

APPROVED BY ORDER # 10-09-271

MINUTES OF THE

LINCOLN COUNTY BOARD OF COMMISSIONERS

MEETING OF OCTOBER 21, 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, PIO Casey Miller, and Recorder Judy Eames.

ROLL CALL - ESTABLISHMENT OF A QUORUM

RECOGNITION/PROCLAMATION

Proclaiming October 23-31, 2009 “National Red Ribbon Week” in Lincoln County

Commissioner Hall read Resolution #09-21-10A proclaiming October 23-31, 2009 “National Red Ribbon Week” in Lincoln County. Karianne Aaron, Lincoln Commission on Children and Families (LCC&F) Prevention Coordinator, and Sheila Stiley from the Partnership Against Alcohol and Other Drug Abuse (PAADA) discussed the history of Red Ribbon Week which was created to emphasize measures that can be taken to establish safe, drug-free environments for youth and communities and to provide visible, unified prevention education efforts and consistent messages for zero tolerance for alcohol or other drug use. LCC&F is inviting nominations of community members who have been outstanding in their involvement in prevention and education activities to be named as “Champions” in making a positive contribution in reducing the use of alcohol and other drug abuse. A dinner will be held on October 30, 2009 from 12:00 noon to 2:00 p.m. at the Hallmark in Newport. Application forms are available online at www.lincolncountyccf.com or by calling Ms. Aaron at 541-574-2995. Commissioner Hall made a motion to approve Resolution #09-21-10A proclaiming October 23-31, 2009 “National Red Ribbon Week” in Lincoln County. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE RESOLUTION #09-21-10A
PROCLAIMING OCTOBER 23-31, 2009 “NATIONAL
RED RIBBON WEEK” IN LINCOLN COUNTY**

Proclaiming October 22, 2009 “Lights on Afterschool!” in Lincoln County

Chair Lindly read Resolution #09-21-10B proclaiming October 22, 2009 “Lights on Afterschool!” in Lincoln County. Debbie Jackson and Debra Jones, representing the Youth Development Coalition, emphasized the importance of a safe learning environment to children,

parents, and the community as a whole provided by quality afterschool programs. Support for these programs was expressed by all three commissioners, who thanked Ms. Jackson and Ms. Jones for their work in this area. Commissioner Hall made a motion to proclaim October 22, 2009 "Lights on Afterschool!" in Lincoln County. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE RESOLUTION #09-21-10B
PROCLAIMING OCTOBER 22, 2009 "LIGHTS ON
AFTERSCHOOL!" IN LINCOLN COUNTY**

ADOPTION OF CONSENT CALENDAR

Chair Lindly 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 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
OCTOBER 21, 2009**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

10-09-265 BOC Meeting Minutes of October 14, 2009

Commissioner Appointments & Resignations

10-09-266 Appointing Warren G. Ferris, Robert Llewellyn, Brad Moehlmann, Larry Nixon, Anthony Oram, Meredith Savage, Mark L. Snyder, Susan Woodruff and Maxine Centala as Representatives on the Lincoln County Vegetation Management Advisory Board

10-09-267 Appointing Mary Skiba as Position 6 Committee Members to the Region 4 Workforce Investment Board

Tax Foreclosures, Rights-of-Way, Sales and Deeds

10-09-268 Acceptance of a Slope Easement from Plum Creek Timberlands, LP for the Relocated South Bay Road (County Road #520)

Documents and Recording Matters in the Commissioners Journal

- 10-09-269 Fifth Amendment to 2009-2011 Intergovernmental Agreement #127307 for the Financing of Mental Health Developmental Disability and Addiction Services between State of Oregon Department of Human Services and Lincoln County Health and Human Services
- 10-09-270 Tower Site Lease Agreement between Day Wireless Systems and Lincoln County Emergency Services for the Prairie Creek Site in Lane County

Execution Only

1. Amendment #1 to Jurisdictional Transfer Agreement #759 US 20 Pioneer Mountain – Eddyville between Oregon Department of Transportation and Lincoln County
2. Intergovernmental Agreement #LINC0911-MAC between Oregon Commission on Children and Families and Lincoln County for 2009-2011 County Health Start Medicaid Administrative Activities

