



**MINUTES OF THE REGULAR SESSION OF THE  
LINN COUNTY BOARD OF COMMISSIONERS  
TUESDAY MEETING  
LINN COUNTY COURTHOUSE – ROOM 200  
SEPTEMBER 3, 2019**

**The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, September 3, 2019.**

Those present at various times for the matters as indicated below were: Gene Karandy, County Attorney for Linn County; Jim Yon, Linn County Sheriff; Paul Timm, Linn County Undersheriff; Todd Noble, Linn County Health Services Administrator; Darrin Lane, Linn County Roadmaster; Russ Williams, Linn County General Services and Property Management Director; Rob McKibben, Assistant Veterans Services Officer, Linn County Veterans Services Office; William Schrader; Rich Kellum, other audience members 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 and John K. Lindsey, Vice-Chairman were present, as well as, Marsha Meyer, Recorder for the Board of Commissioners. Commissioner Will Tucker and Ralph Wyatt, Linn County Administrative Officer, were out of the office.

4. Approval of Agenda.

**Action – Commissioner Lindsey moved to approve the agenda. The vote was called. The motion passed.**

5. Approval of the August 27, 2019 Commissioners' Meeting Minutes.

**Action – Commissioner Lindsey moved to approve the August 27, 2019 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.**

6. Reports of Staff and Committees: There were no reports of Staff and Committees.

7. County Attorney – Gene Karandy, County Attorney for Linn County.

Mr. Karandy stated that the Board had two separate Ordinances in front of them related to the Linn County Outdoor Assembly Code; proposed Ordinances 2019-304 and 2019-305. He stated that if the Board wanted to adopt them, they would have to do readings for both of them.

Mr. Karandy stated that Staff was requesting that Ordinance 2019-304 be adopted as an emergency and, if the Board chose to do so, there would need to be two readings today by title unless the Commissioners wanted a full reading. He stated that if the Board adopted it would become effective immediately. Mr. Karandy stated that the point of the emergency was that Linn County's current code had been out of alignment with State law for a couple of years so, arguably, the County was not requiring the right set of health and safety regulations for certain events. The current condition exists because in 2014 when they did the last amendments to the Linn County Code, Staff and the Board concluded there was a legal problem under the then existing statute as interpreted by courts that required application of State regulations for health and safety that would require land use development. At that time, without any clear guidance from the State or the courts, the Board decided to make that work and tried to instill regulations that were still providing health and safety but was not strictly applying the OARs. Since that set of amendments, the Legislature amended the Outdoor Mass Gathering statute to make it clear that there would be times when events would need to get land use approval if they needed to make alterations to the land and, in fact, specifically required that they must get land use approval before the event could be held. He provided additional information regarding this matter.

Mr. Karandy stated that the proposed emergency Ordinance 2019-304 would fix the deficiency in the current code. It is proposed to be adopted with a sunset provision so that it would automatically expire upon the effective date of Ordinance 2019-305, if adopted by the Board, which would be January 1, 2020. He stated there were housekeeping changes in Ordinance 2019-304 to move the application process from the Environmental Health Director's office and clearly moved the responsibility to the Planning and Building Department. Mr. Karandy then proposed that there be two readings for an emergency adoption. Commissioner Nyquist asked Mr. Karandy to carry on.

Mr. Karandy then proceeded with the first and second readings of Ordinance 2019-304 by title only.

A. Ordinance 2019-304 Amending the Linn County Outdoor Assembly Code, Codified at Linn County Code Chapter No. 580 and declaring an emergency.

**Action – Commissioner Lindsey moved to approve Ordinance 2019-304 amending the Outdoor Assembly Code Chapter 580.**

Commissioner Nyquist stated that, for clarification for the record, his understanding was that this put in place a compatibility component into the code that we normally do with properties that are outside of the normal realm of zoning and, over the years, this has been a contentious issue for the Board. The State statutes were conflicting; the benefit always went to the property owner and, in this case, the property owner whose application was as such as it was not for the surrounding property owners. Commissioner Nyquist stated that, in his view, this would inject some balance to that conversation; he supported the matter before the Board.

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

B. 1<sup>st</sup> Reading of Ordinance 2019-305 Ordinance Amending the Linn County Outdoor Assembly Code, Codified at Linn County Code Chapter No. 580.

