



**MINUTES OF THE REGULAR SESSION OF THE  
LINN COUNTY BOARD OF COMMISSIONERS  
LINN COUNTY COURTHOUSE – ROOM 200  
TUESDAY, DECEMBER 19, 2023**

**The Linn County Board of Commissioners met for the regularly scheduled meeting on Tuesday, December 19, 2023.**

Those present at various times for the matters as indicated below were: Michelle Duncan, Linn County Sheriff; Captain Andy Franklin, Support Services Division, Linn County Sheriff's Office; Todd Noble, Linn County Health Services Administrator; Shane Sanderson, Linn County Public Health Program Manager; Kris Barnes, Linn County Fair and Expo Director; Torri Lynn, Linn County Juvenile Department Director; Wayne Mink, Linn County Roadmaster; Steve Wills, Linn County Planning and Building Director; Michelle Hawkins, Linn County Treasurer; other audience members; 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 November 21, 2023 and December 5, 2023 Commissioners' Meeting Minutes.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the November 21, 2023 and December 5, 2023 Commissioners' Meeting Minutes. The vote was called. The motion passed unanimously.**

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

Captain Andy Franklin, Linn County Sheriff's Office presented the following items on behalf of Michelle Duncan, Linn County Sheriff.

A. Resolution & Order 2023-422 approving a Grant Agreement between the Oregon Department of Emergency Management and Linn County for an Emergency Management Performance Grant (Grant No. 23-521) and delegating authority to execute original.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-422. The vote was called. The motion passed unanimously.**

B. Resolution & Order 2023-426 approving an Intergovernmental Agreement between the State of Oregon Department of Emergency Management and Linn County and delegating authority to execute originals.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-426. 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 – Shane Sanderson presented the reports on behalf of Dr. Adam Brady, Linn County Health Officer.

Mr. Sanderson provided the Board with an overview of the Communicable Disease and Vital Statistics Reports for November, 2023. 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 – Shane Sanderson, Linn County Public Health Program Manager.

Mr. Sanderson provided the Board with an overview of the Environmental Health Monthly Activity Report for November, 2023. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Commissioner Sprenger asked Mr. Sanderson what the three water alerts noted in his report were related to. Mr. Sanderson stated that they were, typically, due to a negative test or being late on testing. He stated that in regard to the three noted this month they were for late testing.

Commissioner Nyquist asked Mr. Sanderson about the County's enforcement of the Clean Water Act. Mr. Sanderson stated that it was through the Environmental Protection Agency (EPA) and the Department of Environmental Quality (DEQ). He stated that the County could file a complaint with the EPA stating that the DEQ was not

enforcing the Act. Commissioner Sprenger stated that she would be ready to file a complaint due to what's been happening at the Santiam River Reservoir draw down in Sweet Home. Commissioner Nyquist stated that the Board should examine what moving forward would look like; what it would entail and what it would mean should they gain or lose from such a choice.

Commissioner Tucker stated that they had passed the time of dumping Green Peter and were now filling it as per the judge's injunction; it's still a problem but they would need to use current data. Commissioner Nyquist proposed that Mr. Sanderson meet with the County Attorney to go over whether or not the County would have a case and a solid complaint and, if they do, then they should file a complaint. Discussion followed.

Commissioner Nyquist stated that the Board needed to note the problem for the record which would be in the form of filing a complaint; it needed to be investigated further. Commissioner Sprenger asked Mr. Sanderson when the Board could expect to have a proposal from the County Attorney and himself. Mr. Sanderson stated, possibly, within a month given the holidays. Commissioner Nyquist stated that timing was important.

Todd Noble, Linn County Health Services Administrator, presented the following items. He stated that the County received grant funding to support families struggling with basic needs and that the Greater Albany Public School District had already received funding as they were included in the pilot program and, therefore, they were not included in the following Resolutions.

C. Resolution & Order 2023-427 approving an Intergovernmental Agreement between the Harrisburg School District 7 and Linn County.

**Action Taken Below.**

D. Resolution & Order 2023-428 approving an Intergovernmental Agreement between the Central Linn School District and Linn County.

**Action Taken Below.**

E. Resolution & Order 2023-429 approving an Intergovernmental Agreement between the Scio School District and Linn County.

**Action Taken Below.**

F. Resolution & Order 2023-430 approving an Intergovernmental Agreement between the Sweet Home School District and Linn County.

**Action Taken Below.**

G. Resolution & Order 2023-431 approving an Intergovernmental Agreement between the Santiam Canyon School District and Linn County.

**Action Taken Below.**

H. Resolution & Order 2023-432 approving an Intergovernmental Agreement between the Lebanon Community School District and Linn County.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Orders 2023-427, 428, 429, 430, 431 and 432. The vote was called. The motion passed unanimously.**

8. Reports of Staff and Committees:

A. Fair/Expo Update – Kris Barnes, Linn County Fair and Expo Director.

Mr. Barnes provided the Board with a Fair/Expo Update for the month of November, 2023. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff Report.

