



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
MAY 19, 2020**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, May 19, 2020.

Those present at various times for the matters as indicated below were: Todd Noble, Linn County Health Services Administrator; Dr. William Muth, Linn County Health Officer; Shane Sanderson, Linn County Environmental Health Program Manager; Randy Porter, Linn County Fair and Expo Director; Darrin Lane, Linn County Roadmaster; Chuck Knoll, Engineer, Linn County Road Department; Russ Williams, Linn County General Services and Property Management Director; Rachael Adamec, Office Specialist/Property Management, Linn County General Services; Gene Karandy, County Attorney for Linn County; Kevan McCulloch, Deputy County Attorney for Linn County; Jim Yon, Linn County Sheriff; Robert Wheeldon, Linn County Planning and Building Director and Alyssa Boles, Senior Planner, Linn County Planning and Building Department.

1, 2, 3. At 9:00 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 Marsha Meyer, 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. Approval of the May 12, 2020 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the May 12, 2020 Commissioners’ Meeting Minutes. The vote was called. The motion passed unanimously.

6. Board of Health – Todd Noble, Linn County Health Services Administrator.

A. Communicable Disease and Vital Statistics Reports – Dr. William Muth, Linn County Health Officer.

Dr. Muth provided the Board with a Communicable Disease and Vital Statistics Reports for the month of April, 2020. Copies of his reports are on file in the Linn County Clerk’s Office in the Commissioners’ Staff File.

Dr. Muth reviewed the monthly statistics and noted that in Linn County there had been 50 cases of COVID-19 in the month of April, 2020 and, to date, there had been a total of 110 cases and nine deaths. He also noted that vaping associated with lung injury would no longer be a reportable illness starting in May, 2020. Dr. Muth stated that, in regard to outbreaks, there was one COVID-19 outbreak in a food processing facility and one influenza B outbreak in a local long-term care facility. He then reviewed the Vital Statistic report.

Dr. Muth stated that testing for COVID-19 was ramping up and the focus was on long-term care facilities; this week they will be taking samples of five residents within each facility and, beginning next week, they will test one or more staff members from each facility every Friday at the Fair/Expo Center. The staff members are probably the most important to be tested as they are the potential conductors of disease introduction into the long-term care facilities. Dr. Muth stated that as the contact tracing abilities ramp up, he anticipated testing more residents in congregate care facilities. If cases are identified in the long-term care facilities, he intends to test all the residents and staff.

Commissioner Tucker asked if the mask supply was good since Samaritan has six facilities doing testing and Dr. Muth stated that, to his knowledge, the mask supply was good and they are testing those who are symptomatic.

Commissioner Nyquist thanked Dr. Muth for his service and stated that the County was lucky to have him particularly at this time. Commissioner Nyquist asked if there was a medical advantage for people who have the virus to be diagnosed early and Dr. Muth stated that, potentially, there was some advantage if they are aware of their symptoms but the virus was a tricky illness; there is no certain treatment. Discussion followed.

Commissioner Nyquist asked Dr. Muth if he had any other observations and Dr. Muth stated that he didn’t think there was anything else; the contact tracing was going to be

crucial in order to keep the virus from spreading. He stated that the County had been fortunate to not have that many cases and, with the lock down, having good public health measures, social distancing and having good protocols in place had helped. Dr. Muth did state that wearing a mask was important to keep unknown infected persons from passing it on to someone else.

The Board thanked Dr. Muth for his service.

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

Mr. Sanderson provided the Board with an Environmental Health Monthly Activity Report for the month of April, 2020. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Sanderson stated that he was now managing both the Public Health and Environmental Health programs. He stated that he had a real-world example how COVID-19 and the medical system was working compared to six weeks ago and it was encouraging. He stated that he received a call last Tuesday, May 12, 2020 from a staff member whose son exhibited COVID-19 like symptoms. Her son saw the doctor the same day for a nasal swab and, on Thursday, May 14, 2020, the test came back COVID-19 negative and the staff member was back to work the next day. It was a two-day turnaround time.

Mr. Sanderson stated that, by looking at his report, there was not much to report because, for the most part, they were grounded by the State. He mentioned that they did do a pre-opening and kept up on waste water permits which his staff knows is a priority.

Next, Mr. Sanderson updated the Board regarding Republic Services officially closing the Lebanon Transfer Station; the major concern was that it was not brought before the Solid Waste Advisory Committee (SWAC). Mr. Sanderson stated he understood the business reasons that led them to that decision and he wanted to make sure that there was a level of oversight.

Commissioner Tucker stated that they unilaterally closed the station without letting the Board or the Committee know they were doing so. Taking out the rural disposal service to East-Linn County; what does that do to roadside dumping. Now, there is just one transfer station for the entire County. Commissioner Tucker stated that the Board should have had the authority to review and consider their request to close the station and to either accept or deny it. Discussion followed.

Commissioner Tucker asked Mr. Sanderson to have SWAC look into this matter. Commissioner Nyquist stated that it was time to review the Franchise Fee Agreement to see what the Board's authority is. Mr. Sanderson stated that Republic Services was aware that the County was not pleased with their decision and that we wanted to be included in conversations about these matters. Commissioner Tucker stated that he did not like hearing through the public they were closed.

