



**MINUTES OF THE REGULAR SESSION OF THE  
LINN COUNTY BOARD OF COMMISSIONERS  
TUESDAY MEETING  
LINN COUNTY COURTHOUSE – ROOM 200  
SEPTEMBER 25, 2018**

**The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, September 25, 2018.**

Those present at various times for the matters as indicated below were: Fred Abouselman, Executive Director, Cascades West Council of Governments; Rob Perkins, Supervising Probation Officer, Linn County Juvenile Department; Mark Volmert, Linn County Special/Rural Transportation Coordinator; Russ Williams, Linn County General Services and Property Management Director; Brian Carroll, Linn County Parks & Recreation Director; Alyssa Boles, Senior Planner, Linn County Planning and Building Department; Robert Wheeldon, Linn County Planning and Building Department Director; Jeff Tross; Dave Kinney; Darrin Tuers; Scott Baughman; Rex Lucas; Rich Kellum; Alan Kwan; Stephanie Newton 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. Approval of the September 18 and 19, 2018 Commissioners' Meeting Minutes.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve the September 18 and 19, 2018 Commissioners’ Meeting Minutes. The vote was called. The motion passed unanimously.**

6. COG Update – Fred Abouselman, Executive Director, Cascades West Council of Governments.

Mr. Abouselman referred the Board to his report, which is on file in the Linn County Clerk’s Office in the Commissioners’ Staff File. Mr. Abouselman explained that at the last Board meeting he had provided the Board an update on the Supplemental Nutrition Assistance Program (SNAP) and that Commissioner Nyquist had expressed concern about what would happen to the individuals who may potentially lose their benefits as of January, 2019. Mr. Abouselman reminded the Board that about 2,400 people in Linn County may lose their benefits if they don’t qualify for an exemption, of those, COG serves 56 and they were working directly with those consumers; the State of Oregon serves the remaining population. He further shared that if folks fail to qualify for an exemption, COG would work with them on getting them back into the workforce. Discussion followed.

Next, Mr. Abousleman provided the Board with the following updates: Senior and Disabilities Services, including the Adult Protective Services (APS) Program; Community Services Program; the Meals on Wheels Program; Retired Seniors Volunteer Program; Community and Economic Development Program and Transportation Services. The Board thanked Mr. Abouselman for his work and for his update.

7. Reports of Staff and Committees:

A. Juvenile Update – Rob Perkins, Supervising Probation Officer, Linn County Juvenile Department.

Mr. Perkins provided the Board a Juvenile Update for the month of August, 2018. The update is on file in the Linn County Clerk’s Office in the Commissioners’ Staff File. Mr. Perkins provided the statistics for youth being held in Linn and Benton Juvenile Detention Center; the number of youth on probation; how many hours were completed by Tier 1 and 2 of the Work Crew; reported there were no youth in the Time for Change Program and there was one youth held under Measure 11.

Next, Mr. Perkins shared that Mr. Lynn was working on a community letter regarding marijuana and vaping and was currently compiling statistics from the Linn County Alcohol and Drug Department; once he has those numbers he will submit the letter to the Board. The Board thanked Mr. Perkins for his work and for the report.

8. Special Transportation – Mark Volmert, Linn County Special/Rural Transportation Coordinator.

Mr. Volmert provided the Board with a detailed overview of the Resolution and Orders.

Special Transportation Fund:

A. Resolution & Order 2018-232 approving an Intergovernmental Agreement for Special Transportation Services between **Benton County Special Transportation** and Linn County.

**Action Taken Below.**

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B. Resolution & Order 2018-236 approving an Intergovernmental Agreement for Special Transportation Services between **City of Albany/Call-A-Ride** and Linn County.

**Action Taken Below.**

C. Resolution & Order 2018-237 approving an Intergovernmental Agreement for Special Transportation Services between **City of Albany/Linn-Benton Loop** and Linn County.

**Action Taken Below.**

D. Resolution & Order 2018-239 approving an Intergovernmental Agreement for Special Transportation Services between the **City of Lebanon Dial-A-Bus** and Linn County.

