BEFORE THE BOARD OF COMMISSIONERS

County of Lake County
State of Oregon

REGULAR SESSION

The Lake County Board of Commissioners met in Regular Session on Wednesday, August 17, 2011 at 10:00 a.m. The following members were present: Chairman Dan Shoun, Vice Chair Bradley J. Winters and Commissioner Ken Kestner. Also present: Legal Counsel James Bailey and Administrative Assistant Denise Thorsted.

Additions: Fairgrounds Maintenance decision
Deletions: None

10:00 a.m. – PUBLIC COMMENT:
No public comment received.

10:10 a.m. – Lake County School District #7 Proposal for Playground Repair
Superintendent Sean Gallagher, School Board member Greg Larson, Elementary School Principal Will Cahill and teacher Susan Warner were present for this discussion.

Mr. Gallagher began by expressing his appreciation for being able to speak with the Board on this matter.

Mr. Gallagher discussed the age of the facilities belonging to the School District and efforts that continued to be made on repairing the infrastructure and maintain standards on them. Funding resources such as grants had been sought for aiding in these issues, but there were no funding sources found for the repair of playgrounds.

This past spring, the School District had received a donation from the Fremont/Hay Parents Club, Fremont/Hay students, Lakeview Soroptimists and the Lakeview Lions Club in the amount of $19,000 to replace the playground structure. The current structure had been in place for many years and had become very problematic (such as slivers and yellow jackets). The new equipment was made of synthetic materials designed to be safer than the current equipment.

Pavement photographs were provided and discussed. Mr. Gallagher felt that the pavement would provide an opportunity for the County to work with the School District. Mr. Gallagher went on to discuss the cracks in the pavement (shown on the photos). Previous repairs and changes that had taken place were discussed.

Mr. Gallagher confirmed that the School District was at this time requesting an “in kind” donation from Lake County for the repair of the pavement at Fremont and AD Hay Schools. The request presented had been approved by the School Board of Directors.
As outlined in the information presented, the School District felt that this would include the following: employ the Lake County Road Department, coordinate with other service group donations, would be evident of the support of schools from Lake County, help promote economic development and ensure a safer environment for the children of Lake County.

Mr. Gallagher asked for those individuals joining him to provide their individual observations and insights of how the current situation was affecting students and their jobs.

Commissioner Shoun asked for clarification of the location of the equipment to be replaced. The Fremont structure was not currently located on pavement but within a boxed area with wood chips for safety allowing for the equipment to be installed at a separate time than the pavement. Discussion followed.

Mr. Cahill provided additional issues with the equipment to be replaced discussing injuries resulting from the equipment and from the poor pavement conditions. He also provided information on the fund raising that had occurred in order to provide the above mentioned donation.

Mrs. Warner added to the conversation discussing games which could no longer be allowed with current conditions. She expressed her concern in regards to the elevated amount of injuries and the visual representation these conditions portrayed to individuals looking to relocate to the area.

Efforts had been made in the past to repair/patch areas of the pavement. These included: cold patch, hot mix and sand among others. All had failed. Bottom line per Mr. Cahill was that the old pavement was beyond repair and needed to be replaced. Commissioner Shoun stated that via Road Master Rick DuMiliou, the old pavement would need to removed, grading would need to be done, back fill of gravel added and then resurfacing would need to occur.

Mr. Larson confirmed that this had been in the budget for several years but had always needed to be put aside to accommodate other issues. Mr. Larson also felt the visual representation was a detriment to the community as well and expressed his appreciation for the Board considering this request.

Commissioner Kestner agreed with the visual representation issue discussed and asked for the reason as to why this topic had been continually cut. Mr. Gallagher explained that issues arose that were of higher safety concerns. Discussion continued.

Commissioner Winters was glad to see that other options had been considered and asked about the potential of cement rather than pavement. Mr. Cahill confirmed that concrete had been looked at but found it to be extremely cost prohibitive. Discussion followed on concrete option and delivery and service vehicles utilizing pavement at the schools.

