



**MINUTES OF THE REGULAR SESSION OF THE
LINN COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING
LINN COUNTY COURTHOUSE – ROOM 200
FEBRUARY 7, 2023**

The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, February 7, 2023.

Those present at various times for the matters as indicated below were: John Pascone, President, Albany-Millersburg Economic Development Corp. (AMEDC); Wayne Mink, Linn County Roadmaster; Ashley Heyberger, Assistant Planner, Linn County Planning and Building Department; Steve Wills, Linn County Planning and Building Director; Phillip Van Lueven, Deputy County Attorney for Linn County; Russ Williams, Linn County General Services Director; Courtney Leland, Office Specialist 3, Linn County Board of Commissioners; Terri McQueen; Rebecca Grizzle, Debbie Paul; Alex Paul, Linn County Communications Officer and Joanna Mann, 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 January 24, 2023 and January 31, 2023 Commissioners' Meeting Minutes.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the January 24, 2023 and January 31, 2023 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.

6. Reports of Staff and Committees: None.

7. Albany-Millersburg Economic Development Corp. (AMEDC) – John Pascone, President, AMEDC.

A. Resolution 2023-054 approving an extended Property Tax Abatement Agreement between Linn County, a cosponsor of the Linn County Enterprise Zone and Aymium (NCT).

Commissioner Nyquist stated that this was for the project directly next to the intermodal center on property owned by Linn County and leased to Aymium. Mr. Pascone provided additional information to the Board.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution 2023-054. The vote was called. The motion passed unanimously.

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

Mr. Mink provided background information regarding the following items. He noted that Terri McQueen was present; she's the Petitioner in this matter.

A. Resolution & Order 2023-039 accepting a petition to vacate a portion of a County Road, Allen Lane (County Road 111).

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-039. The vote was called. The motion passed unanimously.

B. Roadmaster's Report to vacate a portion of a County Road, Allen Lane (County Road 111).

Commissioner Nyquist stated, over time, people had suggested that there be some type of pedestrian bridge and bike path running down Allen Lane but a plan was never completed. Mr. Mink stated that it had been explored extensively about 10 years ago, however, it would be very expensive.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the Roadmaster's Report. The vote was called. The motion passed unanimously.

C. Resolution & Order 2023-040 approving the vacation of a portion of a County Road, Allen Lane (County Road 111).

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-040. The vote was called. The motion passed unanimously.

9. Discussion regarding the Linn County Noxious Weed Control Advisory Committee.

Commissioner Nyquist called upon Darrin Lane, Linn County Administrative Officer, to provide background information regarding this matter.

Mr. Lane stated that he and the Board had been contacted by Lynden Brown, along with other interested people in the agriculture community, asking to reinstitute the Linn County Weed Control Advisory Committee. Ms. Brown and her husband were involved with the Committee many years ago; all the terms of the members for the Committee expired in 1998 and it has been inactive since. Mr. Lane stated that the County had never taken any formal action to eliminate or dissolve the Committee so his recommendation would be that the County provide those interested individuals with committee applications for them to complete and return to the Board. If the Board chose, they could then review and determine whether or not to appoint members to the committee. Mr. Lane stated that the people interested had scheduled a time to get together and he had agreed to attend to provide them with committee applications. Discussion followed.

Mr. Lane stated that this was not the same as a Weed Control District which the County had back in the 1930's and was eliminated in the early 1970's; it was replaced by the Weed Control Advisory Committee.

Commissioner Sprenger stated that the Weed Control Advisory Committee would not have any enforcement authority and Mr. Lane stated that was correct. Commissioner Sprenger stated that she was in full support of reestablishing this committee and having people serve as members. Commissioner Tucker stated that there was a statute that states the County "shall" control weeds and thought this was a great first step to see what this group could do.

Commissioner Nyquist stated, for the record, that the Committee was actually named the Weed Control Advisory Committee and not the Noxious Weed Control Advisory Committee. He stated that he added the word "noxious" because weed control may mean something different today than it did 30 years ago. Mr. Lane stated that, at such time the Board chose to appoint members to the committee, a Resolution and Order would need to be prepared to change the name from "Weed Control Advisory Committee" to "Noxious Weed Control Advisory Committee" which would bring it in line with the state statute. Mr. Lane then stated with respect to Extension, the County's current construct of the committee was that the Extension serves on the committee as an ex-officio member.

The Board agreed to accept committee applications and Mr. Lane stated that he would make sure that any interested person would be aware that the committee had no enforcement authority and no funding. Commissioner Tucker stated, for the record, that Craig Pope was the Chair for the State Weed Board and would be another source of information.

10. Discussion and possible action regarding County representatives to the Mid-Willamette Valley Intermodal Center.

Commissioner Nyquist stated that the governance structure of the intermodal center was three county representatives, three Linn Economic Development Group (LEDG) representatives and then those six choose a seventh member; all to serve a one-year term. He asked, if there would be a consensus of the Board, for the current representatives (Commissioner Nyquist, Darrin Lane and Andy Olson) to continue serving as the County's representatives. Both Commissioners Tucker and Sprenger agreed. Commissioner Tucker questioned Mr. Olson's availability and Commissioner Nyquist stated that he had already talked to Mr. Olson and he was ready to serve another term.

11. Correspondence: There was no correspondence to come before the Board. Commissioner Nyquist stated that there was a growing concern that the legislature was going to do nothing to address the inadequacies and flaws in Measure 110. He stated that the chief flaw, out of many, was that they find themselves in a situation that people with an addiction problem are much less motivated today to get help than they were prior to Measure 110 passing. One of the reasons people with an addiction problem got help was because law enforcement and the District Attorney's office made their lives unmanageable, however, that motivation is gone now.

