

APPROVED BY ORDER # 9-09-207

MINUTES OF THE

LINCOLN COUNTY BOARD OF COMMISSIONERS

MEETING OF SEPTEMBER 2, 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 September 2009 “Alcohol and Drug Addiction Recovery/Wellbriety Month”

Commissioner Hall read Resolution #09-02-09A proclaiming September 2009 “Alcohol and Drug Addiction Recovery/Wellbriety Month” in Lincoln County, Oregon. Karianne Aaron, from the Lincoln County Commission on Children and Families, and Chandler Davis noted that the purpose of the proclamation is to recognize and appreciate those in recovery. “Hands Across the Bridge” will take place at 10:00 a.m. at the Newport Bridge on September 19, and music and other activities are scheduled from noon to 5:00 p.m. at the Nazarene Church. Commissioner Hall made a motion to approve Resolution #09-02-09A proclaiming September 2009 “Alcohol and Drug Addiction Recovery/Wellbriety Month” in Lincoln County, Oregon. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE RESOLUTION #09-02-09A
PROCLAIMING SEPTEMBER 2009 “ALCOHOL AND DRUG
ADDICTION RECOVERY/ WELL-BRIETY MONTH” IN
LINCOLN COUNTY, OREGON**

Proclaiming September 2009 “Emergency Preparedness Month” in Lincoln County

Chair Lindly read Resolution #09-02-09B proclaiming September 2009 “Emergency Preparedness Month” in Lincoln County. Ann Way, Lincoln County Emergency Preparedness Coordinator for Health and Human Services, and Lt. Curtis Landers urged county residents to “Get a kit, make a plan, be involved and be informed.” Commissioner Hall made a motion to approve Resolution #09-02-09B proclaiming September 2009 “Emergency Preparedness Month” 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 #09-02-09B
PROCLAIMING SEPTEMBER 2009 “EMERGENCY
PREPAREDNESS MONTH” IN LINCOLN COUNTY, OREGON**

Proclaiming September 2009 “Hunger Action Month” in Lincoln County

Commissioner Thompson read Resolution #09-02-09C proclaiming September 2009 “Hunger Action Month” in Lincoln County. Nancy Smith, Executive Director of Lincoln County Food Share, described the increased need for food in the community and listed food bank sites within the county (Waldport, Toledo, Siletz, Nashville, Newport, Depoe Bay and Lincoln City). Additional information on the Food Banks can be found on the internet at: foodsharelincolncounty.org. Commissioner Thompson made a motion to approve Resolution #09-02-09C proclaiming September 2009 “Hunger Action Month” in Lincoln County. Commissioner Hall seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO APPROVE RESOLUTION #09-02-09C
PROCLAIMING SEPTEMBER 2009 “HUNGER ACTION
MONTH” IN LINCOLN COUNTY, OREGON**

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
SEPTEMBER 2, 2009**

CONSENT CALENDAR ITEMS

Minutes of the Board of Commissioners Meeting

9-09-199 BOC Meeting Minutes of August 26, 2009

Documents and Recording Matters in the Commissioners Journal

- 9-09-200 Recording Sales Agreement with Obsidian Technologies, Inc. for Lincoln County Telephone System
- 9-09-201 Intergovernmental Agreement #128019 between Oregon Department of Human Services and Lincoln County for the Financing of Public Health Services for 2009-2010
- 9-09-202 Intergovernmental Agreement #128897 between Oregon Department of Human Services and Lincoln County for the Financing of Environmental Public Health Services – Safe Drinking Water Program for 2009-2011
- 9-09-203 Intergovernmental Agreement #127307 between Oregon Department of Human Services and Lincoln County for the Financing of Mental Health, Developmental Disability and Addiction Services Agreement for 2009-2011
- 9-09-204 Amendment #1 to Intergovernmental Agreement #127307 between Oregon Department of Human Services and Lincoln County for the Financing of Mental Health, Developmental Disability and Addiction Services Agreement for 2009-2011

- 9-09-205 Agreement between Lincoln County and Road and Driveway Company for Overlay of Moonshine Park Road #307
- 9-09-206 Agreement between Lincoln County and Road and Driveway Company for Overlay of Logsdan Road #410

