

APPROVED BY ORDER # 1-07-448

**MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2007**

CALL TO ORDER

Chair Bill Hall convened the adjourned session of the Lincoln County Board of Commissioners. Present at the meeting were Commissioner Terry Thompson, Commissioner Don Lindly, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Bruce Durkee; County Surveyor Tom Hamilton; Kiera Morgan from KNPT radio; and Tom Swinford.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

ADOPTION OF CONSENT CALENDAR

Chair Hall introduced the Consent Calendar items. Commissioner Lindly commented on the number of applications the County has received thus far for the Lincoln Land Legacy Advisory Committee, including that of Jim Adler, an appointee on today's agenda. Commissioner Lindly made a motion to approve the Consent Calendar in its entirety. Commissioner Thompson seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO APPROVE CONSENT
CALENDAR OF JANUARY 24, 2007**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

1-07-441 BOC Meeting Minutes of January 17, 2007

Commissioner Appointments & Resignations

1-07-442 Appointment of Jim Adler to the Lincoln Land Legacy Advisory Committee

License Applications or Renewals

1-07-443 Issuance of an Oregon Liquor Control Commission Liquor License to Judy Joubert, dba Stone Crest Cellars

1-07-444 Issuance of an Oregon Liquor Control Commission Liquor License to Amritpal, Inc., dba Neighborhood Market 101

1-07-445 Issuance of a Junk and Secondhand Dealer License to D.C. Peterson Enterprises, Inc.

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:

1-07-446 Agreement (Subcontract) between Lincoln County and Lincoln County Council on Alcohol and Drug Abuse for provision of Alcohol and Drug Outreach Worker for DHS under terms and conditions of Intergovernmental Agreement No. 119551.

Recordation of:

1-07-447 Amendment # 4 to IGA # 117539 between Department of Human Services and Lincoln County Health and Human Services. The Amendment increases funding for pandemic flu and WIC services.

PUBLIC HEARING

DECISION/ACTION

DISCUSSION/INFORMATION

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

Tom Hamilton, County Surveyor: Boundary issues at Elk City Cemetery

Mr. Hamilton described the location and age of the road where the Elk City Cemetery resides, and provided some history of the cemetery, which dates back to the late 1800s. He discussed the

inaccuracy of some of the deeds; the County's foreclosure of some of the parcels since they are tax lots and have tax consequences; and the request made by Greed Diamond Timber Company to harvest some of the timber on the cemetery property. Mr. Hamilton stated that after a recent survey, it was determined that the physical location of the cemetery does not match the legal description. The site was found to be approximately 300+ feet south and east of where the deed stated. Upon examining the location described on the deed, staff concluded that no one had been buried at that location. Mr. Hamilton discussed the old growth trees still uncut on the property. A meeting was held with local residents in the area, a representative from Green Diamond Timber, and Mr. Hamilton, during which plans were discussed for cleaning up the deed discrepancies and harvesting some of the timber on the site. A survey was done, and a new legal description drawn. Mr. Hamilton referred to conditions of detail on the contract that County Counsel will review.

Mr. Hamilton presented a slideshow about the cemetery to the Board of Commissioners. Chair Hall inquired about the date of the oldest grave. Mr. Hamilton responded that only a third or so of the site is being used, but did not know the date of the oldest grave. He added that there are dozens of graves, but probably less than 100, many of which are in a state of disrepair.

Mr. Hamilton mentioned that there is an access road on one portion of the site, which crosses over Green Diamond property. Green Diamond is requesting a reciprocal easement in which the County will be granted access to use the road that crosses Green Diamond's property, if in return, the County will grant Green Diamond access to the portion of the road that crosses the cemetery property so Green Diamond can access the timber on the other side. Mr. Hamilton added that there are some minor legal conditions that Counsel Belmont can negotiate.

Chair Hall commented on the benefits of the easement. Counsel Belmont stated that if there is consensus by the Board to move forward with the easement, there are three things that must be done: approve the proposed boundary line adjustments administratively by the Planning Department; establish a boundary line agreement; and finalize a reciprocal easement with Green Diamond Timber. The Board gave consensus to move forward.

There was discussion regarding abandoned cemeteries in Lincoln County. Mr. Hamilton mentioned a book entitled At Rest in Lincoln County, in which various cemeteries in Lincoln County are described.

Commissioners' Reports

Commissioner Lindly reported that the County received news about the Head Start property that the County has had some difficulty obtaining. Head Start recently received an \$800,000 grant for completion of the funding arrangement for the new facility, but the processed was held up with Housing and Urban Development, who provided the money. The County has been in the process of requesting a waiver to accommodate environmental technicalities. Word came in from the

Portland HUD Office that the requested waiver was signed and Lincoln County will be receiving it shortly.

Commissioner Lindly mentioned that Senators Wyden and Smith have joined with Senator Feinstein to put an attachment on a bill that would extend the County's Secure Rural Schools and Community Self-Determination Act for one year. The attachment is on a minimum wage bill that is in the Senate. If the Senate approves it, it might authorize one more year of funding at the current level.

Commissioner Thompson stated that during his recent vacation in Hawaii, he met with some contacts in the County of Hawaii to discuss wave power generation and emergency services programs in relation to the agreement that Lincoln County is collaborating with its local fishermen. They discussed better communications between the law enforcement of Lincoln County and the County of Hawaii. Commissioner Thompson discussed plans with the Undersea Cable Committee.

CONSTITUENT INPUT

Bruce Durkee of Newport and Tom Swinford of Toledo approached the Board to request use of County roads during the annual Newport Marathon, which will be held on June 2, 2007. The Fodor's travel publication company decided to publish a book on marathons across America, and the Newport Marathon was included in the edition. One marathon is featured according to each month, with 12 chapters in the book. Newport is featured in the June chapter. Mr. Durkee stated that 300 people have already registered for the race. He commented on a Eugene marathon that is occurring in April. The marathon has raised over \$200,000 thus far for track and field programs for the Lincoln County School District.

Commissioner Thompson inquired about available scholarships for local schoolchildren. Mr. Durkee responded that there are four \$500 scholarships every year for two boys and two girls that are in the track and field programs. The only requirement is that the students bring a college transcript to the marathon committee prior to actually receiving the scholarship. The committee has given approximately 30 scholarships thus far.

Mr. Durkee specified that the committee is requesting closure of the eastbound lane on Yaquina Bay Road from 7:00 – noon, coordinated through the County Road Department.

Mr. Swinford added that a runner's training class started last night. Mr. Durkee added that since the marathon's inception, participation in track and field programs has increased in Lincoln County. The Board gave consensus to allow closure of a portion of the eastbound lane of Yaquina Bay Road on June 2, 2007 from 7:00 a.m. – noon for the Newport Marathon.

Chair Hall announced that the next Board of Commissioners meeting will be held on Wednesday, January 31, in the BOC conference room. There will *not* be a Board meeting on Wednesday, February 7.

EXECUTIVE SESSION

ADJOURNMENT

The meeting adjourned at 10:15 a.m. These meeting minutes were read and approved this 31st day of January 2007.

LINCOLN COUNTY BOARD OF COMMISSIONERS

BILL HALL, Chair

TERRY N. THOMPSON, Commissioner

DON LINDLY, Commissioner

APPROVED