

APPROVED BY ORDER # 3-07-509

**MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF MARCH 21, 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 N. Thompson, Commissioner Don Lindly, County Counsel Wayne Belmont, and Recorder Liz Sample. Also present were Teen Court Coordinator Mindy Baxter; Public Works Director Jim Buisman; Assistant Juvenile Director Mike Hart; Kiera Morgan from KNPT radio; Juvenile Director Alan Peterson; and Debra Spoelstra from Community Development Corporation.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

ADOPTION OF CONSENT CALENDAR

Chair Hall introduced the Consent Calendar items. There were no items highlighted or deleted. Commissioner Thompson made a motion to approve the Consent Calendar in its entirety. Commissioner Lindly seconded the motion. The vote was taken and the motion passed unanimously.

**MOTION TO ADOPT CONSENT CALENDAR OF
MARCH 21, 2007**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

3-07-503 BOC Meeting Minutes of March 14, 2007

Commissioner Appointments & Resignations

License Applications or Renewals

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

3-07-504 Quitclaim deed for certain tax acquired property to Jeremy E. Martin, Janet M. Martin, and Derek S. Martin, Map 14-12-11-CA, Tax Lot 5700, Purchase Price \$324.87

General Budget Resolutions

07-21-03A In the matter of adjusting the 2006-2007 budget appropriations for Lincoln County

Acting as Governing Body of County Wide Service Districts

Documents and Recording Matters in the Commissioners Journal

- 3-07-505 Agreement between Lincoln Community Health Center and Good Samaritan Hospital Corvallis
- 3-07-506 Amendment #40 to IGA # 113007 between the Department of Human Services and Lincoln County Health and Human Services
- 3-07-507 Amendment #41 to IGA # 113007 between the Department of Human Services and Lincoln County Health and Human Services

PUBLIC HEARING

Continuation of public hearing from March 14, 2007 regarding a petition to vacate a portion of Clark Loop, County Road # 567

Public Works Director Jim Buisman was not present at last week's hearing due to schedule conflicts, but is present today to respond to any questions from the commissioners. Chair Hall opened the public hearing.

Mr. Buisman thanked the Board for continuing the hearing to today. The Board has his affidavit of service and affidavit of posting in the record. He described the photos of the subject property. The loop is approximately 1/10 mile long because of the width of Business 20. The existing surface is 16 feet, which is substandard for pavement width. He mentioned that the highway commission sold a parcel (referred to on a map) to Vincent Moore in 1942, but the current map shows it as part of the right-of-way, perhaps leading the petitioners to believe that they own the parcel. If the request for the petition is granted, the issue is satisfied. Mr. Buisman received a letter from Quest requesting an easement be maintained for utilities. Referring to the surveyor's maps, Mr. Buisman described the parcel that extends out into the pavement, and the encroachments that were discussed by the petitioners. He detailed the photos that were submitted to the Board.

Counsel Belmont inquired if Mr. Buisman had a copy of a conveyance from the State to the County that was originally done when the County obtained Clark Loop, because there might be language in the document that would require the road revert back to the State if it isn't doesn't continue to be used as a County road. Mr. Buisman agreed to look for such a document. There was discussion regarding the Myers' property and how an easement would affect their access to it. Mr. Buisman responded that if an easement was granted, the petitioners' issues regarding access might be resolved.

Chair Hall called for public testimony in favor of the request. Karen Cornwall, chief petitioner, provided her approval. There was no testimony in opposition. Chair Hall closed the public hearing and called for a motion. Commissioner Lindly made a motion to approve the petition for a vacation of a portion of Clark Loop, while retaining an adjusted easement for public and utility travel. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**A MOTION TO APPROVE THE PETITION FOR
A VACATION OF A PORTION OF CLARK LOOP,
WHILE RETAINING AN ADJUSTED EASEMENT
FOR PUBLIC AND UTILITY TRAVEL**

Staff will prepare an Order for approval at a future date.

DECISION/ACTION

Authorizing Lincoln County to enter into an emergency contract for repairs on Immonen Road

Mr. Buisman stated that the landslide currently covers approximately 17-18 acres. He described the location of the slide on Immonen Road, what repairs have been done thus far, and what plans the County Road Department has for continuing repairs. He stated that various portions of the slide are moving at different rates. The area where the slide sits is the only entrance and exit to the quarry and the local residences beyond the slide. The school district won't continue bus service to the area due to the deteriorating road surface as it currently exists. Mr. Buisman added that there is a steep grade through this area, and in order to operate the asphalt plant, large trucks have to haul heavy loads of asphalt up and down the grade. As a result of the slide, delivery of the loads will have to cease or reduce their tonnage.

Mr. Buisman stated that Bill Cox, County Road Engineer, is working with FEMA regarding possible reimbursements for County funds spent on the Immonen Road repairs. There has not been a contractual agreement at this point, but progress is being made. Mr. Buisman stated that approximately \$150,000 has already been spent on repairs, and he expects to spend approximately \$100,000 more for the temporary fix. He added that it might cost the County another \$250,000 for the permanent fix when the slide finally comes to a halt. Much will depend on how much of the temporary fix is salvageable. Commissioner Thompson inquired about how much FEMA might reimburse, assuming a contract is finalized. Mr. Buisman explained that FEMA has numerous rules for reimbursement. If the County uses its own workforce, FEMA might reimburse for labor, material, and overtime costs up to 75%, but it will not pay for regular work hours. If the County uses contract labor, everything is reimbursable at the 75% rate (including non-overtime labor hours). The County is trying to get FEMA to reimburse for both the temporary and the permanent repair work.

Mr. Buisman added that the County currently does not have the equipment needed for the repairs, so contract labor is inevitable, thus giving the County a higher percentage of reimbursement (if granted).

Mr. Buisman reiterated the status of the conversations between Mr. Cox and FEMA. He discussed the conflict between FEMA's and the County's geotechnicians' analyses of the cause of the slide, which the County attributes to the heavy rains in November 2006, though the slide didn't occur until December. In response to a question by Chair Hall, Mr. Buisman stated that, if the Board approves the request for emergency repairs, work can begin as soon as there is dry weather. With steady favorable weather, the temporary plan could be finished roughly by the end of April. If the Board does not authorize the repairs, the County will have to live with the road as it sits in its current state, without school bus service and the possibility of quarry closure if the trucks cannot access the road anymore.

Commissioner Thompson expressed concern over the possibility of not getting Timber Bill funds, and possibly not getting reimbursed by FEMA. There was discussion regarding the future of the Road

Department, whose budget largely comes from the receipt of Timber Bill funds. He stated that the County might someday be in the situation in which it will need to reprioritize which roads receive maintenance, and to what levels of maintenance they will receive in the future. Mr. Buisman discussed the unpredictability of the slide, stating that circumstances could change at any moment.

Commissioner Lindly commented on the need to protect the residents of the Immonen Road area, as well as the businesses relying on the use of the road. He made a motion to execute and record Order # 3-07-508 authorizing Lincoln County to enter into an emergency contract for repairs on Immonen Road. Commissioner Thompson seconded the motion. Chair Hall added his sentiments regarding the larger economic impacts of the area, and called for a vote in favor of the emergency repairs. A vote was taken and the motion passed unanimously.

**MOTION TO EXECUTE AND RECORD ORDER #
3-07-508 AUTHORIZING LINCOLN COUNTY TO
ENTER INTO AN EMERGENCY CONTRACT
FOR REPAIRS ON IMMONEN ROAD**

DISCUSSION/INFORMATION

Debra Spoelstra, Community Development Corporation's Property Asset Manager, stated that a new resident director, David Huntington, had been hired at CDC since Dr. Bart Boyer resigned his post. There are currently no vacancies; there is a waiting list in case vacancies arise. Five families moved into their first home this year. The Individual Development Accounts program started, which encourages saving for home ownership, higher education, or self-employment. Ms. Spoelstra described the T-Rex program; the community room; the new Ridge Library; the emergency drills; and the Ridge Kids program. She commented on the positive growth resulting from the courses on community values. Ms. Spoelstra requested continued support in waiving taxes of the Ridge Apartments. The 15th year of this waiver allowance ends in 2 ½ years (December 2009). At that point, a decision must be made on what to do with the property.

Commissioner Lindly stated that The Ridge Apartments qualifies for the tax exemption under state law. There are three different qualifiers: low, high, and tax credit, any of which must qualify in order for a resident to move in. Ms. Spoelstra responded to a question concerning ethnicity, during which she stated that approximately 65% of the residents at The Ridge are Hispanic.

