



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
LINN COUNTY COURTHOUSE – ROOM 200
TUESDAY, JANUARY 14, 2025**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, January 14, 2025.

Those present at various times for the matters as indicated below were: Michelle Duncan, Linn County Sheriff; Andy Franklin, Captain Support Services Division, Linn County Sheriff's Office; Reagan Maudlin, Linn County Special/Rural Transportation Coordinator; Steve Wills, Linn County Planning and Building Department Director; Bill Palmer, Linn County Accounting Officer; Michelle Hawkins, Linn County Treasurer; Rachel Adamec, Linn County Real Property Program Manager; Wayne Mink, Linn County Roadmaster; Phil Van Leuven, Deputy County Attorney for Linn County; Shane Sanderson, Linn County Public Health Program Manager; Nathan Tisdell, Environmental Health Specialist 3, Linn County Environmental Health Department; Dena Barawis, Administrative Assistant/Office Manager III, Linn County Parks and Recreation Department; guest Bishop Eliudi Issangya; 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. Sheriff's Office – Michelle Duncan, Linn County Sheriff's Office.

Andy Franklin, Captain Support Services Division, Linn County Sheriff's Office presented the following items.

A. Resolution & Order 2024-413 approving a Grant Agreement between the Oregon Department of Emergency Management Emergency Management Performance Grant (Grant No. 24-521) and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2024-413. The vote was called. The motion passed unanimously.

B. Resolution & Order 2025-011 approving an Intergovernmental Agreement for a Lease Agreement with the Oregon Department of Forestry, South Cascade District and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2025-011. The vote was called. The motion passed unanimously.

C. Resolution & Order 2025-012 approving a Grant Agreement No. 24-272 between the State of Oregon Department of Emergency Management State Homeland Security Grant and Linn County and delegating authority to execute originals.

Action - Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2025-012. The vote was called. The motion passed unanimously.

D. Resolution & Order 2025-013 approving a Grant Agreement No. 24-220 between the State of Oregon Department of Emergency Management State Homeland Security Grant and Linn County and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2025-013. The vote was called. The motion passed unanimously.

E. Resolution & Order 2025-025 approving a Contract between Daniels Electronics, LTD dba Zetron, a Codan Company and delegating authority to execute originals.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2025-025. The vote was called. The motion passed unanimously.

6. Special Transportation – Reagan Maudlin, Linn County Special/Rural Transportation Coordinator.

Ms. Maudlin provided background information regarding the following item.

A. Resolution & Order 2025-014 adopting the 2025-2027 Linn County Statewide Transportation Improvement Fund Plan to approve Projects 1-9 as vetted and recommended by the Linn County Transportation Advisory Committee (TAC) and to

conditionally approve Project 10 pending a review and support from the Linn County TAC and delegating authority to execute originals.

Commissioner Nyquist asked if the Board was approving Project 10 even though it hadn't been vetted yet. Ms. Maudlin stated that was correct and that Project 10 would go before TAC to be vetted with a date set later this month for review. This requires that all parties concur approval of this project in order for it to formally go forward in the STIF review process with ODOT. Commissioner Nyquist asked if approval of Project 10 would affect the funding amounts for Projects 1-9 and Ms. Maudlin replied no; its funds that were carried forward and have already been awarded for the project period. Commissioner Tucker asked if there was a deadline and Ms. Maudlin stated that the deadline to have the STIF Plan formally submitted was Thursday, January 16, 2025.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2025-014. The vote was called. The motion passed unanimously.

7. Reports of Staff and Committees:

A. Planning and Building Department Update – Steve Wills, Linn County Planning and Building Department Director.

Mr. Wills provided the Board with a Planning and Building Department Update for the month of December, 2024. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Wills stated that the Board had asked at his last month's update if the Department opened and closed cases in the same month. Mr. Wills stated that it was very rare due to the timeline for processing a case; typically, it takes more than a month to process a case.

Mr. Wills stated that there were no new wildfire grant applications but they had issued one grant check. He stated that, for the year, there were a total of nine grant applications totaling \$21,650. Commissioner Tucker asked what Mr. Wills thought the percentage was in terms of the wildfire recovery. Mr. Wills stated that they were at 80 percent recovered; there's a lot of properties that were not being rebuilt.

8. Linn County Quarterly Financial Report as of December 31, 2024 – Bill Palmer, Linn County Accounting Officer and Michelle Hawkins, Linn County Treasurer.

Mr. Palmer provided the Board with a Quarterly Financial Report as of December 31, 2024. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

A discussion followed regarding the Fair Fund balance. There was some concern that expenses were not getting coded to the correct account but Commissioner Nyquist had asked staff and the County Treasurer to continue working on that; more details would be given once the Board receives a follow-up report.

