

**APPROVED BY ORDER # 7-09-152**

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

**MEETING OF July 1, 2009**

**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 PIO Casey Miller.

**ROLL CALL - ESTABLISHMENT OF A QUORUM**

**RECOGNITION/PROCLAMATION**

First item discussed on the consent calendar was recognition and proclamations. Commissioner Hall read the proclamation, proclaiming July 5 -11, 2009 "Master Gardener Week in Lincoln County." Sam Agima of OSU Extension and Charles Dallas of Lincoln County Master Gardeners Association provided details about the various projects and events conducted by Master Gardeners throughout Lincoln County

**ADOPTION OF CONSENT CALENDAR**

Chair Lindly introduced the Consent Calendar items. Wayne Belmont commented that there were two Resolution items added to the Consent Calendar that pertained to last year's budget. Commissioner Thompson made a motion to approve the Consent Calendar in its entirety. Commissioner Hall seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE CONSENT CALENDAR OF  
July 1, 2009**

**CONSENT CALENDAR ITEMS**

**Minutes of Board of Commissioners Meeting**

- Order # 7-09-138      BOC Meeting Minutes of June 17, 2009
- Order # 7-09-139      BOC Meeting Minutes of June 24, 2009

License Applications or Renewals

Order # 7-09-140 Renewal of a DMV Business Certificate as a Wrecker of Motor Vehicles to 23<sup>r</sup> Street Auto Wrecking & Towing, Inc.

Order # 7-09-141 Renewal of a DMV Business Certificate as a Wrecker of Motor Vehicles to Lincoln City Towing

General Budget Resolutions

Recordation of Resolution #6-30-09E Closing the DUII-M3 Forfeiture Fund

Recordation of Resolution # 6-30-09F Adjusting the 2008-2009 Adopted Budget Appropriations for Lincoln County

Documents - Recording Matters in the Commissioners Journal

Order # 7-09-142 Satisfying a Local Improvement Project (LID) Lien of Assessment Against Certain Real Property Due to Payment in Full (Westwood Village; Owner: Marwood; 13-10-32-DB, TL 3801)

Order # 7-09-143 Facility Grant Cooperative Agreement No. 1375 between Lincoln County and State Marine Board for Bear Creek Park Boating Facility Improvements

Order # 7-09-144 Contract between State of Oregon Marine Board and Lincoln County Sheriff's Office for Boating Safety and Law Enforcement Services

Documents - Execution Only

Agreement # 26077 between State of Oregon Public Transit Division and Lincoln County Transportation Service District for Transit Operations

**PUBLIC HEARING**

Request for Comprehensive Plan Map Amendment and Zone Change and Conditional Use Permit, Case File Nos. 1-LUPC-ZC-09 and 3-C-PC-09 – Applicant: James Whisler

Chair Lindly said the Planning commission had previously reached unanimous approval of the applicants request for zone change that would allow for the building of a mini-storage facility located in the rural community of Rose Lodge. Chair Lindly opened the hearing and asked if any commissioners had any declarations of conflicts, abstentions, or ex parte contacts by Commissioners. Commissioners Hall, Lindly and Thompson had none. Wayne Belmont then provided guidelines of the public hearing process. Matt

Spangler clarified that the comprehensive plan amendment and zone change was the emphasis of the hearing and that the conditional use permit was agreed upon by the Planning Commission. Commissioner Hall acknowledged ODOT support for the request but asked about the traffic impact of such a facility. Mr. Spangler said ODOT did a threshold evaluation and determined that there was no need for a traffic impact analysis. Applicant Jim Whisler and Dawn Pavitt stated that they agreed with Matt Spangler and the Planning Commission. Chair Lindly asked if there were any comments from Commissioners or any in the audience who were in opposition and there were none. He then closed the public hearing. Counsel Belmont recommended that Commissioners make a motion to approve the recommendations of the Planning Commission, to grant the applicants a comprehensive plan amendment and a zone change resolution of intent to rezone, process, Case File Nos. 1-LUPC-ZC-09 and 3-C-PC-09 subject to the conditions contained in the planning commissions final order dated April 27<sup>th</sup>, 2009. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE THE RECOMMENDATIONS OF THE PLANNING COMMISSION, TO GRANT THE APPLICANTS A COMPREHENSIVE PLAN AMENDMENT, AND A ZONE CHANGE THROUGH THE RESOLUTION OF INTENT TO REZONE PROCESS CASE FILE NOS. 1-LUPC-ZC-09 AND 3-C-PC-09.**