PUBLIC HEARING

Petition to Vacate Toad Road – File #V-159

Lincoln County Public Works Director Jim Buisman entered the Affidavit of Service, Affidavit of Posting, and Affidavit of Publication into the record. He explained the unique history of the subject property: a public road dedication was recorded by the owner in response to a tentative plan approval requirement back in the 1980's. Nothing was done with the recorded public dedication; however, a private road was subsequently created by platting "Toad Hill." The potential public and private rights conflict. Counsel Belmont noted that the status of the public road is in question (it may or may not exist) but the only way to extinguish the public rights and to clear title to the property is to vacate the public right-of-way, if it exists. Petitioners Jeremy VanDamme and Jacque VanDamme filed their petition to vacate the road as a result of this situation. Mr. Buisman indicated that if the road is vacated, there remains some question as to whether an easement to Tax Lots 300 and 400 to use the road, recorded in 1982 in Book 130, page 909, would remain. A letter from Mark R. Hopkin, owner of Tax Lot 300, was entered into the record. Mr. Hopkin expressed concern over the possibility that the easement to his property would be extinguished if the vacation request is granted. Chair Lindly opened the public hearing for testimony.

Petitioners Jeremy VanDamme and Jacque VanDamme testified that the owners of Tax Lot 400 do have a recorded easement to their property. Petitioners stated they have been paying taxes on the property in question as a private road. Mr. Buisman requested that further research be conducted by a title insurance company regarding the subject property. Commissioner Hall made a motion to continue the public hearing to the commissioners' September 16, 2009, meeting immediately following the 6:00 p.m. joint session with the Siletz City Council at Siletz City Hall, 215 West Buford, Siletz. Commissioner Thompson seconded the motion. The vote was taken, and the motion passed unanimously by a vote of 3-0.

**MOTION TO CONTINUE PUBLIC HEARING REGARDING
PETITION TO VACATE TOAD ROAD, FILE V-159, TO
SEPTEMBER 16, 2009 IMMEDIATELY FOLLOWING THE 6:00
P.M. JOINT SESSION WITH THE SILETZ CITY COUNCIL,
215 WEST BUFORD, SILETZ**

DECISION/ACTION

Calling an Election for Local Option Tax – Animal Shelter and Animal Services

Chair Lindly noted that almost twice the number of signatures required to place a measure on the November 3, 2009 ballot have been received to refer a five-year local option tax to the voters of Lincoln County to support animal shelter and animal control services. The measure, if passed, would levy 11 cents per \$1,000 assessed value for five years beginning in 2010-2011. The commissioners noted that the only public input they have received regarding the ballot measure has been favorable. Commissioner Hall moved to approve Resolution #09-02-09D calling for an election on November 3, 2009 to refer a five-year local option tax to the voters of

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 #09-02-09D CALLING FOR AN ELECTION ON NOVEMBER 3, 2009 TO REFER A FIVE-YEAR LOCAL OPTION TAX TO THE VOTERS OF LINCOLN COUNTY

REPORTS

Counsel Belmont distributed a draft copy of a resolution establishing a blue ribbon committee to examine the options for the future of the Lincoln County Fair and voter-approved Facilities Fund. The committee's function will be to report to the commissioners on three issues: the future of the Lincoln County Fair, the future of the Lincoln County Fairgrounds, and the use of the dedicated transient room tax funds. Committee membership would reflect the commissioners' desire to (1) involve representatives of a variety of organizations that have an interest in the future of the fair, fairgrounds, and event facilities; and (2) involve the community at large in determining the direction in which to proceed. The draft resolution lists eight representatives to be appointed by various organizations and five to be appointed by the Board of Commissioners no later than October 13, 2009. The County will provide or fund support services for the committee to accomplish the requested tasks. Chair Lindly requested that the word "horse" be changed to "equestrian" on page 3 of the draft resolution, and that "February 26, 2009" be changed to "February 26, 2010" on page 4. The commissioners directed that the resolution be brought back for adoption in the near future.

ADJOURNMENT

The meeting adjourned at 10:58 a.m. These meeting minutes were read and approved this 9th day of September, 2009.

LINCOLN COUNTY BOARD OF COMMISSIONERS

DON LINDLY, Chair

BILL HALL, Commissioner

TERRY N. THOMPSON, Commissioner