**Action Taken Below.**

E. Resolution & Order 2018-240 approving an Intergovernmental Agreement for Special Transportation Services between the **Cascades West Council of Governments Senior and Disability Services** and Linn County.

**Action Taken Below.**

F. Resolution & Order 2018-241 approving an Intergovernmental Agreement for Special Transportation Services between **Chamberlin House, Inc.** and Linn County.

**Action Taken Below.**

G. Resolution & Order 2018-242 approving a Subrecipient Agreement for Special Transportation Services between Linn County and **Oregon Mennonite Residential Services.**

**Action Taken Below.**

H. Resolution & Order 2018-246 approving a Subrecipient Agreement for Special Transportation Services between **Volunteer Caregivers, Inc.** and Linn County.

**Action Taken Below.**

I. Resolution & Order 2018-248 approving a Subrecipient Agreement for General Transportation Services between **Senior Citizens of Sweet Home, Inc. dba Linn Shuttle** and Linn County.

**Action Taken Below.**

J. Resolution & Order 2018-249 approving a Subrecipient Agreement for Special Transportation Services between the **Senior Citizens of Sweet Home, Inc. dba Sweet Home Dial-A-Bus** and Linn County.

**Action Taken Below.**

K. Resolution & Order 2018-250 approving a Subrecipient Agreement for Special Transportation Services between **Sunshine Industries Unlimited, Inc.** and Linn County.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Orders 2018-232, 236, 237, 239, 240, 241, 242, 246, 248, 249 and 250. The vote was called. The motion passed unanimously.**

Linn-Benton Loop:

L. Resolution & Order 2018-324 approving an Intergovernmental Agreement between Oregon Cascades West Council of Governments and Linn County.

Mr. Volmert provided the Board with background information regarding Resolution & Order 2018-324.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2018-324. The vote was called. The motion passed unanimously.**

Commissioner Nyquist thanked Mr. Volmert for the great work and for keeping the Board informed.

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

A. Resolution & Order 2018-325 approving an Agreement between 10D Telecom, Inc. an authorized Avaya Partner and Linn County and delegating authority to execute originals.

Mr. Williams provided the Board with an overview of Resolution & Order 2018-325.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2018-325. The vote was called. The motion passed unanimously.**

10. Parks Department – Brian Carroll, Linn County Parks & Recreation Director.

A. Resolution & Order 2018-315 approving a Lease Agreement between the United States Department of the Interior Bureau of Land Management and Linn County for Public Park and Recreational purposes for McKercher County Park and delegating authority to execute originals.

Mr. Carroll provided the Board with an overview of Resolution & Order 2018-315.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution & Order 2018-315. The vote was called. The motion passed unanimously.**

B. Resolution 2018-326 authorizing the Linn County Parks Department to apply for a Local Government Grant from the Oregon Parks and Recreation Department for installation of restrooms and water system expansion at Whitcomb Creek County Park and delegating authority to execute originals.

Mr. Carroll provided the Board with background information regarding Resolution 2018-326.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve Resolution 2018-326. The vote was called. The motion passed unanimously.**

11. Public Hearing - BC18-0002: Applications by Rex Lucas et al for a Comprehensive Plan Map Amendment and Zoning Map Amendment. The amendments are proposed as part of an Urban Growth Boundary (UGB) Amendment approved by the City of Mill City to remove and add properties within the Mill City UGB – 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 had 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.

Commissioner Nyquist asked the Board if they had any exparte communication regarding this matter and they all indicated that they did not have any exparte communication.

Next, Commissioner Nyquist noted, for the record, that the Public Hearing had been dutifully advertised. Commissioner Nyquist stated that there was several people signed up to speak and called upon the Applicant's consultant to speak.

**Jeff Tross, Land Use Planning Consultant, representing Applicant Rex Lucas.**

Mr. Tross explained that this matter had its roots in 2012 when the City of Mill City agreed to remove and add properties within the Mill City Urban Growth Boundary (UGB)

but that action was never brought to Linn County for concurrence; this application will “clean up” the unfinished business and complete the process. Brief discussion followed.

