



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
MAY 28, 2019**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, May 28, 2019.

Those present at various times for the matters as indicated below were: Darrin Lane, Linn County Roadmaster; Chuck Knoll, Engineer, Linn County Road Department; Daineal Malone, Civil Engineer II, Linn County Road Department; Fred Abousleman, Executive Director, Oregon Cascades West Council of Governments; Torri Lynn, Linn County Juvenile Department Director; Todd Noble, Linn County Health Services Administrator; Rachel Adamec, Office Specialist/Property Management, Linn County General Services Department; Suzie Hibbert, Mayor, City of Sodaville; Judy Smith, City Administrator, City of Sodaville; Stan Smith, Public Works Director, City of Sodaville; Peggy Bishop, Citizen of the City of Sodaville; audience members attending for the Road Department Bid Opening; 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 Marsha Meyer, Recorder for the Board of Commissioners.

4. Approval of Agenda.

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

5. Approval of the May 21, 2019 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the May 21, 2019 Commissioners’ Meeting Minutes. The vote was called. The motion passed unanimously.

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

A. Bid Opening – 2019 Asphalt Overlay Project.

Mr. Lane turned the bid opening over to Chuck Knoll, Engineer, Linn County Road Department. Mr. Knoll opened and read the following bids:

1. North Santiam Paving Co. - \$1,273,673.00
2. Knife River Corp. - \$1,423,042.30
3. CPM Development Corp. dba River Bend Materials - \$1,283,257.00
4. Wildish Construction, Eugene - \$1,349,976.00

Mr. Knoll stated that his department would review the bids and provide their recommendation to the Board next week.

B. Resolution 2019-150 declaring the necessity of acquiring property for the Old Salem Road Sidewalk Connectivity Project pursuant to ORS 35.235 and ORS 35.610.

Mr. Lane provided the Board with background information regarding this project. Discussion followed regarding the distance and location of the sidewalk project.

Commissioner Nyquist asked Mr. Lane to consider some type of signage indicating where the sidewalk begins and ends. Mr. Lane stated that there would be signage added.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2019-150. The vote was called. The motion passed unanimously.

7. COG Update - Fred Abousleman, Executive Director, Oregon Cascades West Council of Governments.

Mr. Abousleman provided a COG Update. A copy of his report is on file in the Linn County Clerk’s Office in the Commissioners’ Staff File.

Mr. Abousleman reviewed two specific items with the Board. He stated that he was working with the County Administrators in both Linn and Benton Counties on the

upcoming U.S. Census and hoped to have something to report to the Board next month. He then stated that they had completed the Housing Survey and Study which included helping public agencies determine housing availability. The survey indicated three areas to focus on which included data collection to inform decision making around housing availability within the three Counties; working with the private sector on potential opportunities and/or obstacles such as zoning and ordinances that could be changed to move towards more housing; and, working with jurisdictions on obstacles and barriers that exists across the three Counties (Linn, Benton and Lincoln).

Commissioner Nyquist stated that, in regard to the Albany Area Metropolitan Planning Organization (MPO), that we have been doing this about ten years and it seemed that we are not getting anywhere in solving or addressing some of our areas biggest transportation challenges. He stated that some of the biggest problems were not in the boundary of the MPOs (Albany and Corvallis) and that he suggested to the COG staff that they look at what a bigger footprint of the MPO would look like; more regional than just Albany and Corvallis. Discussion followed.

Mr. Abousleman stated that he would continue working on a regional plan; instead of two MPO's having one that covers the entire travel ship.

Next, Commissioner Nyquist stated that there was the concept that the Feds (the Corp.) was going to bow out of the wetlands permitting and that it was just going to be the State. He asked Mr. Abousleman whether or not they had gotten anywhere on this matter. Mr. Abousleman stated that, in actuality, the first attempt (on the 19 properties) they bowed out of the expedited permitting. The bill that is currently before the legislature is actually moving forward and he believed that it has incredible support. There was a working bipartisan committee, prior to the legislative session, which endorsed the bill. Mr. Abousleman stated that he didn't know where the bill was today but believed it would start the process, if passed, for the State to assume the Federal responsibility. Discussion followed.

Commissioners Nyquist and Lindsey asked Mr. Abousleman to send them the information regarding the bill and Mr. Abousleman stated that he had already done so but would resend it to them.