Mr. Sanderson stated that Linn County SWAC had only met once a year and Lincoln and Benton Counties meet once a month. He stated that he was going to call in on the other Counties zoom SWAC meetings to see what they talk about and to have more of a presence in their monthly activities. Commissioner Nyquist stated that he didn't think we wanted to emulate the practices and guidance of either of those two counties but it should be often enough to address these types of issues. Again, Commissioner Nyquist stated that Mr. Sanderson needed to look at the agreement to see exactly what Republic Services was doing as there may be things that need to be changed and/or be negotiated.

C. Resolution & Order 2020-143 approving an Amendment No. 1 to an Intergovernmental Agreement between the Oregon Health Authority (Agreement No. 161581) and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-143.

Commissioner Nyquist asked what the timeline was for and Mr. Noble stated that it was for the emergency preparedness trailer; they were given a deadline by OHA to have the trailer checked out and approved to be operational and stocked with the supplies but, with COVID-19, they won't be able to get it done by next month.

The vote was called. The motion passed unanimously.

D. Resolution & Order 2020-147 approving an Amendment No. 2 to Contract Services between Linn County and WVT Laboratory for COVID-19 testing.

Mr. Noble stated that when the County entered this contract they weren't able to get tests or swabs and the original contract ended; this extends the contract to complete the testing.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-147.

Commissioner Nyquist stated that, at this point, the limiting factor was not the supply of the tests but the ability to administer those tests. Mr. Manning can easily meet the 1,000 test per week and Mr. Noble agreed. Commissioner Tucker stated that the testing had gone up dramatically; we are doing 100 tests daily.

The vote was called. The motion passed unanimously.

Commissioner Nyquist stated that he had a conversation with the Oregon State School of Public Health and asked if Mr. Noble wanted to finish the details. Mr. Noble stated that he was meeting with them on Thursday, May 21, 2020 at 1:00 p.m. A discussion followed about using the Oregon State model. Commissioner Nyquist asked Mr. Noble to keep the Board in the loop about the conversations.

Commissioner Nyquist thanked Mr. Noble and his entire team and asked that Mr. Noble relay that to his staff on behalf of the Board.

7. Reports of Staff and Committees:

A. Fair/Expo Update – Randy Porter, Linn County Fair and Expo Director.

Mr. Porter provided the Board with a Fair/Expo Update for April, 2020. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Porter stated that the financial news was not good; there was about \$400,000 dollars lost in revenue to date and, if they go through September, 2020, it may be about another \$70,000 lost in revenue. Mr. Porter stated that he was trying to cut other cost while still trying to do maintenance projects and keep his labor, materials and supplies down. Commissioner Tucker stated that he appreciated Mr. Porter managing the situation and keeping his personnel.

Commissioner Nyquist stated that, with the Friday, May 15, 2020 guidance for reopening, it became clear that there would be no music festivals or anything that would be like a traditional Linn County Fair so the Fair Board moved to Plan B which would be to hold a live 4-H auction. Plan C would be to do a virtual auction. In the meantime, the 4-H community announced that they were going to have a virtual auction. The Fair Board had a conversation with them to encourage them not to go that route yet as it was too early to make that decision. Discussion followed.

Commissioner Nyquist stated that the 4-H auction may not be supported by OSU Extension Services. He recommended to Mr. Porter that he needed to prepare for this event and asked if there was any reason why they couldn't hold a live 4-H auction in honor of those kids. Mr. Porter stated that they could use the large arena as the

bleachers hold 2,000 and, at 50 percent capacity, there would still be seating for 1,000 which would fall within the guidelines. Discussion continued.

Commissioner Tucker encouraged the Fair Board to continue to work with the 4-H community to make the live auction happen; the youth are putting in time and energy to raise animals; Commissioner Nyquist stated let alone the substantial financial investment the families have made.

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

A. Resolution & Order 2020-061 approving an Engineering and Related Services Contract between David Evans & Associates and Linn County and delegating retroactive authority to execute the contract.

Mr. Lane stated that he inadvertently signed the contract instead of the Board.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-061. The vote was called. The motion passed unanimously.

B. Resolution & Order 2020-131 approving a Construction Contract for the North Santiam River (Mill City) Bridge Project between Legacy Contracting, Inc. and Linn County.

Mr. Lane stated that they had been checking with the feds throughout the process. Then there was one thing that came up that they wanted an amendment to the agreement before the final sign-off. He stated that the Board had two options which were to pull this item from the agenda or the Board could approve the contract and not execute it until they had final approval from the feds. Mr. Lane explained that the feds review process had slowed down due to the COVID-19 situation.

Action – Commissioner Tucker moved and Commission Lindsey seconded the motion to pull this contract from the agenda. The Board agreed by consensus.

C. Resolution & Order 2020-139 approving an Engineering and Related Services Contract between David Evans & Associates and Linn County and delegating authority to execute the contract.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-139. The vote was called. The motion passed unanimously.

D. Resolution & Order 2020-148 accepting and recording certain real property granted to Linn County for road purposes (County Road Number 0020-B, Berlin Road).