PUBLIC HEARING

Recommendations on Request for North Wolkau Road Gate

Chair Lindly opened the public hearing to receive recommendations regarding the placement of a gate on North Wolkau Road located in Section 15, Township 12 South, Range 11 West of the Willamette Meridian in Lincoln County. Public Works Director Jim Buisman reported it was his opinion that the arguments for denying public use of a public road were not sufficient in this case to allow the gate. In the event the commissioners determined they would like to give further consideration to allowing a gate, Mr. Buisman stated he would like more time to conduct additional research on historical rights-of-way in the area and to plot the location of the existing road and recommended that: (1) no permanent decision be made concerning the gate until sometime in 2010, and (2) the dirt portion of the road on both ends be posted during the current winter season with signs prohibiting unauthorized motor vehicle use from November 1, 2009 to June 1, 2010. Motorized access would be limited to certain public agencies/utilities, such as the police, Bonneville Power, etc. After questions from the commissioners concerning issuance of citations and the possibility of increasing fines for littering and vandalism, Counsel Belmont advised that the *Lincoln County Code* could be reviewed concerning enforcement provisions. He stated that the possibility of increasing this type of enforcement in forested areas was being explored with Sheriff Dotson. Mr. Buisman noted that, in his opinion, the county road is not drivable for more than a few miles and that the gate located on the other end is actually located on private property, not on the county road itself.

Commissioner Lindly opened the hearing for public testimony. Hearing none, he closed the hearing. Commissioners Thompson and Hall both expressed concern over restricting public access and indicated they would support Mr. Buisman's recommendations. Chair Lindly stated that there is no additional money available for increased enforcement to monitor unauthorized motorized access, littering or vandalism and suggested that providing keys to a locked gate to those who need authorized motor vehicle access would serve the same purpose. Counsel Belmont noted that the Solid Waste District could be asked to take the matter of additional funding under advisement. Commissioner Hall made a motion to: (1) continue the permanent decision on the placement of the gate to allow staff additional time to conduct further research on the rights-of-way in the subject area, to plot the location of the existing road, and to evaluate alternative methods of minimizing littering and vandalism problems; (2) post the dirt portion of the road during the 2009-2010 winter season with signs prohibiting unauthorized motor vehicle use from November 1 to June 1, and (3) publish and provide notice to interested parties when a date is set for a public hearing in 2010 regarding final determination on the request. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO CONTINUE PERMANENT DECISION
TO A TIME TO BE DETERMINED IN 2010
REGARDING REQUEST FOR PLACEMENT OF A
GATE ON NORTH WOLKAU ROAD AND TO
ADOPT RECOMMENDATIONS OF PUBLIC
WORKS DIRECTOR IN THE INTERIM**

REPORTS

Community Wildfire Protection Plan

Lincoln County Planner Jess Bondy introduced Tera King and Varden Bloch from Northwest Management, Inc., consultants who have worked with the various county partners in developing the Lincoln County Community Wildfire Protection Plan. Funding for the project was provided from the county's Secure Rural Schools Title III program and by the Oregon Department of Forestry from a National Fire Plan grant. In order for local communities to be given consideration by the US Forest Service and Bureau of Land Management in developing and implementing forest management and hazardous fuel reduction projects, and to be eligible for certain federal grants, a plan must be in place. Currently, public meetings have been, or are scheduled to be, held in Yachats, Newport, Eddyville, and Lincoln City to obtain input from residents and businesses, promote awareness of the wild land fire hazards that exist in the county, and to propose workable solutions to reduce wildfire risk. Ms. King presented the commissioners with a rough draft of the plan for review and invited their feedback.

Commissioners

Chair Lindly reported he would be attending the first meeting of the newly formed Infrastructure Authority Board in Salem on Friday, October 23.

A brief recess was taken at 10:25 a.m. The meeting reconvened at 10:30 a.m.

EXECUTIVE SESSION

An executive session was held pursuant to ORS 192.660(2)(d).

ADJOURNMENT

The meeting adjourned at 10:55 a.m. These meeting minutes were read and approved this 28th day of October, 2009.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner