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SEP 24 2024

MARCIE RICHEY, CLERK

By SR

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**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
TUESDAY, SEPTEMBER 17, 2024**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, September 17, 2024.

Those present at various times for the matters as indicated below were: Michelle Duncan, Linn County Sheriff; Eric Slinger, Captain Correction Programs, Linn County Sheriff's Office; Todd Noble, Linn County Health Services Administrator; Dr. Adam Brady, Linn County Health Officer; Wayne Mink, Linn County Roadmaster; Rachel Adamec, Linn County Real Property Program Manager; Phil Van Leuven, Deputy County Attorney for Linn County; Lynn Merrill; Mr. and Mrs. Allan Merrill; Rob Foss; Alex Paul, Linn County Communications Officer and Shayla Escudero, Reporter for Democrat-Herald.

1, 2, 3. At 9:30 a.m. Chair Nyquist called the meeting to order. The flag salute and roll call followed. Commissioners Roger Nyquist, Chair; Will Tucker, Vice-Chair and Commissioner Sherrie Sprenger were present, as well as, Darrin Lane, Linn County Administrative Officer and Marsha Meyer, Recorder for the Board of Commissioners.

4. Approval of Agenda.

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

5. Approval of the September 10, 2024 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the September 10, 2024 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Sheriff's Office – Michelle Duncan, Linn County Sheriff.

Eric Slinger, Captain Correction Programs, Linn County Sheriff's Office, presented the following item:

A. Resolution & Order 2024-322 approving a Contract for Services between Salem Fire Alarm, Inc. and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-322.

Commissioner Sprenger asked, when and if the Sheriff's Office needed immediate attention, would they be able to call someone locally to fix the issue. Captain Slinger indicated that this contract was with a company in Salem and they would be able to respond immediately. Commissioner Nyquist indicated that he didn't know if he could approve this contract and asked if anyone in the Albany area responded. Captain Slinger indicated that Security Alarm Corp. said no, they didn't want to submit a bid and they looked at EC Electric and they were more expensive. Discussion followed.

Commissioner Sprenger indicated that she was in support. Commissioner Nyquist stated that there had been a healthy conversation about this matter; the County does a great job of getting value for the tax dollars. He recommended that, if the current operator was in breach of their agreement that the Sheriff's Office needed to address that through the County Attorney's office; there needs to be accountability.

The vote was called. The motion passed unanimously.

Michelle Duncan, Linn County Sheriff, presented the following item:

B. Resolution & Order 2024-329 approving a Contract between Gresham Automotive, Inc. dba Gresham Ford and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-329. The vote was called. The motion passed unanimously.

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

A. Communicable Disease and Vital Statistics Reports – Dr. Adam Brady, Linn County Health Officer.

Dr. Brady provided the Board with an overview of the Communicable Disease and Vital Statistics Reports for August, 2024. A copy of the reports are on file in the Linn County Clerk's Office in the Commissioners' Staff File.

B. Environmental Health Monthly Activity Report.

Mr. Noble provided the Board with an overview of the Environmental Health Monthly Activity Report for August, 2024 on behalf of Shane Sanderson, Linn County Public Health Program Manager. A copy of the report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Tucker noted that complaints were doubled from last year. Mr. Noble indicated that most of those complaints were a result of the inspections completed for mobile food carts. Discussion followed.

Commissioner Sprenger stated that she would be interested in the cost of the permits for brick and mortar restaurants and mobile food carts, as well as, whether or not the inspection cost was included in the permit. Mr. Noble stated that he would discuss that with Mr. Sanderson.

Mr. Noble then provided the Board with numbers from the Alcohol and Drug Program for the month of August, 2024.

C. Resolution & Order 2024-108 approving an Intergovernmental Agreement for Adult Drug Court Probation Officer Services between State of Oregon Department of Corrections and Linn County.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-108.

Commissioner Nyquist asked Mr. Noble about the dollar amount for a .25 full-time employee and asked Mr. Noble to get back to the Board with more details on the cost.

The vote was called. The motion passed unanimously.

D. Resolution & Order 2024-289 approving an Amendment No. 10 to an Agreement between Protocall Services, Inc. and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-289. The vote was called. The motion passed unanimously.

E. Resolution & Order 2024-323 approving an Amendment No. 3 to an Intergovernmental Agreement between Multnomah Education Service District and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-323. The vote was called. The motion passed unanimously.

8. Reports of Staff and Committees: There were no reports of staff and committees.

9. Road Department – Wayne Mink, Linn County Roadmaster.

A. Resolution & Order 2024-335 delegating authority to Wayne E. Mink, Roadmaster, to purchase a Chevrolet Silverado 3500 HD.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-335. The vote was called. The motion passed unanimously.

10. Property Management – Rachel Adamec, Linn County Real Property Program Manager.

A. Resolution & Order 2024-330 approving a Land Use Application to be filed with the City of Lebanon.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-330.

Commissioner Tucker asked if the surrounding properties would still be in Linn County and if the City of Lebanon was in support of the application. Ms. Adamec responded yes.

The vote was called. The motion passed unanimously.

11. Correspondence: Commissioner Nyquist stated that a constituent contacted him asking the Board to adopt a proclamation for Constitution Week. Commissioner Nyquist explained to them, as matter of policy, that the Commissioners stopped doing proclamations and resolutions some time ago but would acknowledge in the Board meeting today that this week was Constitution Week. He then stated that it was the policy of Linn County that all elected officials, once elected and sworn in, raise their right hand and swear to uphold the United States Constitution and State of Oregon. The Board agreed. Commissioner Nyquist then submitted a copy of the U.S. Constitution for the record.