Commissioner Nyquist stated that there was one person signed up in opposition and called upon Darrin Tuers.

**Darrin Tuers, 1265 SW Tuers Lane, Mill City, Oregon 97360 – Opposition.**

Mr. Tuers provided the Board with written testimony and it is on file in the Linn County Clerk’s Office in the Commissioners’ Staff File. Mr. Tuers explained that his concern was where the proposed road impacts would be regarding Tuers Lane and any properties west of Tuers Lane. Commissioner Tucker replied that his understanding was that the Applicant was not proposing any development of those lots. Discussion followed.

Commissioner Nyquist asked if there was anyone else wishing to speak either in support or opposition. No one did. He then asked if the Applicant wished to rebut and he did.

Mr. Tross stated that Commissioner Tucker was correct - there would not be any development of those lots and that it would remain as Linn County Rural Residential land and would not be urbanized land; there would be little or no change to the property.

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

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to accept the Staff Report dated September 18, 2018, the addendum to the Staff Report dated September 24, 2018 and written testimony received from Darrin Tuers dated September 25, 2018, into the record. The vote was called. The motion passed unanimously.**

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

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to approve BC18-0002: Applications by Rex Lucas et al for a Comprehensive Plan Map Amendment and Zoning Map Amendment. The amendments are proposed as part of an Urban Growth Boundary (UGB) Amendment approved by the City of Mill City to remove and add properties within the Mill City UGB. The vote was called. The motion passed unanimously.**

*Commissioner Nyquist recessed the regular Board meeting at 10:30 a.m.*

*Commissioner Nyquist reconvened the regular Board meeting at 10:59 a.m.*

## 12. Willamette Country Music Festival (WCMF) – Compliance Review of 2018 Event.

Commissioner Nyquist stated that normally they would call on the Applicant to provide an assessment of how the event went but there had been a development this morning and they were going to call upon Lieutenant Duncan with the Linn County Sheriff's Office.

Lieutenant Duncan stated that she received a phone call on Monday, September 24, 2018, from Jonathan Blackburn, a representative of the Willamette Country Music Festival that stated he wanted the Board to know that Anne Hankins was no longer representing the company and that he had no intentions of sending anyone to the debriefing today. She then provided the Board with a PowerPoint presentation which is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Lieutenant Duncan shared that the proposed budget for the festival was 540 hours of deputy time; 162 hours of dispatcher time, plus Mobile Command Center (set-up, support staff and tear down): \$77,590. She stated that the actual deputy time was 556 hours, plus an extra dispatcher in the 911 center; unknown hours for deputies to write reports and follow-up investigations and they had to bring in two additional deputies because of several fights reported on Sunday night. Next, she stated that there were 136 criminal calls, 28 reports generated and 6 arrests. She explained that 36 of the calls for service generated from the beer garden compared to 16 last year and that there were 7 total Minor in Possession (MIP) calls which was significantly less than the previous two years; there were 4 missing persons reported who were all found; 1 report of sexual assault in the camping area; 4 thefts of generators and phones and 2 cars damaged.

Lieutenant Duncan stated that the concerns for the festival included the ongoing alcohol related issues, especially in the camping areas - security is not enforcing the "no alcohol" rules. She added that resources at the Sheriff's Office are taxed to the point that a response to any other major event or crime in the county would be ineffective. Sheriff Yon added that this year was the worst for intoxication that he had seen; it was at an alarming level. Commissioner Nyquist commented that the event operates on a five-year permit and asked Sheriff Yon if he would support issuing a permit for the 2019 festival and Sheriff Yon responded that he would not. Discussion followed. The Board thanked Sheriff Yon and Lieutenant Duncan for all their work and for the presentation.

Darrin Lane, Linn County Roadmaster, explained that he had made a discovery regarding the traffic control plan that was submitted. He shared that he received a phone call from Commissioner Nyquist on the Friday of the event that some traffic signs seemed to be missing; he went back to the office and found the traffic control plan that was submitted and discovered that it was not the plan that was originally approved for the five-year permit.

