



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
JANUARY 28, 2020**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, January 28, 2020.

Those present at various times for the matters as indicated below were: Phil Warnock, Community and Economic Development Director, Cascades West Council of Governments; Jim Yon, Linn County Sheriff; Torri Lynn, Linn County Juvenile Department Director; Darrin Lane, Linn County Roadmaster; Alyssa Boles, Senior Planner, Linn County Planning and Building Department; Gene Karandy, County Attorney for Linn County; Jodi Gollehon, Deputy County Attorney for Linn County; Representative Sherrie Sprenger; Kerry Johnson; Chris Erickson; Pat Cordell; Tom Cordier; Alan Kwan and Alex Paul, Reporter for the *Democrat-Herald*.

1, 2, 3. At 9:30 a.m. Chairman Nyquist called the meeting to order. The flag salute and roll call followed. Commissioners Roger Nyquist, Chairman; John K. Lindsey, Vice-Chairman and Will Tucker were present, as well as, Ralph Wyatt, Linn County Administrative Officer and Heather Gravelle, Recorder for the Board of Commissioners.

4. Approval of Agenda.

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

5. COG Update – Phil Warnock, Community and Economic Development Director, Cascades West Council of Governments.

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

Mr. Warnock provided information regarding current COG activities and programs: Community and Economic Development; Transportation Services; Cascades West RideLine; the Seamless Transit Project; the 99W Transit Feasibility Study; Community Services Programs including Meals on Wheels; Money Management Program; Older Adult Behavioral Health Initiative; Senior Corps. Program; Adult Protective Services; the Age and Disability Resource Connection and the Program to Encourage Active and Rewarding Lives (PEARLS). Discussion followed. The Board thanked Mr. Warnock for the updates.

6. Sheriff's Office – Jim Yon, Linn County Sheriff.

Sheriff Yon provided the Board with details regarding the following:

A. Order 2020-010 establishing the maximum allowable number of inmates and standards for determining County Jail Population Emergency and adopting a plan for resolving such emergency.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Order 2020-010. The vote was called. The motion passed unanimously.

B. Resolution & Order 2020-017 approving an Intergovernmental Agreement for Law Enforcement Services between the City of Harrisburg and Linn County.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-017. The vote was called. The motion passed unanimously.

7. Reports of Staff and Committees:

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

Mr. Lynn provided the Board with a Juvenile Update for the month of December, 2019. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File. He provided the statistics for Linn and Benton detentions centers; probation referrals; Measure 11 Youth and work crew hours completed.

Mr. Lynn shared that there would be changes to Measure 11 Laws that went into effect on Wednesday, January 1, 2020. Youth will no longer automatically be waived into adult court based upon a criminal charge but will need to go through a formal Waiver Hearing at the request of the District Attorney's Office.

Next, Mr. Lynn mentioned a recent article in the Democrat-Herald regarding alleged sex abuse at the Oak Creek Youth Correctional Facility. He stated that it was very concerning, especially the public's perception of the Linn County Detention Center being part of the Oak Creek Facility. He added that he also has concerns of having the voters supporting the work that they were doing; they work very hard in the community to maintain a high reputation and do good work for the kids and he wanted to clarify that they were two separate entities.

Lastly, Mr. Lynn explained that they were doing Native Planting Day on Tuesday, February 4, 2020 and the kids would be planting about 2,000 plants. Next fall they would get sold and put into restoration projects at the BLM and the Calapooia Watershed. Discussion followed. The Board thanked Mr. Lynn for his work and the updates.

8. Road Department – Darrin Lane, Linn County Roadmaster.

Mr. Lane provided the Board with background information regarding the following:

A. Resolution & Order 2020-026 approving a Material Supply Contract for crushing and stockpiling aggregate at Brock Quarry & Shot Pouch Quarry between 4-R Equipment LLC and Linn County.

Action Taken Below.

B. Resolution & Order 2020-028 authorizing a publication for a bid advertisement and setting a bid opening for the Old Salem Road Sidewalk Connectivity Project.

Action Taken Below.

C. Resolution 2020-029 delegating authority to Darrin L. Lane, Roadmaster, to purchase a motor grader.

Action Taken Below.

D. Resolution 2020-030 delegating authority to Darrin L. Lane, Roadmaster, to purchase a wheel loader.

Action Taken Below.