Mr. Karandy stated that this Ordinance would also approve proposed amendments to the Linn County Outdoor Assembly Code, but was not being proposed as an emergency Ordinance. It would require two readings, at least 14-days apart, and could not take effect until 90-days after the Board's approval.

Mr. Karandy stated that the purpose of Ordinance 2019-305 was to implement the provisions of House Bill 2790 which was passed in the last legislative session. This bill allowed Counties to clearly declare certain events for land use approval which would kick in for any event of 3,000 or more people for more than 24-hours. He stated that land use was implicated only if redevelopment was required on the property in order to meet the health and safety welfare regulations. Under the provision of House Bill 2790, the Board could require that the entire event get land use approval and could clearly allow the Board (or decision maker) to consider the surrounding uses and impacts to the surrounding issues.

Mr. Karandy stated that, if the Board adopted Ordinance 2019-305, it would go in effect January 1, 2020 which would be the effective date of House Bill 2790. He stated that the first reading was scheduled today and a second reading was scheduled for Tuesday, October 1, 2019 at 9:35 a.m. If the Board adopted the Ordinance, it would go into effect on January 1, 2020. Mr. Karandy proposed to the Board that he begin the first reading

of Ordinance 2019-305 by title only. Commissioner Nyquist asked Mr. Karandy to carry on.

Mr. Karandy then proceeded with the first reading of Ordinance 2019-305 by title only.

8. Resolution & Order 2019-294 adopting a Collective Bargaining Agreement (2019-2022) between Linn County Deputy Sheriff's Association and Linn County Sheriff's Office and Linn County.

Commissioner Nyquist asked Jim Yon, Linn County Sheriff, if he recommended approval of this Resolution and Sheriff Yon replied that he did.

**Action – Commissioner Lindsey moved to approve Resolution & Order 2019-294. The vote was called. The motion passed.**

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

A. Resolution & Order 2019-274 approving an Agreement between Pacificsource Community Solutions and Linn County and delegating authority to execute originals.

**Action – Commissioner Lindsey moved to approve Resolution & Order 2019-274. The vote was called. The motion passed.**

B. Resolution & Order 2019-295 approving an Amendment No. 1 to an Intergovernmental Agreement between Benton County and Linn County.

Commissioner Lindsey stated that there had been a lot of people dying from Heroine and Fentanyl. He asked if this agreement would include Heroine and Mr. Noble stated that it would cover any opiates including prescription medicine and Heroine.

**Action – Commissioner Lindsey moved to approve Resolution & Order 2019-295. The vote was called. The motion passed.**

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

A. Resolution 2019-263 delegating authority to Darrin L. Lane, Roadmaster to purchase two dump bodies with hydraulics mounted on Linn County provided chassis.

**Action – Commissioner Lindsey moved to approve Resolution 2019-263. The vote was called. The motion passed.**

B. Resolution 2019-264 delegating authority to Darrin L. Lane, Roadmaster to purchase two freightliner chassis.

**Action – Commissioner Lindsey moved to approve Resolution 2019-264. The vote was called. The motion passed.**

C. Resolution & Order 2019-283 accepting and recording certain real property granted to Linn County for road purposes (County Road Number 0367-Old Salem Road).

**Action – Commissioner Lindsey moved to approve Resolution & Order 2019-283. The vote was called. The motion passed.**

D. Resolution 2019-285 approving the use of County roads North River Drive (County Road No. 0908) and Quartzville Road (County Road Numbers 0932 and 0912) by Best in the West Events for a “Best in the West Triathlon Festival”.

**Action – Commissioner Lindsey moved to approve Resolution 2019-285. The vote was called. The motion passed.**

11. General Services – Russ Williams Services and Property Management Director.

A. Intent to Award – East Courthouse Re-Roofing Project.

Mr. Williams presented the Intent to Award to the Board and stated that the roofing consultant reviewed all the bids and recommended the Board award the project to McDonald & Wetle for \$347,369.

Mr. Williams stated that he would come back to the Board on Tuesday, September 17, 2019 with the contract for the Board’s approval.