8. Reports of Staff and Committees:

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

Mr. Lynn provided the Board with an update for the month of April, 2019. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Lynn stated that the New Beginnings Garden had been at two Saturday markets starting with 100 hanging baskets and they have 20 left so it has been very successful this year.

Commissioner Tucker asked about the two Measure 11 youths (1-Benton County and 1-Yamhill County). He asked if Mr. Lynn had any idea when the Benton County youth's trial was scheduled. Mr. Lynn stated, no, he had been there since November, 2018 and the Yamhill youth had been there since June, 2018. He stated that assessments were being done with the Yamhill youth.

9. Health Department – Todd Noble, Linn County Health Services Administrator.

A. Resolution & Order 2019-135 approving a Personal Services Contract for peer recovery mentor services between the Center Against Rape and Domestic Violence (CARDV) and Linn County.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-135. The vote was called. The motion passed unanimously.

B. Resolution & Order 2019-145 approving an Intergovernmental Agreement for occupational therapist services between Marion County and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-145. The vote was called. The motion passed unanimously.

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

Rachel Adamec, Office Specialist/Property Management, Linn County General Services Department, appeared before the Board on Mr. Williams behalf.

A. Sealed Bid Opening - Account No. 711685.

Ms. Adamec stated that the real market value was \$10,000 and there was no minimum bid. She stated that they received two bids; one coming in after the deadline so she asked the Board, if it was in the best interest, to waive the deadline and accept both bids. Commissioner Tucker stated that Property Management did meet with the County Attorney's office and they advised that it would be at the Board's discretion since one of

the bids did not meet the deadline. Mr. Tucker stated that, since the property owners adjoin this property and were contacted to let them know about this, he asked that the Board accept the second bid and have both bids opened and read into the record. Commissioner Nyquist stated that he was more interested in, strategically, what's in the long-term best interest for those residents and the community then what we get for the property. He is willing to entertain both bids but it didn't mean that he would support the highest bidder.

Ms. Adamec then opened both sealed bids as follows:

1. Linda A. Gains, \$100 check for the full amount including the \$5 recording fee. This bid met the deadline.

Commissioner Nyquist asked if Ms. Gains was an adjacent property owner and Commissioner Tucker replied yes.

2. James G. and Berdean E. Miller, \$400 and included a down payment check for \$40. This bid was received after the deadline.

Ms. Adamec stated that the address for this property was to the south-east so they have the least footage on to the strip being auctioned. Commissioner Nyquist stated that the Millers are also adjacent property owners.

Commissioner Nyquist stated that it looked like, without the acquisition of the parcel, that the Millers have a tax lot that has no access to the property and, from his perspective, he would like to get Robert Wheeldon, Linn County Planning and Building Director, involved to advise the Board on what makes most sense. Clearly it is a clean proposition for the Gains but what is the impact to the Millers. Ms. Adamec stated that she had talked to the other property owner, Dillon Stouffer, and his thought was that the Gains should have the property as they had maintained that section and planted trees on the strip of property. Commissioner Nyquist stated that, in order for him to consider that, he would need to know that the Millers have access to the public road another way and it was not clear to him, with the information that he had, that that was the case.

Commissioner Nyquist asked that the Board move forward with the other agenda items and have Ms. Adamec go and meet with Mr. Wheeldon. He stated that they would come back to Item 10-A at the conclusion of the agenda

The Board moved forward with Item 10-B.

B. Resolution & Order 2019-152 approving the sale of tax foreclosed property by private sale.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2019-152. The vote was called. The motion passed unanimously.

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

A. Order 2019-153 approving the transfer of certain appropriations within the General Fund, \$205,500.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Order 2019-153. The vote was called. The motion passed unanimously.

B. Order 2019-154 approving the transfer of certain appropriations within the Road Fund, \$115,000.

Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Order 2019-154. The vote was called. The motion passed unanimously.

12. Discussion of the intersection at Cascade Drive and Sodaville Mountain Home Road - Judy Smith, City Administrator, City of Sodaville.

Commissioner Nyquist called upon Mrs. Smith to begin the discussion regarding the intersection of Cascade Drive and Sodaville Mountain Home Road.

Mrs. Smith introduced Suzie Hibbert, Mayor, City of Sodaville; Stan Smith, Public Works Director, City of Sodaville and Peggy Bishop, a citizen of the City of Sodaville. She stated that many of the council members and citizens wanted to be here today, however, they were unable to attend due to their work schedules.

