

**APPROVED BY ORDER # 7-06-260**

**MINUTES OF THE  
LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MEETING OF JULY 5, 2006**

**CALL TO ORDER**

Chair Don Lindly convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Bill Hall, Commissioner Terry Thompson, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Patty Baldwin; Assistant County Counsel Rob Bovett; Public Works Director Jim Buisman; Attorney Kurt Carstens; Joel Gallob from the *News-Times*; and Kiera Morgan from KNPT radio.

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

Chair Lindly was out of the county for this meeting. A quorum was established.

**RECOGNITION/PROCLAMATION**

**ADOPTION OF CONSENT CALENDAR**

Vice-Chair Hall introduced the Consent Calendar items. Counsel Belmont noted that item G.2.a. should read 2<sup>nd</sup> amendment, not 5<sup>th</sup> amendment, to the Lincoln County Restated Flexible Spending Account Plan. Commissioner Thompson made a motion to adopt the Consent Calendar as amended. Commissioner Hall seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO ADOPT THE CONSENT  
CALENDAR OF JULY 5, 2006 AS AMENDED**

**CONSENT CALENDAR ITEMS**

*Minutes of the Board of Commissioners Meeting*

7-06-253 BOC meeting minutes of June 28, 2006

*Commissioner Appointments & Resignations*

7-06-254 Ratifying members of the Lincoln County Mental Health Advisory Committee

7-06-255 Appointment of Gina Tapp to the Region 4 Workforce Investment Board

License Applications or Renewals

Tax Foreclosure, Right-of-Way, Sales and Deeds

General Budget Resolutions

Acting as Governing Body of County Wide Service Districts

Documents and Recording Matters in the Commissioners Journal

Execution and recordation of:

- 7-06-256 Amending the Lease Agreement between Yaquina Bay Development Corporation dba Newport Business Plaza East and Lincoln County
- 7-06-257 Subcontract between Oregon Social Learning Center and Lincoln County Community Corrections
- 7-06-258 Agreement with the Lincoln County Children's Advocacy Center and Lincoln County for services for the Healthy Family Project

Recordation of:

- 7-06-259 2<sup>nd</sup> amendment to the Lincoln County Restated Flexible Spending Account Plan

Execution of:

Use Agreement between The Salvation Army and Lincoln County Solid Waste Disposal Service District for property located at 626 and 636 SW 9<sup>th</sup> Street, Newport, to be used as a glass recycling site

**PUBLIC HEARING**

**Public hearing on a petition to vacate a portion of County Road No. 705**

Public Works Director Jim Buisman stated for the record that the Affidavit of Posting and Affidavit of Service were submitted to County Counsel. Counsel Belmont noted the Proof of Publication of Notice for the hearing. Mr. Buisman described the location of the subject property in the Bayshore area. He referred to the Assessor's map of the area, and described the road that was one time County Road 705. A corner of the property is within the mean high water line of the Alsea Bay. The petition submitted by the residents of the subject area has been modified, and is reflected in the staff report. Mr. Buisman discussed some challenges that occurred with this

vacation request. He described the history of the road's use and the original vacation request of the east-west section, not the north-south section. The request was modified to include both east-west and north-south. Mr. Buisman described much of the property as undeveloped, or covered in vegetation typical of a coastal dune area. He didn't find any evidence of a developed county road. He discussed the history of the subdivision dating back to 1890. The subdivision plat preceded the county road. Mr. Buisman recommended the Board grant the vacation request.

Vice-Chair Hall invited the applicant to come forward. Attorney Kurt Carstens, agent for the applicant, approached the Board. He referred to the Assessor's map and pointed out the applicant's property, and described the history of the applicant's property purchases. Mr. Carstens commended Mr. Buisman for his assistance in working with Carstens' office on this vacation request. He stated his agreement with Mr. Buisman, in that he doesn't see a future effect of granting this vacation since it is contained within two people's properties.

Vice-Chair Hall invited public comment. Patty Baldwin, property owner adjacent to County Road 705, had questions regarding the proposed vacation request. Mr. Buisman clarified the location of the proposed vacation, which does not abut her lot. There was no additional comment heard from the public. Vice-Chair Hall closed the public hearing. Counsel Belmont stated that if it is the consensus of the Board to proceed with the vacation, staff will prepare an Order for action at next week's Board meeting. Mr. Carstens confirmed that when the property ordinance is signed, it will designate specific descriptions with each road location. The Board gave consensus to move ahead.

### **Public hearing on a petition by property owners to voluntarily annex their property into the For Far Special Road District**

Assistant County Counsel Rob Bovett received a request from the district to prepare a petition to annex certain property into the road district. He commented on potential development intentions for some of the property within, and the owners of that undeveloped land have asked to be included in the district. This does not require an election or a special hearing. Notice of this hearing was sent to the petitioner and the district. If the Board approves this annexation, staff will prepare an Order for action at next week's board meeting.

Vice-Chair Hall opened the public hearing. There were no questions by the Board. Vice-Chair Hall requested public comment, of which there was none. Mr. Bovett stated that one minor typographical change will need to be made to the Order, but it can still be moved to the Consent Calendar for next week. The Board gave consensus to proceed.

### **DECISION/ACTION**

Vice-Chair Hall announced that the Measure 37 claim scheduled for today by Matthew and Alice Gruber will be postponed until next week. The Grubers' attorney wants to submit a letter for the Board's consideration.

**DISCUSSION/INFORMATION**

Vice-Chair Hall announced that the uniform rate report for North Lincoln Sanitary will also be postponed until next week.

**BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS**

**REPORTS**

Vice-Chair Hall reported that the County was awarded \$195,000 in grants to establish a Lincoln County Drug Court. He thanked all those in and out of the County organization who were involved in obtaining this grant, with a tip of the hat to Assistant County Counsel Rob Bovett for writing the grant application.

**CONSTITUENT INPUT**

**EXECUTIVE SESSION**

The Board held an executive session pursuant to ORS 192.660(2)(d) to discuss labor negotiations.

**ADJOURNMENT**

The meeting adjourned at 10:40 a.m. These meeting minutes were read and approved this 12th day of July 2006.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

EXCUSED

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**DON LINDLY**, Chair

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**BILL HALL**, Commissioner

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**TERRY N. THOMPSON**, Commissioner