Commissioner Shoun asked Mr. Gallagher to discuss the intent to move to natural gas rather than continuing to use diesel. Mr. Gallagher confirmed that the District was hoping to at some point be able to make this move as it was a cleaner and more efficient way of providing heat. Commissioner Winters asked Mr. Gallagher to provide him with “generic” projections as he had been actively working to entice natural gas providers to the area. Discussion followed on this opportunity.
Commissioner Kestner expressed to the individuals in attendance that although he recognized the important role the schools and hospital played, all Lake County Schools needed to be treated equally. He also confirmed that the County had their own deferred maintenance issues such as County roads and airport repairs to consider.

Commissioner Shoun extended Mr. DuMilieu’s apology for not being in attendance. Commissioner Shoun discussed a potential proposal for, not in a decision making capacity, Mr. Gallagher, Mr. DuMilieu and himself conduct an evaluation and bring back to the Board a more concrete version of what was truly needed for the pavement issue.

Commissioner Kestner inquired about the expected timeline of this request. Mr. Gallagher stated that timing was flexible and recognized that it was late in the paving season. Commission Shoun felt that this project would be looking at next field season.

Commissioner Kestner asked if engineering for this project would be necessary. Mr. Gallagher felt that it might be most prudent to invite Darryl Anderson to be present when the evaluation occurred.

The time for the evaluation was to be set as schedules allowed. The Board felt that this was a necessary project, but wanted those present to understand that the County had maintenance/repair issues of it’s own to manage (such as the fairgrounds). It would simply come down to dollars.

**10:30 a.m. – Public Hearing/Prestwood Property Vacation Request**

**Hearing Open: 10:32 a.m. (resumed discussion on School District request)**

Mr. Pardee verified that on June 28, 2011, the Board had approved the resolution to move forward with the notification process and beginning taking input on this potential vacation.

Notices had been sent to adjoining property owners as well as to local utilities, fire protection districts, local municipalities, the Lake County Surveyor and the Planning Office. Two individual property owners had approached Mr. Pardee asking for the request with Jim Prestwood having submitted the necessary information and fee. The Road Master had reviewed this request and submitted the necessary report.

No public was present for this hearing.

Mr. Pardee provided the location of this request: a portion of alley between South I Street and South J Street immediately south of S (12th) Street. Much of this alley had been previously vacated. Legal Counsel verified that all notifications had been certified and had been picked up. Mr. Pardee confirmed that they had.

**Hearing Closed: 10:51 a.m.**

Discussion followed on prior vacations on this alley. Mr. Pardee verified that upon approval, property lines would be moved to the center of that alley. This portion of S Street had been platted but never developed. Legal Counsel confirmed that approving this vacation would be noncontroversial.
Commissioner Winters moved to approve the Order of Vacation as presented. Commissioner Kestner second. Motion carried.

Break: 10:56 a.m.
Resume: 11:05 a.m.

11:00 a.m. – Blackcap Solar LLC Property Vacation discussion

Mr. Pardee confirmed that on May 4, 2011 this Board approved a resolution to proceed with the notice and process for the vacation request received from Blackcap Solar LLC. On June 15, 2011 this Board held an advertised and scheduled hearing which had concluded with the request from the Board for Blackcap Solar to proceed with plans discussed regarding acquiring of all necessary end holdings.

Blackcap Solar had gone through the process of negotiating with property owners and a legal process (Suit to Quite Title) for individual property owners that could not be located. A judgment had been issued August 15, 2011 on a number of parcels. Blackcap Solar had varied (with Mr. Pardee) that all but two parcels had been acquired.

Commissioner Kestner asked if all properties acquired had been recorded with the Lake County Clerk’s Office. They had not yet been recorded and with the Clerk out of the office for the week, would not happen until she returned the following week. Legal Counsel confirmed that regardless of the judgment, the property would not change hands until it was recorded with the Clerk. Discussion followed.

Todd Gregory with the Obsidian Finance Group, LLC addressed the Board on the parcels in question. Mr. Gregory discussed a map submitted showing the area involved in this request. He outlined which lots had been purchased, which had been obtained through the Suit for Quite Title and the two still needing to be acquired.

Mr. Gregory stated that Obsidian was asking the Board to approve at this meeting the vacation of all except for T Street from 11th Street to 10th Street (in order to allow legal access) and R Street from 12th to 13th. Discussion followed.