Mrs. Smith stated that they were before the Board to discuss the intersection of Cascade Drive and Sodaville Road. This intersection is outside of the City limits but was the main arterial that citizens use to access Hwy. 20 and Walmart. She stated that there had been many accidents at this location and has been a source of concern for many years. The Mayor and City Council submitted a letter to the County in 2015 and received no response. She then yielded her time to Mayor Hibbert and apologized that Council President Perry was not present; he lost his wife a couple of months ago due to an accident at this intersection and wanted those present to express what he and City

Council members were feeling at this point. Commissioner Nyquist then recognized Mayor Hibbert.

Mayor Hibbert stated that she had three emails from citizens stating that long time citizens have seen many wrecks and accidents, as well as, been in many including her family at this intersection. She stated that Councilor Jeff Hinsley was in an accident heading north and a small truck turned left on Cascade Drive; the person received a failure-to-yield ticket. As a Councilor, he stated that he would like to see rumble strips and a flashing light added to the intersection in order to get people's attention. Mayor Hibbert continued to provide additional testimony from another Councilor who has had friends and co-workers who have had major accidents, as well, as Councilor Perry's wife who lost her life at that intersection.

Mayor Hibbert also discussed the speed limit in that area. She stated the speed at Sodaville was 55 mph but most drive at 65 mph getting off at freeway speed. Cascade Drive is 45 mph but no one adheres to it. She provided additional information of why and when people run through that stop. Mayor Hibbert stated that the roadside has been cleared before but as a citizen and as a Mayor there needed to be something done. The County has known about this issue for a long time. She stated that she would like to see a 4-way stop put into place but, at the very least, a rumble strip and flashing light. Mayor Hibbert stated that we have to do something to save our citizens.

Commissioner Nyquist stated that he did get the email and had a conversation with Darrin Lane, Linn County Roadmaster. The County has known there has been a problem and has tried to do something. As the Board, we take traffic safety at the upmost seriousness. We are interested in having this conversation on what we can do that will work. He stated that the Mayor touched on the issue of setting up a system but then there is human behavior and whether or not it follows the system. He then called upon the Board for any additional comments.

Commissioner Lindsey indicated that he drives through three accident prone intersections everyday getting to work; one of the intersections had rumble strips and a flashing light installed and there still were more than nine accidents over a year. For some reason, people do not stop even with the rumble strips and flashing lights. We can't change that behavior. Commissioner Tucker stated that that was true regarding behavior; it doesn't always stop stupidity, foolishness or distractions. He thanked the Mayor for bringing it to the Board's attention.

Mayor Hibbert stated that the City of Sodaville was a community and they should have the right to have something done to slow down the traffic. There are 345 citizens in that community and it is a well-used road. Commissioner Nyquist stated that his immediate answer was yes but it is a matter of what it is and how to do that including

the current enforcement of the laws. Commissioner Nyquist then called upon Darrin Lane, Linn County Roadmaster.

Mr. Lane stated that he recently found the letter from 2015 and had written a response apologizing for not writing back when he initially received the letter. The intersection is challenging and his department has made changes to signage and vegetation to get that area clear to improve sight and visibility; it is something that they keep their eye on. He then explained some of the challenges to placing rumble strips due to the noise level and placing them next to residences. There is a written policy in regard to the placement of rumble strips. In regard to 4-way stops, he stated that his department was required to follow the guidelines of the Federal Manual on Traffic Devices and any Oregon supplements and guides as well. There are specific requirements in the manual that mention 4-way stops and the use of stop signs. If the County does not comply with those guidelines, then they are liable for not doing so. Mr. Lane stated that he was not saying there was nothing that could be done. His department would take action and work to continue to look at what could be done in terms of the signage location (move some signs or add some signs). He added that he is looking at the crash history and causes and, when it comes down to the human error piece, there is just so much that can be done to fix that.

Mrs. Smith asked about reducing the speed in the intersection. When you go from Hwy. 20 to the hill on Sodaville, the speed limit goes from 55 mph to all of a sudden 25 mph. The next question she had was placing a small round-about in that area to make the drivers more aware of the intersection. Mr. Lane stated that speed zones are established by the State of Oregon; the County can request a speed study, which he would be more than happy to do; however, the Mayor stated that there was a 45 mph speed zone that people don't comply with now so he cautioned that they should not assume that that would solve the problem. In regard to the round-about, Mr. Lane stated that that was a very specific traffic control tool that would require a significant amount of engineering design, traffic analysis and require right-of-way from all four corners; he was not sure property owners would want to give up their property. It would be expensive and an extreme solution to the problem.