12. Special Orders:

A. Personnel Action Forms.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the Personnel Action Forms list as Exhibit 1. The vote was called. The motion passed unanimously.

B. Resolution & Order 2024-331 approving a First-Time Youth Wage Grant Agreement between Linn County and Northwest Lock & Supply.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-331. The vote was called. The motion passed unanimously.

C. Resolution & Order 2024-333 amending a classification and title from "Community Skills Trainer" to "Community Resource Coordinator" (SEIU-Pay Range 10).

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-333. The vote was called. The motion passed unanimously.

Darrin Lane, Linn County Administrative Officer, presented the following item:

D. Resolution & Order 2024-334 committing Community Development Block Grant; Planning, Infrastructure and Economic Revitalization (PIER) funding and Homeownership Opportunities Program (HOP) funding to the Mill City/Gates Sewer System Project.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-334.

Commissioner Nyquist stated that the Board had previously put perimeters around what they would or would not do as it related to this project; they continue to support the project. He noted that there were no General Fund resources available and that there were no expectations of any of the parties involved that the County would be required or asked going forward.

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

15. Announcements: There was no announcements.

16. Business from the Public (3-minute limit per speaker):

Lynn Merrill, 3215 Hannah Ave, SE, Albany, OR.

Mr. Merrill provided a handout and a copy of an email to the Board. Copies are on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Merrill stated that he was back before the Board for a third time in the last year requesting the Board give authority in regard to regulating roads and driveways. He stated that he's trying to set up a two-track system with rural county roads using the County's road standards, however, the local fire district was applying the local Fire Code.

Although Mr. Merrill thought this issue had been resolved, as of today, there were two separate road track systems which violated the ORS regarding this matter. He stated

that the ORS clearly states that the only road track was the County Code which supersedes the Fire Code. Mr. Merrill stated the local Fire Department had taken a hostile position towards the County's code and process and was trying to approve and deny rural driveways by applying the Oregon Fire Code; they have no authority to do that. However, he stated that, when someone goes to get a building permit, the Building Official will say that everything looks good and then indicates they have to get a note signed by the Fire Department agreeing that they can have a building permit. The Fire Department's position was, if you don't meet their separate track system, they wouldn't provide a signature and, therefore, it would keep you from getting a building permit. Mr. Merrill stated that this was not only happening to him in regard to his property but it was happening to everyone else. He stated that the law clearly states that the County code supersedes in this case.

Mr. Merrill stated that he was asking the Board to acknowledge the law as it exists and to instruct the County Building Official, when deciding to issue a building permit, to only rely on the County's road code. He stated that, if they couldn't get passed this issue, the Albany Fire Department would not cooperate. Mr. Merrill stated that he's tried to work with them and accommodate anything they needed above and beyond the County road standard and they said, no, we want jurisdiction control and the Fire Code to be the law of the land. Mr. Merrill stated that he needed the Board to weigh-in to resolve this issue. A lengthy discussion followed.

Commissioner Nyquist stated that Mr. Merrill had talked with the County Administrative Officer and he believed the Board had taken action through the County's staff evaluation of what the criteria should be and it was passed by the Board. Mr. Merrill stated that that did not happen.

Darrin Lane, Linn County Administrative Officer, stated that, in order to resolve this issue, he would like for Mr. Merrill to reach out to him outside of this meeting and provide the date that someone asked for a building permit and was denied. He was not aware that anyone had been denied and wanted to know the details and the reason why; the County staff would not withhold a permit because the fire department didn't like the access. Commissioner Sprenger stated that getting the fire department to sign off didn't mean they were giving their approval but that they simply signed the document. Mr. Lane stated that he would go down to the Building Department and clarify the process with staff that the fire department doesn't give approval but they simply provide comments. Mr. Lane reiterated that the County was not denying anyone a permit based upon approval from the fire department.

Commissioner Sprenger recommended that she and Mr. Lane both meet with Mr. Merrill after the meeting today and then meet with the Linn County Building Department.

Rob Foss, a Broker with Cadwell Realty Group, Albany, OR.

Mr. Foss stated that he had listed the lots being discussed and had talked to multiple brokers who say when they call the County or fire department, the clear answer they receive back is that the County wouldn't issue a building permit unless the fire department signed off. At that point, the buyers are gone because they can't pave the

road or change the grade. He stated that there's a communication gap between how it actually works and the answers they're getting back; it's "killed" several deals. Discussion continued.

Commissioner Nyquist stated this matter was not a "Business from the Public" conversation and, going forward, he told Mr. Merrill that he needed to contact him and give him a few days' notice in order to have the information and the right people present. He stated that for Mr. Merrill to come before the Board requesting a Resolution & Order under "Business from the Public" would not happen today.


Allan Merrill, Lynn Merrill's Father.

Mr. Merrill stated that he wasn't speaking on behalf of his son Lynn Merrill but was speaking as a Linn County resident. He stated that he was confused as to what the Code was. He's been building roads in Linn County for 54 years and, now, he didn't know what the Code was but it seemed like it was up to one individual at the fire department; fire marshals change from time-to-time. He then explained his own experience.

Commissioner Nyquist asked if there was anyone wishing to speak telephonically under Business from the Public. There was no one wishing to speak.


17. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:32 a.m. by unanimous consent.

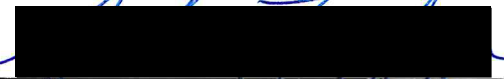
The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. Tuesday, September 24, 2024.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice-Chair


Sherrie Sprenger, Commissioner

Date 09-24-2024