E. Resolution 2020-031 delegating authority to Darrin L. Lane, Roadmaster, to purchase compact construction equipment.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Orders 2020-026 and 028 and Resolutions 2020-029, 030 and 031. The vote was called. The motion passed unanimously.

Commissioner Nyquist recessed the regular Board meeting at 10:05 a.m.

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

9. Public Hearing – BC19-0004; Application by Albany Helping Hands, Inc. for a zoning map amendment on a 4.32-acre tract identified as tax lots 1400 and 1401 on map T11S, R03W, Section 10 – Alyssa Boles, Senior Planner, Linn County Planning and Building Department.

Commissioner Nyquist read, into the record, the process for the Public Hearing and then called upon Alyssa Boles to provide the Board further information on the matter. Ms. Boles provided the Board with background information and referred to the Staff Report she submitted to the Board which is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Nyquist opened the Public Hearing and noted, for the record, that the Public Hearing had been dutifully advertised. He then asked the Board if they had any ex parte communication or had any conflict of interest regarding this matter.

Commissioner Tucker expressed that, over the years, he has guided Albany Helping Hands through various matters; in this particular case, he had met with Planning and Building staff but he had not looked at the application. He added that he had also worked many fundraisers for Albany Helping Hands and had been a donor to their organization but he did not feel like there was any conflict of interest and he could make a fair and impartial judgement on the case and he had no personal or financial interest in the matter.

Commissioner Lindsey stated he had no conflict of interest and no ex parte communication with the applicants. Commissioner Nyquist noted that he had no ex parte communication and no conflict of interest. He added that he owned property north of the sight in question but that a decision would not negatively or positively impact him and he could make a fair and impartial decision on the matter.

Commissioner Nyquist then called upon the applicant to speak.

Chris Erickson, Treasurer, Albany Helping Hands – Applicant. Mr. Erickson distributed a map of the proposed site to the Board for their review. The map is on file in the Linn County Clerk’s Office in the Commissioners’ Staff File.

Mr. Erickson stated that they serve approximately 130 homeless guests and they provide them with shelter, food and work. He added that they have operated on 4.2-acres for the past ten years and they supply folks with wood all over the county and bundles of wood to 17 retail stores, as well as, operating a U-Haul company. Mr. Erickson explained that they were proposing to operate Toms Bark, Gravel and Potting Soil business at the same location. He added that it would assist in raising money for their shelter and would provide work for some of their guests and that was their objective.

Commissioner Nyquist called upon anyone who was wishing to speak in support and there was no one; he called upon anyone who was opposed and there was no one and he called upon anyone wishing to speak that was neutral.

Pat Cordell, Albany, Oregon – Neutral (*Did not sign the sign-in sheet*). Ms. Cordell stated that she lived directly across the street from the facility and that her only question was if they were planning on putting in a turning lane; there have been car accidents in that area and there will be increased traffic due to the addition and she had concerns.

Ms. Boles responded that the Oregon Department of Transportation (ODOT) had emailed the applicant and said that the road approach was adequate and did not require any upgrades at this time. Commissioner Nyquist stated that he shared Ms. Cordell’s concern and he recommended that the applicants work with the Linn County Road Department for some kind of “best practices” for folks coming out of that driveway; we don’t want anyone to get hurt. He added that the traffic flow and the speed of traffic now exceeded the ability of that road as it was constructed to ideally minimize the risks. The Board thanked Ms. Cordell for her input.

Commissioner Nyquist called upon the applicants to rebut and they did not have any further comments.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to accept the Staff Report, as well as, the map of the site location submitted by Chris Erickson into the record. The vote was called. The motion passed unanimously.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to close the Public Hearing and the record. The vote was called. The motion passed unanimously.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve BC19-0004; Application by Albany Helping Hands, Inc. for a zoning map amendment on a 4.32-acre tract identified as tax lots 1400 and 1401 on map T11S, RO3W, Section 10; and requested that the applicant work with the Linn County Roadmaster or other traffic expert to minimize any potential traffic safety risks and impacts. The motion passed unanimously.

Commissioner Nyquist recessed the regular Board meeting at 11:00 a.m.

10. Executive Session – Pursuant to ORS 192.660(2)(e).

By unanimous consent, the Board closed the Executive Session.

