



AGENDA

Lincoln County Board of Commissioners

Board of Commissioners
225 West Olive Street
Room 110
Newport, OR 97365
Phone: 541.265.4100
FAX: 541.265.4176

Wednesday, September 6, 2017

9:30 a.m. Regular Meeting

**Commissioner's Meeting Room
Lincoln County Courthouse
225 W. Olive Street, Room 108
Newport, Oregon**

I. CALL TO ORDER

II. ROLL CALL - ESTABLISHMENT OF A QUORUM

III. RECOGNITION/PROCLAMATION

A. Employee Recognition

1. Sheila Husing - Clerk's Office - 5 years
2. Loren Knox – Transit - 10 years
3. Jennifer Versteeg – HHS - 15 years

- B. Resolution #17-6-9 A Proclaiming The Month of September 2017 as “Hunger Action Month” in Lincoln County – Presented by: Nancy Mitchell and Tonia Storm**

IV. ADOPTION OF CONSENT CALENDAR

A. Minutes of Board of Commissioners Meeting

1. Order #9-17-261 Board of Commissioners Joint Session with the City of Newport Minutes February 22, 2017
2. Order #9-17-262 Board of Commissioners Meeting Minutes March 1, 2017
3. Order #9-17-263 Board of Commissioners Joint Session with the City of Yachats Minutes March 15, 2017
4. Order #9-17-264 Board of Commissioners Meeting Minutes August 23, 2017

B. Commission Appointments and Resignations

C. License Applications or Renewals

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

1. Order #9-17-265 Sale of Certain County Owned Real Property

E. General Budget Resolutions

F. Acting as Governing Body of County Wide Service Districts

G. Documents and Recording Matters in the Commissioners Journal

1. Order #9-17-266 Lincoln County Transportation Service District Drug and Alcohol Policy for use with DOT Regulated Employees
2. Order #9-17-267 Agreement between Lincoln County and Helping Hands Re-Entry Outreach Center for Four Residential Beds (Terms: Effective July 1, 2017 to June 30, 2018; not to exceed \$1,500 per month)
3. Order #9-17-268 Contract #VA260-15-D-0037 between Lincoln County and the Department of Veterans Affairs for Medical Care Contracts (Terms: Effective September 1, 2017 to August 31, 2018; not to exceed \$761,024.88)
4. Order #9-17-269 Agreement between Lincoln County and Jamie Baxter for Consulting Services for the Lincoln County Emergency Management Program. (Terms: Project completion by October 31, 2017; not to exceed \$4,875.00)
5. Order #9-17-270 Access Grant Agreement between the Oregon Department of Fish and Wildlife and Lincoln County Solid Waste District for Forest Patrols (Terms: Effective through June 30, 2022)
6. Order #9-17-271 Intergovernmental Agreement #13778 between the State of Oregon's Youth Authority and Lincoln County for Juvenile Crime Prevention Basic Services and Diversion Services (Terms: Effective July 1, 2017 through June 30, 2019; not to exceed \$168,117)

H. Execution of Documents

V. PUBLIC HEARING

VI. DECISION/ACTION

A. Ordinance#496

Relating to Tobacco, Smoke and Nicotine Free County Property; and Amending LCC7.550, 7.570 and 7.580 – (Second Reading)

- B. Order #9-17-272 Authorizing an Emergency Contract(s) for Repairs to N. Beaver Creek Road County Road #602 – Presented by: Roy Kinion**

VII. DISCUSSION/INFORMATION

VIII. BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS

IX. REPORTS

A. Elected Officials/Department Directors/Program Coordinators and Consultants

B. Commissioners

X. CONSTITUENT INPUT (Limited to five minutes per constituent)

XI. EXECUTIVE SESSION

A. Pursuant to ORS 192.660(2)(h) to discuss litigation matters

XII. ADJOURN

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

Tuesday, September 12, 2017 – 9:00 a.m. – Office Meeting and Board Briefing in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

Wednesday, September 13, 2017 – 9:30 a.m. – Board of Commissioners Meeting in the Commissioner’s Meeting Room, Lincoln County Courthouse Room #108, 225 West Olive Street, Newport.

