

APPROVED BY ORDER # 4-17-101

MINUTES OF THE
LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING OF December 7, 2016

CALL TO ORDER

Chair Hall called to order the regular session of the Lincoln County Board of Commissioners.

ROLL CALL - ESTABLISHMENT OF A QUORUM

Also present at the meeting were Commissioner Thompson, Commissioner Doug Hunt, County Counsel Wayne Belmont, Public Information Officer Casey Miller and Recorder Tanya Graham.

RECOGNITION/PROCLAMATION

Employee Recognitions:

Chair Hall presented the following Lincoln County employees with service pins and certificates:

1. Stuart Fisher – Juvenile Department – 25 Years of Service
2. Richard Evans – Planning Department – 20 Years of Service
3. David Boys – Sheriff's Office – 15 Years of Service
4. Suzi O'Toole – Parole and Probation – 10 Years of Service
5. Carrie Hays – Health and Human Services – 5 Years of Service

New Hire Introductions:

Del Kruse, Personnel Assistant, introduced four new employees to the Commissioners:

1. Lillian Casey, Animal Care Specialist
2. Ann Stow, Transition Center Tech
3. Michael Kempt, Clinical Counselor 3
4. Nicole Hadley, Victims' Assistant
5. Elizabeth Donner, Clinical Counselor 4 Child and Family
6. Linda Grossman, Clinical Counselor 4

ADOPTION OF CONSENT CALENDAR

Chair Hall introduced the Consent Calendar and the items were reviewed. Commissioner Thompson moved and Commissioner Hunt seconded to approve the consent calendar. The vote was taken and passed unanimously.

**APPROVAL OF THE CONSENT CALENDAR OF
December 7, 2016**

CONSENT CALENDAR ITEMS:

Documents and Recording Matters in the commissioners Journal

Order #12-16-308 Intergovernmental Agreement #31504 between the Oregon Department of Transportation for Single Trip Permit Authorization. Agreement covers the

permit process for overweight/over dimensional loads traveling the State and County road system. (Terms; 10 years)

- Order #12-16-309 Agreement Between Road and Driveway and Lincoln County for the 2016 Overlay with Asphalt Concrete on a portion of Bear Creek Road – Co. Rd 106 (Terms; 9/1/16 – 9/30/16; \$248,847.38)**
- Order #12-16-310 Amendment 2 –Master Intergovernmental Agreement for Sharing Multiple Wireless Communications Sites Lincoln County – Agreement #28244, Between Lincoln County and Oregon Department of Transportation (Terms: Expires 06/30/2022)**
- Order #12-16-311 Amendment 2 –Intergovernmental Agreement Site Specific Supplemental Table Mountain Communications Site - Site #28244, Between Lincoln County and Oregon Department of Transportation (Terms: Expires 06/30/2022)**
- Order #12-16-312 Amendment 2 –Intergovernmental Agreement Circuit Sharing from Cape Perpetua to Eagle Crest Communications Sites - Site #28244, Between Lincoln County and Oregon Department of Transportation (Terms: Expires 06/30/2022)**
- Order #12-16-313 Amendment 2 –Intergovernmental Agreement Site Specific Supplemental Cape Perpetua Communications Sites - Site #28244, Between Lincoln County and Oregon Department of Transportation (Terms: Expires 02/24/2022)**
- Order #12-16-314 Amendment 2 –Intergovernmental Agreement Site Specific Supplemental Euchre Mountain Communications Sites - Site #28244, Between Lincoln County and Oregon Department of Transportation (Terms: Expires 11/30/2021)**
- Order #12-16-315 Bill of Sale Between Lincoln County and Oregon Department of Transportation for Microwave Equipment located at Cape Perpetua Communications Site, Euchre Mountain Communications Site, Prairie Communications Site and Table Mountain Communications Site**
- Order #12-16-316 Amendment #12 to Agreement #147795 Between Oregon Health Authority and Lincoln County for Financing of Community Addictions and Mental Health Services (Terms; Effective 7/1/15 – 6/30/17)**
- Order #12-16-317 Service Learning Agreement Between Mollie Vance and Lincoln County Health and Human Services and Linfield College. The purpose of this agreement is to develop students' sense of belonging to the college and the campus community.**
- Order #12-16-318 Amendment #4 to the Agreement Between Intercommunity Health Network, Inc. and Lincoln County Health and Human Services (Terms; Effective date 9/14/16; \$465/Enrolled Member case rate)**