**DECISION/ACTION**

**DISCUSSION/INFORMATION**

**Award of Bids for Vehicle Maintenance Facility Project**

Jim Buisman said that the Economic Stimulus Grant of \$771,00 was for the vehicle maintenance facility project that lengthens the vehicle shop bays to provide more room for working on the newer and larger transit buses. Bid were taken June 16<sup>th</sup>. A letter of recommendation for Quade was made by the architects who reviewed the bids. Jim Buisman said he agreed with the findings to award the base bid to Quade and alternates 1, 3 and 4 for \$868, 715 dollars. A motion was made to award the vehicle Maintenance Facility Project to Quade construction of Lincoln City. Wayne Belmont suggested that the offer include authorization to execute the necessary documents and contracts to undertake the project. Commissioner Hall amended the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO AWARD THE VEHICLE MAINTANCE FACILITY PROJECT TO QUADE CONSTRUCTION OF LINCOLN CITY IN THE AMOUNT OF \$868,715 AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS TO UNDERTAKE THE PROJECT.**

Award of Bids for the Elk City Road # 533 – Toledo Streets Overlay Paving

Jim Buisman stated that the low bid for \$132,335.70 from Road and Driveway of Newport was received June 24<sup>th</sup>, 2009 to overlay 9/10 of a mile of the Elk City Road and includes work for the City of Toledo. Buisman said The City of Toledo would review their bid portion administratively and accept or reject it. Buisman noted that whether or not City of Toledo accepted their portion of the bid the cost for Lincoln County project would remain the same. Commissioner Hall made a motion to approve the bid. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO AWARD OF BIDS FOR THE ELK CITY ROAD  
# 533 – TOLEDO STREETS OVERLAY PAVING TO ROAD  
AND DRIVEWAY OF NEWPORT IN THE AMOUNT OF  
\$132,335.70**

Award of Bids for Yaquina Bay Road # 515 Overlay Paving Project

Commissioner Lindly noted that Yaquina Bay Road project specifically overlays miles 2.5 to 5.7. Jim Buisman critically pointed out that overlay projects are best undertaken and more cost effective to perform before chuck holes and break up are visible. Commissioner Hall made a motion to approve the bid. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**AWARD OF BIDS FOR YAQUINA BAY ROAD # 515  
OVERLAY PAVING PROJECT TO ROAD AND  
DRIVEWAY OF NEWPORT IN THE AMOUNT OF  
\$469,840.44**

**REPORTS**

Commissioners

Commissioners Thompson noted his frequent travels to and from Salem in the last 5 days trying to close the Legislature. He said that it looks like there is 22,000,000 available for the NOAA projects and that we are waiting for NOAA to give the OK on the Newport location. He said we have done everything possible to encourage and provide for them to choose us. He said he had also worked very hard to get the Marine Mammal Institute in Newport as well.

Commissioners Hall noted a couple of pieces of legislation he was working on made it through in the final hours. One was the prescription drug data base for the State. Hall was also named the new chair on the

Governor's Council on Alcohol and Drug Programs but that this Council was being abolished for a new Commission on Alcohol and Drug policy.

Commissioner Lindly said there were a significant number of bills passed in the 11<sup>th</sup> hour. Some of the funding levels were not made public until just before the vote so we were still kind of watching the dust settle to determine if our departments which rely on State funding including or Community Corrections Department and our Sheriff's office on just what level of funding we are going to be receiving. This could have some impact on our budget and require us to make some judgments potentially if the dollars were less than anticipated.

### **CONSTITUENT INPUT**

Juli Dahl and Jerry Hughes reported on problems they encountered while hosting the annual Agate Club's Gem and Mineral Show at the Fair Grounds. The commissioners reminded them of a variety of issues the county's interim management team has had to deal with in operating the facilities.

### **ADJOURNMENT**

The meeting adjourned at 10:35 a.m. These meeting minutes were read and approved this 15<sup>th</sup> day of July, 2009.

## **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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DON LINDLY, Chair

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BILL HALL, Commissioner

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TERRY N. THOMPSON, Commissioner