For special physical, language or other accommodations at Board's meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF LINCOLN, OREGON**

In the Matter of Proclaiming)
THE MONTH OF SEPTEMBER 2017,)
AS "HUNGER ACTION MONTH" IN)
LINCOLN COUNTY, OREGON)

RESOLUTION # _____

WHEREAS, Hunger and poverty are issues of grave concern in the United States, the State of Oregon, and Lincoln County; and

WHEREAS, each month Food Share of Lincoln County provides emergency food in excess of 80,000 pounds, serving approximately 4500 individuals, including working families with children, senior citizens, veterans, the disabled and homeless; and

WHEREAS, Food Share of Lincoln County distributed over 1 million pounds of food last fiscal year through its network of food pantries, soup kitchens, shelters, backpack programs, and other community organizations; and

WHEREAS, it is important that all Lincoln County residents participate by contributing food, money or volunteering time at a local food pantry, shelter or soup kitchen and by encouraging others to get involved; and

WHEREAS, Lincoln County and Food Share are committed to taking steps to raise awareness about the need to combat hunger in every part of Lincoln County and to advocate for policies that improve the lives of low income people.

NOW, THEREFORE, the Lincoln County Board of Commissioners does hereby proclaim the month of September 2017 as **"Hunger Action Month" in Lincoln County Oregon.**

Dated this _____ day of September 2017

LINCOLN COUNTY BOARD OF COMMISSIONERS

TERRY N. THOMPSON, Chair

DOUG HUNT, Commissioner

BILL HALL, Commissioner

Lincoln County Board of Commissioners
225 West Olive Street, Room 110
Newport, OR 97365
(541) 265-4100



535 NE 1st Street Newport Or. 97365
www.foodsharelincolncounty.org
Ph. 541-265-8578



Mission Statement: To alleviate hunger in Lincoln County by distributing healthy and nutritious food to our network of agencies and empowering our community through education.

Vision Statement: Food Share of Lincoln County is committed to creating a future without hunger where access to healthy food is recognized as fundamental to the well-being and success of individuals, and the foundation of a strong, vibrant community.

In 2016-2017 Food Share of Lincoln County...

- ✓ Distributed over 1 million pounds of food to 1700 households; nearly 155,000 pounds was fresh produce.
- ✓ Facilitated 12 Cooking Matters™ nutrition education courses free of charge to low-income participants.
- ✓ Reduced food waste by recovering 165,000 pounds of healthy nutritious food from food industry partners.
- ✓ Processed and distributed 3800 pounds of donated fresh fish from the bycatch and hatchery fisheries.
- ✓ Provided food to 19 local partner agencies including pantries, meal sites, backpack programs, shelters, youth & senior outreach programs.
- ✓ Offered HOPE to working families, senior citizens, single parents, veterans, homeless, the sick, injured, and disabled.

Food Share Partner Agencies

Calvary Baptist Meal Site
Celebrate Recovery
CSC HELPS
Depoe Bay Pantry
Head Start
Lincoln City Food Pantry
My Sister's Place
Newport Food Pantry
Outdoor School
Produce Plus
Siletz Backpack Program
Siletz Food Pantry
South Lincoln Resources
St Stephen's Stone Soup
Northwest Coastal Housing
East County Backpack
Toledo Food Pantry
Waldport Food Share

Staff

Nancy Mitchell – Executive Director
Pati D'Eliseo- Development Coordinator
Irene Shipley- Administrative Assistant
Speed Rasmussen- Warehouse
Bill Mitchell- Warehouse
Dennis Rausch- Warehouse/Driver

Board of Directors

George Stankey	Nicole Fields
Rebecca Lytwyn	Marcie Quintana
Cora Warfield	Lorrie Bice
Cindy Jacobi	

Nonprofit Tax # 93-0793059



Nothing runs on empty.

Especially one in seven Americans who struggle with hunger. Join the Feeding America nationwide network of food banks to help end hunger in our community.

Act now at www.foodsharelincolncounty.org

HUNGER ACTION MONTH™

MEMBER OF
FEEDING
AMERICA

Give a Hand to Food Share



Help feed families in Lincoln County!

Donate your jewelry NOW for Be Jeweled!

***Jewelry
Donations
accepted at
these
locations!***

- *Food Share of Lincoln County*
- *Nye Cottage Beads*
- *Newport 60+ Center*
- *Diamonds By the Sea- Newport*
- *Newport Chamber of Commerce*
- *Lincoln City Cultural Center Gift Shop*
- *Oregon Coast Bank - All branches*
- *Columbia Bank - All branches*
- *Allstate Insurance Npt- Becky Dwiggins*

Be Jeweled Sale
Saturday May 19, 2018
9am-3pm- Shilo Inn-Newport

Proceeds benefit Food Share of Lincoln County

Tax receipts available
For more information contact Food Share 541-265-8578





FRIENDS AND NEIGHBORS OF FOOD SHARE!



We need to upgrade our delivery vehicle to safely collect and deliver **MORE** fresh healthy food!