Legal Counsel confirmed that the Board could approved the vacation as presented by Mr. Gregory subject to the deeds being recorded. The Board was advised against doing a partial vacation, the best option was to approve the entire request at one time. Discussion followed.

Commissioner Winters confirmed that a letter of opposition had been received. Mr. Gregory stated that this parcel had been purchased but confirmed it had yet to be recorded. Commissioner Winter expressed the importance of having title clear prior to a decision being made. Discussion followed.

Legal Counsel advised against approving any vacation at this time without the properties all having been recorded and to complete this matter in one motion in order to avoid confusion later. Discussion continued on the timeline for recording of titles and the acquiring of the two outstanding parcels. Item was to continued on the August 23, 2011 Work Session agenda.

Commissioner Winters confirmed opposition of the Road Master on this matter due to potential access issues. Mr. Gregory confirmed that access would remain in the same place.
Break: 11:30 a.m.
Resume: 11:35 a.m.

**Other Business:**

*Land Sale Quit Claim Deed*

Mr. Pardee confirmed that the funding for this sale had been received and had cleared.

Commissioner Winters moved to approve the Quitclaim Deed for Scott E. Sesser for parcel number 2011-130. Commissioner Kestner second. Motion carried.

*Community Corrections IGA*

Legal Counsel confirmed that he had reviewed the IGA with no issues found.

Commissioner Winters moved to approve the Intergovernmental Agreement #4548 between the State of Oregon and Lake County. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the Resolution in the matter of the Klamath County and Lake County Community Corrections Plan and Budget for 2011-2013 Biennium as presented. Commissioner Shoun second. Motion carried.

*Airport Professional Services Agreement for Master Plan*

This Agreement was for WH Pacific to facilitate technical and engineering for project funding for the Federal Aviation Administration’s Airport Improvement projects. Legal Counsel confirmed that the limitation of liability of $50,000. The contract now read that there were no limitations.

Commissioner Shoun moved to approve the Master Consulting Agreement with WH Pacific with correction. Commissioner Winters second. Motion carried.

**Meeting Minutes:**

Commissioner Winters moved to approve the October 21, 2009 meeting minutes with corrections. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the October 27, 2009 meeting minutes with corrections. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the November 3, 2009 meeting minutes with corrections. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the November 4, 2009 meeting minutes with corrections. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the January 13, 2010 meeting minutes with corrections. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the January 19, 2010 meeting minutes with corrections. Commissioner Kestner second. Motion carried.
Commissioner Winters moved to approve the February 8, 2010 meeting minutes with corrections. Commissioner Kestner second. Motion carried.

Additions:
Fairgrounds Maintenance:
Fairgrounds Manager Teresa Thomas provided an update on information gathered since the previous day’s discussion on the electrical issues at the fairgrounds.

One option presented to Mrs. Thomas had been the temporary placement of a generator from Winema Electric Inc. to supply power for vendors of fair. Winema Electric Inc. had submitted a bid to provide a permanent fix but was concerned that there would not be enough time to get all materials needed for the job in time to have it completed prior to fair.

Mrs. Thomas confirmed that three contractors had been contacted for submitting bids: two had submitted bids. The third contractor felt that sufficient time was not given to have a proper bid submitted or to have work completed.

Discussion followed on the bids submitted. The bids submitted provided different ways of achieving the same outcome for power. The bid from Winema Electric intended to completely move away from the panel box being used in building #2 and place a new external panel box with the second 200 amps coming directly from the transformer with a separate panel box.

The bid from Start’s Electric would add an additional 200 amps (using a subpanel) through the existing panel box in building #2, pulling the current 200 amps plus an additional 200 through a subpanel.

Both of the bidders had confirmed that it would save in labor costs to leave the current plugs in place. Discussion continued.

Mrs. Thomas confirmed that the same information had been presented to all three contractors and that the deadline for completion given was August 29, 2011.

Start’s Electric reason for being able to meet the deadline given was due to the fact that slightly used materials would be available for use from the Ruby Pipeline RV Park.

