Monday, August 19, 2024 and talked about the proposed conditions. The Applicant was given a chance to review them before the meeting and, after that meeting, the City proposed new conditions which were provided to the Board yesterday. The new conditions clarified the meaning of permanent structure and an amendment to the timeline for Condition No. 2. Ms. Boles stated that, if the Board did approve the application, staff would recommend also including the proposed conditions from the City of Albany.

Commissioner Sprenger clarified that the Planning Commission's decision was unanimous and Ms. Boles replied, yes, it was. Commissioner Tucker clarified that the three new conditions the Board received yesterday would replace the three conditions that were in the Staff Report. Ms. Boles replied that was correct and they were included

in the memo dated Monday, August 19, 2024. Commissioner Nyquist asked if the Applicant agreed to the proposed conditions and Ms. Boles stated that it was her understanding that, after the meeting yesterday, everyone was comfortable with the language that was proposed.

Commissioner Nyquist then called upon the Applicant or his Representative.

**Norman Bickell, 2232 42<sup>nd</sup> Ave, SE, Salem, OR 97317 – Representative for the Applicant.**

Mr. Bickell stated that this had been a long process and that the Applicant had worked with both City and County staff trying to obtain an interim use for the land until services were provided. He stated that the RV storage and, potentially, a continuation of a towing service that are there now, could be done without any need for sewer or water; it's a gravel parking lot and would be sufficient for the needs of that use.

He stated that there was nothing else to add as this process had been so well coordinated between the City, County and the Applicant.

Commissioner Sprenger asked Mr. Bickell if the Applicant accepted the three conditions from the City of Albany and Mr. Bickell stated yes. Commissioner Tucker asked what Mr. Bickell's relationship was to the Applicant and Mr. Bickell replied that he was an Agent for the Applicant.

Commissioner Nyquist asked if there was any other testimony the Applicant wanted to propose or present. There was no additional comments or testimony.

Commissioner Nyquist then asked if there was anyone in support of the application wishing to speak. There was no one wishing to speak.

Commissioner Nyquist recognized Matthew Ruetters who had signed the sign-in sheet.

**Matthew Ruetters, Community Development Director, City of Albany, 333 Broadalbin St SW, Albany, OR 97321.**

Mr. Ruetters applauded the County Staff for their willingness to meet with the Applicant and come up with, what they all felt, was a reasonable interim use. He stated that his goal was to avoid the appeal process and, while it didn't align perfectly with the City's comprehensive plan, he thought there was some middle ground that they could find an interim use and felt that they found that with the County staff and the Applicant, Mr. Brockmann. He stated that, with the conditions provided yesterday, the City would not oppose and would actually support the application with those conditions.

Commissioner Tucker thanked Mr. Ruetters for coming forward and working to clarify the conditions, as well as, meeting with all the parties. He appreciated the City's involvement in this matter and stated that the County wanted to represent the rights of property owners to be able to do things on their property.

Commissioner Nyquist asked if there was anyone wishing to speak in support who were either present in the meeting or telephonically. There was no one wishing to speak.

Commissioner Nyquist asked if there was anyone wishing to speak in opposition of the application and/or anyone telephonically wishing to speak. There was no one wishing to speak.

Commissioner Nyquist asked if there was anyone wishing to comment neither in support or opposition. There was no one wishing to speak.

Commissioner Nyquist stated that hearing no one wishing to speak in opposition it was not necessary to have a rebuttal portion to the hearing.

Commissioner Sprenger asked Staff, for the record, if there was any opposition from any parties in regard to the conditions. Ms. Boles replied no, there was no opposition from anyone.

Commissioner Nyquist stated that if it pleased the Board he would close the Public Hearing. The Public Hearing was closed.


**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept into the record the Staff Report dated Monday, August 15, 2024 and a Memo covering the updated conditions of approval dated Monday, August 19, 2024. The vote was called. The motion passed unanimously.**

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve application PD24-0170 making sure that, included in the Staff Report, the document setting forth the conditions as indicated in the document dated Monday, August 19, 2024. The vote was called. The motion passed unanimously.**

19. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:22 a.m. by unanimous consent.



The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. Tuesday, August 27, 2024.

  
\_\_\_\_\_, Recorder  
For Board of Commissioners  
Marsha Meyer

**LINN COUNTY BOARD OF COMMISSIONERS**



Roger Nyquist, Chair



William C. Tucker, Vice-Chair

**ABSENT**

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Sherrie Sprenger, Commissioner

Date 8-27-2024