Your gift of \$25, \$50, or \$100 can help us leverage matching grant funds to purchase a refrigerated truck!

Since transportation can be a huge barrier to accessing food programs, grocery stores, or farmers markets, the delivery of fresh produce to community sites where families reside or where children go to school will help eliminate the barrier of accessing food, especially fresh produce.



LET'S MAKE THE HEALTHY CHOICE--THE EASY CHOICE!



Printing paid for by Food Share of Lincoln County, a 501(c)(3) nonprofit organization

"Our after-school youth love the produce and families so appreciate their youngsters bringing home fresh fruit and vegetables. The children now regularly inquire as to when we are going to have pineapple, baked potatoes, watermelon, strawberries, cantaloupe, etc. again. FSLC has made healthy eating and nutrition awareness not only possible but sustainable for the youth and families in our program"



No one should be hungry ...

*****PLEASE MAIL YOUR CHECK TO *****

Food Share of Lincoln County

535 NE 1st Street, Newport, OR 97365

OR

Donate via our website at WWW.FOODSHARELINCOLNCOUNTY.ORG

\$25 \$50 \$100 OTHER \$

Thank you for your support!

541.265.8578, 541.265.2948-FAX, 1.800.939.FOOD

Be sure to visit us on Facebook!



Food Share is an equal opportunity provider.

Printing paid for by Food Share of Lincoln County, a 501(c)(3) nonprofit organization

Food shares have
keep so many of us going.
we all seem to think this
america how can anyone
really go hungry, but the truth
is many, many, of us especially
children daily spend parts of
our day hungry unable to eat
3 meals a day to fill our stomachs
many, many, more of us, the work-
ing poor must choose monthly
between food, and utilities
we need your
compassion

I get minimal
food stamps that
don't stretch. The
food bank helps me eat
all month.
— Thank you for your
consideration.

1 **BEFORE THE BOARD OF COMMISSIONERS**
2 **FOR LINCOLN COUNTY, OREGON**
3 ORDINANCE # 496

4 _____
5
6 **Relating to tobacco, smoke, and nicotine free county property; and amending LCC 7.550,**
7 **7.570 and 7.580.**
8 _____

9
10 The Lincoln County Board of Commissioners ordains as follows:

11 **SECTION 1.**

12 Sections 2 through 5 of this Ordinance are added to and made a part of LCC Chapter
13 7, as indicated.

14 **SECTION 2.**

15 *[SMOKING AT COUNTY FACILITIES]*

16 **TOBACCO, SMOKE, AND NICOTINE FREE COUNTY PROPERTY**

17 7.550 Definitions for LCC 7.550 to 7.580

18 As used in LCC 7.550 to 7.580:

19 (1) “County *[building]* **property**” means any *[enclosed]* **property, building, or**
20 **land** owned or leased by Lincoln County.

21 *[(2) “Smoking instrument” means any cigar, cigarette, pipe, electronic cigarette or*
22 *other smoking equipment.]*

23 (2) “**Tobacco, smoke, and nicotine free**” includes, but is not limited to,
24 **cigarettes, cigars, pipes, marijuana, and any other smoking and/or nicotine containing**
25 **product; dip, chew snuff, snus, and any other smokeless tobacco and/or nicotine**

Page 1 -- ORDINANCE # 496

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 containing product; and nicotine delivery devices, such as electronic cigarettes or
2 vaping instruments, excluding FDA-Approved nicotine replacement therapy products
3 for the purpose of tobacco cessation.

4 **SECTION 3.**

5 LCC 7.570 is amended to read:

6 *[7.570 Smoking Prohibited Except in Designated Areas*

7 *No person shall smoke or carry any lighted smoking instrument on any county*
8 *property, except in areas designated as smoking areas pursuant to LCC 7.580.]*

9 **7.750 Tobacco, Smoke, and Nicotine Free Environment for County Properties**

10 **(1) Use of tobacco, smoke, and/or nicotine products is prohibited on County**
11 **properties. No Lincoln County employee, volunteer, intern, client, visitor, or vendor,**
12 **shall carry any lighted smoking or vaping instrument or use a tobacco, smoke, or**
13 **nicotine product on any leased or owned Lincoln County property. There are no**
14 **designated areas for the use of tobacco, smoke, and/or nicotine product use or**
15 **exceptions to this policy outside of the cultural exemption related to the American**
16 **Indian Religious Freedom Act and the areas identified in LCC 7.7580.**

17 **(2) This Section shall be further defined and enforced by Board policy**
18 **contained in an adopted Board Order, which may be amended from time to time at the**
19 **discretion of the Board.**

1 7.580 Designating Areas Where Smoking Permitted; *[Changing Areas;]* Posting
2 Signs.

3 **(1) Use of tobacco, smoke and/or nicotine products is permitted in personal**
4 **vehicles within County Parks and waysides.**

5 **(2) Use of tobacco, smoke and/or nicotine products is also permitted in areas as**
6 **noted below in subparagraphs (a) through (c) in the County Parks identified in**
7 **subparagraph (d) below:**

8 **(a) Individual camp or RV sites with a fire ring or pit (not to include any**
9 **county structures such as yurts or cabins or similar sleeping areas);**

10 **(b) Group tent camp areas; and**

11 **(c) Camp host sites.**

12 **(d) County Parks:**

- 13 • **Moonshine Park**
- 14 • **Elk City Park**
- 15 • **Jack Morgan Park**
- 16 • **Don Lindly Park**
- 17 • **Brown Memorial Park**

18
19 *[(1) The Lincoln County Board of Commissioners may designate areas in which*
20 *smoking is permitted. In the following county parks, no person shall smoke within 25 feet of*
21 *any building:*

Page 3 -- ORDINANCE # 496

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

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- *Cannon Quarry Park*
- *Five Rivers Launch*
- *Knight Park*
- *Moonshine Park*
- *Elk City Park*
- *Jack Morgan Park*
- *Ichwhit (Bear) Park*
- *Strome Park*
- *Twin Bridges Park*
- *Mike Miller Park*
- *Drift Creek Park*
- *Logan Road Wayside*
- *Seal Rock Wayside*
- *Don Lindly Park*
- *Brown Memorial*
- *Any other property designated a county park from the adoption of this ordinance forward.]*

19 **([2]3)** The Lincoln County Public Works Department shall post appropriate
20 signs **to implement this Section.** *[indicating areas in which smoking has been permitted or*
21 *prohibited by the Board of Commissioners].*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 **SECTION 5.**

2 This Ordinance shall take effect ninety (90) days from the date of its adoption.

Adopted this _____ day of _____, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Terry N. Thompson, Chair

Bill Hall, Commissioner

Doug Hunt, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:

Tanya Graham, Recorder

Wayne Belmont, County Counsel

1
2
3 **BEFORE THE BOARD OF COMMISSIONERS**
4 **FOR LINCOLN COUNTY, OREGON**

5 In the Matter of)
6 *AUTHORIZING AN EMERGENCY CONTRACT(S)*) **ORDER NO.** _____
7 *FOR REPAIRS TO N. BEAVER CREEK ROAD,*)
8 *COUNTY ROAD #602*)

9 WHEREAS County Road #602, N. Beaver Creek Road, was extensively damaged due to rains
10 last year causing a subsequent landslide on April 17, 2017 on an approximately 300 foot section of the
11 road at approximately mile post 3.6. The road was closed temporarily to assess damage and conduct
12 temporary repairs to allow the road to be reopened; and

13 WHEREAS potential for further slides and damages exists, so the Public Works Department
14 hired a firm, Foundation Engineering, Inc. (FEI) to evaluate the slide and provide mitigation options.
15 The firm has now completed its review and shared findings and recommendations with the Public
16 Works Department. The details of FEI's findings and report are outlined in Exhibit A, an e-mail from
17 County Engineer Steve Hodge, PE; and

18 WHEREAS emergency work to alleviate groundwater intrusion and stabilize the slide area
19 before the onset of fall and winter rains is needed to reduce the threat of further slides on the road.
20 Dewatering the slide area through drilling and installation of horizontal drains was determined to be
21 the most cost effective and most likely to be successful option to stabilize the slide area; and

22 WHEREAS the County cannot delay completion of these emergency repairs and a contractor has
23 been identified who can complete the work prior to the fall rains normally occurring in our area; and

24 WHEREAS Oregon public contracting law, LCC 7.080(2) authorizes the County to declare an
25 emergency and award an emergency contract when such a need arises; and

26 WHEREAS the Board finds that the public safety considerations require declaration of an
27 emergency and prompt execution of a contract or contracts to accomplish the needed road repairs to
28 stabilize the slide area.

1 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

2 1. The Lincoln County Public Works Director may enter into a contract or contracts on behalf of
3 Lincoln County to complete such emergency repairs as are needed on County Road # 602, N. Beaver
4 Creek Road, to stabilize the slide area and keep the road open. The emergency contract(s) may include
5 other work or purchases concerning this project as deemed necessary by the Public Works Director.
6 Contracts entered into shall be reviewed and approved by County Counsel's Office prior to execution.