Commissioner Nyquist stated that the County was experiencing the affects from Measure 110 in Mental Health, Alcohol and Drug, Sheriff's Office and District Attorney's Office; it ripples through the system. He stated that, in a meeting yesterday, Monday, February 6, 2023, the cities and school districts mentioned that they were also experiencing the affects of Measure 110 as well. Commissioner Nyquist stated that the most troubling and measurable gap of Measure 110 was there is no monetary sanctions for youth indulging in hard drugs.

Commissioner Nyquist stated that the Board would likely see a proposed letter going out to the legislative delegation, leadership and the Governor's Office asking, one more time, that they take the matter up in earnest. He stated he was attempting to give it another push based on what the County was experiencing in our communities and neighborhoods. Commissioners Tucker and Sprenger indicated that they would be in support of that effort. Commissioner Sprenger suggested that the Senate President and Speaker of the House receive the letter as well.

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 2023-048 appointing a member on the Linn County Parks & Recreation Commission.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution 2023-048.

Commissioner Tucker noted that the member appointed was Keith Kessler.

The vote was called. The motion passed unanimously.

C. Resolution & Order 2023-053 amending a classification for Building Maintenance Supervisor and amending the pay range from 15 to 20 (Management/Exempt-Pay Range 20).

Mr. Lane provided background information regarding this matter.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-053. The vote was called. The motion passed unanimously.

13. Unfinished Business and General Orders:

A. Calendar Update: The Commissioners updated their calendars. Commissioner Tucker noted that Senator Merkley would be holding an open house on Saturday, February 11, 2023 but did not have a specific time of the event. Commissioner Nyquist stated that he would not be attending the February 21, 2023 Board meeting as he would be in Washington D.C.

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

15. Announcements: There were no announcements.

16. 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.

Commissioner Nyquist recessed the regular Board meeting at 9:59 a.m.

Commissioner Nyquist reconvened the regular Board meeting at 10:02 a.m.

17. Public Hearing – PLN-2022-00813: an application by Laura Lynn Weber White Revocable Trust for a Zoning Map Amendment on a 60.01-acre property identified as Tax Lot 100 on Map T11S, R1W, Section 01. The Applicant proposes to amend the zoning map designation from Exclusive Farm Use (EFU) to Farm/Forest (F/F) – Ashley Heyberger, Assistant Planner, Linn County Planning and Building Department.

Commissioner Nyquist called upon Ms. Heyberger to review her Staff Report for the Board. A copy of the Staff Report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Ms. Heyberger reviewed her report and stated that there were no public comments received but a response was received from the Linn County Environmental Health Department noting no comment. She stated that the Planning Commission held a meeting on Tuesday, January 10, 2023 and adopted a motion recommending the Board approve the application.

Commissioner Sprenger asked, for clarity and for the record, if there were any testimony received in opposition of this application. Ms. Heyberger stated that there was no testimony received in support or in opposition.

Commissioner Nyquist asked if the Board had any exparte communication or conflict of interest. All three Commissioners indicated that they had none.

Commissioner Nyquist provided the timeline and process for the hearing and then called upon the Applicant.

Joel Kalberer – Attorney for the Applicant Laura Lynn Weber White.

Mr. Kalberer stated that the Staff Report was thorough and went through all the criteria for the zone change. He stated that the Planning Commission unanimously supported and recommended the zone change.

Mr. Kalberer stated that this was a minor zone change; from farm to a farm forest use and those uses were both resources under the goals of the State. Mr. Kalberer stated that the zoning on the property was probably originally mis-zoned as this was the classic farm forest zoning property. It was steeply hilled with trees; a hay pasture encompassed the other portion. Mr. Kalberer suggested that this was a correction of the zoning map. In either case, he stated that they met the criteria for a zone change and asked for the Board's approval.

Commissioner Nyquist asked if there was anyone else wanting to testify in support of the application.

Patrick Weber – Laura Lynn Weber White's father.

Mr. Weber stated that he had taken care of the property since his daughter owned it and the property was two third's forest and the rest was farmland.

Commissioner Nyquist asked if there was anyone else wishing to speak in support; in opposition; or, neither in support or opposition but was neutral. Hearing none, Commissioner Nyquist asked, with no one wishing to speak in opposition, if Mr. Kalberer wished to waive his rebuttal. Mr. Kalberer stated, yes, that he was waiving his rebuttal.

Commissioner Nyquist closed the Public Hearing.

Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to accept the Staff Report dated January 17, 2023 into the record. The vote was called. The motion passed unanimously.

Commissioner Tucker stated that he had read through the documents and the decision criteria and, listening to the testimony today, he believed that this application did match the County's decision criteria moving it from one resource to another resource title with all of it being agricultural.


Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve PLN-2022-00813.

Commissioner Sprenger stated that she was surprised that this was zoned EFU and assumed it was Farm Forest. Commissioner Nyquist stated that they did things with a very broad brush in the state land use laws sometime ago and this property reflected that.


The vote was called. The motion passed unanimously.

18. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 10:11 a.m. by unanimous consent.


The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on Tuesday, February 14, 2023.

 Recorder
For Board of Commissioners
Marsha Meyer

LINN COUNTY BOARD OF COMMISSIONERS


Roger Nyquist, Chair


William C. Tucker, Vice-Chair


Sherrie Sprenger, Commissioner

Date 2-14-2023