Though this was scheduled to be a discussion item, the Board found no reason why it couldn't act on it today. Commissioner Lindly made a motion to continue the tax exemption for low income housing under the provisions of state law to the Ridge Apartments. Counsel Belmont stated that the Board Chair can sign a memorandum to the Assessor's Office indicating the Board's desire for the tax exemption. Commissioner Thompson seconded the motion. A vote was taken and the motion passed unanimously.

**MOTION TO CONTINUE THE TAX EXEMPTION
FOR LOW INCOME HOUSING UNDER THE
PROVISIONS OF STATE LAW TO THE RIDGE
APARTMENTS**

BOARD OF COMMISSIONERS AS GOVERNING BODY OF COUNTYWIDE SERVICE DISTRICTS

REPORTS

Alan Peterson, Juvenile Department Director, and Mindy Baxter, Teen Court Coordinator, provided the department's annual report to the Board of Commissioners. Mr. Peterson distributed a summarized report of statistics. He discussed stats as they pertained to individual youth; referrals; total allegations; zero tolerance at schools; trend in sexual offenders; crimes against property; other crimes/offenses; dispositions; community service programs; male versus female offenders; and more.

Commissioner Thompson requested information on which area of the county has the highest risk youth so the County can determine where funding should be allocated to agencies in those areas. There was discussion about single father parenting; children being raised by relatives or people other than their parents; and programs geared to single parent families.

Ms. Baxter discussed the Teen Court program in Lincoln County, which is in its 12th year. When the program started, there were only eight teen courts in the state, and now there are 35, ten of which are county peer courts. Lincoln County's Teen Court program has been the model for which others follow. Ms. Baxter mentioned that Lincoln County is on the forefront in dealing with underaged drinking. She stated that the volunteer teenagers and the Teen Court judge are valuable assets to the program. A recommendation from the Attorney General's Task Force for Underaged Drinking (on which she sits) was a state funding base for teen courts statewide. The funding source for the teen courts was not introduced to legislation, but the possibility of a malt beverage tax was discussed. Commissioner Thompson discussed the malt beverage tax. Ms. Baxter discussed statistics associated with underage drinking, with Lincoln County at the high end. She mentioned that the gender gap between male and female underaged drinking is closing.

Commissioner Thompson expressed his desire to see the social attitude of drinking change in kids' eyes. Commissioner Lindly commented on the effect these programs are having on kids since they are being judged by their peers. There was discussion regarding the reasons for the numbers of minors in possession increasing, which isn't necessarily that more youth are drinking, but that more are being caught. Mr. Peterson discussed the reason the Lincoln County Teen Court was established and how it has benefited the youth of our county. He stated that very few counties fund their juvenile departments to the degree that Lincoln County does. The Board thanked Mr. Peterson and Ms. Baxter for their hard work with the youth programs.

Commissioners Reports

Counsel Belmont stated that Plum Creek Timberlands, LLP (Plum Creek), has granted an extension of time beyond the 180-day deadline for Lincoln County to act on the claimant's Measure 37 claims. The extension shall run to November 22, 2007 (less than 180 days extension, but coinciding with the Board of Commissioners meeting schedule), and will allow the County to gather necessary information to determine the validity of the claims. He noted that no one is waiving the claims, just granting the time extension. A press release will be issued from the BOC Office. Commissioner Lindly inquired about the possibility of State legislature enacting laws that extend or suspend the designated timeframes. County Counsel Wayne Belmont replied that if such laws are enacted and applicable to Plum Creek's claims, the

longest period in which to act (either the agreed upon extension or the legislatively enacted date change) shall apply.

Commissioner Thompson stated that he, County Counsel Wayne Belmont, and Assistant County Counsel Rob Bovett testified about wave action generators on Oregon's coastline. Commissioner Lindly and Chair Hall attended the Education Summit hosted by the Economic and Community Development Alliance.

Chair Hall announced that he will not be in attendance at next week's Board of Commissioners meeting, as he will be taking his first vacation as a serving Board member.

CONSTITUENT INPUT

EXECUTIVE SESSION

ADJOURNMENT

The meeting adjourned at 11:20 a.m. These meeting minutes were read and approved this 28th day of March 2007.

LINCOLN COUNTY BOARD OF COMMISSIONERS

BILL HALL, Chair

TERRY N. THOMPSON, Commissioner

DON LINDLY, Commissioner