7 2. That copies of this Order be given to Roy Kinion, Public Works Director, and to Wayne
8 Belmont, County Counsel.

9
10 DATED this 6th day of September, 2017.

11 **LINCOLN COUNTY BOARD OF COMMISSIONERS**

12
13 _____
14 TERRY N. THOMPSON, Chair

15
16 _____
17 BILL HALL, Commissioner

18
19 _____
20 DOUG HUNT, Commissioner



EXHIBIT A

Roy Kinion <rkinion@co.lincoln.or.us>

North Beaver Creek Road Slide Chronology

1 message

James Hodge <jhodge@co.lincoln.or.us>
To: Roy Kinion <rkinion@co.lincoln.or.us>

Wed, Aug 30, 2017 at 6:10 PM

How about...

"On April 17, 2017, a slide was observed on a ±300-foot long section of N. Beaver Creek Road at MP ±3.6. The slide is ±3 miles east of Seal Rock at Ona Beach. The road in this section heaved upward 2 to 3 feet and shifted three feet to the east (toward Beaver Creek). Fissures formed in the pavement and the road was temporarily closed to provide an opportunity to assess the damage and make interim repairs. Public Works contacted a geotechnical engineering firm, Foundation Engineering, Inc. (FEI), to evaluate the slide and provide mitigation options. On April 21, 2017, FEI personnel met with Public Works on site to determine a preliminary plan to assess the ground movement. Initial results indicated that a section of a large historic slide had reactivated due to the above average rainfall experienced last winter. Additional reconnaissance and site mapping was completed by June 9, 2017. In the interim, the ground shifted further east taking out a section of road shoulder and causing extensive damage to the home above the road. The resident was forced to abandon their home for fear of collapse. On June 28th and 29th, two exploratory boreholes were drilled into North Beaver Creek Road to determine soil strength properties, lithology, and groundwater elevation. Slope inclinometers and vibrating wire piezometers were installed to monitor ground movement and groundwater fluctuation respectively. Baseline readings were taken on June 30, 2017 and a reading taken on August 8, 2017. FEI submitted their report summarizing the results of their study on August 18th. The results confirm that groundwater weakened the overburden soils causing the slide. The report evaluated several options for the stabilization of the slide. The installation of horizontal drains to remove the groundwater is the most cost effective and most likely to be successful. Staff concurs with this evaluation and recommends the installation of these horizontal drains occur before the onset of this year's winter rains. Normal contracting as specified in ORS 279 C will not allow contract award in time for the horizontal drains to be installed before the winter rains begin (normally Oct 15). It is likely the slope will fail catastrophically should the horizontal drains not be installed before significant rainfall begins. It is necessary to begin work as quickly as possible to avoid the cost to repair catastrophic slope failure."

County Road #602

Steve Hodge, P.E.

County Engineer
Lincoln County Public Works
880 NE 7th Street
Newport, OR 97365
541-574-1212
JHodge@co.lincoln.or.us



JENSEN DRILLING COMPANY

1775 Henderson Avenue, Eugene, Oregon 97403-2399

(541) 726-7435 . Fax (541) 726-6140

E-mail: chris@jensendrilling.com

Website: www.jensendrilling.com

August 31, 2017

QUOTATION

Lincoln County Public Works
880 NE 7th Street
Newport, OR 97365

Attn: Steve Hodge

Re: Horizontal Drains, N Beaver Creek Road MP 3.6 Slide

Please accept Jensen Drilling Company's pricing for the following work on the above referenced project.

Bid Item	Description	Unit Quantity		Unit Price	Total
1	Mobilization	1	LS	\$5,700.00	\$5,700.00
2	Drill and Install 5-inch Steel Casing	150	LF	\$67.00	\$10,050.00
3	Drill and Install Horizontal Drains	1780	LF	\$24.00	\$42,720.00
				Total	\$58,470.00

Lincoln County to Provide

1. All surveying and traffic control
2. Locate underground utilities
3. Locate Boreholes and stake Azimuths
4. Access for track-mounted drill and support equipment, we will require a minimum of a 18 foot bench approximately 3.5 below collar elevation of the drains.
5. Erosion and sedimentation control including loading, transport, and disposal of drill cuttings, drill water and site restoration following drilling and installation of the drains.
6. Water to our tank (estimate 6,000-10,000 gallons per day)

Subcontractor to Provide

1. Insurance certificates.
2. Bonds at 1.4% of Subcontract amount if required
3. Price includes all horizontal drain materials.

Please contact Jerry Jensen, Casey Cooper or the undersigned with any questions.

Regards,

Chris Humphries