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

A. Continued discussion of a Sealed Bid for Account No. 851749 originally opened on Tuesday, October 29, 2024.

Ms. Adamec reminded the Board that a sealed bid was opened and received from Kent Blair for \$2,841 for Account No. 851759. At that time, the Board asked Ms. Adamec to reach out to the neighbor because their septic system and part of their house was on the property in question. Ms. Adamec stated that she had gone out to meet with the neighbor and saw his vehicle there but no one answered the door so she left her business card with the reason she needed to speak with him, as well as, sending a letter via certified mail which came back unclaimed/returned to sender. She then gave the neighbor three weeks to reach out to her but she received no response. Commissioner Tucker stated that he had gone out to see the neighbor but was also unsuccessful in getting a response. Ms. Adamec stated that she needed to know how the Board wanted to move forward with the bid. Discussion followed.

Darrin Lane, Linn County Administrative Officer stated, for the record, that the County would've been willing to give the neighbor an easement but there had to be an acceptance. The County has tried everything they could in this situation.

Commissioner Sprenger stated that she would be willing to move forward on this matter. She stated that the foreclosure was, per statute, reverted to the County back on September 11, 2012; it's been a long time trying to get this matter resolved. Discussion continued.

Commissioner Nyquist stated that, once the property was transferred, the County wouldn't have any control and the new owner could create a problem for the neighbor. The only way the County could assure that the issue got resolved in a way that they'd be comfortable with would be for the County to do it but he didn't like that idea since the County would be spending money on a situation not of their own making and he didn't think the taxpayers would want them to do that.

Mr. Lane provided an idea of offering to sell the lot subject to simultaneously executing an easement to the County, to reserve the area that the property owner needed and that later on, in the future, when the person wanted to receive it or a future owner may want to receive it, give the easement to them. Commissioner Tucker stated that if the County did an easement that he would want it to be exclusive for the sanctity of the home and the septic system services for only the current owner.

The Board recognized Phil Van Leuven, Deputy County Attorney for Linn County. Mr. Van Leuven stated that he would need to look into that but said there were ways to make an easement specific to a situation and not to exceed anything that would be overly burdensome to future property owners or the current property owner. He would need to figure out the procedural concept for doing that simultaneously from the County to the bidder. Discussion continued.

Commissioner Tucker asked how the Resolution & Order could be written. Mr. Van Leuven recommended that the Board hold off on moving forward as he was not procedurally sure if that would be allowed on a foreclosure and if the County could even bind someone to that. He asked the Board to give him time to look into it.

The Board recognized Kent Blair, Bidder.

Mr. Blair stated that he had been in contact with the neighbor and that he's a bit of a recluse. It's difficult to speak with him but they've been neighbors for 30 years. With all the brush and the Board's questions about the septic tank, the well and encroachment, Mr. Blair stated that he doubted the neighbor even knew where they're at. He stated that his idea and the agreement with the neighbor would be that he would come in and clean it up and then work it out because they would need to meet with Environmental Health about the septic.

Commissioner Nyquist recommended that Mr. Blair get an agreement with the neighbor contingent on his acquisition of the property and bring that back to the Board. Mr. Blair stated that he would be happy to do that.

Commissioner Tucker thanked Mr. Blair for working with the County to resolve this matter.

B. Sealed Bid Opening – Account No. 319240.

Ms. Adamec stated that this property was .25-acre on the border of the County and the bidder stated that he was looking to use the property to camp and hang out in nature. This didn't have to go through auction per statute. Ms. Adamec stated that she had reached out to the two neighboring timber companies to make sure they had the opportunity to also make an offer, since it wasn't readily published, but she didn't receive a response from them.

Ms. Adamec then opened the sealed bid as follows:

Bidder – Judah Largent; bid amount of \$4,000 with a check for the deposit of \$400.

Action – Commissioner Tucker moved to accept the offer of \$4,000 from Jared Largent for the .25-acre parcel.

Commissioner Sprenger asked Ms. Adamec if this had been posted and if other people had the opportunity to review this property. Ms. Adamec stated that it was not posted on the County website but that she had contacted the neighboring property owners via certified mail with a deadline of six weeks and she didn't receive any response. Commissioner Sprenger stated that she thought the bid was reasonable but wanted to be sure that there was a process in place to allow other people to bid.

Commissioner Nyquist asked what the property was zoned for and Ms. Adamec stated that it was zoned for Forest Conservation and Management. Commissioner Nyquist stated that the bidder likely was not a forester and not acquiring the property for the

purpose of growing or harvesting timber. He stated that the likelihood that there would be a conflict with the adjacent property owners was real and, if and when that happened, the County would spend a lot more than \$4,000 dealing with the consequence of the sale.

Commissioner Sprenger asked that Mr. Van Leuven discuss with the Board what they could or could not do. Mr. Van Leuven stated that, statutorily, the Board could sale it and, in regard to Forest Conservation, Commissioner Nyquist was on the right track in regard to the fact that there was only so much that could be done with that parcel; conserve it as it is or, if they harvested it, they would have to replant it. Mr. Van Leuven stated that his concern would be how much they would be allowed to camp or recreate on it or how they decided to use the property. He stated that he would need to look into it further. He agreed that there was the potential for neighbor conflict because of what the bidder wanted to do on the parcel or what the intended use of the parcel would be. Discussion followed.

Commissioner Tucker stated that he would like to get this piece of property off the tax record and \$4,000 was a good price.