Execution of Documents

Amendment #13 to Agreement #147795 Between Oregon Health Authority and Lincoln County for Financing of Community Addictions and Mental Health Services (Terms; Effective 7/1/15 – 6/30/17)

Amendment #03 to Agreement #27292 Between the State of Oregon and Lincoln County for the Local bridge Program Project Yaquina River (Trapp Creek Road) Bridge No. 12118A Lincoln County (Terms; LBP funds \$1,992,687)

PUBLIC HEARING

Legalization of SE 23rd Drive in Lincoln City (County Road #107) – Presented by: John Waffenschmidt and Roy Kinion

Chair Hall opened the public hearing.

Roy Kinion, Director of Public Works, reported that the Road Department would like to legalize a portion of SE 23rd Drive in Lincoln City No.107, from the centerline intersection of the Oregon Coast Highway and said SE 23rd Drive thence easterly, along the traveled way of said SE 23rd Drive to the East line of that parcel described in MF 34, Page 349, Lincoln County Deed Records, (Tax Lot 1000, Map 07/11/23/00) further investigation reveals the description should read - SE 23rd Drive No. 107, from the centerline intersection of the Oregon Coast Highway and said SE 23rd Drive thence easterly, along the traveled way of said 23rd drive to the West line of that parcel described in MF 117, Page 1677 (Tax Lot 1004, Map 07-11-23) so that a specific right-of-way will be established. Preliminary work by the County Surveyor's office reveals defects in the original survey information for this portion of the road and the road as traveled and used for 10 or more years does not conform to the location of the road described in the county records. Because most of the land adjacent to SE 23rd Drive is zoned Planned Industrial and there is significant potential for development of this area, the Road Dept. believes a legalization of SE 23rd Drive is necessary.

John Waffenschmidt, County Surveyor, reported that the survey has been completed for the proposed legalization of SE 23rd Drive. The road begins at Highway 101, then runs Easterly about .7 miles to its end which is on the west line of that parcel described in MF 117, Page 1677 (Tax Lot 1004, Map 07-11-23). The road continues on as a non-County Road from there, running generally easterly through easements to serve several properties.

John Waffenschmidt stated that historical surveys were reviewed and site visits were conducted. In harmony with the original deeds, the proposed legalization has a 30 foot width through Section 22, and a 60 foot width in Section 23. The 30 foot wide right-of-way, while sufficient to contain the road surface (except at the connection to Highway 101), does not necessarily contain the ditches, the cut and fill slopes, or all of the existing utilities. Other remedies may need to be pursued in the future to widen the 30 foot right of way to a width necessary for this classification of road.

Wayne Belmont stated that a letter was received from Attorney Jeff Ouderkirk on behalf of Larry Morris. Mr. Ouderkirk's letter states that Mr. Morris strongly objects to the legalization of SE 23rd

Drive as proposed, with respect to its current location upon his real property since that portion clearly lies outside the legally described legal right-of-way for SE 23rd Drive.

A discussion occurred concerning the traveled right-of-way and the deeded right-of-way. John Waffenschmidt stated that this has been an issue with this road for more than 70 years and ORS 368 is what allows for this legalization to occur.

Chair Hall called for public input.

Dennis Bartoldus, Attorney for Mike Phillips, submitted a number of documents for the record, including a letter received from Duane Ticknor and Miles Vickstrom voicing concern about the legalization of SE 23rd Drive. Mr. Bartoldus stated that Mr. Phillip's parcel is relatively long and narrow and will be significantly impacted by the decision of the County Commissioners. While the road should be legalized, it should be legalized in a manner that does the least damage to the adjoining owners, considering that the County placed the road, in many places, outside the right-of-way when it was built. Mr. Phillips is requesting that the County legalize the road right-of-way to a width of 30 ft., as it has authority to do under ORS 368.221, and keep the legalization in close proximity to the existing paved road.