Commissioner Nyquist reconvened the regular Board meeting at 11:30 a.m.

Commissioner Nyquist stated that there was no action taken or voted on in the Executive Session.

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

12. Special Orders:

A. Personnel Action Forms were read into the record for: Marsha Meyer (Commissioners); Madison Delgado and Nathaniel Tisdell (Environmental Health); Heather Gravelle (General Admin); Robert Perkins Jr. and Elizabeth Shook (Juvenile); David Avila, Katalin Csaba; Rebekah Evenhus, Clemencia Francisco Ramirez, Raquel Lee and Ian Williams (Juvenile Detention); Lavanya Kancherla, Sierra Morgan and Darlene Ragsdale (Mental Health) and Hanna Wuilliez (Public Health).

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to accept the Personnel Action Forms as read into the record. The vote was called. The motion passed unanimously.

B. Resolution & Order 2020-018 authorizing the publication and distribution of Request for Proposals for an internal pay equity analysis.

Jodi Gollehon, Deputy County Attorney for Linn County, provided an overview of Resolution & Order 2020-018. Brief discussion followed.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-018. The vote was called. The motion passed unanimously.

C. Resolution & Order 2020-027 assigning a Personal Services Contract between Calapooia Employee Assistance and Linn County.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-027. The vote was called. The motion passed unanimously.

13. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars.

14. New Business: Robert Wheeldon, Linn County Planning and Building Director, explained that he had denied a land use application submitted by Fern Hollow Farms, Inc. for a partition and easement review. He explained that he denied the application because it was determined that the property was an unauthorized unit of land and the code does not allow permits to be issued on unauthorized units of land. The applicant's attorney filed an appeal of that decision stating possible inadequacies, omissions or errors.

Mr. Wheeldon further explained that the 150-day final decision time limit will expire on February 29, 2020 and that he was requesting that the Board hear the matter in lieu of the Planning Commission. In addition, due to public notice requirements the Board would not be able to render a final land use decision within the 150-day time limitation; the Board may enter an order affirming his decision without conducting any further hearings if the time limit was about to expire, which it was.

Commissioner Nyquist stated that he was willing to call it up but he was not willing to affirm the decision without allowing the applicants to have a hearing on the matter; they had a right to go through the steps in the process. Commissioner Lindsey concurred. Discussion followed.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to call up PD19-0200 – Appeal of combined applications for a partition and an easement review and have the applicants go through the hearing process. The vote was called. Motion carried unanimously.

15. Announcements: There were no announcements.

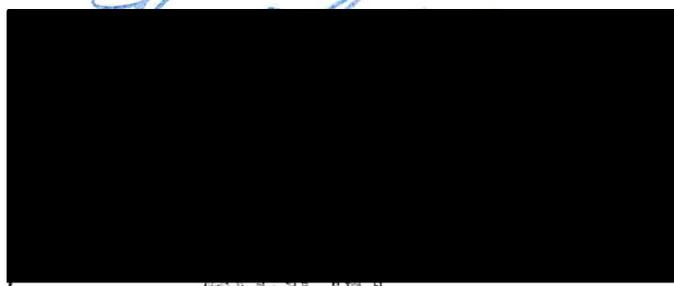
16. Business from the Public (3 minute limit per speaker): Tom Cordier, North Albany Resident, referred to an article in the Tuesday, January 28, 2020 Democrat-Herald regarding a local business women, Angelina Sanchez, who was against cap-and-trade legislation and he asked the Board to write a letter of support to Ms. Sanchez. Commissioner Nyquist noted that he had not read the article but that he would review it after the Board meeting. Next, Mr. Cordier requested that the Board comment on Hasso Hering’s Blog regarding the 2001 Urban Renewal Plan in order to correct what Mr. Hering was telling people regarding the matter. Commissioner Nyquist responded that he would be happy to provide Mr. Cordier with the necessary documents on the issue but that he would not be commenting on Hasso Hering’s Blog. Brief discussion followed.

17. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 11:32 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for 9:30 a.m. on Tuesday, February 4, 2020.

 recorder
For Board of Commissioners
Heather Gravelle

LINN COUNTY BOARD OF COMMISSIONERS


ADJOURN

William C. Tucker, Commissioner

Date 2-4-2020