In regard to Mr. Barnes' report of the Christmas Bazaar event, Commissioner Sprenger stated that she wanted to see the final numbers and cost related to this event to see if there was a net profit. Mr. Barnes stated that he believed that there would be a net profit of \$28,000 but would have the numbers soon.

Commissioner Nyquist stated that he noticed that offices at the Fair/Expo were now being occupied when before they were vacant. He asked Mr. Barnes about his labor costs and what he expected moving forward. Mr. Barnes stated that there were positions that had not been filled previously but were in the budget and stated that the Board could expect to see an increase of \$70,000 as a monthly total for personnel.

Next, Commissioner Nyquist stated that there was an opportunity to enhance the Christmas Storybook Land by acquiring an outdoor Christmas display for a drive through Christmas event. There would be two components to that and one would be the availability to store the displays which fill seven semi-trucks. Mr. Lane stated that they could work to find storage which should be as close to the fairgrounds as possible given the ability to move the semi-trucks. He stated that he would talk to Wayne Mink, Linn County Roadmaster, as well as, others to see what would be available. Commissioner Nyquist also mentioned it would take volunteers to help with the event.

B. Juvenile Department Update – Torri Lynn, Linn County Juvenile Department Director.

Mr. Lynn provided the Board with a Juvenile Department Update for the month of November, 2023. A copy of his report is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Mr. Lynn stated that they were back to pre-COVID referrals at the Detention Center. He also stated that there was one Linn County youth in the Time for Change Program who was almost ready to move back into the community.

Commissioner Tucker stated that he was sorry for the recent loss of Ms. Robinson, Supervising Probation Officer. Commissioner Nyquist acknowledged that Ms. Robinson had worked for the Juvenile Department for 27 years; she had great passion in how she approached her job. He stated that it was hard to see someone like her leave before her time. Commissioner Nyquist commended Mr. Lynn on how he addressed any potential mental health issues his staff may have had over this situation and asked Mr. Lynn to please let the Board know if they could do anything to help the family.

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

A. Resolution & Order 2023-419 accepting and recording certain real property granted to Linn County for road purposes (County Road Number 0782, South 9<sup>th</sup> Street).

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Resolution & Order 2023-419. The vote was called. The motion passed unanimously.**

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

A. Request for Refund from Planning and Building Department to Lauren Red, \$1,164.44.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve the Request for Refund. The vote was called. The motion passed unanimously.**

11. Treasurer’s Office – Michelle Hawkins, Linn County Treasurer.

Ms. Hawkins provided background information on the following items:

A. Order 2023-423 accepting an expenditure and revenue increase within the Grants Fund, \$70,000.

Commissioner Nyquist stated that this item was in regard to funding coming from the State.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Order 2023-423. The vote was called. The motion passed unanimously.**

B. Order 2023-424 accepting an expenditure and revenue increase within the Grants Fund, \$14,000.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Order 2023-424. The vote was called. The motion passed unanimously.**

C. Order 2023-425 accepting an expenditure and revenue increase within the Grants Fund, \$350,000.

Ms. Hawkins stated that this Order was to accept the rent that would be coming from the Wheelhouse with a budget that's built into the Grants Fund sole proprietor with nothing going in or out except for the revenues and expenses for the Wheelhouse.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Order 2023-425. The vote was called. The motion passed unanimously.**

D. Order 2023-433 approving a transfer of certain appropriations within the Grants Fund, \$10,750,000.

Ms. Hawkins stated that this Order was for a transfer within the grant to house the ARPA money. At the end of last year's fiscal year, all \$14 million was placed in contingency because as it wasn't known what would projects would be proposed during the year. This transfer was for the Veterans remodel, Wheelhouse property, jail remodel and the Assessor's new software program and includes \$200,000 for contracted services. Ms. Hawkins stated that there was an ending balance still remaining in the operating contingency of \$4,000,118. She then provided the Board with a copy of the budget sheet for this fund. A copy is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

Darrin Lane, Linn County Administrative Officer, stated that the ARPA money came directly to Linn County allocated from the federal government. He stated that the funds must be obligated, either under contract or with some agreement, for their use by the end of December, 2024 and the funds must be expended by December, 2026. Discussion followed.

Commissioner Nyquist stated that the County was using the one-time ARPA money to make capital improvements and investments, such as the Wheelhouse, and to improve Courthouse security, as well as, give public safety the adequate space they need. He stated that the County was a value shopper and didn't want to ask the taxpayers for money to do capital projects. The last time the taxpayers were asked for money for capital projects was 20 or more years ago for the Fair and Expo Center and also for the Veterans Home, which wasn't a facility for Linn County as a governmental entity, and the voters overwhelmingly supported. He stated that the County tries to get the best value for taxpayers in all that they do and the project with the Wheelhouse was a great example. Commissioner Nyquist then acknowledged staff for their hard work and the

difficult situation moving forward in determining who would move into the Wheelhouse property.