**Action – Commissioner Lindsey moved to approve the Intent to Award the bid for the East Courthouse Re-Roofing Project to McDonald & Wetle. The vote was called. The motion passed.**

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

13. Special Orders:

A. Personnel Action Forms were read into the record for: Terry Beckett, Meredith Rose, Sandra Sabedra, Lawrence Van and Brandi Weaver (Mental Health); Manuel Andrade, Conor Barber, Danial Buster, Katherine Cozby, Dennifer Dunaway, Cheryl Funk, Floyd

Sperle, Pamela Stone, Savanna Sturgill, Cameron Taber, Ivan Thompson and Mary Zippler (Parks & Recreation); Seana Humble (Public Health).

Commissioner Nyquist pointed out that 12 of the above PAF's were summer jobs for Park employees. He thanked them for their work, as well as, Brian Carroll, Linn County Parks and Recreation Director, for doing things in a timely manner and in a way that was non-governmental in nature; when you don't need the help, you lay them off. Mr. Carroll's model has worked well and the Board was reminded of that during Budget time. Commissioner Nyquist thanked those employees and complimented Mr. Carroll for doing it in a way that worked for everyone; the users, the employees and the taxpayers.

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

B. Proclamation 2019-308 Proclaiming September 9-13, 2019 as "Veteran Suicide Prevention Week" in Linn County.

Rob McKibben, Assistant Veterans Services Officer, stated that, along with the Proclamation, there were a "bunch of activities" planned. He then passed out wrist bands to the Board with the phone number of the National Suicide Hotline on them.

**Action – Commissioner Lindsey moved to approve Proclamation 2019-308 proclaiming September 9 - 13, 2019 as "Veteran Suicide Prevention Week" in Linn County. The vote was called. The motion passed unanimously.**

C. Resolution & Order 2019-278 amending a classification and title from DA Operations Supervisor to District Attorney Operations Supervisor and changing the salary range from 12 to 17 (Management/Exempt).

**Action Taken Below.**

D. Resolution & Order 2019-279 amending a classification and title from DA Administrative Supervisor to District Attorney Executive Assistant and changing the salary range from 12 to 17 (Management/Exempt).

**Action – Commissioner Lindsey moved to approve Resolution & Orders 2019-278 and 279.**

Commissioner Nyquist stated that he was always trying to hold the line in labor costs. He stated that these amended Job Classifications would be difficult to say no too as the

work in the District Attorney's office was the most serious of nature. In doing an analysis, the District Attorney concluded and, the County Administrative Officer concurred, that these positions were the most valuable of folks in the operations and were really under the market. He gave his support.

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

E. Resolution & Order 2019-281 amending a classification and title from Fair & Expo Center Marketing, Events & Sales Manager to Fair and Expo Center Finance and Fair Manager (Management/Exempt).

**Action Taken Below.**

F. Resolution & Order 2019-282 amending a classification and title from Fair and Expo Center Operations Manager to Fair and Expo Center Operations & Events Manager and changing the salary range from 19 to 21 (Management/Exempt).

Commissioner Nyquist stated that these amendments were due to the restructuring of the office and changes in responsibilities. Commissioner Lindsey stated that a position was also being eliminated. Commissioner Nyquist stated that the net financial impact would be zero to negligible.

**Action – Commissioner Lindsey moved to approve Resolution & Orders 2019-281 and 282. The vote was called. The motion passed unanimously.**

G. Resolution & Order 2019-293 approving a First-Time Youth Wage Grant Agreement between Linn County and David C. Malpass Warehouse, Inc.

**Action – Commissioner Lindsey moved to approve Resolution & Order 2019-293. The vote was called. The motion passed.**

14. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Lindsey stated that the Board would be attending an event in Mill City on Saturday, September 14, 2019 for a bridge event.

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

16. Announcements:

A. There will be a Management Staff Meeting held on Wednesday, September 4, 2019 at 11:30 a.m. in the Linn County Courthouse Basement Meeting Room.

B. There will be no Board meeting held on Tuesday, September 10, 2019 due to the Board's schedules.

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

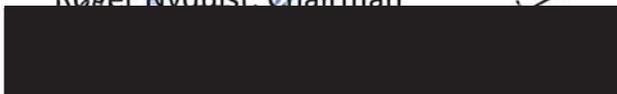
18. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 9:57 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, September 17, 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 9-17-2019