Commissioner Nyquist stated that he was looking for three action steps to be taken as a result of this discussion:

1. The County would ask the State to do a speed study. He was a little apprehensive as a few years ago a speed study was asked for and the State came back saying that the speed limit should be raised;

2. Commissioner Nyquist stated that he would call the Sheriff about focus patrol; sending officers to write tickets, if needed, at the intersection; barring any information that he may not have that the Sheriff does.
3. Asked Mr. Lane to endeavor in a formal engineer analysis and come up with a conclusion based on that analysis and going through that process in detail.

Mr. Lane stated that his department had already started that process for the analysis which will include updating the traffic count data, as well as, providing information regarding the speed, time of day, etc.

Commissioner Nyquist added a fourth action item. He stated that Representative Boshart introduced legislation allowing local government to establish their own traffic safety corridors like the State did with Hwy. 34.

4. Look to see if a safety corridor could be established for this section of road.

Mr. Lane stated that it looked like that legislation would pass. There would be a couple of pilot projects and Linn County may or may not be part of the pilot. If we are, we may be able to establish corridor somewhere in Linn County.

Commissioner Nyquist stated that the County would embark on these action items and would update the City of Sodaville on a regular basis. He stated that in Oregon on a State and local governmental level (definitely it is worse at the State level) doing things in a timely manner as it relates to transportation but the County would do their best and, within the next 30-days or sooner as we gather information, would communicate with the City.

Commissioner Tucker stated that he supported the direction of Commissioner Nyquist. He asked Mr. Lane if he had shared with Mrs. Smith and Mayor Hibbert the crash data information the County had back to 2002. Mr. Lane replied that he had not and Commissioner Tucker asked that he do so. Commissioner Lindsey also made comments regarding the crash data. Discussion followed.

Mr. Lane stated, for the record and to be clear, that the County was not aware that there is something wrong with this specific intersection that should be fixed. His department has visited several times during his tenure and made adjustments and will do that again to make improvements as new tools become available; such as solar powered flashing signs or better quality sign sheeting etc.

Commissioner Nyquist thanked the members from the City of Sodaville for coming before them today; the County would stay in touch.

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

Commissioner Nyquist continued with Item 10-A - Sealed Bid Opening - Account No. 711685, which was on the agenda earlier. He called upon Ms. Adamec.

After talking with Planning and Building, as instructed by the Board, Ms. Adamec returned with a map for the Board to review showing the property owner's road access. A copy of the map is on file in the Linn County Clerk's Office in the Commissioners' Staff File. Discussion followed.

Commissioner Nyquist stated that he has seen this property before; there was an easement issue between neighbors a long time ago involving a dispute between two neighbors. Commissioner Tucker agreed. Discussion continued.

Action – Commissioner Tucker moved to accept the bid of \$100 from Linda Gains.

Commissioner Nyquist stated that he would like a week to do his due diligence and figure out the other issue that neighbors were having surrounding this property.

Commissioner Tucker withdrew his motion.

Commissioner Nyquist stated that there was nothing more that Ms. Adamec needed to do and that he would talk to Robert Wheeldon, Linn County Planning and Building Director, about this matter. Ms. Adamec clarified that this matter would be placed on next week's agenda. The Board agreed.

14. Special Orders:

A. Personnel Action Forms were read into the record for: Heide KizerAranda (Alcohol & Drug); Jack Wagner (Health IT); Alexander Mendiola (Juvenile Detention); Tina Corey, Nova Sweet and Lisa Walker (Mental Health); Cheryl Funk, Charles Rulien, Joshua Slayton and Mary Zippler (Parks & Recreation); Rachel Petersen (Public Health) and Amanda Higgins and Halie Sadowsky (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.

15. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Tucker stated that he would be attending the Board meeting via teleconference next Tuesday, June 4, 2019.

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

17. Announcement: Commissioner Tucker stated that there would be a groundbreaking ceremony on Friday, June 6, 2019 that all three Commissioners would be attending. It is for the Samaritan Regional Treatment Center in Lebanon.

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

19. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:51 a.m. by unanimous consent.

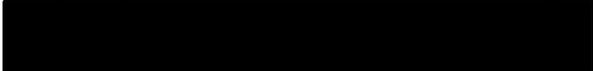
The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, June 4, 2019.

, Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chairman


John K. Lindsey, Commissioner


William C. Tucker, Commissioner

Date 6-4-2019