A discussion occurred concerning the type of industrial development that Mike Phillips plans on developing on his property.

Theresa Morris, owner of Devils Lake Rock Co., stated that trucks travel the road regularly east of Mr. Phillips property with no problem.

William Gettis, owner of Gettis Paving, stated that he would prefer the road right-of-way to be 30 ft.

Chair Thompson closed the hearing.

The Commissioners would like more information before proceeding with a decision. Commissioner Thompson moved and Commissioner Hunt seconded a motion to continue this public hearing on the legalization of SE 23rd Drive in Lincoln City (County Road #107) to January 11, 2017. The vote was taken and passed unanimously.

**APPROVAL OF CONTINUING THE PUBLIC
HEARING ON THE LEGALIZATION OF SE
23RD DRIVE IN LINCOLN CITY (COUNTY
ROAD #107)**

DECISION/ACTION

Order #12-16-319 Purchase of Property for Crisis Respite Housing and Services, Newport, Oregon

Wayne Belmont reported that the respite housing property is located at 3741 NW Cottage Street in Newport and is a duplex. The property has been analyzed and inspected and is ready for purchase. The purchase price of the duplex is \$315,000 and will be paid for out of HHS funds. No General Funds will be used for this purchase. Commissioner Hunt moved and Commissioner Thompson seconded a motion authorizing the purchase of property pursuant to the commercial real estate agreement and designating County Counsel to act and execute the necessary agreements and documents and to carry out the purchase. Lincoln County is the purchaser and Julie Gearin is the seller. The property is located at 33, 35, 37 and 41 NW Cottage Street, Newport, Oregon. The vote was taken and passed unanimously.

**ORDER #12-16-319 PURCHASE OF PROPERTY FOR
CRISIS RESPITE HOUSING AND SERVICES,
NEWPORT, OREGON**

**Order #12-16-320 Name Change for the Portion of US Hwy 20 to be Transferred to Lincoln
County as part of US Hwy 20 PME Project**

Wayne Belmont explained that the order before the Board will formalize the name change for the portion of US Hwy 20 that will be transferred to Lincoln County as part of the US Hwy 20 PM Project. The new name will be Crystal Creek Loop. The property owners will have 90 days to start using the new address and all utilities companies as well as emergency services will be notified of the change. Commissioner Hunt moved and Commissioner Thompson seconded the motion for the name change for the portion of US Hwy 20 to be transferred to Lincoln County as part of US Hwy 20 PME Project. The vote was taken and passed unanimously.

**ORDER #12-16-320 NAME CHANGE FOR THE
PORTION OF US HWY 20 TO BE TRANSFERRED TO
LINCOLN COUNTY AS PART OF US HWY 20 PME
PROJECT**

REPORTS

Bill Hall reported that he and Commissioner Hunt attended the 14th annual Oregon Business Summit in Portland.

Doug Hunt reported that while at the 14th annual Oregon Business Summit he moderated a session on the Maritime Sector and the positive potential impact on jobs it has on our economy across the State.

Terry Thompson congratulated Commissioner Hunt on the success of the Maritime Sector Session at the Oregon Business Summit. Commissioner Thompson also stated that he attended an AOC meeting where they discussed early earthquake and tsunami warning devices that can be connected with the internet.

CONSTITUENT INPUT

Commissioner Hall called for constituent input.

Shandi Voyles came forward and voiced concern about two Lincoln County Deputies who she claimed trespassed on her property while doing a welfare check.

EXECUTIVE SESSION

An executive session was convened at 11:00 a.m. pursuant to:
ORS 192.660(2) (h) to discuss litigation matters


ADJOURNMENT

The next meeting of the Board of Commissioners will be held on December 14, 2016 at 9:30 a.m. in Room 108 of the Lincoln County Courthouse.

The meeting adjourned at 11:00 a.m.

These meeting minutes were read and approved this 5th day of April, 2017.

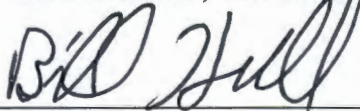
LINCOLN COUNTY BOARD OF COMMISSIONERS



TERRY N. THOMPSON, Chair



DOUG HUNT, Commissioner



BILL HALL, Commissioner