Mr. Lane explained that the original traffic plan that was approved directed southbound traffic down Hwy 34 and Seven Mile Lane and took northbound traffic to Hwy 228; they had used that plan successfully for a couple of years and WCMF had asked if they could continue to utilize that same traffic plan each year and Mr. Lane had agreed to that. WCMF changed the plan when they submitted their 2018 application and they did it in such a way that there was a deliberate attempt to make it look like the previous approved plan, but with key elements removed.

Commissioner Nyquist stated that had he known that, he would not have voted to approve the application without that engineered traffic plan that was originally presented and that worked. He added that that was a material omission or misrepresentation of the event; should the permit holders choose to go forward, it was something that will need to be addressed. Commissioner Tucker commented that without knowing what the Applicant's plan was and with the current state of the Sheriff's concerns, they were in a dilemma. He added that he was very concerned about the amount of alcohol being consumed in the camp areas and that it was a challenge if security isn't present. Discussion followed.

Commissioner Tucker then called upon Fire Chief Kevin Rogers with Brownsville Fire District for his comments on the event. Chief Rogers stated that there were no fire issues and about 8 medical transports. He stated that he agreed with the Sheriff's Office – there were a lot more intoxicated people than in previous years. He added that the Oregon Department of Transportation (ODOT) came in on the Thursday afternoon of the festival to stop traffic at the Dari Mart in Brownsville and diverted it down Kirk Avenue because 1-5 was backed up and it seemed to eliminate the issue. Commissioner Nyquist thanked him for his service and for his input.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to close the work session and wait to hear from a WCMF representative to reschedule the review to a later date. The vote was called. The motion passed unanimously.**

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

14. Special Orders:

A. Personnel Action Forms were read into the record for: Matthias Neville (Environmental Health); Adrienne Avery (Juvenile Detention); Kristina Kindell and Meredith Ray (Mental Health); Elizabeth Regina (Parks and Recreation); Karol Elizonda, Glenna Hughes and Victoria Stacy (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 2018-316 approving a First-Time Youth Wage Grant Agreement between Linn County and Boshart Trucking.

**Action Taken Below.**

C. Resolution & Order 2018-317 approving a First-Time Youth Wage Grant Agreement between Linn County and Wirth Farms, Inc.

**Action Taken Below.**

D. Resolution & Order 2018-318 approving a First-Time Youth Wage Grant Agreement between Linn County and Berkey's Blueberries.

**Action – Commissioner Tucker moved and Commissioner Lindsey seconded the motion to Resolution & Orders 2018-316, 317 and 318. The vote was called. The motion passed unanimously.**

E. Resolution & Order 2018-320 approving an Intergovernmental Agreement for an office space Lease Agreement between the State of Oregon and Linn County.

Commissioner Nyquist noted that this item needed more work and was not ready for action. At this point, it was being pulled from the agenda.

15. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Tucker noted that all three Commissioners planned on attending the Runaway Pumpkin Half Marathon on Saturday, September 29, 2018 at Cheadle Lake in Lebanon.

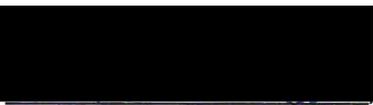
16. New Business: There was no new business to come before the Board.

17. Announcements: There were no announcements.

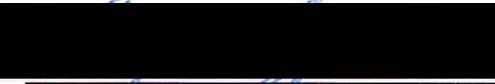
18. Business from the Public (3 minute limit per speaker): There was no one present from the public wishing to use this forum.

19. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 11:50 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled for Tuesday, October 2, 2018.

 Recorder  
For Board of Commissioners  
Heather Gravelle

**LINN COUNTY BOARD OF COMMISSIONERS**



Roger Nyquist, Chairman

**ABSENT**

John K. Lindsey, Commissioner



William C. Tucker, Commissioner

Date 10-9-2018