Commissioner Winters addressed Legal Counsel confirming the extreme safety issue of the current electrical situation for fair and asked if the Board were to act with safety in mind, what repercussions could there be.

Recess to Executive Session 192.660 (2) (d): 11:45 a.m.
Recess Executive Session: 11:53 a.m.

No decisions were made in executive session.

Commissioner Kestner asked Mrs. Thomas to provide additional details on the bid for a temporary fix. Although this would resolve the concern for fair, the cost was substantial ($2,890) enough that it may not be cost effective in the long run. This option entailed the placement of a rented generator on the east side of building #2. Panels would then be wired in
with plugs for vendors to plug into. Diesel fuel would be a cost above and beyond the bid submitted (estimated at an additional $500). Discussion followed.

Commissioner Shoun discussed the need for not “burning any bridges” and the option of the temporary fix. He agreed that the concern of safety had to be addressed and realized there was a cost for the temporary fix but was concerned about the cost to the relationships with community partners.

Commissioner Winters confirmed that the temporary fix option had been included in the prior day’s discussion and found to be not cost effective. He did not want to have funds “thrown out the window” and wanted to see the issue fixed right the first time. Discussion followed.

Legal Counsel advised that as the Board that it was necessary to weigh the safety issue with the fairness involved. The Board, per Mr. Bailey, was justified in deciding on either option of the permanent fix or with selecting the temporary option.

Mrs. Thomas acknowledged the hours and equipment donated during fair time and throughout the year to the fairgrounds from both Carl Tracy Electric and from Start’s Electric. She did not want to see any hard feelings or ties cut from this decision. The Board agreed and expressed their appreciation of these relationships as well.

Budget funding options were discussed. Commissioner Shoun stated that he had spoken with Treasurer Ann Crumrine on this matter.

Potential generator issues such as noise and fumes were discussed.

Commissioner Shoun moved to approve seeking Request for Bids for a temporary solution with the understanding that bids would be requested following fair for a permanent fix. Commissioner Kestner second. Commissioner Winters opposed. Commissioner Kestner opposed. Motion did not carry.

Commissioner Kestner moved to approve the bid received from Start’s Electric for a permanent solution for electrical issues at the Lake County Fairgrounds as low bidder at $8,275. Commissioner Winters second. Discussion: Commissioner Winters inquired about the County fund this would be paid from. Motion amended: funding to come from General Fund Facility Reserves. Commissioner Shoun opposed. Motion carried.

Commissioner Winters asked that the main water line request be addressed at this time as well. Discussion followed on the water line and parking lot issues brought forward by the Fair Board.

This information received the prior day had included these topics. Commissioner Winters stated that he would like to see the parking lot temporarily repaired for fair weekend. He felt that by doing so, all issues involved with this repair could be addressed including the issue of drainage. Mrs. Thomas agreed that it could be repaired enough to get through fair for this year. Discussion followed.
Commissioner Winters made a motion to approve the replacement of the main water line for the fairgrounds up to the amount of $2,861.03 from General Fund Facility Reserves. Commissioner Kestner second. Motion carried.

Break: 12:30 p.m.
Resume: 12:32 p.m.

Department Updates:
None

Legal Updates:
Legal Counsel reported that he had received a Tort Claim Action. This had been forwarded on to City County Insurance.

Legal Counsel confirmed that the Union negotiations were in final stages.

Legal Counsel confirmed that he had responded to Attorney Jim Lynch regarding the property vacation that had been approved the prior year. No response had been received. Mr. Bailey asked to be involved from the beginning on all property vacation requests moving forward. The Board agreed.

Commissioner Shoun moved to amend the Property Vacation Policy to add notification to Legal Counsel. Commissioner Winters second. Motion carried.

Commissioner Kestner confirmed that he was in receipt of a petition signed by eight former County Commissions objecting to Road Funds being given to Lake County School District #7. This information was given to the Administrative Assistant.

There being nothing further to come before the Board, the Lake County Board of Commissioners Regular Session adjourned at 12:40 p.m.

Respectfully Submitted

Denise Thorsted
Administrative Assistant

Board Approval,

Dan Shoun
Chairman

Bradley J. Winters
Vice Chairman

Ken Kestner
Commissioner

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