Commissioner Nyquist stated that the better solution for the adjacent property owners, Linn County and the citizens of Linn County would be for one of the adjacent property owners, who's in the business of growing and harvesting timber, to own that property. He stated that they should consider the negative impacts this sale could have to Linn County and the citizens of Linn County.

Action – Commissioner Tucker withdrew his motion as it was not seconded.

Commissioner Sprenger asked Ms. Adamec to come up with other options to get this parcel out of the County's hand and into a private entity. Ms. Adamec stated that she would work on that. Commissioner Tucker asked that Ms. Adamec try, again, to contact both Weyerhaeuser and Franklin-Clarkson Timber Company to find out if there was a reason why they didn't respond to her letter and what their thoughts would be about the bidder's access to the property. He offered to help Ms. Adamec contact Weyerhaeuser, if she needed him to, and agreed with Commissioner Sprenger that more work needed to be done.

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

A. Resolution & Order 2025-018 authorizing publication of a Bid Advertisement and setting a Bid Opening for the Owl Creek, Peoria Road Bridge Replacement Project.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2025-018. The vote was called. The motion passed unanimously.

B. Resolution & Order 2025-019 authorizing publication of a Bid Advertisement and setting a Bid Opening for the Cox Creek, Goldfish Farm Road Bridge Replacement Project.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2025-019. The vote was called. The motion passed unanimously.

11. Discussion regarding the request by providers to increase rates for solid waste.

Shane Sanderson, Linn County Public Health Program Manager, that every January the County enters into a contract with an accounting firm. He then went through the process for reviewing proposed rate increases for solid waste.

Commissioner Nyquist clarified that the Board did not promise a percent rate of return; we approve rates based on a projection.

Commissioner Nyquist asked Mr. Sanderson if the County was in a position where they needed to initiate a formal conversation regarding rate increases. Mr. Sanderson stated, yes, based on the 2023 numbers that were projected through 2024. Mr. Sanderson stated that there were two options: 1) choose to go with a new firm who has experience with our type of County; or 2) look at February, 2025 to bring forth a package to the Board for their consideration. Commissioner Nyquist stated that they needed to follow the understanding of the Franchise Agreement with those franchisees and, if it triggers that cycle, they should do that. He stated that he also would be cautious about bringing someone new on board and then immediately have them scramble to put numbers together. Ideally, they would get a normal cycle to run through things. Mr. Sanderson stated that, if they looked at February, 2025, he would build the entire package off the 2023 solid waste rate review information. Commissioner Nyquist stated that he would be okay with that. Commissioner Tucker stated he would be fine with that too but wondered if Mr. Sanderson had talked to Bell and Associates about timing, if they're not going to use Merina and Co., and when would be a good time for them if we're making a change in the monitoring firm. Mr. Sanderson stated that their cadence was the same as Linn County so they would be able to fit right in when preparing for next year's package.

Commissioner Sprenger stated that she wanted to focus on process as she had not had conversations with Bell and Associates, Inc. so she didn't have that information or that part of the conversation for context. Mr. Sanderson clarified that they were proposing the same process as they've done in the past but, likely, with a new accountant.

Commissioner Tucker stated that his understanding was that Mr. Sanderson was looking for instructions to do a new packet based upon the existing data and looking at the actual data to see how it compared to projections and one company having difficulties meeting the profit models and having them hold so we get the service level we wanted. Also, moving forward, Commissioner Tucker stated that Mr. Sanderson was looking to have a conversation to look at a different company to do the evaluation

on a larger picture for next year's rate review. Mr. Sanderson acknowledged that was correct. Commissioner Tucker stated that he was good with both processes.

Commissioner Nyquist stated that Commissioner Sprenger would need to get together with Mr. Sanderson and Bell and Associates, Inc. He stated that, as of now, the unanimous agreement of the Board was for Mr. Sanderson to run the process as he's done before but come back to the Board with whatever conversations and/or decisions the Board may need to make. Commissioner Tucker also said that he would like to meet with Bell and Associates, Inc. after Commissioner Sprenger; it could be scheduled on the same day.

Commissioner Nyquist thanked Mr. Sanderson for his continued work on this matter.

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

13. 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.

14. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Nyquist announced that he would not be in the office Monday through Thursday, January 20-23, 2025.

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

16. Announcement: Commissioner Nyquist read a statement in regard to an electronic payment made in December, 2024 to a vendor with whom the County has had a long-standing business relationship but the vendor stated that they had not received the payment. After looking into the payment, it was learned that it was likely the result of a criminal act. Given the County's commitment to being responsible stewards of Linn County taxpayer dollars, law enforcement was contacted. Commissioner Nyquist stated that when they had all the facts of the matter and could disclose those facts without compromising the investigation, the County would make that information available to the public. A copy of the full statement is on file in the Linn County Clerk's Office in the Commissioners' Staff File.


17. Business from the Public (3-minute limit per speaker): There was no one present from the public wishing to use this forum neither in person or telephonically.

18. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:35 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. Tuesday, January 21, 2025.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice-Chair


Sherrie Sprenger, Commissioner

Date 1-21-2025