Commissioner Sprenger stated that she had asked for a group of staff members to discuss the occupancy of the Wheelhouse and then to give the Board several possible proposals to review. She wanted to know where they were with that and when the Board could expect to see those proposals. Mr. Lane stated that he had been working with Russ Williams, Linn County General Services Director and his team, as well as, meeting with Department Heads and Elected Officials. He anticipated presenting a proposal to the Board in the next few weeks. He stated that the County had contracts with the existing clients occupying the Wheelhouse and would honor all contracts currently in place. Commissioner Sprenger stated that she was not interested in moving to the Wheelhouse and wanted to stay at the Courthouse.

Commissioner Nyquist acknowledged that the Sheriff had been patient through this process and understood the Board's goal to be value shoppers and to make investments at the right time so the County wouldn't have to ask for a bond for capital projects.

**Action – Commissioner Tucker moved and Commissioner Sprenger seconded the motion to approve Order 2023-433. The vote was called. The motion passed unanimously.**

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.

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

16. Announcement: The regularly scheduled Board meeting on Tuesday, December 26, 2023 is rescheduled to Wednesday, December 27, 2023 at 9:30 a.m. due to the holiday.

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

**Dave Dillon, President, Food Northwest** – Mr. Dillion asked the Board to not allow the recent confined animal feeding operations (CAFO) siting amendments to go into effect.

A lengthy discussion followed regarding Mr. Dillion's statements of the lack of notice for the Public Hearing regarding this matter [held on Tuesday, December 12, 2023], as well as, his comments about the Board's interaction with the agriculture community. He provided the Board with a copy of his written statement which is on file in the Linn County Clerk's Office in the Commissioners' Staff File.

**Scott Ruby, Dairy Farmer from Scio** – Mr. Scott stated he missed that this matter had gone before the Planning Commission and felt terrible about that because there were very few animal agriculture farms left in Linn County. He asked the Board to please reconsider the moratorium they decided on last week. He stated that the newspaper reported that it would put a moratorium on any new CAFO in Linn County and would have to be a one-mile setback from the CAFO location for any new CAFO. He asked the Board if that was correct and Commissioner Tucker responded that the newspaper was not quite correct and that it had to do with large chicken CAFO's in Linn County.

Commissioner Nyquist stated that the Board has a 20-year track record of recognizing and supporting farmers; the County values what you do. He stated that there needed to be an ongoing conversation going forward.

**Tim Christopher, Northwest Chicken Counsel** – Mr. Christopher stated that he didn't believe that anything was intentional but it was obvious that a bunch of people missed out in participating in the public hearing so he asked the Board to keep the discussion opened to include other members of the Oregon Department of Agriculture (ODA), Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ). Mr. Christopher asked the Board if they had seen the research of the Maryland DEQ study that has the largest concentration of poultry farms in the nation. Mr. Christopher cautioned the Board to be open to the idea of continuing this discussion before implementing the one-mile setback. It would put a damper on large scale food production. He stated that he wished the Board would have gone to the operation site to see how the chicken litter was housed and dried on a concrete pad and covered; it's highly regulated and safe. He again asked the Board to be open-minded and wait to implement the setback and, possibly, hear more testimony since there were so many people that missed out.

**Erik Simon, poultry farmer in Scio** – Mr. Simon stated that, for a long time, he has engaged the public on this matter and appreciated the testimony of Commissioner Sprenger; he made it to every Senate hearing and testimony that he could but had missed the one before the County. He stated that when he saw the one-mile setback, it was the world's farthest setback anywhere on the planet and was a punch in the gut and he didn't understand it. Mr. Simon stated that he lives 400 feet from 20,000 birds and, when Senate Bill 85 came out, he figured it would be a reasonable setback such as 1,000 feet based upon how many birds there were. To read in the *Democrat-Herald* that there's a legacy of pollution and animal cruelty was a punch in the gut; the animal activist put out this propaganda. Mr. Simon stated that there was time for the Board to reconsider their decision. He stated that he was sorry he wasn't involved in the County's process but it wouldn't happen again.



**Ron Edwards, 875 Lebanite Drive, Lebanon, OR** – In regard to Green Peter Dam and the U.S. Corps. of Engineers, Mr. Edwards stated that he had called to find out if all the information he had supplied to the Corps. was now an official record, however, he hasn't heard back from them. Mr. Edwards stated that he had found the complete data on the flood of 1996 and provided the Board with a copy which is on file in the Linn County Clerk's Office in the Commissioners' File.

Mr. Edwards stated that he appreciated the Board's comment that all that people needed to do was get in touch with them and they would engage. He wished they would tell that to everyone else in the County as he has things to offer. Mr. Edwards stated that he spoke with the Mayor of Sweet Home, along with her staff, and they appreciated the discussion; they now have a firm idea of what's going on.

18. Adjournment. There being no other business to come before the Board; the Board of Commissioners meeting was adjourned at 11:08 a.m. by unanimous consent.

The next regular public meeting of the Board of Commissioners is scheduled at 9:30 a.m. on **Wednesday, December 27, 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 1-3-2024