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-148. The vote was called. The motion passed unanimously.

9. Parks Department – Brian Carroll, Linn County Parks and Recreation Director.

A. Resolution & Order 2020-149 approving an Intergovernmental Agreement for North Santiam Aquatic Invasive Treatment between the North Santiam Watershed Council and Linn County and delegating authority to execute originals.

Mr. Carroll provided background information regarding this item.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-149. The vote was called. The motion passed unanimously.

Commissioner Nyquist stated that he received a call from a City of Lyons resident who said they were shooed out of the John Neal Park because they needed to sit down on a bench to rest after walking through the park. Mr. Carroll stated that they should not have been shooed out and that he would discuss this with the camp host; the day-use had been opened to walk-ins since the beginning of the COVID-19 situation.

Commissioner Tucker asked Mr. Carroll how things were going since reopening and what the revenue had been. Mr. Carroll stated that last weekend went well but they did have to ask a few in one of the group sites to leave and they did. We asked the day-use people to park and not go around the gates. He stated that they were moving in the positive direction again with \$61,000 in the first five days after reopening. Mr. Carroll stated that, right now, they were already full as they had chosen to only give refunds at a week at a time so people wouldn't have to lose their reservations and re-book. Commissioner Tucker stated that he had met with Mr. Carroll to discuss group camping and Mr. Carroll was working on guidelines to be able to reopen if it is one family unit up to 25 people. Discussion followed.

10. General Services – Russ Williams, Linn County General Services and Property Management Director.

A. Resolution & Order 2020-150 approving an Intergovernmental Agreement for clean-up and hazardous substances between the Oregon Department of Environmental Quality (DEQ) and Linn County and delegating authority to execute originals.

Mr. Williams stated that the County had funded DEQ's review of their work at the Sweet Home mill site and this agreement gave DEQ the ability to bill the County. The County Attorney had reviewed the agreement.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2020-150. The vote was called. The motion passed unanimously.

Mr. Williams asked the Board if he could have some time to give them an update on the Sweet Home mill site. Commissioner Nyquist agreed.

Mr. Williams stated that they were moving forward with the Intergovernmental Agreement with the City of Sweet Home for them to take the brokerage position to sell the mill site for a year; they haven't heard back from them yet. He also stated that they had a verbal agreement with the Environmental Protection Agency (EPA) on releasing the lien and they will return back to the office the end of this month and would need to get a notarized signature from them. Mr. Williams stated that they have submitted documents to the DEQ asking that everything outside of where the DEQ was cleaning up right now be released in order to sell that property free and clear. Commissioner Tucker added that they are still working to get the easements to cut across the property and to get a description of the easement.

Commissioner Nyquist stated that the County was giving the City of Sweet Home an option to purchase the property for \$1.5 million dollars and that is what the County had put into the property. He stated that he didn't want them to go out and sell part of the property; it is \$1.5 million dollars and they take it or they don't. Mr. Williams stated that he would clarify that with the City and make sure they understood.

Commissioner Nyquist recessed the regular Board meeting at 10:15 a.m.

11. Executive Session – Pursuant to ORS 192.660(2)(h).

Commissioner Nyquist reconvened the regular Board meeting at 10:44 a.m.

Commissioner Nyquist stated that no final decision was made nor were there any required to be made in the Executive Session.

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

13. Special Orders:

A. Personnel Action Forms were read into the record for: Charles Luck and Sheree Speaks (Developmental Disabilities); Shane Sanderson (Environmental Health); Margaret Elliott and Darah Matthews Bock (General Services); Jack Wagner (Health ITS); Marisa Bender (Mental Health); Manuel Andrade, Ana Andrade Garcia, Dennifer Dunaway, Steven Edwards, Logan Goss, Mark Johnson, Austin Leahy, Regina Lobdell, Joshua Slayton, Floyd Sperle, Rebecca Szuch, Ivan Thompson and Joyce Wren (Parks and Recreation); James Alexander and Matthew Mason (Planning and Building); David White (Public Health) and Wyatt Means (Road Department).

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.

14. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars.

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

16. Announcements:

A. The 4-H and Extension Service District 2020-2021 Budget Hearing will be held on Tuesday, May 26, 2020 at 10:30 a.m. **at the Linn County Courthouse in the Commissioners' Board Meeting Room 200.**

B. The Linn County 2020-2021 Budget Hearings will begin at 1:30 p.m. on Tuesday, May 26, 2020 through Thursday, May 28, 2020 **at the Linn County Fair and Expo Center, 3700 Knox Butte Road, Albany.**

17. Business from the Public (3 minute limit per speaker): There was no one present from the public wishing to use this forum.

Commissioner Nyquist stated, for the record, that the Governor's office did approve Linn County's request to reopen businesses in Linn County on Friday, May 15, 2020 and a copy of the letter dated Wednesday, May 13, 2020 should be added to the record. A copy is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

18. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:48 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for 9:30 a.m. on Tuesday, May 26, 2020.


Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chairman


John K. Lindsey, Commissioner


William C. Tucker, Commissioner

Date May 26, 2020